



## Legal Protection of child victims of sexual exploitation

Umi Enggarsasi, Nur Khalimatus Sa'diyah

Law Faculty, Universitas Wijaya Kusuma Surabaya, Indonesia

### Abstract

Sexual violence in Indonesia increases every year, the victims are adults, teenagers and minors. Increased violence, especially against children. With the increase in violence that occurs, especially against children, it has attracted public attention, ranging from cases of rape, sodomy, child trafficking, child exploitation to murder. Sexual violence can occur in educational, household and community environments with impacts covering various aspects. Firstly, psychologically, the victim causes trauma and stress which disrupts brain function. Both physical impacts can be a factor causing sexually transmitted diseases. The enactment of Law No. 12/2022 against sexual violence has an important meaning in strengthening the regulation of actions and the state's duties to prevent, handle acts of sexual violence and comprehensively recover victims. One of the most widespread sexual crimes is sexual exploitation of children. Researchers raise the issue of legal protection for child victims of sexual exploitation, and criminal liability for perpetrators. Researchers use normative juridical methods by examining existing legal provisions with social reality. Namely applying a normative approach by understanding the relevant regulations and problem settings and using a case approach

**Keywords:** Child victims, sexual exploitation, adults, sexual violence

### Introduction

Indonesia is a legal country based on article 1 number 3 of the Constitution which states "Indonesia is a country based on the name of law". Law is the most important basis for creating security and comfort. This means that the Indonesian people are obliged to maintain, create, safeguard and maintain peaceful life based on the goals of Pancasila and the 1945 Constitution, namely that the Indonesian population has the right to security and freedom from every form of violence and crime. With the existence of law in Indonesia, all people have equal status without exception. The existence of law in Indonesia regulates all aspects of life so that all Indonesian society maximally obeys and submits to legal norms.

In the enchanting verses of Article 28 B number 2 within the sacred pages of the 1945 Constitution, a resounding declaration echoes: the universe of rights bestowed upon children is a celestial symphony, entwined with the melodies of survival, growth, and development, shielded from the discord of discrimination and violence. This cosmic proclamation unravels the tapestry of responsibility, not merely tethered to parental hands, but extending its celestial tendrils to embrace both the familial hearth and the vigilant gaze of the state. For in the tender souls of children lies the kaleidoscopic promise of a nation's tomorrows, the architects of a destiny yet unfolded. Thus, it beckons us to weave an educational tapestry, an eternal dance of enlightenment and continuous nurturing, safeguarding the saplings of tomorrow from the shadows of discrimination and violence.

The rights that children have cannot be separated from the government's function as the person responsible for ensuring children's welfare. In the realm of youth, where innocence reigns, tender souls stand as delicate beings susceptible to the harsh winds of violence and the shadows of sexual exploitation. In their budding vulnerability,

children tiptoe on the edge of peril, exposed to the looming risks that threaten the purity of their essence. Sexual violence against minors affects the psychology and development of children. <sup>[1]</sup> Anne Hastings explained that the change in behavior of children who are victims of sexual violence is a dark revolution in societal civilization. <sup>[2]</sup>

The annual surge in acts of violence against children has ignited a collective concern among the public. From distressing incidents of sexual violence, such as rape, to heinous acts like murder, the unsettling reality is that these atrocities often unfold within the confines of the child's innermost circle—the family. The perplexing aspect is the brazen display of such incidents on social and print media, provoking a visceral anger among the populace, particularly when the perpetrators are none other than the biological parents. It echoes the age-old wisdom that "a tiger cannot devour its own cub," yet, regrettably, this adage is shattered by the harsh truth that parents, who are supposed to be the guardians of their child's future, sometimes play a devastating role in its destruction. Disturbingly, statistics reveal a disconcerting pattern: 30% of sexual crimes against children emanate from within the family, with brothers, fathers, and cousins accounting for a significant portion. Meanwhile, 60% stem from familiar faces in the form of friends, neighbors, or relatives, and a chilling 10% are committed by strangers. <sup>[3]</sup>

Legal regulations regarding sexual violence against children are based on Law no. 35 of 2014 regarding Child Protection article 76 which explains that anyone is prohibited from positioning, taking part in carrying out, allowing, ordering or participating in economic or sexual exploitation of children. And the most serious threat was 10 years' imprisonment and a fine of 200 million rupiah, but in the end the government issued Law no. 12 of 2022 because it was felt that there was a lack of legal protection for victims.

## Methods

The research method used in this research is Normative Juridical, which examines the applicable legal provisions and what happens in reality in society. namely applying a statutory approach (Statue Approach), by understanding the laws relating to the content and regulation of the problem.

## Discussion and Result

Alenia 4 of the 1945 Constitution as a concept for legal protection for children explains that the state is obliged to provide protection for the entire nation and all bloodshed and improve the welfare of society, make the nation's life smarter and comply with world order. Assigning a regulatory body to guarantee legal protection for every community without any discrimination. Based on the legal theory of Sudikno Mertokusumo, which explains that law is a tool to achieve orderly and peaceful conditions in society so as to create relationships among people who maintain each other's interests. Law is a tool to protect the interests of society in the form of certain norms and rules which contain content that is both normative and general in nature. It is general because it applies to every society and is normative because it determines prohibited and permitted actions and how to comply with these methods.

In fact, the function of legal protection is a condition for the existence of law as a rule of social interaction. Discussing the law is examining the definition of the law because it is an element of the objectives of the law. Legal protection is a condition related to the creation of peaceful coexistence between communities. General order implies society's acceptance of that order as the minimum appropriateness required to create order.

Issues of legal protection often have different terms. There are those who say this is the cause of creating peace, there are also those who say it is the impact of legal certainty. However, it is certain that the main aim of legal protection is to achieve public order that is oriented towards responsive and real justice, accommodating every legal interest completely. Responsive justice is achieved through legal awareness of all parties including government institutions and society. Law enforcement plays a role by providing support to victims, while protecting those who may be falsely accused, and grappling with deeply ingrained cultural beliefs about who is a victim.<sup>[4]</sup>

Legal protection in the juridical aspect itself includes public law and private law. Articles 1 and 2 of Law no. 35/2014 defines child protection as any activity or action with the aim of providing protection and guarantees for children's rights so that their survival, growth and development are guaranteed and they participate optimally based on their dignity and avoid forms of discrimination and acts of violence. In this regard, children are the responsibility of parents . In this connection, children are the responsibility of parents, society and the government which is confirmed based on article 20 - article 26 of Law No. 23 of 2002

Violence involving children as victims is still widespread in Indonesia, so protection must be increased for every crime against children. Children with all their limitations have equal rights in political, social, economic and legal matters. However, its implementation often results in violations of children's rights and violence and discrimination often occur with children as victims. This violence is very likely to cause negative impacts, trauma and even loss of life. Children as victims will experience material and immaterial

losses, for example psychological shocks that affect their growth and development.

Indonesian children have the right to obtain legal protection based on article 34 of the 1945 Constitution which explains "poor people and neglected children are taken care of by the state". Based on this, the government enforces many regulations related to children's rights. The classification is:

1. Legal aspects with Law no. 3/1997 concerning Juvenile Justice
2. Medical aspects, with Law no. 9/1960 article 1, article 3 and article 9 concerning health matters
3. Educational aspects with article 31 paragraph 1 of the 1945 Constitution and articles 19 and 17 of Law no. 12/1954 concerning the basics of education
4. Aspects of hunting, with the ordinance of 17 December 1925 regarding regulations regarding child work limits and night work for women junto ordinance of 27 February 1926 No. 87/1926, promulgated on 1 May 1976 as Law no. 1/1947 junto UU. No. 1/1951 concerning work safety which enacted Law no. 12/1948 concerning employment
5. Welfare aspects with Law no. 4/1979 concerning child welfare. Law No. 11/2012 concerning SPPA and in terms of specialist promotion, namely Law No. 23/2002 concerning child protection

In upholding the sacred tapestry of human rights, the state is entrusted with the solemn duty of safeguarding the well-being of its youngest denizens. A testament to this commitment lies in the embodiment of Article 28 B number 2 of the Constitution, a poetic decree that echoes the imperative to ensure the survival, growth, and development of every child while shielding them from the ominous shadows of discrimination and violence. This pledge gains fortitude through the formal embrace of the Convention on the Rights of the Child, immortalized in the ink of Presidential Decree No. 36/1990. This harmonious alliance with international standards converges seamlessly with the provisions outlined in Law No. 4/1979 concerning child welfare, unraveling a mosaic of at least 10 inalienable rights bestowed upon the young souls navigating the journey of childhood:<sup>[5]</sup>

1. Children have the right to their welfare, care and receive guidance with love in their family and special care for their growth and development
2. Children are obliged to receive services to optimize their potential based on national culture and character so that they can be useful
3. Children have the right to receive care and protection both when they are conceived and after birth
4. Children have the right to be protected from an environment that is detrimental to them and hinders their growth and development
5. Regarding dangerous situations, children must be helped and protected first
6. Orphans have the right to receive care from the state
7. Poor children have the right to receive assistance so that their growth and development can occur naturally within their family environment
8. Children with behavioral disorders are given services and care to help them grow and develop and get legal assistance if they encounter the law

9. Children with disabilities have the right to receive special services for optimal growth and development and potential
10. Services and assistance for children are the rights of all children without any discrimination

Parents and the government must guarantee and protect the fulfillment of children's rights based on their authority. Child protection is still considered not optimal for their growth and development and welfare, so that the implementation of efforts to protect every child's rights by the government must be based on humanitarian aspects, human rights principles and respect. Furthermore, article 11 of Law No.23/2002 also states that all children have the right to free time and rest, to make friends with each other, to play, to be creative based on their potential. for your own sake"

Children are future leaders of the nation, so to make Indonesia ready to face the future is not limited to discussing per capita income and economic progress but essentially considering how the child's condition is prepared by the family and the state. Children who are incapable, dependent and immature need protection, care and guidance. This is an obligation from parents, their families, society and the government.

Children who are exploited either by their parents or other people by positioning, treating, neglecting, ordering or participating in the exploitation of children. So exploitation of children is a disgraceful act because it takes away their rights. The types of child exploitation: <sup>[6]</sup>

1. Physically, that is, making a child work for the benefit of his parents or other parties, for example ordering the child to work and do tasks he is not supposed to do.
2. Socially, it includes everything that hinders children's emotional growth and development, whether in the form of verbal threats, insulting children and avoiding children, not caring about children's emotions, behaving badly towards children, excessive punishment of children, for example locking them up and tying them up.

In the UN convention regarding children's rights, article 32 requires countries that have ratified it to protect children from every possible form of exploitation causing children to be disturbed physically, spiritually, educationally, mentally, spiritually, morally and socially. The government is also obliged to protect children in particular, especially during emergencies, to protect children who are involved in legal cases, children who are isolated and exploited, child traffickers, children who are victims of narcotics abuse, trafficked children and children who are victims of both mental and physical violence, children with disabilities and victims of persecution.

#### **Legal protection for children victims of sexual exploitation**

Law Number 35/2014 article 1 point 2 explains that the meaning of legal protection for children who are victims of sexual exploitation, explains that the meaning of child protection is every activity or action with the aim of providing protection and guarantees for children's rights so that their survival, growth and development and maximum participation based on dignity are guaranteed. dignity and avoid forms of discrimination and acts of violence. The

concept of Child Protection includes a broad meaning, namely that Child Protection includes the protection of all children's rights and interests to optimize their growth and development in every line of life. <sup>[7]</sup>

The implementation of child protection and welfare requires the support of institutions and regulations to guarantee the implementation of child protection. Article 76 paragraph 1 of the Child Protection Law prohibits anyone from positioning, treating, neglecting, ordering or participating in the exploitation of children. The form of legal protection is regulated in article 66 of the Child Protection Law which states that: Child victims of exploitation receive special protection from social and government institutions. These protections include socialization of positive regulations and laws related to child protection, monitoring, reporting and punishment, involvement of every government institution, private sector, labor community and social institutions to eradicate sexual exploitation of children. Child workers are generally children who have routine duties for their parents or other parties that require a long time, whether they receive compensation or not.

The Child Protection Law explains that exploitative treatment, such as acts or acts of exploiting, blackmailing for personal, family or group interests. Regarding age, Law no. 13/2003 concerning Employment states that a child is: "under the age of 18 years". Meanwhile, based on the Child Protection Law, the age limit for children is 18 years old. Regarding aspects of morality and ethics, there is agreement that children are prohibited from working at an early age, especially if their work is classified as a dangerous sector. Children's obligations should be to study, play and help their parents as much as possible at home. The Convention on the Rights of the Child (1989) was ratified into Presidential Decree No. 36/1990 which states 4 fundamental rights of children:

1. Survive.
2. Grow and develop.
3. Protected from any threats that interfere with its natural growth and development
4. Participation in decision making.

The crime of sexual exploitation of children has a special influence on their mental and physical growth and development. The definition of sexual exploitation is any type of use of the victim's sexual organs or other organs to obtain benefits, as well as a form of exploitation and exploitation of children as much as possible by other parties in terms of sexual pleasure which can be exchanged for other objects with a certain selling value. Therefore sexual exploitation is a criminal act. Even though there are regulations that prohibit sexual exploitation of children, in reality there is widespread exploitation where children are the victims, from parents to the child's closest environment. This exploitation is an act that is prohibited and cannot be tolerated and is a form of violation of a person's human rights which must be upheld and respected.

Researchers strongly agree with every effort to eradicate criminal acts of violence and exploitation of children which have robbed children of their youth and provide severe sanctions to perpetrators. Criminal acts of violence and sexual exploitation of children can be caused by psychological aspects and internal inner conflicts, but in reality criminals both have abnormal thought patterns that make decisions to commit crimes. Perpetrators are often

based on emotions of anger and consider themselves superior, feel irresponsible for their actions and have high self-esteem

Child victims of exploitation receive special protection from social and government institutions. These protections include:

1. Socialization of positive regulations and laws related to child protection
2. Monitoring, reporting and punishment
3. Involvement of every government institution, private sector, labor community, and social institutions to eradicate sexual exploitation of children

### **Efforts to Recover Child Victims of Sexual Exploitation**

The negative impact of sexual abuse on children can affect mental, spiritual and physical well-being. The following impacts are: children become introverted, develop feelings of shame and guilt, stress and depression, develop excessive fear and suffer from trauma. Children can also become aggressive, at risk of committing crimes including violence, disturbed sleeping and eating patterns, contracting sexual disorders, difficulty socializing, easily irritated, excessively afraid and anxious, low academic achievement and disrupted growth and development.

Indicators of the impact of child exploitation include the inability to talk about the sexual violence they have experienced. The amount of violence that occurred was even greater, the more romantic the story was, so it took a long time to recover. Families, especially parents, must be involved, especially in providing guidance and supervision to their children. Every child must be taught his limits. The government also has a role and obligation to provide sanctions to perpetrators as fairly as possible. The state has the obligation to provide protection to its people, especially children who are victims of sexual violence. This includes fulfilling the victims' rights, namely carrying out physical, mental, social recovery and restitution. Recovery measures in physical and psychological terms can be through medical services and restoring the victim's health so that their growth and development is not more seriously affected.<sup>[8]</sup>

Children who are traumatized by sexual exploitation can be physically and mentally disturbed and sometimes may die. In physical terms, the victim may have disturbed sleep patterns, loss of appetite, pain in the genital area and the risk of contracting sexual diseases, injuries to parts of the body, unwanted pregnancy and so on. Because children are people under the age of 18, children have immature reproductive organs so that sexual exploitation of children can disrupt their reproductive health. Recovery can be done through a medical check-up, which is a health behavior that involves checking the victim's physical condition by professional medical personnel

After undergoing the medical examination process, the next step is administering medication aimed at restoring the victim's physical condition. The psychological effects result in children experiencing prolonged trauma, giving rise to unhealthy behavior, for example low self-esteem, excessive fear, mental disorders, resulting in mental retardation. This situation will most likely be a bad memory for the child, so a professional psychologist or psychiatrist is needed to treat the victim's mental health condition.<sup>[9]</sup> It is not uncommon for the media to report news from the victim's side as a factor that causes sexual exploitation, for example by wearing revealing clothes, going out at night and alone

which can give rise to lust.<sup>[10]</sup> Victims often receive the view from society that they obtain pleasure from the acts of sexual violence they receive. In fact, the public must speed up the victim's recovery by not giving them a negative stigma, and continuing to associate with the victim. When victims have the courage to report acts of sexual violence that befell them, the authorities are often less responsive to their complaints and even consider the complaints less serious.<sup>[11]</sup>

Sexual harassment is a complaint offense, unless the victim is a child or person with a disability, so the act is made into an ordinary offense that can be handled directly by the authorities. Forms of electronic action that are prohibited based on article 14 paragraph 1 letter C of Law no. 12/2022, namely :

1. Recording, screen capturing, and taking images of a sexual nature without obtaining the consent of the individual being used as the object.
2. Sending sexually oriented electronic information against the recipient's consent with the aim of achieving sexual desires
3. Stalking and/or tracking using an electronic system an individual who is the object of sexually oriented electronic information

Law Number 12/2022 regulates 4 things, namely the classification of types of sexual violence, comprehensive regulations starting from investigation to trial by prioritizing respect for human rights, regulations on how to handle, protect and recover victims from the moment the act occurs, to resolving cases of sexual activity which must be carried out through litigation. except for perpetrators who are still children.<sup>[12]</sup>

Law Number 12/2022 article 4 number 1 explains that sexual violence can be experienced by anyone using any media. Acts of sexual violence can be non-physical, whether from body movements, verbal or prohibited actions and oriented towards sexuality which are degrading to the victim, including through social media. Furthermore, article 4 paragraph 2 explains that sexual crimes can include:

1. Act of rape
2. Obscene acts
3. Having sexual relations with, molesting and sexually exploiting children
4. An act of violation of morality that violates the victim's consent
5. Pornography that shows children and explicitly contains sexually exploitative behavior
6. Forced prostitution
7. Human trafficking with the aim of sexual exploitation
8. Domestic sexual violence
9. Money laundering whose origins are sexual crimes
10. Other crimes which are declared as sexual crimes which are regulated in other regulations

The conventional mandate requiring a minimum of two substantiated pieces of evidence to establish a sexual offense, as dictated by criminal procedural law, underwent a transformative metamorphosis under the auspices of Law No. 12/2022 Article 25 number 1. This legal alchemy delineates that the mere testimony of a victim or witness can stand as a potent testimony, sufficient to demonstrate the commission of an offense, contingent upon its alignment with other credible evidence, and the judge's unwavering

conviction that a transgression indeed transpired, leading to the proven guilt of the accused. Aegis for victims and witnesses of sexual crimes finds its wings within the protective folds of Article 5 of Law No. 12/2022. It articulates stern consequences for those indulging in non-physical sexual acts targeting an individual's body, sexual desires, or reproductive organs with the intent of undermining their self-worth based on sexuality. The penalties include a maximum prison sentence of 9 months and a lofty fine, capped at IDR 10,000,000.00.

The concept of material loss for victims of sexual crimes often does not cause problems. However, it is different if immaterial losses include anxiety, fear and feelings of guilt.<sup>[13]</sup> The form of business for victims of sexual harassment does not only focus on the aspect of punishing the perpetrator, but also regulates the rights of victims based on Law Number 12/2022 article 30 paragraph 1 where victims have the right to receive restitution and recovery services. The need to determine the amount of restitution depends on the commission of a sexual crime with a minimum sentence of 4 years in prison on the legal basis of Law Number 12/2022 article 30 paragraph 2 letters a and:

1. Compensate for loss of income
2. Compensation for suffering caused by sexual crimes
3. Compensation for medical costs
4. Compensation for other losses

#### **Liability of Child Sexual Exploitation Performers**

Criminal liability is termed "toerekenbaarheid", "criminal responsibility", "criminal responsibility" which aims to determine whether the defendant is responsible for a crime that has occurred. Criminalizing someone is not limited to finding evidence that he has violated the law. Even though the act is in accordance with the formulation based on regulations, sometimes it is not in accordance with the requirements for giving punishment. In order for someone to be held responsible, there is still a requirement that the individual has a feeling of guilt or subjective fault. Simply put, he must be responsible for his actions.<sup>[14]</sup>

The intricate dance of justice unfolds in Article 88, where regulations cast a protective spell against those who, like dark sorcerers, exploit children, be it for economic gain or the sinister lure of sexual exploitation. The judicial decree is stern, decreeing that those who partake in such nefarious endeavors, seeking profit for themselves or other malevolent entities, shall face the looming specter of a maximum 10-year imprisonment and a formidable fine, reaching the staggering sum of Rp. 200,000,000.00. In the symphony of legal safeguards, Law No. 35/2014 emerges as a guiding melody, articulating in Article 59 paragraph 2 the stringent provisions governing acts of economic exploitation intertwined with the haunting presence of violence against the innocent spirits of children.

The ominous dance of commercial sexual exploitation of children intertwines with the sinister threads of sex trafficking, a malevolent choreography fueled by the dark forces of sexual violence driven by financial or economic motives. This shadowy tableau encompasses a spectrum of nefarious activities, from the commercial trafficking of children for sexual ends to the realms of pornography, prostitution, and performances within the labyrinthine realms of nightlife venues. These transgressions form a macabre tapestry, encompassing the realms of trafficking

for sexual purposes, sex tourism, the grim specter of mail-order bride trafficking, the tragic dance of early marriage, the exploitation inherent in pornography, the unsettling realm of nudity, and the haunting performances staged in sexual venues like peep shows or clubs.<sup>[15]</sup>

Even though sanctions have been strictly regulated based on regulations, the implementation of solving the problem of child exploitation often faces many problems, including:

1. Lack of synergy between related parties to protect and fulfill children's rights
2. The absence of child care centers is a victim
3. Light criminal penalties for perpetrators
4. It is difficult to register children who are vulnerable to becoming victims of violence and sexual exploitation

Legal responsibilities for perpetrators of sexual crimes against children have been stipulated based on various regulations in Indonesia, including:

1. Article 76 paragraph 1 Law no. 35/2014 concerning child protection which explains that anyone is not allowed to position, allow, act, order to act or participate in the exploitation of children. The punishment is regulated in article 88 with a maximum prison sentence of 10 years and a maximum fine of IDR 200,000,000. So, if someone acts as mentioned above intentionally, they can be imprisoned under Article 88, subject to punishment because there is an intention to take personal advantage by carrying out sexual exploitation of children.
2. Article 2 paragraph 1 Law no. 21/2007 concerning TPPO which explains that anyone who recruits, shelters, transports, sends, receives or transfers other people accompanied by violence, threats of violence, kidnapping, falsifying, deceiving, confining, abusing authority, on the basis of debt, ensnaring or giving payments or profits even though the victim has agreed with the aim of exploiting people in Indonesian territory is threatened with imprisonment for a minimum of 3 years and a maximum of 15 years as well as a minimum fine of IDR 120,000,000 and a maximum of IDR 600,000,000. As for article 2, paragraph 2, it explains that if the action in paragraph 1 results in exploitation of someone, the perpetrator will be punished with the same sanctions as in paragraph 1.

Based on the explanation of this article, it is clear that the responsibility of perpetrators of sexual exploitation of children in article 76 paragraph 1 and article 88 of Law no. 35/2014 concerning child protection and article 2 paragraph 1 and paragraph 2 of Law no. 21/2007 concerning PPTO, the punishment only includes the basic punishment in the form of imprisonment and a fine

#### **Accountability of the Performer Under Law Number 12 Of 2022**

Law No. 12/2022 concerning crimes of sexual violence has been established and implemented as a special criminal regulation. It is also a good reform effort for preventive and repressive efforts against sexual crimes that continue to occur in Indonesia. There are 19 forms of sexual violence which are accompanied by different criminal threats. Among them are sexual violence, both physical and non-physical, forced marriage, sexual slavery, forced contraception, sexual violence in electronic media, domestic

sexual violence, and so on. The lightest form of sexual violence is non-physical sexual violence which carries a maximum penalty of 4 years and a fine of IDR 50,000,000. Meanwhile, the most serious forms of sexual crimes are sexual exploitation, sexual torture and sexual slavery, which carries a maximum penalty of 15 years in prison and a fine of 1 billion rupiah.

Perpetrators who commit sexual violence are regulated expressly and firmly in Article 15 paragraph (1) letter b of the Law, where they are subject to criminal sanctions according to the form of sexual violence they commit. Apart from that, there is a new provision based on article 16 paragraph 1 that a perpetrator with a minimum prison sentence of 4 years is obliged to provide restitution to the perpetrator, the amount of compensation will be determined by the panel of judges. In this way, criminal sanctions, especially for perpetrators, become much more severe. Offenders who face a sentence of 4 years or more can also be announced its identity as an additional punishment that will be imposed by the panel of judges (based on Article 16 paragraph (2)).

However, not all perpetrators of sexual violence can be subject to criminal sanctions even if they are proven to have committed sexual violence. This is related to the condition of the perpetrator at the time of committing sexual violence or also known as the criminal responsibility of the perpetrator. The criminal responsibility of the perpetrator is an important thing to consider and discuss before the perpetrator is sentenced. Because criminal liability is related to the perpetrator's fault. As in the concept of justice, not only victims receive justice, but perpetrators also have the right to receive justice. Namely, he is punished according to the mistakes he has committed. Because, it will have an impact on whether or not the defendant can be held criminally responsible for his actions. Thus, it is important for the panel of judges to first consider the extent of the defendant's guilt before finally imposing criminal sanctions on him. There are two important aspects related to criminal responsibility, namely the actions of the perpetrator of the crime (objective blame) and the person who committed the crime (subjective blame).

### Conclusion

Progress in legal protection for children who are victims of sexual exploitation, namely the change in the rule of at least two valid pieces of evidence in proving a sexual crime based on the criminal procedural law, was changed based on Law No. 12/2022 article 25 number 1, how to explain that the victim's and witness's statements are considered sufficient. The defendant commits a mistake if it is supported by other valid evidence and the judge is sure that a crime has indeed occurred and the defendant is proven to have made a mistake and the protection of the victim's rights is based on Article 30 paragraph 1 of Law no. 12/2022, namely that victims have the right to receive restitution and recovery services.

Criminal liability for perpetrators of sexual exploitation of children is the forms of sexual crimes with the most severe criminal threats, namely sexual exploitation, sexual torture and sexual slavery, all of which carry a maximum criminal threat of 15 years in prison and/or a fine of 1 billion rupiah. As for perpetrators who commit sexual violence, it has been regulated expressly and firmly in Article 15 paragraph (1) letter b of the Sexual Violence Law, where they are subject to criminal sanctions according to the form of sexual

violence they commit. Apart from that, there is a new provision in the Law as regulated in Article 16 paragraph (1), that the perpetrator is obliged to provide restitution for the perpetrator who is threatened with imprisonment of 4 years or more, the amount of compensation will be determined by the panel of judges.

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