

The Role of Law in Sexual Violence Against Minors

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Abstract: *The rise of sexual violence or rape among minors, people flock to ask for criminal penalties for perpetrators of sexual violence. This clearly violates sexual morals, social morals and even religious morals and has a negative impact on child growth and development or puberty in today's children. Sexual violence is very rampant because victims are reluctant to report and they are forced to remain silent by perpetrators of sexual violence. In addition to providing psychological trauma, violence can also cause physical trauma and will make the victim haunted by excessive fear. Therefore, parents must know more about sexual violence that occurs in minors. The problems in this study are: what are the forms of sexual violence crimes that occur in children. What are the factors that encourage sexual violence or cheating on minors. And finally, what is the action or role of the law in tackling criminal acts of sexual violence that occur in minors?¹. whether the role of the law is equal and can pay for the psychological and physical trauma of victims who lost their virginity due to violence during their teenage years. He should have received higher education and was in the process of achieving his goals, but was hampered because of outrage or what is happening in the present.*

Keywords: *Law; Criminal Act; Sexual Violence; Minors*

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Introduction

Basically, children are a very beautiful and noble gift from Allah SWT, therefore children should get all their rights properly, especially regarding protection both from parents, society and even from the state. The phenomenon of sexual violence has become global and has become global in almost all countries. The problem of sexual

¹ Diana Yusyanti, "Legal Protection of Child Victims from Criminals of Sexual Violence," *De Jure 20 Legal Research Journal*, no. 4 (2020): 619.

violence can be described as a form of crime that destroys and also tarnishes human dignity. In the current era of globalization, sexual violence or rape is no longer a stranger and a problem that must be resolved immediately and the most appropriate solution is sought because it has claimed many victims and knows no age. Even now, sexual violence against minors will often be found anywhere and anytime. The news that emerges from the media about sexual violence is also relentless. The perpetrators of sexual violence are dominated by individuals who are not responsible for their own lust problems. As said by the Minister of PPPA Bintang Puspayoga in a Virtual Press conference on Wednesday (19-01-2022) "Throughout 2021 there will be 10,247 cases of violence against women of which 15.2% are sexual violence"².

There are so many perpetrators who get punishments that are not commensurate with the impact received by the victims. Instead of being protected, victims are stigmatized and ostracized and even cornered by the surrounding community, causing physical and even psychological trauma to the victim. Not only that, the victim also gets a mental disorder and will continue to blame himself for actions that are not based on his will. This sexual violence is a factor that inhibits the victim from developing and proceeding in achieving what should be achieved at that age. It is even seen from the author's point of view as a society that the most difficult impact to eliminate is an experience that will always be a trauma that leaves an imprint on which will then become future problems, be it psychologically, physically, social and others. The impact of trauma that will be experienced by minors due to sexual violence includes betrayal or loss of trust in adults (betrayal), sexual trauma (traumatic sexualization), feeling powerless (powerlessness), and stigma (stigmatization).

Recently, there have been many incidents happening around the community regarding cases of sexual violence of the type of incest, where biological fathers have the heart to commit sexual violence or rape their own biological children, such as the case of 3 biological children who were victims of rape whose father was suspected of being the main perpetrator. Not only that, at the end of 2021, many cases were revealed where there were many rapes of 13 female students in West Java by Heri Wirawan as the manager of the pesantren. Even the victim was forced to remain silent

² Irvan Rizqian, "Efforts to Protect Children as Victims of Sexual Violence Under Indonesian Criminal Law," *Journal of Justiciabalen (Jj)* 1, no. 1 (2021): 51.

by the perpetrator with various threats to make the victim submit and obey the perpetrator.

Some people are of the opinion that the role of the law in the crime of sexual violence is not carried out properly. The law is still blind to the sexual violence that occurs. As was the case in Riau, a young mother who was a victim of rape was scolded and forced to remain silent and peaceful by police officers. Here it is seen that the victim does not get the protection and justice that should be played by the law. The role of the law must still be carried out and enforced so that the victim gets legal guarantees for the suffering or what the victim feels. Everything that can help and relieve the victim can prove that the role of the law in the crime of sexual violence is carried out.³.

In general, the physical impact will not always be seen compared to the psychological impact faced by the victim. Maybe there are no problems caused by the physical impact of the victim, but the psychological impact that 95% will occur to the victim includes addiction, trauma and even revenge either from the victim or from the victim's family to the perpetrator. And if it is not handled and the law does not play a role in this case, it will cause social impacts that will always continue and have a negative effect on the community.

Discussion

Sexual Violence

Sexual violence against minors is a real concern. A number of cases were revealed in various places, including cases of pedophilia which claimed many victims up to hundreds of victims. The latest case soared in Sukabumi, West Java, where up to now there have been 110 children who reported to the authorities as victims of sexual harassment and violence by Adri Sobari alias Emon, a 24-year-old youth.⁴. In an interview on a TV station, he admitted that he persuaded the victim by offering him an amount of between Rp. 25,000.00 to Rp. 50.000,00⁵. Punishment sanctions against perpetrators of criminal acts of sexual violence against children who are still minors have been regulated themselves in the Child Protection Law Number 35 of 2014

³ L. Ladin, "Sexual Abuse Between Children in the Perspective of Criminal Law," *Ahkam: Journal of Islamic Law* 4, no. 2 (2016): 289–304.

⁴ Disparity in Sentencing, Perpetrators of Crime, and Criminal Violence, "Journal of Education in Social Sciences, Disparity in Sentencing Perpetrators of Criminal Acts of Violence against Women" 8, no. 1 (2016): 34–47.

⁵ Ibid.

concerning Amendments to the Child Protection Law Number 23 of 2002 Article 81 in Item (1), (2), (3)⁶. Currently in Indonesia cases of sexual violence have increased sharply and continue to increase from year to year. The increase is not only from the point of view of the quantity or number of cases that occur, even from the point of view of quality as well. The easy target of perpetrators to satisfy their individual desires is not only from among adults, but has even spread to teenagers, minors and even toddlers. Minors are the group that is more often targeted by lecherous perpetrators for sexual violence. The reason is, because children are always positioned as weak and helpless figures so it is not difficult to seduce. Sexual violence is synonymous with the word 'coercion' and of course this sexual violence is an act that is very contrary to social and religious morals.

We can describe this sexual violence as an act carried out with the aim of achieving individual satisfaction outside the legal bond of marriage in the eyes of religion and law. Sexual violence against minors can be oriented as verbal and non-verbal sexual activities, such as forcibly holding the victim's genitals, then an invitation to have sex like husband and wife that the victim does not want and there is an element of coercion on the part of the perpetrator and much more.⁷. According to KOMNAS Perempuan from the results of monitoring for 15 years (1998-2013)⁸ Sexual violence can be classified as follows:

1. Sexual harassment

Sexual harassment is a sexual act carried out by physical or non-physical touch with the target of the sexual organs or sexuality of the victim. Sexual harassment will occur if the victim feels uncomfortable, offended or feels humiliated with his dignity and causes problems for his own health and safety.

2. Forced Marriage

Forced sexual intercourse becomes an inseparable part of the marriage that is not desired by the woman. Forced marriages often occur in society. In fact, there are still those who force marriage to pay off debts and the victim becomes the victim.

3. Forced Contraception

⁶ Criminal Law, "Darmaagung Criminal Law" 28, no. April 2020 (nd): 8–16.

⁷ Ibid.

⁸ Submission Id, "Sexual Violence Ebook" (2021).

The act of coercion of contraception is when the installation of contraceptive devices or the implementation of sterility without the full consent of the woman. However, in this era of globalization, cases of forced contraception are common among women with HIV/AIDS on the grounds of preventing the birth of children with HIV/AIDS.⁹

4. Forced Abortion

A situation when there is pressure, threat or coercion from other parties to carry out an abortion.

5. Rape

Rape can be regarded as a form of assault in forcing sexual intercourse. The attack is carried out by violence, threats, detention, psychological pressure, abuse of power and or taking opportunities from a coercive environment¹⁰.

6. Sexual Exploitation

Aims for the sexual outlet of the perpetrator or to gain profit from various things. Sexual exploitation that is on the rise is using women's poverty so that they enter into prostitution or pornography.

7. Sexual Intimidation

This action attacks sexuality with the aim of causing fear or psychological suffering to the victim. Threats and attempted rape are also part of sexual intimidation.

8. Sexual Slavery

A situation where the perpetrator considers that he 'owns' or becomes the owner of the victim's body so that he has the right to do whatever he wants, including obtaining sexual satisfaction through rape or other sexual violence.

9. Trafficking of Women

An act of transporting, sending, harboring, recruiting, transferring or receiving a person by means of the threat of force, use of force, abduction, confinement, fraud, deception, abuse of power or position of vulnerability and others.

10. Forced Prostitution

⁹ Rizqian, "Efforts to Protect Children as Victims of Sexual Violence in Law are Understood under Indonesian Criminal Law."

¹⁰ Ibid.

Circumstances when women face deception, threats and violence to become sex workers or servants. This situation often occurs at the time of recruitment or to make the woman powerless to escape from these activities.

11. Forced Pregnancy

Situations where women are forced and forced by force or threats to continue a pregnancy that is not wanted or desired by the female victim.

12. Sexual Torture

A special act that intentionally attacks a woman's organs and sexuality, causing excessive pain and suffering to be felt by the victim, physically, spiritually or sexually.

13. Punishment for Humane and Sexual Acts

Inhumane way of punishing or giving laws that would cause suffering, trauma, overwhelmed, pain, fear or shame that is rarely felt.

14. Tradition of Sexually Sensitive Practices that Harm or Discriminate against Women¹¹

We often find the habits or customs of a society and the environment that always make excuses about religion and culture but are still sexually nuanced and of course cause physical, psychological and sexual impacts on women. Female circumcision is one example¹².

15. Sexual Control

Guidance for thinking in society which often places women as a moral symbol of the community, not only that, the process of distinguishing between good women and naughty women also judges women as triggers of sexual violence which is the basis for efforts to control women's sexuality and sexuality.

The crime of sexual violence is an event that is currently in the spotlight of the public in Indonesia¹³. Moreover, sexual violence that occurs in minors. Minors are identical with their own uniqueness where they can do whatever they want according to their own feelings and desires. It is not surprising that minors are often victimized by the perpetrators. Therefore, parents take the main and very important role in the growth

¹¹ Ladin, "Sexual Abuse Between Children in the Perspective of Criminal Law."

¹² Ibid.

¹³ Underage, "QISTIE Scientific Journal of Law Vol. 14 No. 2. November 2021 112" 14, no. 2 (2021): 112–126.

of children. Minors must often be under the care of their parents so that their children do not become victims of further sexual violence. Not only that, the environment will also affect the growth and personality of the child. That is the reason why children have the right to live in a proper place and must often be under the care of their parents so that they will not get negative influences from the surrounding environment on the child's personal development.

In general, the physical impact will not always be seen compared to the psychological impact faced by the victim. There may be problems caused by the physical impact of the victim, but the psychological impact that 95 percent of the time will have on the victim includes addiction, trauma and even revenge either from the victim or from the victim's family to the perpetrator.¹⁴

Factors Occurrence of Sexual Violence

The occurrence of sexual violence is based on the presence of the 'perpetrator' and the 'victim'. the perpetrator will always look dazzling in his environment and will certainly be easy to approach by small children and not infrequently will become a child's idol. The perpetrator will try to find out how to win the child's heart, for example trying to give money or the like that makes the child or the victim feel happy, greet or initially provide protection and so on.¹⁵ The victim of sexual violence is the person who has experienced sexual violence. And it will often be found that people who experience sexual violence with the main self are changes in attitudes and behavior. Changes in behavior in child victims in the bawAhumyrrh often escapes the attention of parents.

The Indonesian Child Protection Commission (KPAI) in 2011 reached 2,275 cases of violence against children, 1887 of which were child sexual abuse. In 2012 as many as 3,871 violence against children occurred, 1,028 cases of which were sexual violence against children. In 2013, out of 2,637 violence against children, 48 percent or around 1,266 were sexual violence against children¹⁶. In every case that occurs as attached below, there must be a driving factor or factors that influence the occurrence of sexual violence against minors. If we look more deeply, there are many things that are the driving factors for the occurrence of criminal acts of sexual violence against children.

¹⁴ Abas Al-Jauhari, "Preface," Dialogue 44, no. 1 (2021): i–Vi.

¹⁵ Rizqian, "Efforts to Protect Children as Victims of Sexual Violence in Law are Understood under Indonesian Criminal Law."

¹⁶ En, "Sexual Violence Ebook."

Not only external factors but also internal factors. However, the main factor that drives the occurrence of this sexual crime is always identical to the fact that there is 'coercion' from the perpetrator to the victim¹⁷. Factor drivers of the occurrence of criminal acts of sexual violence can be classified as follows, namely:¹⁸:

1. Factors Lack of Knowledge About Sexuality and Low Level of Education

Formal and non-formal education is very influential on the growth of children. Due to the lack of knowledge and the low level of education, it can affect and cause a person to also lack understanding and lack of knowledge about sexuality. Not only that, the lack of knowledge about sexuality causes a person to commit an act that clearly violates religious norms, legal norms, and also social norms in society. The person concerned will be easily influenced to commit a crime without thinking about the causes and consequences of the act committed.

2. Factors of Low Economy and Unemployment

The low economy is also one of the factors that influence the occurrence of criminal acts of sexual violence. As Aristotle said, poverty breeds rebellion and evil.

3. Environmental Factors and Place of Residence

The environment becomes the main medium for children to grow and develop and of course will have a considerable influence in shaping character and behavior. The influence of socialization that is embedded in children will not be separated from the influence of the environment. This is the opportunity for the perpetrator to commit sexual violence. This was triggered by the condition of the surrounding environment where the majority of them were occupied by children and most of them wore minimal clothing so that they attracted and provoked the perpetrators to vent their sexual desires.

¹⁷ Ladin, "Sexual Abuse Between Children in the Perspective of Criminal Law."

¹⁸ Age, "QISTIE Scientific Journal of Law Vol. 14 No. 2. November 2021 112."

4. Technology or Gadget Factor

With the development of technology today, it certainly has a lot of negative impacts on life. Therefore, parental supervision in the use of gadgets for minors is highly expected so that children do not fall into deviant behavior

5. Lack of Knowledge or Religious Knowledge

We all know that actions Sexual intercourse is an act that is prohibited by religion and clearly violates existing religious norms. Lack of knowledge about religion in a person causes moral damage that can affect his behavior in socializing and living in other communities. Therefore, education about religious knowledge is needed in order to form good character from an early age to the village.

6. Environmental Factors and Association

The social environment is the main thing that must be considered in depth. Basically, the child's social environment is the second place to shape the child's character after the family environment. In a social environment, a person will certainly experience mistakes in choosing friends and absorb wrong information and ultimately lead to losses and deviant actions.

7. Factors that are relatively disproportionate to the threat of punishment or light punishment

As a result of a weak law enforcement system and the punishment given is also relatively light and not commensurate with what the victim feels, the victim avoids the legal process. Not only that, victims also require mental sacrifices and very high cost sacrifices. The legal process which according to the community is very complicated and convoluted, the handling of cases that are often not in favor of the victim and the threat of a minimum sentence of 3 years and a maximum of 15 years makes this sexual violence case sink and let the victims of sexual crimes grow and develop with psychological trauma as well as trauma. physique¹⁹.

¹⁹ Ibid.

The Role of Law in Sexual Violence

If seen, the role of law and the state's attention to cases of criminal acts of sexual violence against minors and how to handle them are clear but not enforced.²⁰ This can be seen in the constitutional basis in the 1945 Constitution. Furthermore, several other regulations were born as a form of concern for minors who get sexual violence, including Law No. 4 of 1979 concerning Child Welfare, Law No. 3 of 1997 Regarding Juvenile Justice, Law no. 23 of 2002 concerning Child Protection, Law No. 11 of 2012 concerning the Child Protection System which is a replacement for Law No. 3 of 1997, Law no. 20 of 1999 concerning Ratification of ILO Convention No. 138 Regarding the Minimum Age to be Permitted to Work (State Gazette of 1999 No. 56, Supplement to State Institutions No. 3835) and Law No. 138. 1 of 2000 concerning Ratification of Convention No.²¹

The law is formed, of course, has its own purpose. The law exists as a form of state protection for children who experience sexual violence because basically the state has an obligation to ensure the welfare of its citizens, including child protection which is a human right (Article 20, Article 20 paragraph (1), Article 2B paragraph (2) and Article 34 of the 1945 Constitution)²². In playing the legal role of sexual violence, it is necessary to have legal guarantees for child protection activities. Legal certainty needs to always be improved and strived for the continuity of legal activities for protection activities and legal roles in criminal acts of sexual violence²³. In principle, the more developed a country is, the more criminal acts are influenced by various factors such as economic factors and social inequality factors. Sexual violence will continue to have many impacts that will be felt on the victim. Again, the role of the law is still lacking in dealing with this crime of sexual violence, so the victim prefers to remain silent rather than having to deal with the law which is still complicated and convoluted. However, it is undeniable that this crime of sexual violence has been regulated in law and inevitably

²⁰ Title of Research and Lego Karjoko, Faculty of Law, Sebelas Maret University, Surakarta 2012, 2012.

²¹ Crime, Acts, and Violence, "Journal of Social Sciences Education Disparities in Criminal Acts of Violence Against Women."

²² Ibid.

²³ Yussyanti, "Legal Protection of Child Victims from Perpetrators of Sexual Violence."

must be resolved immediately and find a way out as well as the right solution. In law no.

Not only that, punitive sanctions against perpetrators of criminal acts of sexual violence have also been regulated in the Child Protection Law Number 35 of 2014 concerning Amendments to the Child Protection Act number 23 of 2002 Article 81 Points (1), (2), (3) . diberiln addition, additional human sanctions against the perpetrators of crimes of sexual violence against minors must be carried out in order to be able to provide a deterrent effect to the perpetrators. There are 4 problems that will be faced by the victim when getting a criminal act of sexual violence from the perpetrator, namely,

1. Mental violence
2. Physical violence
3. Violence at school
4. Sexual violence²⁴.

The existence of this criminal act of sexual violence claimed many victims from among minors who were committed or exploited by adults. This has been regulated to protect children from violence in Article 69A of the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection. Special protection for child victims of sexual crimes as referred to in Article 59 paragraph (2) letter j is carried out with the following efforts:

1. Education or knowledge regarding reproduction, religious values, moral values
2. Social rehabilitation
3. Treatment and psychosocial assistance during treatment to victims until recovery

²⁴ Criminal Law, "Darmaagung Criminal Law" 28, no. April 2020 (nd): 8–16.

4. Provide protection and assistance at every level of examination starting from investigation, prosecution to examination in court²⁵.

Child protection is all efforts made to create conditions so that every child can carry out his obligations and rights for the development and growth of children in terms of mental, physical and social. In accordance with article 1 number 2 and the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, it is stated that all activities are carried out to protect and ensure the growth, development and life of children from violence and abuse. discriminatory and guarantees the rights that must be accepted by children where the government, local governments, and other state institutions have the obligation and responsibility to provide special protection for children²⁶.

Article 81 which reads "Anyone who intentionally commits violence or threats of violence forcing a child to have sexual intercourse with him or with another person, shall be punished with imprisonment for a maximum of 15 (fifteen) years and a minimum of 3 (three) years and a fine of not more than 15 (fifteen) years. Rp. 300,000,000.00 (three hundred million rupiah) and at least Rp. 60,000,000.00 (sixty million rupiah)"

- (1) The criminal provisions as referred to in paragraph (1) shall also apply to anyone who intentionally commits a trick, a series of lies, or persuades a child to have intercourse with him or with another person.²⁷.

Article 82 states that anyone who intentionally commits violence or threatens violence, coerces, commits a trick, a series of lies, or persuades a child to commit or allow an obscene act to be carried out, shall be punished with a maximum imprisonment of 15 (fifteen) years. and a minimum of 3 (three) years and a maximum fine of Rp. 300,000,000.00 (three hundred million rupiah) and at least Rp. 60,000,000.00 (sixty million rupiah)"²⁸

²⁵ Mahalia Nola Pohan and Sri Hidayani, "Legal Review on the Crime of Sexual Intercourse against Children From Law Number 35 of 2014," *Journal of Education, Humanities and Social Sciences (JEHSS)* 3, no. 2 (2020): 377–385.

²⁶ Crime, Acts, and Violence, "Journal of Social Sciences Education Disparities in Criminal Acts of Violence Against Women."

²⁷ Criminal Law, "Darmaagung Criminal Law" 28, no. April 2020 (nd): 8–16.

²⁸ Ibid.

The crime of sexual violence against minors is a fairly large problem and more serious action must be taken. And of course it will have an impact both physically and psychologically. We know that physical effects may not take long to treat and heal. However, the psychological impact or mental impact will take years or even forever to recover as before. In fact, it is not uncommon to find people who have mental and mental disorders as a result of being victims of sexual violence. Not only that, it was also found that many people who experienced criminal acts of sexual violence preferred to commit suicide because they felt that they were no longer respected and could not withstand the suffering and stigmas that emerged from the community. Children really need to be protected from various forms of sexual violence crimes because it is undeniable that this can affect their physical, psychological, mental, physical and spiritual development. Therefore, it is urgently needed binding rules regarding the protection of children from various forms of crime.

If seen from law number 23 of 2002 concerning child protection article 1 paragraph (2) that child protection is all activities to guarantee and protect children and their rights so that these child victims live to grow and develop and participate optimally in accordance with their dignity. and human dignity and also receive protection from violence and discrimination²⁹.

In principle, the law always positions children in repositioning as legal intermediaries to be able to get rights or carry out obligations so that their position can be leveled with the position of adults or may be called normal legal subjects.

The Criminal Justice System was formed to tackle the problem of crime that can disrupt order and threaten the sense of security in a society. In realizing the criminal justice system there are 4 (four) agencies that must be linked, namely the police, prosecutors, courts and correctional institutions. The four institutions must always work hand in hand and work together.

All forms of law enforcement against criminal acts of sexual violence against minors in the Criminal Code (KUHP) and the Child Protection Act Number 23 of 2002 it is explained that the crime of sexual violence against minors is a crime of morality, And

²⁹ Crime, Acts, and Violence, "Journal of Social Sciences Education Disparities in Criminal Acts of Violence Against Women."

of course, the perpetrator must be given an appropriate punishment in order to reduce and prevent violations of the law from sexual crimes against minors³⁰.

Criminal acts of sexual violence against minors are not only regulated in the Criminal Code, but are also regulated in special regulations, namely in Law Number 35 of 2014 concerning Child Protection in Articles 81 and 82 which states that: The punishment for perpetrators of sexual crimes against children is a minimum of 5 years and a maximum of 15 years in prison and a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah)³¹.

According to the Criminal Code, articles 287 and 292 say that the sentence for perpetrators of sexual abuse or violence against minors is a maximum of 9 years (article 287) and a maximum of 5 years (article 292). a greater threat than that regulated in the Criminal Code. These provisions can be found in Article 80 paragraphs (1), (2), (3) as written as follows: "Anyone who violates the provisions as referred to in Article 76C which reads":

1. Everyone is prohibited from placing, allowing, committing or participating in violence against children. Sentenced to a maximum imprisonment of 3 (three) years and 6 (six) months and/or a maximum fine of Rp. 72,000,000.00 (seventy-two million rupiah)
2. In the event that the child as referred to in paragraph (1) is seriously injured, the perpetrator shall be sentenced to a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah)
3. In the event that the child as referred to in paragraph (2) dies, the perpetrator shall be sentenced to a maximum imprisonment of 15 (fifteen) years and/or a maximum fine of Rp. 3,000,000,000.00 (three billion rupiah)³²

We all know that the position or position of a child and an adult as a human being with dignity and worth is the same in the eyes of the law. However, it cannot be denied that the law always has its own way of positioning a child in a more special or more special position or position, which means that the legal provisions that apply to

³⁰ In Resolving and Interfaith Conflict, "Postgraduate of the State Islamic University (UIN)" 1963 (2017).

³¹ Criminal Law, "Darmaagung Criminal Law" 28, no. April 2020 (nd): 8–16.

³² Crime, Acts, and Violence, "Journal of Social Sciences Education Disparities in Criminal Acts of Violence Against Women."

children are distinguished from the legal provisions given to adults. Children certainly get special guarantees in the court process.

Conclusion

The crime of sexual violence is currently in the spotlight in Indonesia. This is because there are so many cases of sexual violence, especially among minors. Children are a noble gift from Allah SWT and of course have a unique personality where the child is able to interact or act according to what he wants which includes feelings, thoughts and actions. And of course the environment is also the main medium for children to develop. Therefore, sexual violence against minors must remain and be given more attention. The reason is, sexual violence against minors does not only cause physical impacts, but also psychological and mental impacts that can be attached to the child's soul after experiencing sexual violence.³³.

Every incident that can occur is of course based on the driving factors or factors that can influence the occurrence of the crime of sexual violence. There are various factors in the occurrence of sexual violence against children under this age. Starting from a low level of education, lack of knowledge about sexuality, technological and gadget factors, lack of religious knowledge, social factors, economic factors, and most importantly environmental factors that can most influence the occurrence of criminal acts of sexual violence against children under the age of five. age.

In this crime of sexual violence, an adequate and enforceable legal role is needed for the protection of human rights in children. Not only that, legal guarantees and legal certainty for child protection activities are also needed. Not infrequently we find children who prefer silence than having to deal with complicated laws and sometimes the legal role given to the perpetrator is not commensurate with what the victim feels. Therefore, the superior institution must pay more attention to the legal role that the perpetrator should and should accept.

³³ Research and Karjoko, Faculty of Law, Sebelas Maret University, Surakarta 2012.

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