

## The Crime of Sexual Harassment of Children Who Have a Mental Disorder

Wahyu Kurniawan<sup>1</sup>, Heni Susanti<sup>2</sup>

wahyukurniawan31@student.uir.ac.id, heni@law.uir.ac.id

<sup>1</sup>Fakultas Hukum, Universitas Islam Riau.

<sup>2</sup>Fakultas Hukum, Universitas Islam Riau.

### Article Info

Received: 2022-09-17

Revised: 2023-06-29

Accepted: 2023-06-30

### Keywords:

Children;

Kampar Regency;

Sexual Harrasment

### Abstract

*This paper aims to discuss efforts in realizing justice and law enforcement against sexual crimes against children with mental disorders. The subjects and data taken in this paper are sexual cases that occurred in the Kampar Regency, Riau Province. The research method used in this paper is normative law using a case approach and a law approach, as well as using primary legal materials and secondary legal materials. The results of this study indicate that in Kampar Regency, Riau Province, there were 69 health cases in 2018 and 60 cases in 2019. Based on these cases, an effort is needed to achieve justice for victims by providing protection. for victims and perpetrated perpetrators of sexual crimes. These actions can be in the form of preventive measures or preventing crime from happening as well as repressive measures or actions that punish the perpetrators and provide a sense of security to the victims of sexual cases. The conclusion obtained from this study is that protection for victims who are children from sexual intercourse is an important thing that must be supported in order to create a sense of security for them to grow and develop.*

## I. Introduction

The development of crime cases in recent times shows the complexity of the conditions of human life today. Also, in recent years, crime that happens when one person talks to another person has become a very important and complicated issue. One of the problems that often occurs in human interaction is sexual harassment. Sexual harassment is a description of an act of interaction between humans that is not requested or expected and includes physical, verbal, and non-verbal actions that lead to sexual areas that affect the dignity of women and men. This problem affects physical performance and mental health, such as by causing illness, a lack of commitment, low quality performance, and other

negative impacts<sup>1</sup>. The issue of sexual harassment is classified as a serious problem that has the potential to disrupt the stability of human life today.

Cases of sexual harassment have become a growing problem in Indonesia in recent times, as evidenced by the high number of cases of sexual harassment. The National Commission on Violence Against Women (Komnas Perempuan) in 2021 recorded a total of 2,363 cases. The number of cases that occurred was dominated by rape cases against women, with the number of rape cases reaching 597 cases or 25% of the total number of cases. As for sexual harassment, there were 374 cases with details of physical intercourse as many as 164 cases and sexual harassment in cyberspace or in *cyberspace* as many as 108 cases. <sup>2</sup> The existence of these data shows that cases of sexual harassment are dominated by women. But in fact, it is not only women who have the potential to experience sexual violence, but also children.

Acts of sexual abuse perpetrated on children, as reported in the media recently, are not uncommon in Indonesia. The incidence of sexual abuse of children is something that greatly affects their growth and development. What's more, today's children are often afraid to reveal or tell anyone about their negative behavior. Many cases of abuse are not reported by victims, such as children. Sexual harassment in children has a negative impact on their physical, mental, and emotional well-being. Sexual abuse of children has a negative impact on the welfare of children and affects the morals and social values of the community. That way, complex social problems will arise in people's lives, especially for children to understand their sexual condition.<sup>3</sup>

Various studies and the results of previous research have revealed how the process occurs, the impact, and the legal rules of an incident of sexual abuse of children. The first study belongs to Chaidir and Faridah (2021), which discusses regulatory actions concerning legal protection for children who are victims of sexual harassment cases and analyzes the impacts that arise and are felt by these victims. This study uses a normative juridical legal research method with a data exposure approach using analytical descriptive techniques. The primary legal material used in this study is Law Number 35 of 2014 concerning child protection and Law Number 11 of 2012 concerning the juvenile criminal justice system. Based on the results of the analysis of the laws and regulations, it was found that efforts to realize the protection of children against sexual

---

<sup>1</sup> Choo Eern Yie and Nicole Tham Seow Ping, "Sexual Harassment in Workplace: A Literature Review", *The International Journal of Humanities & Social Studies* Vol. 9 No. 8, August 2021, p. 29.

<sup>2</sup> National Commission on Violence Against Women, "The Shadows of Stagnancy: The Power of Prevention and Handling Compared to the Increase in the Number, Variety and Complexity of Gender-Based Violence against Women," *Annual Note on Violence Against Women 2021* , Komnas Perempuan, Jakarta, 2022.

<sup>3</sup> Shalini Gupta and Dr. Seema Garg, "Causes and Effects of Child Sexual Abuse", *International Journal of Innovative Science and Research Technology* Vol. 5 No. 5, June 2020, p. 2.

harassment have been prepared on the basis of the Act. Protection of victims of sexual violence cases is important because the effects of sexual violence on children lead to negative outcomes in terms of emotional and physical health. (Chaidir and Faridah, 2021) . This negative impact becomes an important basis for law enforcement in overcoming cases of sexual violence against children.

further studies belonging to Parliansyah et al. (2022), which describe the forms and impacts of sexual violence against children as well as examples of cases that occurred in several areas. This study uses a type of normative juridical research with a statutory law approach. According to the findings of this study, the incidence of violence or sexual harassment is an act that can cause trauma in children. Cases of sexual harassment can be carried out by people who are in any environment, be it the closest environment or those who have blood ties to the victim. The incidence of sexual violence is something that, according to Parliansyah et al., is a criminal act that can be punished by a fine or imprisonment. Criminal penalties regarding criminal acts of sexual violence against children can be adjusted to Article 82 paragraph 1 of Law Number 35 of 2014 concerning Child Protection.<sup>4</sup>

Furthermore, Paradiatz and Soponyono's research (2022) explains the legal protection for victims of sexual harassment. This study uses a normative legal research method, which is part of the typology of legal doctrinal research, using a research approach that is both a statutory approach and a conceptual approach. The results of this study indicate that the draft law on sexual violence cases is an urgent need, given the rise of cases of sexual violence in Indonesia. This is because by making laws that protect victims of sexual violence, the resolution of sexual violence cases and the protection of victims of sexual violence cases can be carried out properly. According to this study, the current application of the law in Indonesia regarding sexual violence still has some ambiguous interpretations that result in various errors in its handling. So, it is suggested that law enforcement follow the rules and take firm action against people who sexually harass others.<sup>5</sup>

Based on the results of some of these studies, it can be taken as an important thing to be discussed in this paper. Criminal acts of sexual violence have negative implications for the growth and development of children at their age, so a legal action is needed that can ensnare the perpetrators to provide a sense of justice for the victims. Of course, this phrase about children also needs to be studied more deeply, because there are several children who have special needs and who are victims of the crime of sexual harassment. Several of these cases occurred in various regions, one of which occurred in the Bangkinang City

<sup>4</sup> Dandi Parliansyah, Boy Arisandy, and Bintang Maha Poetra, "Sexual Violence Against Minors," *SANKSI 2022 (National Seminar on Law, Social and Economics)* Vol. 1 No. 1, March 2022, p. 372

<sup>5</sup> Rosania Paradiatz and Eko Soponyono, "Legal Protection Against Victims of Sexual Harassment," *Indonesian Journal of Legal Development* Vol. 4 No. 1, January 2022, p. 12.

District, Kampar Regency, Riau Province. A girl with special needs who has mental limitations is a victim of sexual abuse by her own father. For this reason, in this paper, we will discuss how the right legal perspective can be carried out in carrying out the enforcement of criminal law actions against cases of sexual abuse of children with mental disorders.

Based on this background, there are 2 (two) problem formulations that will be raised and discussed in this study, namely:

1. What is the condition of cases of sexual harassment that occurred in the Kampar Regency, Riau Province?
2. What are the efforts to realize legal justice for the crime of sexual harassment for children with mental disorders?.

## 2. Research Method

This research uses normative legal research methods. Normative legal research, or "normative legal" research, is legal research that discusses a legal phenomenon by using sources of legal materials, both primary legal materials such as legislation and court decisions and secondary legal materials such as research documents and the opinions of legal scholars or academics. This normative legal research is basically legal research in the form of a doctrinal study through literature and document analysis.<sup>6</sup>

This research approach uses a *case approach* in discussing the formulation of the first problem regarding the condition of cases of sexual harassment in Kampar Regency, Riau Province. According to Peter Mahmud Marzuki (in Muhaimin, 2020), this *case approach* is useful for understanding a legal issue by taking relevant data from the case and examining legal elements to understand the relationship of the case to legal conditions. The discussion of this first problem formulation uses primary legal material in the form of data from the Kampar Resort Police which presents data on cases received during the 2018-2019 period. The secondary materials used are non-legal materials in the form of research journal articles and various other legal documents that support the discussion of the factors causing the criminal act of sexual harassment. Then this study also uses a *statute approach* to discuss the formulation of the second problem regarding efforts to realize legal justice in criminal acts of sexual harassment for children with mental disorders. According to Peter Mahmud Marzuki, the legal approach or *statute approach* is a legal research approach that is used as a discussion on a legal issue using laws and

---

<sup>6</sup> Muhaimin, *Legal Research Methods*, First Printing, Mataram University Press, Mataram, 2020, p. 47.

regulations that contain various relevant articles and arrangements used to discuss an issue or legal issue being discussed.

The discussion using this legal approach sees law as a systematic matter and is related between one legal norm and another, thus helping to discuss any potential law enforcement that is applied in discussing legal issues.

Data analysis used in this research is qualitative data analysis using interpretation method. According to Mezak (in Muhaimin, 2020) , qualitative data analysis with interpretation methods in legal research aims to analyze an issue or legal case so that researchers can find whether there is a void in legal norms in the implementation of applicable legal research.

Based on the legal materials that have been used, the researcher's role is to analyze the suitability of the legal rules that have been used in answering the research. Data analysis using this interpretation method will be used to discuss issues regarding the incidence of sexual harassment and law enforcement efforts against criminal acts of sexual harassment in Kampar Regency, Riau Province. Through various sources of data from primary legal materials and secondary legal materials, the discussion in this study can be used to examine the legal facts of the condition of the criminal act of sexual harassment and the form of providing justice for child victims with mental disorders.

### **3. Results and Discussion**

#### **A. Case Conditions of Sexual Harassment That Occurred in Kampar Regency, Riau Province**

Cases of sexual harassment in Indonesia have become a very massive concern from various elements in society, especially sexual harassment that occurs to victims of minors. Cases of sexual abuse in children are growing very rapidly in various regions in Indonesia. Cases of sexual violence against children have occurred for a long time and the form of implementation or mode of sexual abuse against children is generally defined as contact between children and adults who are usually used to stimulate sexuality with their children, so that they have the opportunity to commit acts of abuse against children. -child. Acts of sexual abuse on children include actions that lead to sexual activities such as touching or kissing a child's sexual organs, raping a child, showing pornographic media/objects, to showing a child's genitals <sup>7</sup>.

In Kampar Regency, Riau Province, which is one of the areas within the territory of the Republic of Indonesia, it is also inseparable from the existence of acts of

---

<sup>7</sup> Setyarini Nur Octaviana, "Child Sexual Abuse in Indonesia: History and Challenge in Legal Perspective," *IJCLS (Indonesian Journal of Criminal Law Studies)* Vol. 4 No. 1, May 2019, p. 82.

sexual harassment. Based on the data that has been collected from the Kampar Resort Police, there are various reports submitted by the community and have been handled by the Kampar Resort Police regarding alleged acts of sexual abuse experienced by children. During 2018, the Kampar Resort Police received reports regarding cases of sexual harassment or obscenity with the following details:

- 1) January (8 cases)
- 2) February (12 cases)
- 3) March (7 cases)
- 4) April (10 cases)
- 5) May (6 cases)
- 6) June (3 cases)
- 7) July (1 case)
- 8) August (6 cases)
- 9) September (3 cases)
- 10) October (6 cases)
- 11) November (4 cases)
- 12) December (3 cases)

The total data collected in 2018 are 69 cases that have been reported to the Kampar Resort Police. Then data from the Kampar Resort Police in 2019 shows the number of cases of sexual harassment or obscenity per month as follows:

- 1) January (3 cases)
- 2) February (7 cases)
- 3) March (5 cases)
- 4) April (5 cases)
- 5) May (7 cases)
- 6) June (3 cases)
- 7) July (7 cases)
- 8) August (7 cases)
- 9) September (5 cases)
- 10) October (5 cases)

- 11) November (4 cases)
- 12) December (2 cases)

Based on the data obtained, there were 60 cases of sexual harassment or obscenity cases that occurred during 2019 in Kampar Regency, Riau Province. The data that has been collected shows that there are quite a number of cases for one year in Kampar Regency, Riau Province with similar motives. The occurrence of cases of sexual harassment or obscenity is dominated by rape cases where the victims are children who have experienced various acts of sexual harassment, both verbally and physically. The reasons why the crime happened were also different, like when the perpetrator invited the victim to a place or when the perpetrator did the crime as soon as he found out where the victim was.

Based on the report received by the Kampar Resort Police regarding the existence of cases of sexual harassment, it can be seen that the pattern of sexual abuse in children is more common in the immediate environment, where interactions between perpetrators and victims are not uncommon. One of the major reasons for the high number of cases of sexual abuse against children is the availability of a free space for perpetrators to carry out their actions.

Studies done in different parts of the world have shown that the complexity of the social environment has an effect on how often sexual harassment happens. For example, research by Gupta and Garg <sup>8</sup>explains that cases of sexual violence in India are dominated by Indian traditional factors which emphasize patriarchal culture and dominate, so that it is not uncommon for men to use violence against children to discipline them because they think it is beneficial for children's development. The domination of the factors causing the occurrence of cases of sexual abuse is caused by the ongoing activities of child exploitation. High poverty rates, people's mental health conditions, and other social inequality issues such as economic inequality, education, to the ownership of decent housing. These factors are very complex and affect the quality of thinking and behavior of several groups of people and lead to criminal acts such as sexual abuse of children.

Not much different from India, in Tanzania based on research belonging to Ezekiel et al <sup>9</sup>also shows the factors that cause cases of sexual harassment. Respondents used in this study were perpetrators of sexual harassment crimes, in which they mentioned the reasons that motivated them to commit acts of sexual harassment. The perpetrators of sexual abuse of children said their behavior occurred for various reasons such as belief in the culture of getting rich,

<sup>8</sup> Gupta and Garg, "Causes and Effects of Child Sexual Abuse" , *International Journal of Innovative Science and Research Technology* Vol. 5 No. 5, June 2020, p. 3.

<sup>9</sup> Mangi J. Ezekiel et al., "Factors Associated with Child Sexual Abuse in Tanzania: A Qualitative Study," *Tanzania Journal of Health Research* Vol. 19 No. 2, March 2017, p. 5.

helping to grow their business, and belief in recovering from illness. The occurrence of cases of sexual abuse can also arise because some children from poor families admire things that they cannot afford, so that it encourages other parties such as perpetrators of sexual abuse to try to fulfill the wishes of these children but in return for the lack of morals from the perpetrators. . Not only that, some cases also reported that lack of parental monitoring and guidance may be the cause of children being sexually abused. Furthermore, it is known that in Tanzania there are weaknesses in monitoring social activities, especially in urban areas, so that the implementation of the law regarding the crime of sexual harassment cannot be maximized and opens more space for perpetrators.

In Indonesia itself, Yuniyanti et al's research <sup>10</sup> examines and explains what factors are behind the occurrence of cases of sexual abuse in children in the city of Semarang. The results of this study indicate that the factor that dominates the occurrence of cases of sexual harassment is the lack of education and monitoring provided by parents, both to the victim and to the perpetrator. The authoritarian parenting style in childhood or puberty is very necessary because at this time children are looking for identity, so that parents who apply clear rules to children, children will be more careful to be responsible for themselves. Researchers present the argument that through good morals, children will better understand how to respect themselves and others so that children can behave well socially. In addition, the low level of economic status and low education of parents also affect the occurrence of sexual violence against children in the city of Semarang.

Based on the three research results above, of course, the factors that influence the incidence of sexual harassment cases are complex and often experienced by people in various countries. It is undeniable that the complexity of aspects of people's lives that depend on one another has a strong influence in shaping individual behavior. Environmental conditions and problems, emotional attachments, personal feelings and commitments, moral persuasion, and the quality of education in the general public are seen as factors that shape changes in individual behavior that adapt to the lifestyle of the community environment collectively. <sup>11</sup>Through the purpose of individual adjustment through various supporting aspects to adapt to the lifestyle of the environment with the community, it is undeniable that there will be changes in the acceptance or interpretation of the norms that apply within the individual personally.

---

<sup>10</sup> Erny Yuniyanti, Ari Yuniastuti, and Sri Ratna Rahayu, "Analysis of Factors Affecting The Incidence of Sexual Violence toward Children at Semarang City Integrated Service Center", *Public Health Perspectives Journal* Vol. 5 No. 3, December 2020, p. 244-248

<sup>11</sup> Axel Franzen and Sebastian Mader, eds., "Environmental Behavior: Measurement Approaches and Determining Factors," in *Research Handbook on Environmental Sociology*, Edward Elgar Publishing, 2021, <https://doi.org/10.4337/9781800370456.00017>.

## B. Efforts to Realize Legal Justice Against the Crime of Sexual Harassment for Children with Mental Disorders

Sexual harassment is one of the criminal acts related to the norms of human life, because it is classified as an act that violates the law and human rights. Human Rights or Human Rights is a set of rights that are universal and in Indonesia itself has been recognized as an essential right for individuals to live. Through the *Universal Declaration of Human Rights guidelines*, the Indonesian government has ratified it and implemented the provisions in the declaration into its own human rights law through Law Number 39 of 1999 concerning Human Rights and Law Number 26 of 2000 concerning Human Rights. Human Rights Court. Broadly speaking, the mandate given through the declaration which was later contained in positive law in Indonesia is to provide a complete sense of justice for each individual to carry out his activities as a dignified human being. Therefore, the application of human rights must be upheld and there should be no discrimination in any form.<sup>12</sup>

The implementation of human rights in the scope of protection against sexual harassment has become the concern of various parties. Sexual violence, one of which is the act of sexual harassment, is an important discussion that has been regulated in positive law in Indonesia. This is because sexual harassment verbally and physically is detrimental and has the potential to cause complex things in the future. This is related to the conception of law enforcement which essentially is law enforcement an effort to harmonize values in a solid rule as a series of value translations at the final stage. Law enforcement is useful for creating and maintaining peace in human life.<sup>13</sup>

Law enforcement against acts of sexual harassment has been regulated in the Criminal Code regarding crimes and other forms of decency. In the Criminal Code, acts of sexual harassment or obscenity are regulated in Articles 289 to 296. In these articles there are definitions from acts of obscenity to punishments given to perpetrators of acts of obscenity. According to article 289, sexual harassment or obscenity is regulated with the following provisions: "*Whoever by force or threat of violence forces a person to commit or allow an obscene act to be carried out, is threatened for committing an act that attacks the honor of morality, with a maximum imprisonment of nine years*".

The granting and application of human rights to individuals is also not limited by age, gender, and other social status. This means that human rights also apply and can be owned by children. The rights possessed by children have been

---

<sup>12</sup> Ani Purwanti and Rian Prabowo, "Women Rights Fulfillment As The Victim Of Gross Human Rights Violation: Urgency For The Sexual Violence Eradication Bill", *Indonesia Law Review* Vol. 8 No. 3, December 2018, p. 132

<sup>13</sup> Heni Susanti and Wira Atma Hajri, "Legal Protection Against Women Victims of Trafficking in Persons Who Experience Sexual Violence and Harassment," *CODIFICATION* Vol. 2 No. 1, January 2020, p. 46

guaranteed by the state and have been regulated in positive law that has been in force in Indonesia. As an effort to realize the rights of children, of course, efforts are needed to provide protection for children which has been regulated in Article 1 point 2 of Law Number 35 of 2014 concerning Child Protection which states that child protection is every type or form of activities carried out in order to guarantee and protect the rights of children, so that they can live, grow, develop, and are also protected from all forms of violence and discrimination. It aims to help optimize the growth and development of children in the future.

The International Convention on the Rights of the Child has regulated and determined that in general children have the following rights:<sup>14</sup>

- 1) The right to survival ( *right to survive* ), namely the child's right to maintain life through the acquisition of maximum health and care standards
- 2) The right to protection ( *protection rights* ), namely the rights that children have in getting protection from discrimination to various kinds of violence that endanger their survival.
- 3) The right to grow and develop ( *development rights* ), namely the right owned by children to get formal and non-formal education to all efforts that can maintain the continuity of growth and development throughout life.
- 4) The right to participate ( *participation rights* ), namely the right owned by children to participate in expressing opinions, organizing, and other participation that helps their survival.

This protection for children is carried out by anyone, not limited to children with disabilities such as mental disorders. Protection for children with disabilities gets special forms of protection regulated in Article 70 with forms such as humane treatment and in accordance with the application of human rights for humans in general, fulfillment of special needs, to equal social protection and no discrimination.

The forms of protection for children also vary and have been regulated in Article 15, one of which in point F states that children have the right to get protection from sexual crimes. In more detail, the protection of children from sexual crimes is described in article 69A which states that protection of children from sexual crimes is carried out through efforts such as providing education regarding reproduction and sexuality, social rehabilitation, psychosocial assistance during the treatment or recovery process, to providing protection. at every level of examination and recovery for children who are victims of sexual crimes. Furthermore, if it is related to the criminal act of sexual abuse of children, this

---

<sup>14</sup> Heni Susanti and Ferry Adi Fransista, "Dissenting Opinion in Determining Child Age Limits," *Judicial Journal* Vol. 12 No. 3, 2019), p. 349, <https://doi.org/10.29123/jy.v12i3.325>.

can be subject to Article 293 of the Criminal Code which states: "*Whoever by using a gift or agreement will give money or goods, by wrongly using excessive influence that exists due to a real relationship. exists or by deceit, deliberately induces a minor who is without a fault in his conduct, who he knows or should reasonably suspect is immature, to commit an obscene act with him or allow such an act to be carried out on him, shall be punished by a maximum imprisonment of five years ."*

The Indonesian government has recently issued laws and regulations that specifically regulate the criminal act of sexual violence as stipulated in Law Number 12 of 2022 concerning the Crime of Sexual Violence. In the legislation, it is explained in Article 4 paragraph (2) point c that the crime of sexual violence includes forms of sexual violence against children such as sexual intercourse with children, acts or acts that lead to obscene acts towards children, to activities that exploit children. children and lead to sexual acts. In this statutory regulation, criminal penalties given to perpetrators of crimes of sexual violence both physically and non-physically will be punished with imprisonment or fines as stipulated in article 6, article 8, and article 14. Not only that, in article 15 It also states that perpetrators who commit crimes of sexual violence against children and persons with disabilities will be subject to an additional penalty of 1/3 (one third) of the previous sentence. This means that there is an additional heavier penalty if the perpetrator commits a criminal act of sexual violence against children and also persons with disabilities.

However, if further searched, there is still no specific legislation to regulate criminal penalties for perpetrators of crimes of sexual violence for victims who have conditions with special needs such as disabilities or physical or mental disorders. However, this certainly cannot be ruled out, where protection for victims of sexual harassment by providing justice for the implementation of criminal acts of sexual harassment cases needs to always be a priority in creating a sense of security in people's lives. Especially for people with disabilities and experiencing mental disorders who are often victims of violence due to mental disorders in people with disabilities that cause their body and mind functions to be not optimal.<sup>15</sup> Moreover, if the persons with disabilities are children who have been mandated by laws and regulations to be protected and given a form of justice in their lives, it is necessary to implement the commitment of every law enforcer to achieve justice for victims and take action against perpetrators of crimes of sexual harassment.

Actions that can be taken in realizing this form of justice can be done through 2 (two) legal methods in the form of preventive law and repressive law. Preventive legal action can be taken by the government and law enforcement officials to

---

<sup>15</sup> Yulianti Ningsih Cahyani, Alfa Galih Verdiantoro, and Uma Febriyanti, "Legal Protection for Victims of Sexual Violence for the Deaf in the Perspective of Criminal Law", *Pulpit of Justice* Vol. 13 No. 2, August 2020, p. 218.

create a condition so that legal products can direct the public to avoid deviant behavior or commit crimes. The government and law enforcement can make arrangements earlier so that they can carry out the legal mandate to prevent conflicts or disputes that occur in society at large. <sup>16</sup>This preventive legal action can be realized through providing education to the public, especially children related to the introduction of reproduction and sexuality, then providing rules that can accommodate the interests of protecting the community from incidents of sexual violence. These steps can be realized as a way to develop individual social and moral responsibility in the community as a way to maintain a healthy mental and moral condition.<sup>17</sup>

Then repressive legal action is used by the government as a way of using the law to criminally ensnare criminals to create a deterrent effect for the perpetrators and other communities. The purpose of law enforcement is to provide efforts to protect and acknowledge the existence of the community through a human rights perspective, then it is placed on the boundaries of the community towards their obligations to the government. <sup>18</sup>This repressive legal action is aimed at creating legal force in order to realize the legal justice system (especially criminal law) in order to overcome and also prevent the occurrence of increasingly widespread criminal acts. That way, the law can be used as a way to resocialize the perpetrators of criminal acts such as sexual abuse of children.<sup>19</sup>

#### **4. Conclusion**

The occurrence of cases of sexual harassment in various regions, such as in Indonesia, is one form of criminal offense that harms most of the community. It is undeniable that cases of sexual harassment occur not only among adults but also among children. Cases of sexual violence against children have occurred for a long time, and the form of implementation or mode of sexual harassment of children is generally carried out by adults by carrying out sexual acts that can affect the physical and mental conditions of the victims who are minors. As happened in Kampar Regency, Riau Province, there were no small number of

---

<sup>16</sup> Nadila Purnama Sari, Anak Agung Sagung Laksmi Dewi, and Luh Putu Suryani, "Legal Protection for Children with Disabilities as Victims of Sexual Violence," *Journal of Legal Preferences* Vol. 2 No. 2, June 2021, p. 362

<sup>17</sup> Wilis Hestningsih and Riky Novarizal, "Efforts in Handling Victims of Sexual Violence in Children (Studies at the Office of Women's Empowerment, Child Protection and Population Control in Family Planning in Pelalawan Regency)," *THE OTHER SIDE OF REALITY* Vol. 5 No. 2, August 2021, p. 30.

<sup>18</sup> Nadila Purnama Sari, Anak Agung Sagung Laksmi Dewi, and Luh Putu Suryani, "Legal Protection for Children with Disabilities as Victims of Sexual Violence," *Journal of Legal Preferences* Vol. 2 No. 2, June 2021, p. 362

<sup>19</sup> Andini L Tamara and Winarno Budyatmojo, "A Criminology Study of Perpetrators of Sexual Harassment Perpetrated by Women Against Men," *RECIDIVE* Vol. 5 No. 3, September-December 2016, p. 327.

cases of sexual harassment, namely 69 cases in 2018 and 60 cases in 2019, showing that sexual harassment is a serious crime and can happen anywhere and anytime.

Based on this, of course, law enforcement and efforts to provide protection for victims of sexual harassment cases are important and should always be a concern for law enforcers. Protection for victims of sexual violence and children has been regulated in positive law in Indonesia, with consequences for the government, law enforcement, and community to comply with these applicable rules. Especially for people with disabilities and experiencing mental disorders, who are frequently victims of violence as a result of mental disorders that cause their body and mind functions to be less than optimal. As a result, we require a rule and legal commitment for law enforcement and justice to prevent sexual harassment in the community.

The advice I can give as a writer is to all parties, be it the government, law enforcement officers, or the community, to commit to each other and collaborate in creating an environment free from criminal acts of violence and sexual harassment, given the impact it has on the victims and victims of sexual harassment. need protection for them. That way, we must always be committed to realizing legal justice for crimes of violence and sexual harassment.

### References

#### Book

- Franzen, Axel, and Sebastian Mader, 2021, "Environmental Behavior: Measurement Approaches and Determining Factors." in the Research Handbook on Environmental Sociology. Edward Elgar Publishing.
- National Commission Against Violence Against Women, 2022, Shadows of Stagnancy: The Power of Prevention and Handling Compared to the Increase in the Number, Variety and Complexity of Gender-Based Violence against Women, Annual Note on Violence Against Women 2021, Jakarta.
- Muhaimin, 2020, Legal Research Methods. 1 ed, Mataram University Press, Mataram

#### Journal Articles

- Cahyani, Yulianti Ningsih, Alfa Galih Verdiantoro, and Uma Febriyanti. "Legal Protection for Victims of Sexual Violence of the Deaf in the Perspective of Criminal Law." Pulpit of Justice 13, no. 2 (2020): 218-28.
- Chairir, Mega Fadhillah, and Hana Faridah. "Performances Of Sexual Violence Against Children In Mass Media As A Manifestation of impartiality of the victim." JUSTITIA : Journal of Law and Humanities 8, no. 6 (2021): 1809-17.
- Ezekiel, Mangi J., Felix Kisanga, Idda H. Moshia, Amani Anaeli, Switbert R. Kamazima, Rose Mpembeni, and Eustace P. Muhondwa. "Factors Associated with Child Sexual Abuse in Tanzania: A Qualitative Study." Tanzania Journal of Health Research 19, no. 2 (27 March 2017). <https://doi.org/10.4314/thrb.v19i2.9>.

- Franzen, Axel, and Sebastian Mader, ed. "Environmental Behavior: Measurement Approaches and Determining Factors." In the Research Handbook on Environmental Sociology. Edward Elgar Publishing, 2021. <https://doi.org/10.4337/9781800370456.00017>.
- Gupta, Shalini and Dr. Seema Garg. "Causes and Effects of Child Sexual Abuse." International Journal of Innovative Science and Research Technology 5, no. 5 (6 June 2020): 1867-70. <https://doi.org/10.38124/IJISRT20MAY650>.
- Hestningsih, Wilis, and Riky Novarizal. "Efforts in Handling Victims of Sexual Violence in Children (Study at the Office of Women's Empowerment, Child Protection and Population Control in Family Planning in Pelalawan Regency)." THE OTHER SIDE OF REALITY 5, no. 2 (2020): 19-33. [https://doi.org/10.25299/sisilainreita.2020.vol5\(2\).7629](https://doi.org/10.25299/sisilainreita.2020.vol5(2).7629).
- National Commission Against Violence Against Women. "Shadows of Stagnancy: The Power of Prevention and Response against the Increasing Number, Variety and Complexity of Gender-Based Violence against Women." Annual Notes on Violence against Women in 2021. Jakarta: Komnas Perempuan, 2022.
- Muhaimin. Legal Research Methods. 1 ed. Mataram: Mataram University Press, 2020. <http://www.uptpress.unram.ac.id/>.
- Octaviana, Setyarini Nur. "Child Sexual Abuse in Indonesia: History and Challenge in Legal Perspective." IJCLS (Indonesian Journal of Criminal Law Studies) 4, no. 1 (29 May 2019): 83-92. <https://doi.org/10.15294/ijcls.v4i1.19613>.
- Paradias, Rosania, and Eko Soponyono. "Legal Protection Against Victims of Sexual Harassment." Indonesian Journal of Legal Development 4, no. 1 (January 2022): 12.
- Parliansyah, Dandi, Boy Arisandy, and Bintang Maha Poetra. "Sexual Violence Against Minors." SANCTIONS 2022 (National Seminar on Law, Social and Economics) 1, no. 1 (2022): 368-75.
- Purwanti, Ani, and Rian Prabowo. "Women Rights Fulfillment As The Victim Of Gross Human Rights Violation: Urgency For The Sexual Violence Eradication Bill." Indonesia Law Review 8, no. 3 (31 December 2018). <https://doi.org/10.15742/ilrev.v8n3.509>.
- Sari, Nadila Purnama, Anak Agung Sagung Laksmi Dewi, and Luh Putu Suryani. "Legal Protection for Children with Disabilities as Victims of Sexual Violence." Journal of Legal Preference 2, no. 2 (30 June 2021): 359-64. <https://doi.org/10.22225/jph.2.2.3338.359-364>.
- Susanti, Heni, and Ferry Adi Fransista. "Dissenting Opinion in Determining Child Age Limits." Judicial Journal 12, no. 3 (2019): 345-61. <https://doi.org/10.29123/jy.v12i3.325>.
- Susanti, Heni, and Wira Atma Hajri. "Legal Protection Of Women Victims Of Trafficking In Persons Experienced Sexual Violence And Harassment." Codification 2, no. 1 (2020).

Tamara, Andini L, and Winarno Budyatmojo. "A Study Of Criminology Against Sexual Harassment Permitted By Women Against Men." *Recidive* 5 (2016): 20.

Yie, Choo Eern, and Nicole Tham Seow Ping. "Sexual Harassment in Workplace: A Literature Review." *The International Journal of Humanities & Social Studies* 9, no. 8 (31 August 2021). <https://doi.org/10.24940/theijhss/2021/v9/i8/HS2108-023>.

Yuniyanti, Erny, Ari Yuniastuti, and Sri Ratna Rahayu. "Analysis of Factors Affecting The Incidence of Sexual Violence toward Children at Semarang City Integrated Service Center." *Public Health Perspectives Journal* 5, no. 3 (2020): 242-50.

#### Legislation

Law Number 39 of 1999 concerning Human Rights, State Gazette of the Republic of Indonesia of 1999, Supplement to the State Gazette of the Republic of Indonesia Number 3886.

Law Number 26 of 2000 concerning the Court of Human Rights, State Gazette of the Republic of Indonesia of 2000, Supplement to the State Gazette of the Republic of Indonesia Number 4026.

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, State Gazette of the Republic of Indonesia of 2012, Supplement to the State Gazette of the Republic of Indonesia Number 5332.

Law Number 35 of 2014 concerning Child Protection, State Gazette of the Republic of Indonesia of 2014, Supplement to the State Gazette of the Republic of Indonesia Number 5606.

Law Number 12 of 2022 concerning the Crime of Sexual Violence, State Gazette of the Republic of Indonesia of 2022, Supplement to the State Gazette of the Republic of Indonesia Number 6792