



Strategies and Challenges in Protecting Children's Rights as Suspects of Sexual Abuse in Pekanbaru City, Indonesia

Rica Regina Novianty ^{1*}, Hafis Vivaldi Akbar ², Zarah Fathia ³, Dedy Saputra ⁴, Dedek Firdaus ⁵, Hetty Ismainar ⁶

¹ Department of Law, Faculty of Communication Science and Law, Hang Tuah University, Pekanbaru, Indonesia

^{2, 3, 4, 5, 6} Students of Law Department Study Program, Faculty of Communication Science and Law, Hang Tuah University, Pekanbaru, Indonesia

* Corresponding Author: Rica Regina Novianty

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Abstract

Background: The implementation of child protection in the criminal justice system in various regions in Indonesia still faces various challenges. Although regulations are available, there are still many deviations in implementation.

Objective: To explore the protection of children's rights as suspects in criminal acts of sexual abuse by identifying strategies and challenges by law enforcement officers in the child criminal justice process.

Method: Research design used descriptive qualitative. Data collection techniques in the form of in-depth interviews, document analysis, and observation of case mechanisms. The research was conducted six months at the Pekanbaru City Police, Riau Province.

Results: Strategies in the implementation of the child criminal justice system, early legal and psycho-social assistance, restorative justice, sexual education and early prevention, and rehabilitation in special child development institutions. The challenges faced include: social stigma from the community, lack of special legal assistance, legal processes that are not child-friendly, and inequality of psychological services.

Conclusion: More structured and coordinated approach is needed to improve the effectiveness of child protection in the criminal justice system.

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Keywords: Child protection, Criminal Justice System, Sexual abuse

Introduction

Child protection in the criminal justice system has become a global concern, as stipulated in the 1989 United Nation Convention on the Rights of the Child. This Convention emphasizes that children in conflict with the law must receive special treatment that ensures their rights are protected throughout the judicial process. In Indonesia, this principle was adopted in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which emphasizes restorative justice and diversion mechanisms to prevent children from the negative impacts of the criminal justice system. However, the implementation of child protection in the criminal justice system in various regions still faces various challenges ^[1-3]. Although regulations are available, there are still many deviations in their implementation, also noting that the lack of special facilities for children in the police force means that they are often placed with adult detainees, which risks their welfare ^[4-6].

In the context of sexual abuse, the challenges faced are more complex. The social stigma against children who are suspects in sexual abuse cases is higher compared to other criminal cases, thus affecting their rehabilitation and social reintegration process ^[7-9]. In addition, limited legal and psychological assistance for children from underprivileged families is also a hindering factor in guaranteeing their rights in the justice system ^[10-11].

The challenge of legal protection for children as perpetrators of sexual abuse is social stigma and labeling. Children as perpetrators are always considered future criminals. Society tends to reject them from returning to their environment, even though they have rehabilitation. Stigma hinders the social and psychological reintegration of children. Lack of Special Legal Assistance. Not all regions have child defenders who understand the restorative approach. Children do not understand their rights, the legal process, and the long-term consequences. Lack of a rehabilitative approach. The system still predominantly uses criminal punishment, not rehabilitation. The availability of appropriate Special Child Development Institutions is very limited in the regions. Legal processes that are not child-friendly. Harsh interrogation, open trials, or the use of legal terms that children do not understand. Children are vulnerable to secondary victimization during the trial process. Difficulty Balancing the Rights of Victims and Perpetrators. In sexual cases, victims and perpetrators can both be minors. Law enforcers are often confused about choosing an approach: criminal law or child protection? Inequality of psychological and social services. Child perpetrators can also be victims of previous violence. There are no early detection programs for trauma or child sexual behavior disorders [12-15]. This study aims to explore how the Pekanbaru Police implement legal protection for children who are suspects in criminal acts of indecent assault and to identify the strategies and challenges faced in implementing this policy.

Method

Qualitative research design with descriptive analysis. The research location is at the Women and Children Protection Unit of the Pekanbaru Police Criminal Investigation Unit. The research was conducted during January-June 2024. The main informants were: police officers, child legal advisors, and representatives of child protection institutions. The purposive sampling technique was used to select informants who had experience and in-depth understanding of the research topic. Data collection was carried out through in-depth interviews, observations, and legal document analysis. Data analysis was carried out using triangulation techniques, namely by comparing data from various sources to ensure the validity of the findings. Thematic analysis was used to identify patterns and trends in child protection strategies and obstacles in their implementation. The variables studied include child protection strategies as suspects as independent variables, and challenges in implementing child protection policies as dependent variables. This research has obtained ethical clearance from the Ethics Committee of Hang Tuah University, Pekanbaru.

Results and Discussion

The results of the study show that although the diversion mechanism has been applied in cases of children as suspects of sexual abuse, its implementation still faces obstacles. Some of the main obstacles found are high social stigma, lack of special detention facilities for children, and limited access to legal and psychological assistance. In an interview with Head of Unit VI PPA police crime unit Pekanbaru and representatives of child protection institutions, This can be seen in the interview quotation:

"...indeed, in some cases, diversion cannot be implemented because of demands from victims who want a formal justice process..." (Informant 1)

"...in addition, coordination between the police, prosecutors, and courts in implementing the principle of restorative justice still needs to be improved to increase the effectiveness of child protection in the criminal justice system..." (informants 2 and 3)

Comparisons with other countries such as the Netherlands and Canada show that a more rehabilitation and social reintegration-based approach can help reduce the negative impact on children in conflict with the law. The education-based rehabilitation model implemented in these countries can be a reference for Indonesia in developing a more effective child protection system [16-18]. The results of this study indicate that although the diversion mechanism has been applied in cases of children as suspects of sexual abuse, its implementation still faces various obstacles. Diversion in Indonesia still experiences obstacles in its implementation due to community resistance and limited regulations. However, unlike the previous study which focused more on the diversion mechanism in general, this study reveals that in cases of sexual abuse, rejection of diversion does not only come from the legal system but also from pressure from victims and the community who demand a formal judicial process. This shows that although normative diversion can be applied in cases of children as suspects, social and psychological factors also play an important role in determining whether this mechanism can run effectively [19-20].

The study also found that limited facilities for children in conflict with the law are a significant obstacle to protecting their rights. Many police institutions in Indonesia still do not have special detention rooms for children, so children in conflict with the law are often placed in the same cells as adult detainees. The findings of this study confirm this problem, where at the Pekanbaru Police, the lack of special facilities for children is a factor that worsens the conditions of children undergoing legal proceedings. This situation is contrary to the principles mandated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which requires special treatment for children during the judicial process [21].

In addition to the facility factor, this study also revealed that access to legal and psychological assistance for children as suspects is still very limited. Children who come from underprivileged families often do not have access to adequate legal assistance, so they face the justice system without sufficient understanding of their rights. This was also found in this study, where most of the children who are suspects in sexual abuse cases come from low economic backgrounds, so the legal assistance they receive is often not optimal. Furthermore, the absence of ongoing psychological assistance also causes children to experience greater mental stress, especially in cases involving high social stigma. This finding confirms that the juvenile criminal justice system in Indonesia still has a gap between ideal policies and implementation in the field [22].

The imperfect coordination between the police, prosecutors, and courts in handling cases of children as suspects is also a major challenge found in this study. Although regulations have regulated coordination mechanisms between institutions, in practice there are often differences in perception in handling cases of children in conflict with the law. This study supports these findings by showing that at the Pekanbaru Police, the implementation of restorative justice still faces obstacles due to the lack of a uniform

understanding among law enforcement officers regarding the importance of a rehabilitative approach for children. This results in different decisions in the application of diversion and child protection mechanisms at each stage of the legal process.

In an international comparative perspective, this study found that the juvenile criminal justice system in countries such as the Netherlands and Canada is more oriented towards rehabilitation than punishment. In the Netherlands, children in conflict with the law still have access to formal education while undergoing the legal process, while in Canada, a community-based approach is implemented to help children return to society without experiencing prolonged stigma.^[17] The findings of this study indicate that an education-based rehabilitation and social reintegration model can be an alternative policy for Indonesia in improving the protection of children as suspects. Based on the findings that have been reviewed, this study argues that improvements to the juvenile criminal justice system in Indonesia must be carried out through increasing special facilities for children, optimizing legal and psychological assistance mechanisms, and more effective cross-sector coordination. The obstacles found in this study indicate that although legally the child protection mechanism has been well regulated, implementation in the field is still not optimal. Therefore, a more comprehensive approach, which not only focuses on legal aspects but also social and psychological aspects, is needed to ensure that children's rights remain protected in the criminal justice system in Indonesia.

Conclusion

The strategy for protecting children's rights that can be done is to implement a child criminal justice system using the Republic of Indonesia Law Number. 11 of 2012, early legal and psycho-social assistance, restorative justice, sexual education and early prevention, and rehabilitation in special child development institutions. The challenges faced are the existence of social stigma from the community, lack of special legal assistance, legal processes that are not child-friendly, and inequality in psychological services. Therefore, a more structured policy and better coordination between related institutions are needed to increase the effectiveness of child protection in the criminal justice system.

Conflict of Interest

There is no conflict of interest in this study.

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