



Obstacles Faced by DP3A in Providing Legal Protection for Child Molestation Victims

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ARTICLE INFO

Keywords: Child molestation, DP3A Sukabumi, obstacles.

Received : 20, June

Revised : 07, July

Accepted: 10, August

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ABSTRACT

Child molestation is a serious crime that threatens the well-being and rights of children, causing serious trauma. In Indonesia, Law No. 35 of 2014 aims to protect children, with the Women's Empowerment and Child Protection Agency (DP3A) to handle cases. Data from DP3A Sukabumi shows 85 cases of child sexual violence throughout 2023 and 48 cases up to June 2024. This study finds DP3A Sukabumi faces several obstacles in providing legal protection for the victims. These include victims' fear of social stigma, lack of knowledge, distrust in the legal system, and threats from perpetrators, which hinder reporting. Additionally, DP3A struggles with a shortage of human resources and limited budget, reducing its capacity to effectively manage cases and support victims.

INTRODUCTION

Sexual violence encompasses all forms of threats, coercion, and unwanted sexual contact by one party. This includes sexual acts performed without consent, which can involve all forms of sexual exploitation and abuse. (Yuwono, 2015) Sexual violence against minors is a specific form of this violence, where perpetrators exploit their position or power to exploit and harm children who do not yet have the full capacity to give consent or protect themselves. Child protection has become a government priority with the establishment of Law of the Republic of Indonesia No. 35 of 2014, amending Law No. 23 of 2002 on Child Protection. With this law, it is hoped that children can grow up in a safe environment, protected from all forms of violence and abuse, enabling them to develop optimally and become quality successors for the nation. However, data from 2023 reveals that child molestation cases in Indonesia remain alarming, with 10,932 cases reported ((KPPA), 2023). Data from The Women's Empowerment and Child Protection Agency (DP3A) Sukabumi Regency shows 85 cases of sexual violence against children throughout 2023 and 48 cases from January to June 2024. This underscores the need for a collective effort from the government, society, and relevant institutions to protect children from the threat of molestation.

The gap between reported child violence statistics and constitutional mandates highlights the need for stronger and more effective child protection measures. Immediate, proactive steps and policies are essential to ensure children's rights, especially protection from violence, are upheld in everyday life. This underscores the need for active involvement from various stakeholders, including government agencies like the Women's Empowerment and Child Protection Agency, in prevention, case management, and legal protection. Addressing child molestation cases seriously and responsively is crucial to fostering a safe and supportive environment for children in Indonesia.

The Women's Empowerment and Child Protection Agency (DP3A) holds a crucial role in offering legal protection and support to victims of child molestation. This role extends beyond merely implementing preventive measures; it also involves ensuring that victims have access to a fair and just legal system. However, DP3A encounters a range of obstacles that hinder its effectiveness in Sukabumi Regency. Research reveals that a significant challenge is the victims' fear of social stigma, which often leads to reluctance in reporting abuse. This stigma, coupled with a lack of knowledge about their rights and the procedures for reporting abuse, further complicates the situation. Additionally, there is a pervasive distrust in the legal system, with some victims and their families doubting the efficacy of legal interventions. Perpetrators also contribute to the problem by using threats and intimidation to prevent victims from coming forward. On top of these challenges, DP3A struggles with a shortage of human resources and budget constraints, which severely limit its ability to respond promptly and effectively to cases of child molestation. These issues collectively impact the agency's capacity to provide adequate protection and support for victims, highlighting the need for comprehensive strategies to address both systemic and resource-related challenges. A deep understanding of case

conditions, the role of related institutions, and the challenges faced is crucial in designing effective strategies to combat and prevent child molestation in the region. This study aims to identify the obstacles and challenges faced by DP3A in fulfilling its role in child molestation cases in Sukabumi Regency and to formulate strategic steps to enhance child protection.

THEORETICAL REVIEW

Theory of Legal Protection

Satjipto Rahardjo's theory of legal protection focuses on the role of law in harmonizing and regulating various interests within society by providing protection and establishing boundaries for these interests (Raharjo, 2003). Philipus M. Hadjon's perspective on legal protection describes it as an action designed to safeguard or provide assistance to legal subjects by employing various legal instruments. This protection involves utilizing established laws, regulations, and legal mechanisms to ensure that individuals or entities receive the support and defense necessary to uphold their rights and interests. Through these legal tools, the aim is to create a framework where justice is served, and any violations or threats to rights are addressed effectively and fairly (Hadjon, 2022). C.S.T. Kansil expands on this by emphasizing that legal protection involves comprehensive efforts by law enforcement to ensure both mental and physical security, aiming to protect individuals from disturbances and threats posed by any party (Kansil, 2000). Together, these theories underscore the importance of legal mechanisms in balancing interests, preventing abuse of power, and maintaining a secure environment for all.

Legal protection is a right of every citizen, as outlined in Article 28D, paragraph (1) of the 1945 Constitution, which states, "Every person has the right to recognition, guarantee, protection, and legal certainty." Legal protection is a crucial element in establishing a rule of law state, as laws exist to regulate the behavior of its citizens. According to Government Regulation No. 2 of 2002 on Procedures for the Protection of Victims and Witnesses in Serious Human Rights Violations, legal protection refers to services that law enforcement or security officials must provide to ensure both physical and mental safety for victims and witnesses from threats, disturbances, terror, and violence by any party, during the stages of investigation, prosecution, and court proceedings. A protection can be considered legal protection if it contains the following elements:

- 1) Shelter provided by the government to its citizens.
- 2) Assurance of legal certainty.
- 3) Related to citizens' rights.
- 4) The existence of legal sanctions for violators (Siburian et al., 2022).

In cases of sexual violence against minors, the application of the theory of legal protection is highly relevant. Legal protection must ensure that children who are victims of sexual violence receive their rights to protection and justice. This includes providing protection from threats and intimidation, ensuring access to legal and psychosocial services, and enforcing fair legal measures against perpetrators. Thus, the theory of legal protection serves to safeguard children from

exploitation and abuse and ensures they can grow up in a safe and supportive environment.

Theory of Legal Politics

Legal politics involves the policies that shape the direction, structure, and content of the law, encompassing the processes of law creation, application, and enforcement, all with the aim of achieving specific social or national objectives. Various scholars offer definitions that are substantively similar to the one presented here. Padmo Wahjono describes legal politics as the foundational policy that guides the creation, direction, and content of laws (Wahjono, 1983). Satjipto Rahardjo defines it as the process of selecting and determining methods to achieve specific social and legal goals within a society (Raharjo, 2000). Abdul Hakim Garuda Nusantara sees legal politics as the legal policy that a government intends to implement (Mahfud, 2010). Despite differences in wording, these definitions converge on the idea that legal politics involves making decisions about whether or not to enforce laws to achieve state objectives. The term "policy" refers to a systematic, detailed, and fundamental strategy. In drafting and enacting laws, legal politics grants legislative authority to state officials, while taking into account societal values. This is all directed toward fulfilling the state's desired goals.

Legal politics seeks to establish rules that guide human behavior and examines necessary legal changes to align laws with social realities. This theory also enables an analysis of how the power and influence of local governments, law enforcement agencies, non-governmental organizations, and civil society affect the implementation of legal protection for child molestation victims. Additionally, it explores how political and economic forces can either support or obstruct the enforcement of such policies.

METHODOLOGY

This research employs both literature and case study methods to provide a comprehensive analysis. The literature method involves a thorough examination of journals, articles, books, and reports, as well as data related to child molestation cases in Sukabumi Regency. Systematic reviews are conducted to analyze relevant literature, identify trends, highlight key findings, and uncover gaps in current research on the subject. In addition, the study applies qualitative analysis techniques appropriate for normative legal research, focusing on descriptive analysis. This involves a detailed examination of content from various sources such as documents, newspapers, and mass media. The implementation of this approach includes organizing the collected data systematically and conducting an in-depth analysis. Data analysis is carried out by categorizing and ordering the information into established criteria, ensuring that the results are coherent and reflect the data obtained accurately (Sugiyono, 2008). This combined methodology aims to provide a thorough understanding of the issue and contribute to the body of knowledge on child molestation cases in the region.

The data collected includes detailed records of sexual violence cases in Sukabumi, provided by DP3A. This dataset encompasses all reported cases that

occurred throughout the entire year of 2023, as well as cases reported during the first half of 2024, covering the period from January to June. The information offers a comprehensive overview of the prevalence and patterns of sexual violence in the region over these time frames, allowing for an in-depth analysis of trends and challenges faced by DP3A in addressing such incidents.

Table 1. Data on Violence Cases at DP3A Sukabumi in 2023

NO	TYPE OF VIOLENCE	NUMBER OF CASES	NUMBER OF CHILD VICTIMS	JNUMBER OF ADULT FEMALE VICTIMS	TOTAL NUMBER OF VICTIMS
1	DOMESTIC VIOLENCE (KDRT)	18	6	13	19
2	SEXUAL VIOLENCE	94	85	20	105
3	TRAFFICKING	30	4	26	30
4	OTHERS	75	76	28	104
TOTAL		217	171	87	258

Table 2. Data on Violence Cases at DP3A Sukabumi in 2024 from January to June

NO	TYPE OF VIOLENCE	NUMBER OF CASES	NUMBER OF CHILD VICTIMS	JNUMBER OF ADULT FEMALE VICTIMS	TOTAL NUMBER OF VICTIMS
1	DOMESTIC VIOLENCE (KDRT)	10	0	10	10
2	SEXUAL VIOLENCE	41	48	3	51
3	TRAFFICKING	7	0	7	7
4	OTHERS	19	14	7	21
TOTAL		217	77	62	27

The technique used to analyze the cases in this research is Legal Analysis Technique. This research involves a thorough examination of the laws and regulations relevant to child molestation cases, specifically focusing on their application in the cases handled by DP3A Sukabumi. The analysis employs legal analysis techniques to review various legal aspects, including the procedures that law enforcement must follow, the rights of child victims, and the obligations of all involved parties, such as the perpetrators, the victims' parents or guardians, and relevant government institutions. This approach is essential to ensure that every step in handling child molestation cases aligns with applicable legal standards, thereby maximizing the protection of victims' rights and ensuring a fair and transparent legal process. Additionally, the analysis aims to identify any gaps or shortcomings in current regulations that may affect the effectiveness of DP3A Sukabumi's case management. Recommendations for policy improvements will be provided to enhance the legal framework, ensuring it supports more effective and just outcomes in the protection of child molestation victims.

RESEARCH RESULTS

The Women's Empowerment and Child Protection Agency of Sukabumi Regency is an integral part of the local government, responsible for managing matters related to the empowerment of women and child protection. This agency is led by a Head of Department who reports directly to the Regent through the Regional Secretary. In carrying out its duties, the agency assists the Regent in fulfilling mandatory tasks related to women's empowerment and child protection. It implements various programs aimed at empowering women and safeguarding children's rights. The agency is committed to creating a safe and supportive environment for women and children in Sukabumi Regency, ensuring they can live free from violence and have the opportunity to thrive.

However, the agency faces several obstacles that impact its performance. According to an interview with Mrs. Wulandari, Head of the Regional Technical Implementation Unit on June 28, 2024, the Women's Empowerment and Child Protection Agency (DP3A) in Sukabumi Regency faces additional challenges in handling child molestation cases. These challenges affect the effectiveness of their response and protection efforts. One major issue is that many cases of child molestation in the community go unreported by the victims. Several key reasons for this reluctance to report include:

1. **Fear of Social Stigma**

Victims of child molestation often experience intense fear and shame about their situation becoming public. This fear of social stigma stems from concerns that they will be judged or blamed by their community, leading to negative labelling and social ostracism. The prospect of being scrutinized or blamed can exacerbate feelings of isolation, humiliation, and helplessness. As a result, many victims may choose to remain silent about their abuse rather than face the potential social backlash, further preventing them from seeking the help and support they need. One example is when many cases of sexual violence are reported to occur in the community, but victims feel afraid and reluctant to report them to the authorities. As a result, although sexual violence is a significant issue, many cases remain undisclosed and improperly addressed, leaving victims without justice and allowing perpetrators to remain free. (Abadi et al., 2023)

2. **Lack of Knowledge and Understanding**

A significant barrier for many victims, particularly children, is a lack of knowledge about where to report their cases and what legal procedures they will encounter. Many victims are unaware of the available resources or support systems and may not understand their rights or the steps required to initiate legal action. This lack of awareness and education about the reporting process and the legal framework can leave victims feeling confused and overwhelmed, making it

difficult for them to take action or seek the necessary support to address their situation.

3. Distrust in the Legal System

Distrust in the legal system is a major challenge for both victims and their families. Some individuals may feel that reporting their cases will not result in a fair or effective resolution, based on past negative experiences or widespread perceptions of systemic failure. This skepticism can be rooted in previous instances where legal processes were perceived as ineffective or unjust. As a result, victims and their families might believe that pursuing legal action could potentially worsen their situation or lead to additional problems, discouraging them from seeking justice.

4. Threats and Intimidation from Perpetrators

Perpetrators of child molestation frequently use threats, intimidation, and violence to prevent victims from reporting the abuse. These tactics are employed to instill fear and exert control over the victims, making them afraid of potential retaliation or further harm if they come forward. The fear of facing more severe consequences or being subjected to additional violence serves as a powerful deterrent, causing many victims to remain silent about their experiences and avoiding reporting the abuse to authorities.

Additionally, during the interview, Mrs. Wulandari also highlighted that DP3A faces further challenges in managing these cases. She detailed how these additional difficulties impact the agency's ability to effectively address and resolve the issues at hand. Some of these obstacles include:

1. Lack of Human Resources

With a large and dispersed population, Sukabumi requires a substantial team to effectively reach and protect victims across the regency. However, DP3A currently lacks sufficient staff to handle child molestation cases. This shortage limits DP3A's ability to respond quickly and provide the necessary support, particularly in remote and hard-to-reach areas. Without an increase in workforce numbers and capacity, DP3A's efforts to protect children from molestation and ensure justice are hindered, leading to many cases being inadequately addressed.

2. Budget Constraints

DP3A also faces significant challenges due to limited funding. Insufficient funds impact the agency's ability to implement comprehensive preventive and intervention

programs. Without adequate budgetary support, DP3A struggles to provide essential services such as legal assistance, healthcare, and psychosocial support for victims and their families. In a large area like Sukabumi Regency, the need for sufficient financial support is increasingly urgent to ensure that every victim receives timely and appropriate protection and assistance. Without an increase in budget, DP3A's efforts to protect children and ensure justice will continue to be obstructed, resulting in many cases being poorly managed.

3. Lack of Safe Houses

One significant obstacle is the absence of a safe house in Sukabumi Regency managed by DP3A. The presence of a safe house is crucial for providing protection and support to victims of child molestation. However, such a facility is currently unavailable. Without a safe house, victims face difficulties in obtaining the physical protection and psychosocial support needed for their recovery.

4. Lack of Attorneys to Assist Victims in Court

The Women's Empowerment and Child Protection Agency (DP3A) in Sukabumi Regency faces a major challenge due to the absence of attorneys specifically handling child molestation cases. At present, DP3A can only provide legal counselors to guide and inform victims about their legal rights. However, legal counselors cannot replace the role of attorneys in more complex legal proceedings. Without experienced attorneys, DP3A is unable to directly participate in court trials, which limits their ability to provide effective advocacy and optimal support to victims. This gap affects DP3A's capability to ensure that victims' rights are upheld and justice is fully achieved in child molestation cases.

5. Difficulty in Obtaining Testimony from Victims

DP3A faces significant challenges in obtaining testimony from heavily traumatized victims and children with special needs, such as those with autism. Traumatized victims often struggle to provide clear statements due to their emotional distress, necessitating the presence of a psychologist to help them feel safe and express themselves. Similarly, children with mental disabilities require assistance from Special Needs School (SLB) teachers who understand how to communicate effectively with them. This process is time-consuming and requires careful, patient handling. These difficulties extend investigation times and demand intensive

coordination between DP3A, psychologists, and special education institutions, adding complexity to handling child molestation cases.

6. Difficulty in Finding Strong and Credible Evidence

These crimes often occur in secrecy and without witnesses, making it difficult to obtain the physical evidence needed to strengthen a case, especially if the incident occurred years ago and is only now being reported. Additionally, information provided by victims can be incomplete or inconsistent, particularly if they are suffering from severe trauma or mental disabilities that affect their ability to recall and describe events clearly. The victim's living environment often fails to provide adequate support, due to either a lack of awareness about the importance of reporting or social pressures and threats from perpetrators. This further complicates DP3A's efforts to gather sufficient evidence for legal proceedings and ensure justice for the victims. The absence of strong evidence and insufficient support from the victim's environment often results in many child sexual abuse cases being difficult to prosecute, leading to perpetrators not receiving appropriate punishment and victims not obtaining the justice they need.

Despite facing these obstacles, DP3A has successfully carried out its duties according to procedures in providing protection for children who are victims of sexual violence. DP3A of Sukabumi Regency also collaborates with legal aid organizations to jointly address legal protection, ensuring that the provision of protection for child victims of violence can be maximized.

Child Molestation Case Handling Flow

The Women's Empowerment and Child Protection Agency (DP3A) has specific procedures for handling child molestation cases. Here is the procedure flow that is implemented:

1. **Report Reception:** In cases of child molestation, reports must be received through the DP3A hotline and through appropriate channels, such as the police, hospitals, or social institutions. Reports must contain information about the victim, the perpetrator, and details of the incident.
2. **Initial Examination:** DP3A conducts an initial examination by visiting the victim's home to assess the severity and ensure the victim's safety. This initial examination is also carried out by a trained medical team experienced in handling similar cases.

3. Referral of the Victim to the Hospital: Victims who are severely affected must be immediately transferred to a hospital to receive appropriate medical care. The hospital must have a trained medical team and adequate facilities to handle similar cases.
4. Submission of Reports to the Police: DP3A must immediately submit a report to the police to initiate an investigation and take legal action against the perpetrator. The police must promptly contact the victim and gather the necessary information to begin the investigation.
5. Monitoring and Care of the Victim: DP3A must monitor and provide appropriate care and support to the victim throughout the investigation and trial process. The victim must receive adequate psychological and medical care to address the trauma experienced.
6. Post-Trial Monitoring and Supervision: DP3A must monitor and supervise the victim after the trial to ensure the victim's safety and well-being. The victim must be provided with adequate psychological and medical assistance to overcome the trauma experienced.

The previous research on DP3A Semarang City in 2020 (Zulma, 2022) examined broad strategies and actions taken to address child violence, providing a general overview of effective practices and challenges. In contrast, the current study focuses specifically on the obstacles faced by DP3A Sukabumi in delivering legal protection to child molestation victims. This research identifies unique challenges such as victims' fear of stigma, lack of awareness about legal processes, distrust in the legal system, and institutional constraints like inadequate resources and funding. While the previous study offered recommendations for improving overall child protection measures, the current research provides targeted solutions for overcoming these specific barriers, highlighting the need for enhanced awareness programs, victim support, and institutional improvements. By comparing these findings, it is evident that while broad strategies are crucial, addressing the precise obstacles in legal protection requires tailored interventions to effectively support and protect child victims.

CONCLUSIONS AND RECOMMENDATIONS

Despite the enactment of Law No. 35 of 2014, which aims to protect children from violence, the issue of sexual violence against minors remains critical, with 10,932 cases reported in Indonesia in 2023. Data from The Women's Empowerment and Child Protection Agency (DP3A) in Sukabumi Regency reveals 85 cases in 2023 and 48 more from January to June 2024, underscoring the need for

a united effort to safeguard children. The DP3A, crucial in implementing protective programs, faces significant challenges including unreported cases due to stigma, lack of knowledge, distrust in the legal system, and threats from perpetrators. Additionally, the agency's effectiveness is hampered by limited human resources and budget constraints, affecting its ability to provide adequate support and justice for victims. Addressing these issues is essential for enhancing child protection and ensuring every child receives the necessary care and justice.

ADVANCED RESEARCH

This research is certainly not perfect and has its limitations; therefore, future researchers exploring related topics should consider these gaps and strive to address them in their studies. Future research could focus on improving child protection by developing strategies to increase reporting rates and addressing stigma. Enhancing educational programs about child rights and reporting procedures is also crucial, as well as evaluating how increased funding impacts agency effectiveness. Additionally, examining successful collaborations between government agencies, Non-Governmental Organizations, and communities could identify best practices for better support and response systems.

ACKNOWLEDGMENT

The researcher extends heartfelt gratitude to their parents and family for their unwavering support and prayers throughout the research process. Special thanks are also due to the lecturers for their valuable guidance, time, and constructive feedback, which have greatly contributed to the research. Additionally, appreciation goes to fellow researchers who have shared the journey, offering mutual support and encouragement.

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