



Legal protection of children as witnesses in sexual harassment cases based on law no. 11 of 2012 on the juvenile justice system

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ABSTRACT

Children as witnesses in criminal cases often experience vulnerability and require adequate legal protection given the effects of psychological and social trauma they face during the judicial process. The rights of children as witnesses are often not in accordance with the provisions of Law No. 11/2012 on the Criminal Justice System and existing legal protection practices. There are situations where child witnesses do not receive adequate assistance or guidance. This study aims to determine and analyze legal protection, criminal law provisions against the juvenile justice process against children who are used as child witnesses in sexual harassment cases and to find out the obstacles faced by related institutions in the juvenile criminal justice process. The method used in this research uses a normative method carried out by examining the study of library materials or secondary data. The research conducted has a descriptive nature aimed at providing a description of the social symptoms studied. Sexual abuse cases involving children as witnesses or victims are a serious problem in the criminal justice system. Children who become witnesses often face high challenges and risks during the judicial process, both in terms of psychological and legal protection. The research concluded that the protection of children as witnesses in the settlement of criminal cases is very important considering the fact that witnesses and victims often do not receive adequate protection and face intimidation, so they are reluctant to provide testimony in court.

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1. Introduction

The legal protection of child witnesses who are victims of sexual crimes in Indonesia is regulated in several laws, including Law No. 35 of 2014 on the Amendment to Law No. 23 of 2002 on Child Protection (hereinafter referred to as the Child Protection Law) Law No. 31 of 2014 on the Amendment to Law No. 13 of 2006 on Witness and Victim Protection (hereinafter referred to as the Witness and Victim Protection Law). Legal steps taken in the judicial process related to the legal protection of child witnesses who are victims of sexual crimes, including the Handling of Evidence Article 81 of the Child Protection Law stipulates that investigators, public

prosecutors, and judges must pay attention to the best interests of children in terms of taking evidence relating to children. Article 13 paragraph (1) of the Witness and Victim Protection Law stipulates that evidence relating to children must be treated with care and respect for children's rights. Article 13 paragraph (2) of the Witness and Victim Protection Law stipulates that evidence relating to children may only be shown to children if accompanied by parents, guardians, or child advocates.

Selection of Appropriate Legal Action Article 59 paragraph (2) letter j of the Child Protection Law stipulates that investigators are obliged to choose the legal action that is most in line with the best interests of the child. Article 15 of the Witness and Victim Protection Law stipulates that child witnesses have the right to be assisted by parents, guardians, or other child companions. Article 18 of the Witness and Victim Protection Law stipulates that child witnesses have the right to provide testimony without pressure and fear. Some concrete examples of legal measures that can be taken to protect child witnesses of sexual crimes in the judicial process include: Examining the child in a safe and comfortable place, such as a special room for children at the police or prosecutor's office. Asking the child to tell what happened in a language that is easy for the child to understand. Not forcing the child to tell what happened if the child does not want to. Provide a trained child advocate to assist the child during the judicial process. Keeping the child's identity confidential. In addition to the above legal measures, it is also important to pay attention to the psychological condition of the child during the judicial process. Children who are victims of sexual crimes may experience trauma and stress. Therefore, it is important to provide psychological support to the child so that they can recover from the trauma they have experienced.

Public and Related Institutions' Understanding of Child Sexual Crimes in Indonesia. The understanding of the public and related institutions on child sexual crimes in Indonesia is still fairly diverse and has gaps that need to be narrowed. Here are some key points. Society's understanding varies: The level of public understanding of the definition, types, and impact of child sexual crimes still varies. This is influenced by education, culture, and access to information. Stigma and fear: Victims and families are often stigmatised and fearful of reporting, hindering the law enforcement process. Lack of education: Education on the prevention and handling of child sexual crimes is still lacking in families, schools, and communities. Related institutions Prevention and handling efforts: Related institutions such as KPAI, the National Commission on Child Protection, and the National Police have made various efforts to prevent and handle child sexual crimes. Coordination between institutions. Coordination between relevant institutions in handling cases of child sexual crimes still needs to be strengthened to ensure comprehensive and effective handling. Capacity of law enforcement officials. The capacity of law enforcement officials in handling cases of child sexual crimes needs to be improved, including in the application of a child-friendly approach. Expansion of assistance services: Psychological and legal assistance services for victims and families of victims of child sexual crimes need to be expanded.

Challenges and Solutions. Improving public understanding: Education and socialisation on the prevention and handling of child sexual crimes needs to be done massively and continuously. Building a safe reporting system. A safe and accessible reporting system for victims and families needs to be established to encourage them to report. Strengthen coordination between institutions: Coordination between relevant institutions needs to be strengthened to ensure comprehensive and effective handling. Increase the capacity of law enforcement officials: The capacity of law enforcement officers in handling cases of child sexual crimes needs to be improved, including in the application of a child-friendly approach. Expanding mentoring services: Psychological and legal assistance services for victims and families of victims of child sexual crimes need to be expanded. Recent Cases Several recent cases of child sexual crimes in Indonesia have sparked public outrage and fuelled demands for justice for victims. This shows that the public is increasingly aware of the importance of child protection and the need for strict law enforcement against perpetrators of child sexual crimes.

Research on child witness protection has important implications in theory and practice, namely Theory. Developing a better understanding of the impact of trauma on children: This research can help develop a better understanding of how trauma from crime and the trial process can impact children. This can assist in the development of more effective theories and models of intervention to help children who are witnesses. Strengthen children's rights in the justice system: This research can help strengthen children's rights in the justice system, by demonstrating the need for more child-friendly and trauma-sensitive approaches. Improving offender accountability: This research can help improve offender accountability by ensuring that children can provide accurate and reliable testimony in court.

Practice Improving investigative and judicial procedures: Research findings can be used to improve investigative and judicial procedures to ensure that children are treated with respect and dignity, and that their rights are protected. Developing training programmes for professionals: The research can be used to develop training programmes for professionals who work with child witnesses, such as law enforcement, social workers, and psychologists. Improving support services for children: The research findings can be used to improve support services for child witnesses, such as counselling, therapy, and support groups.

Children are the next generation of the nation, so children are protected in Law No. 35 of 2014 concerning child protection. Then children in the juvenile justice system are regulated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, children involved in the justice system include Children in Conflict with the Law, Children in Conflict with the Law, Children who are Victims of Crime, and Children who are Witnesses to Crime. The expansion of this concept is also influenced by the existence of Law No.31/2014 on Witness and Victim Protection, which also has an impact on the definition of children in the Juvenile Criminal Justice System regulated in Law No.11/2012 (Afifah & Lessy, 2014). The difference in handling cases between adults and children is of course different, for the handling of children is special because it is regulated in separate regulations. The process of handling children's cases, of course, there are still some people who do not understand or understand that the handling of children (Podungge & Gultom, 2022), especially those in conflict with the law, gets special treatment, it's just that the handling process is specifically regulated. In the criminal justice process, security forces often face obstacles in uncovering criminal acts. One of these obstacles is the lack of availability of witnesses to be able to provide a statement about what happened in a criminal offense. The inability of witnesses to provide information can be caused by various reasons, including security reasons. The role of witnesses has a very important significance. Information provided by witnesses can influence and determine the decision made by the judge. The existence of witnesses is considered to have the ability to influence the direction of the judge's decision. Therefore, the role of witnesses has always been a major concern for legal actors involved in trials as well as the public who are interested in the justice system (Yustiningsih, 2020). Evidentiary testimony is very important in the trial process, with the proof of strong testimony, the right and appropriate punishment can be given, and justice can also be upheld in the process of proving a criminal case. However, there are times when a criminal offense that has occurred is only witnessed or experienced by a child who is still underage (Nabillah et al., 2020).

Witness and victim protection is based on Law Number 31 of 2014. Until now, its implementation has not reached expectations, especially in terms of the Witness and Victim Protection Agency (LPSK) which has the authority to provide protection to witnesses and victims. In addition, the LPSK is also supposed to be a place to protect the safety of children, but this is not the case. This has not been done specifically for children aged 12 years and above. In reality, LPSK's cooperation with other agencies and community organizations in protecting witnesses and victims has not gone well. To date, researchers have not found institutions that specifically protect child witnesses in conflict with the law (Hariyadi et al., 2023). Protection and attention to the interests of victims of sexual violence (Yusyanti, 2020), both through the

criminal justice process and through certain means of social care is an absolute part that needs to be considered in criminal law policy.

Sexual abuse cases involving children as victims are a serious problem in the criminal justice system (ataka Badrudduja, 2023). Children who become witnesses in sexual abuse cases often face high challenges and risks during the judicial process, both in terms of psychological and legal protection (Hendrayana, 2024). Therefore, it is important to analyze the legal protection provided to children who become witnesses in criminal cases of sexual abuse (Vinet & Zhedanov, 2011). Therefore, the protection of witnesses in the resolution of criminal cases is very important given the fact that witnesses and victims often do not receive sufficient protection and face intimidation, so they are reluctant to provide testimony in court.

Based on the description above, the author formulates problems that can be used as a basis for designing research objectives; 1. How is the legal protection of children who become witnesses in criminal cases of sexual harassment; 2. How are the provisions of criminal law on the juvenile justice process and 3. How are the obstacles faced by related institutions in the juvenile criminal justice process (Aprilianda, 2017).

The purpose of writing this article to determine the legal protection of children who are witnesses in criminal cases of sexual harassment. And to find out the provisions of criminal law on the process of juvenile criminal justice. And to find out the obstacles faced by related institutions in the process of juvenile criminal justice (Hamida & Setiyono, 2022).

2. Method

This research uses normative law or what is called doctrinal research, namely legal research that uses concepts as norms, Soerjono Soekanto and Sri Mamuji, argue that normative legal research is legal research conducted by examining library materials or periodic secondary data. The research conducted has a descriptive nature, namely research used for existing phenomena. In descriptive research, the aim is to provide a detailed description of the social symptoms being studied. In this research there are several approaches to strengthen the arguments that are usually used in research, namely the statute approach, conceptual approach, case approaches. the data source used is secondary data consisting of primary legal materials, namely laws and court decisions, and secondary legal materials consisting of books, journals and so on. Analyses of data on child victims of sexual violence and witnesses should be conducted by professionals who are trained and experienced in handling cases of violence against children. Collaboration between professionals from various disciplines, such as psychologists, social workers, and law enforcement, is essential to ensure comprehensive and accurate analyses. The best interests of the child should always be the top priority at every stage of the analysis and reporting process. Each approach has its own advantages and disadvantages. The statutory approach provides a strong legal basis for research, but can be too focused on the text of the legislation and ignore the social and political context. The conceptual approach allows researchers to analyse legal issues in depth, but can be too abstract and difficult for non-lawyers to understand. The case approach provides insight into how the law is applied in practice, but can be overly reliant on specific court decisions and cannot be generalised to all cases. data collected through observation and a persuasive approach of heart-to-heart interviews so that it is easy to get data and information.

3. Analysis and Results

This section will explain several issues of legal protection of children as witnesses in the juvenile justice system in detail, including the following. The legal protection of children as witnesses in Indonesia's juvenile criminal justice system still needs to be strengthened. These efforts need to be sustained to ensure that children receive fair, safe and respectful treatment during the judicial process. Thus, their rights are protected and they can provide useful testimony to achieve justice.

3.1. Legal protection of children who become witnesses in criminal cases of sexual harassment.

Child protection must be carried out from the womb until the child reaches 18 years of age, in accordance with the provisions of Article 2 of Law No.35 of the Year on Child Protection in providing special protection for children is implemented (Doni Sonjaya & Chepi Ali Firman Zakaria, 2024). based on the general principles of child protection, are: 1. The principle of non-discrimination. 2. The principle of the best interests of the child. 3.The principle of the right to life, survival and development of the child. 4.The principle of respect for children's opinions (Isnan Istianur Arkadia et al., 2023). Children who are victims or witnesses are entitled to benefit from various forms of protection and rights guaranteed in the legislation. Isnan istiAny action or behavior of children who are made witnesses feel afraid to give their testimony in the criminal process must be considered (zuraidah, 2021). Legal protection of children also includes the process of proving criminal offenses in the criminal justice system, which ensures that children have all the protections and rights both inside and outside the institution, in accordance with the provisions of the legislation. This includes medical rehabilitation and social rehabilitation. A witness is a person who provides testimony in court, in accordance with the conditions that have been determined. On events or circumstances that are seen and heard. And experienced by himself as evidence of the occurrence of the event (Kurniawati, 2014).

Based on the juvenile criminal justice system "Children who become witnesses are called Witness Children are children under the age of 18 who can provide information for the benefit of investigation and examination in court about a criminal case that can be seen, heard or experienced by themselves." Differences in the examination of child and adult witnesses in the judicial context also reflect the more sensitive treatment of children in the legal system (Asmadi, 2020). The following are some of the main differences between the examination of child and adult witnesses during the juvenile justice process: a) Child witnesses are individuals who have not yet reached the age of 18, while adult witnesses are over the age of 18, b) The identity of child witnesses must be kept confidential, while the identity of adults is not, c) The trial of child witnesses is conducted in a non-formal situation without wearing toga or official attributes, while adult witnesses follow the trial process in a formal atmosphere, d) The trial of a child witness shall be conducted in closed session, while the trial of an adult witness shall be open to the public, e) Child witnesses must be accompanied by a person trusted by the child witness. Adult witnesses are not required to be accompanied, f) Those who examine and try child witnesses are specifically from investigators, public prosecutors and judges who all handle children, while adult witnesses who examine and try as usual in general, g) Child witnesses are examined by a single judge at first instance, while adult witnesses are examined by 3 judges.

A case of sexual abuse that occurred in Cihui Hamlet RT 005/001 Sukaratu Village, Cikeusal District, Serang Regency. Serang, in the jurisdiction of the Serang District Court which examines and tries cases where the perpetrator, the person who ordered the perpetrator or the person who participated in the perpetration intentionally by force or threat of force forced the child to have sexual intercourse with him or with another person, which was committed by the perpetrator in the following manner, initially the Victim knew A who was introduced by her friend and then exchanged cellphone numbers, then since then Witness A began communicating with the Victim, then on Saturday, July 30, 2022 at approximately 21.00 hours. Witness A invited the Victim Child to meet and the Victim Child accepted Witness A's invitation, then Witness A picked up the Victim Child at his house and finally the Victim Child was invited to Witness A's grandmother's house, when they arrived at Witness A's grandmother's house, the Victim Child was invited to drink alcohol then Witness A had time to call the Son of the Perpetrator and JS to come to Witness A's grandmother's house. Then then invited the victim to an empty house near Witness A's grandmother's house, the victim was taken into the empty house by pulling the victim's hand then after that Witness A and the perpetrator committed obscene acts on the victim until the victim lay limp on the floor.

That based on Visum et Repertum No. 147/VER/RS/RD/VIII/2022 dated August 19, 2022 which conducted an examination of the Victim Child with the conclusion that there were tears at the three o'clock, eight o'clock and nine o'clock positions in a clockwise direction due to blunt force on the victim's vital organs. Then to prove his charges the Public Prosecutor has presented witnesses who basically testify that it is true that the witness the Victim's Child knew A who was introduced by his friend and then exchanged cell phone numbers, then since then Witness A began communicating with the victim's child. Until the perpetrator committed the crime of sexual abuse committed by the perpetrator's son AS against the victim's daughter N Binti R. on Saturday, July 30, 2022 at the house precisely in Kampung Cihui RT 005/001 Sukaratu Village, Cikeusal District, Serang Regency.

During the trial the public prosecutor presented several witnesses, one of whom was the victim and the perpetrator's son (Mughtar & Asis, 2020). Testimony at trial heard several confessions from the victim witness and the perpetrator's son. Based on the testimony of the aforementioned witnesses and the evidence presented at trial, the child perpetrator did not object and confirmed it. In this case, the child perpetrator was charged with committing obscene acts against a minor. Based on the judge's decision, the juvenile offender was found guilty and sentenced to 1 year and 6 months imprisonment, with the obligation to attend vocational training for 1 month at BAPAS Serang and compulsory education for 9 years at LPKA Class Tangerang. In the juvenile criminal justice process, children who become witnesses have protection rights guaranteed by legislation. Child witnesses or victim witnesses have the right to physical and psychological protection, including physical safety during the trial and adequate psychological support. Child witnesses or victim-witnesses also have the right to be accompanied by their parents or guardians during the trial process. The process of taking a child's testimony is conducted in a non-formal setting, without the use of a toga or official attributes, to create a more relaxed and less frightening atmosphere for the child. In describing cases of sexual abuse involving child witnesses or victim witnesses, the author conducted an interview with a Judge at the Serang District Court Class 1A, who is responsible for examining and trying certain cases in Court Number 27/Pid.Sus-Child/2022/PN.Srg, and he stated that.

For a person to be sworn in court, that is, a person must be 15 years old and above 15 years old, a person can be sworn in referring to Article 184 paragraph 1 of the Criminal Procedure Code, namely, with legal evidence, namely: 1. Witness testimony; 2. Expert testimony; 3. Letter; 4. Clue; 5. Statement of the defendant. Then in terms of legal protection of child testimony applied by the Serang District Court in the trial of child victim witnesses accompanied by the Integrated Service Center for the Protection of Women and Children (P2TP2A), in relation to lawyers not including companions (TumbeL, 2015). Because in a case the child is vulnerable, especially in cases of sexual harassment and must be accompanied by a companion, but assistance is not one of the conditions that the child cannot be processed as a witness (Harun, 2015). In the application of legal protection the court has applied adequate legal protection, because if the court does not apply legal protection it will cause null and void. The judge will not examine the case because it violates the applicable procedural law. The application of adequate legal protection by the Serang District Court is a positive step in protecting the rights of child victims. In this context, judges should ensure that proceedings are conducted in a manner that is sensitive to the child's circumstances and provides extra protection to their privacy and security. If judges violate the procedural law or ignore the legal protections that should be applied, this can jeopardize the rights of child witnesses or victim-witnesses and affect the integrity of the justice system. As a result, child witnesses or victim-witnesses may not get the justice they need and risk being further traumatized by inadequate protection. In order to improve the legal protection of children's testimony in court, there needs to be cooperation between legal institutions, government, non-governmental organizations, and the community at large. Such as an institution that focuses on protecting children, namely the National Commission for Child Protection in Serang Regency.

Based on the results of the interview with the Chairperson of the National Commission on Child Protection of Serang Regency, it was stated that this case, the witness child or victim witness was not assisted by the National Commission on Child Protection of Serang Regency. Although the case did not receive assistance from the National Commission on Child Protection of Serang Regency, there are many steps that can be taken to improve the legal protection of child testimony in trials. This involves cooperation between various agencies and relevant parties, as well as efforts to increase the capacity of child protection agencies and raise overall public awareness.

In terms of cooperation between various institutions and related parties in protecting children who are witnesses, "Komnas Perlindungan Anak Serang Regency also cannot stand alone, of course, establishing partnerships in collaboration with related agencies and institutions that both ensure that the rights of children who are witnesses can be fulfilled in providing testimony in the judicial process truthfully, so Komnas Perlindungan Anak Serang Regency establishes partnerships with psychologists, social workers, social services, health services, and also where the child lives. the national child protection commission coordinates with the community police and others to ensure that children who are witnesses are safe and there is no pressure, threats or intimidation starting from the RW, RW, or village level. even the identity of the child should be kept confidential."

Children who become witnesses or victim-witnesses in the criminal justice system should receive special treatment and be respected as children, not as adults (Ariska Dwi Astuti, 2021). Children who are witnesses in sexual harassment cases need to be accompanied by relevant institutions that focus on child protection during the judicial process, "if indeed their testimony determines the decision in the case then there are parties who want their testimony not to match what is given with the threat of pressure, if in that case there are such children dealing with the law must be protected not only in terms of victims, including child perpetrators must also be assisted to get a fair sentence for child perpetrators, according to the duties and functions of the National Commission on Child Protection. The role of the National Commission on Child Protection is very important, if the child who is a witness or witness to a victim in a case his testimony determines a fair punishment for the victim, the National Commission on Child Protection to the child who is a witness plays a role by providing reinforcement to the child witness to provide information in accordance with what he sees, hears, experiences, because being a witness is not easy sometimes there is pressure from parties who do not want him to testify. This means that the role of the National Commission on Child Protection in Serang Regency is to provide strengthening and assistance to children who are witnesses and victim witnesses." The situation of being a witness is not easy, especially for children, and often they face pressure from parties who may not want them to testify. In this case, Komnas Perlindungan Anak in Serang District has an important role in providing support, ensuring children's testimonies remain consistent and accurate, and safeguarding their rights from being violated in the legal process. Child protection is a shared responsibility, and the role of Komnas Perlindungan Anak in Serang District is to be at the forefront of ensuring that children's rights are protected and guaranteed in the justice system.

As a form of legal protection provided by Komnas Perlindungan Anak Serang Regency in assisting children who are witnesses or victim witnesses in a case before giving testimony, "Komnas Perlindungan Anak Regency conducts a psychological test first to the child to find out whether the child feels depressed or not by analyzing, assessing, whether the child is ready to become a witness both physically and psychologically because the child may be down when asked to become a witness because the child does not know what being a witness is like."

Being a witness in court can be emotionally taxing for children (Rizky et al., 2019). The use of psychotests helps to ensure their readiness to face the judicial process and prevent negative impacts on mental and emotional health. Special protection and assistance is provided to ensure children are treated according to their rights and needs, so that the interests and welfare of the child are always prioritized in the justice system.

3.2. Criminal Law Provisions on Juvenile Justice Process

The process of investigating children as witnesses is regulated in the juvenile justice system law. Children as witnesses are entitled to all protections as stipulated in Article 1 paragraph (5) "Children who are witnesses to criminal acts, hereinafter referred to as child witnesses, are children who are not yet 18 years old who can provide information for the purpose of investigation, prosecution, and examination in court about a criminal case that they hear, see, and / or experience themselves" (Sitorus & Suriani, 2020).

In accordance with the provisions of the regulations regarding children as witnesses are regulated in articles 89, 90 and 91. Juvenile criminal justice system. The provisions in Article 1 paragraph (26) of the Criminal Procedure Code explain that a witness is a person who can provide information for the purpose of investigation, prosecution and trial of a criminal case, and / or civil case that he hears, sees and experiences himself. Based on this, children who provide testimony are considered valid plus Article 12 of the Convention. Children that the rights of children in providing testimony in court are protected by law. Article 89 states that "Child Victims and / or Child Witnesses are entitled to all the protections and rights provided for in the provisions of laws and regulations".

3.3. Obstacles Faced by Related Institutions in the Juvenile Justice Process

Serang District Court. In general, there were no obstacles in the judicial process of juvenile cases handled by the court. However, there were concerns if witnesses required in the juvenile proceedings were not present, as this could have an impact on the final decision (Manihuruk & Rochaeti, 2016). This is due to the very short timeframe for handling juvenile cases. The juvenile case handling system has strict time limits due to the large number of cases that judges have to handle. As a result, the court must manage its time carefully to ensure proper handling of juvenile proceedings. When necessary witnesses do not appear, this can cause problems and affect the trial process. In some cases, if witnesses cannot be presented and there is insufficient other evidence, this can have an impact on the court's decision which may result in the acquittal of the perpetrator. Therefore, it is important to ensure the presence of relevant witnesses in juvenile proceedings to maintain the integrity and fairness of their trial (Dewi et al., 2020).

National Commission for Child Protection of Serang Regency. There are several obstacles in the field: a) There is still a lack of education in the community about the importance of child protection. On average, they think that child protection is only the duty of parents, which is the first and foremost, but from looking at the development of the times, a very powerful influence is felt that child protection is joint protection, meaning that all elements of society must be involved from stakeholders, policy makers, community leaders and so on. b) Not yet integrated with related institutions or agencies, there is still cross-sectoral miscommunication that hampers the protection of children who sometimes throw tasks at each other, sometimes also in waiting for the process of reports and examinations that take a long time so that the psychology of children is disturbed which will make them think that it is better to be peaceful than having to go through a very long and complicated process. There is still a lack of coordination, communication and cooperation between cross-sectors that provide integrated services. c) The view of the community that when a sexual crime or violence against children occurs, it is considered a taboo or common thing, there is still a lack of pioneers and reporters about child protection who should be of one mind with the National Commission on Child Protection when protecting 1 child is the same as protecting 100 children, but this is the opposite if a child case occurs, people who do not lack awareness about child protection will think the case embarrasses parents, rt, rw, or village. d) Government policies are not fully pro-child protection, there is still a lack of local regulations that favor children, there are many activities such as socialization of stop sexual violence or stop bullying or brawls but there is no space for activities so that they do not fall into such things, such as children who like to play soccer but there is no field, children who like to read but there is no reading park, finally there are many government policies that are still not in favor of child protection.

Constraints of the National Commission on Child Protection when assisting Children who become Witness (Er Tanjung et al., 2023). Rejection from the family, not necessarily witnesses, victims accept the National Commission to assist them or not all cases want to be accompanied by the National Commission on Child Protection because of their lack of knowledge about child protection.

4. Conclusion

Research on children as witnesses of sexual violence has significant contributions to make in various fields, such as law, psychology, criminology, and public policy. These contributions help strengthen child protection, increase offender accountability, and achieve justice for victims. By continuing to conduct research and developing appropriate interventions, we hope to minimise the number of child sexual abuse cases and build a safer future for children. Research is an essential activity for the advancement of science and human civilisation. The contribution of research in various fields of science is significant, and research will continue to play an important role in the future. By addressing these limitations and conducting more comprehensive research in the future, we can improve our understanding of the issues facing children as witnesses and develop more effective interventions to protect them and help them obtain justice.

The description of the research discussion above, the researcher can conclude that children as witnesses must get legal protection in criminal cases of sexual harassment in the Serang District Court, judges ensure that the trial process is carried out in a way that is sensitive to the circumstances of the child and provides protection for the privacy and security of child witnesses. However, the witness child in the case of decision 27/Pid.Sus-Anak/2022/PN.Srg. has not received special protection from the National Commission for Child Protection in Serang Regency. Criminal law provisions on the criminal justice process, namely, children who become witnesses or victim witnesses have the right to physical and psychological protection. Guaranteeing the safety of child witnesses, including ensuring the child's physical safety during the trial and providing adequate psychological support is regulated in Law 11 of 2012 concerning the Juvenile Justice System in Articles 89, 90 and 91. Children who are used as witnesses have the right to be accompanied by parents or guardians during the trial process. In addition, child witnesses can also be given assistance and guidance by social workers or juvenile correctional counselors.

The obstacles faced by relevant institutions in the juvenile criminal justice process include concerns if the required witnesses are not present, lack of public education about the importance of child protection, cross-sectoral miscommunication, and the public's view that sexual crimes or violence against children are still taboo.

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