

# STUDY OF ANALYSIS OF CHILD VICTIMS OF CRIME PROTECTION IN A VICTIMOLOGICAL PERSPECTIVE

By:  
Marzuki  
Islamic University of North Sumatra  
E-mail :  
[marzuki.lubis@fh.uisu.ac.id](mailto:marzuki.lubis@fh.uisu.ac.id)

## ABSTRACT

*This research aims to improve the protection of children of crime victims, which often occurs when the provision of services to children who are temporary or permanent victims of psychological, physical and social suffering is neglected. It is a study to analyze from the viewpoint of victimology. The specification or type of research in this research is descriptive in nature and uses prescriptive legal research methods through several approaches. The statutory regulatory approach (statutory approach) and the conceptual approach (conceptual approach). Investigations have shown that various laws have been adopted as legal policies to implement the constitutional provisions of the 1945 Constitution of the Republic of Indonesia, including Presidential Decree No. 36 of 1990 on ratification, in order to protect children in conflict with the law. It is shown that the regime has emerged. Convention on the Rights of the Child (Convention on the Rights of the Child), Law No. 4 of 1979 on Child Welfare, Law No. 8 of 1981 on Criminal Procedure Code, Law No. 39 of 1997 on Juvenile Courts, Law No. 39 of 1999 on Human Rights, Law No. 23 of 2014 on Amending Law No. 23 of 2002 on Child Protection and Law No. 35 of 2014 on Juvenile Criminal Justice System Law No. 11 Including children in conflict with the law to provide legal protection as both perpetrators and victims. In light of these various legal systems, the police, prosecutors, and judges in the law enforcement agency (prosecutor's office) always strive to provide children with the best progressive laws for children in line with the concept of juvenile justice for children. It must be the embodiment of teaching, nurturing and protection of Prioritize the application of restorative justice and diversion to ensure that victims' rights are not ignored, and protect child victims of crime from a victimological perspective. In summary, the legal protection of children of crime victims in Indonesia entitles them to various rights, including: B. Losses such as the right to compensation, the right to treatment, the right to be intimidated by the perpetrator, the right to counseling and rehabilitation, especially the perpetrator's inability to pay compensation to the victim due to the existence of the Victim Compensation Office. case .*

**Keywords:** *Analysis Studies, Protection of Child Victims of Crime, Victimology.*

## 1. BACKGROUND

Indonesian children who are always vulnerable to various kinds of mental, physical and social Threats need protection. Protecting children as beacons of hope for their homelands, nations, societies and families is the task of all

citizens and state institutions to the best of their ability.

Children's interests lie in different areas of livelihood and family, community, nation and national life. In reality, children are unable to express or defend their interests because of the circumstances and circumstances that affect them. This means

that families, societies and nations must work together to protect children and ensure that they are able to defend their interests in the best and humane way. These various efforts must not cause mental, physical or social distress to those affected, and positively rational and accountable child protection is properly implemented. Therefore, child protection laws and regulations need to be fully and harmoniously implemented. .

One of the legal subsystems to consider in this context is child protection law. Children in the general sense are focused not only on the field of science (the body of knowledge), but also from various perspectives such as religion, law, and sociology, to make children's understanding more rational and up-to-date. to The social environment, which is closely related to all areas of criminal law and the socio-religious principles of society, affects the very life of the child. The context of the Indonesian state, which has a legal system based on religious law, customary law, and Western law principles, makes the whereabouts of children an important part of family, religious, national and national life. . Spiritual and spiritual development, both from the point of view of the child's position and the legal entity. A fundamental aspect of child protection law is therefore to regulate the position

between the child in the legal subsystem and the legal order that regulates people or adults within the framework of positive law. In other words, even if juristic acts performed by children as legal entities are considered responsible for them and can be subject to criminal law and the Code of Criminal Procedure themselves, the nature of children is very different from that of adults. For criminal liability, there is a special provision as a legal principle that "special law takes precedence over general law. In this context, placing a child in a regular legal entity requires adherence to basic principles found in internal and external factors, such as:

#### 1. child inner element

A. Children as legal subjects are also considered human rights bound by statutory provisions. The provisions referred to apply to children who are under legal age, in custody, or who are ineligible for trial. B. Equal Rights and Obligations of Children. Children also have the same rights and obligations as adults given by law when conducting court proceedings. The law places children in duty and/or on an equal footing with adults, or calls them ordinary legal subjects.

#### 2. child outer element

a A statutory provision or equality before the law (equity before the law) is legal incapacity for a legal act determined by the

provision itself or by a statutory provision specifying a classification of the ability and authority to carry out the legal act. can give the child formal legitimacy as a legal person for the applicable child.

B. Hakuhaku privileges granted by states or governments under the 1945 Constitution and laws. Therefore, the interests of the child will always prevail in the circumstances and proceedings for the child, subject to the following considerations:

A. Ensure that children are supported by all without forgetting to instill a sense of responsibility within certain limits so that they can fulfill their responsibilities as citizens, members of the community and members of the family. Must. B. The fact that child protection is best managed in terms of children's rights and needs is a concern for future interests and the development of future generations.

Given the problems faced by children participating in the process of dealing with the law, law enforcement officers should take specific consideration to ensure that they do not undermine the character of children growing and developing, especially those who are victims of crime. and must be understood.

When solving criminal cases, the law often places too much emphasis on the rights of suspects/defendants while ignoring the rights of victims. , both

insignificant and material, do not receive adequate legal protection.

Gilbert Geiss says:

“Too much attention has been paid to perpetrators and their rights, while victims have been ignored. Opportunities to gain freedom in battle are very limited.

In line with this, following Ediwarman Essencevictimologisti as an area of knowledge that examines all aspects related to victims that can be classified as follows:

Firstly, victims of human behavior that can lead to criminal acts, such as victims of rape crimes, victims of land compensation, victims of political and non-criminal crimes such as victims of the administrative sector. Second, victims of non-human actions, such as natural disasters. In this context, from a victimology point of view, children who have been victims of the actions of others who may temporarily or permanently experience mental, physical and social distress from the child. Care is often neglected. Furthermore, the child victims of this crime are often weaker class people who, because of their circumstances and conditions, are unable to defend themselves and help themselves. must be recognized.

In an effort to protect children, the Government of Indonesia has ratified the Convention on the Rights of the Child

issued by the United Nations on 26 January 1990 and promulgated by Presidential Decree No. 36 of 1990 on 25 August 1990. bottom. As a result, Indonesia needs to be more consistent in its implementation of the Convention by implementing or enacting laws and regulations related to child protection efforts.

For this reason, in the development of domestic law, Law No. 23rd March 2003 on Child Protection as amended by Law No. 35 of 2014. This is intended as a form of child protection and care through laws and regulations that can ensure institutional support and its implementation. Similarly, Law No. 11 of 2012 on the Juvenile Justice System regulates diversion and restorative justice efforts to resolve child cases in conflict with the law. Therefore, in order to get a bird's-eye view of child protection, it is necessary to conduct comprehensive research on child protection laws through a legal policy approach.

## **2. PROBLEMS**

Considering the development of victimology in Indonesia, especially with respect to child protection law, the problem is formulated as follows.

1. What is the policy of child protection law from the perspective of victimology?

2. From a victimology perspective, what is the application of child protection law to crime victims in the context of criminal prosecution?

## **3. RESEARCH METHODS**

1. research specifications

This study specification or type of study is descriptive-analytical in nature. Because this study aims to provide an overview of the existence of victimology to protect children who are victims of crime, including the factors that need to be analyzed to arrive at the problem. Solutions when children touch the law, especially children of victims.

2. Approximation method

In this work, as the subject of research is victimology, the research methods used are prescriptive legal research methods and use several approaches so that the questions studied can be answered. .

- (1) The statutory approach used to consider various legal remedies related to child protection from a victimology perspective. Also, a conceptual approach to understanding various concepts related to the protection of child victims of crime from a legal standpoint.

As the data investigated come from secondary or legal literature, including primary, secondary and tertiary legal sources, relevant to legal bodies protecting victims of crime from a victimology

perspective; Normative legal studies are used. **Analysis Study on the Politics of Child Protection Law in the Perspective of Victimology.**

Legislation in a country is inevitable (condition of nothing), and it is often interpreted as the implementation of specific social changes (law is a tool of social engineering). Efficient change in society. But since law is always constrained by its circumstances and circumstances, it is not surprising that there is a disharmony between what should be (what should be) and what is (existence). In other words, there is a discrepancy between the law on the books and the law in practice.

In line with such a view, Hoebel concludes that law has four basic functions.

1. determine the relationships between members of society by indicating which actions are permitted and which are prohibited
2. Determining the distribution of power, deciding who can use force and who must comply with it, while choosing appropriate and effective sanctions.
3. Resolve disputes.
4. Maintain community adaptability to changing living conditions. That is, by reconstructing the essential relationships of her members of the

community. Concerning the existence of children in the country and the Republic of Indonesia in relation to the development of the legal system should be a very fundamental concern. global stuff. Moreover, by virtue of the Convention on the Rights of the Child ratified by the President of the Republic of Indonesia through his Presidential Decree No. 36 of 1990 dated 29 August 1990, there already exist national or national standards respecting the protection of children. . Of course, this requires policy implementation (policy) on the part of the government.

Here we follow the political essence of Abdul Hakim Garuda Nusantara in domestic law and play a role in his four respects:

First, consistent implementation of existing laws. Second, legislation. Its essence is to update existing laws that are considered obsolete and to create new laws necessary to meet the demands of social development. Third, the identification of law enforcement agencies or the functions of law enforcement agencies and the development of their members. Fourth, strengthening public awareness of the law according to the perception of the political elite.

Therefore, the interests of the child will always prevail in the circumstances and proceedings for the child, subject to the following considerations:

- A. Ensure that children are supported by all without forgetting to instill a sense of responsibility within certain limits so that they can fulfill their responsibilities as citizens, members of the community and members of the family. Must.
- B. Child protection is best considered in terms of children's rights and needs and is a business for the benefit of future generations and the development of future generations.

A child's actual development, on the other hand, consists of three main activities.

Build, develop, protect. Child development is an attempt to do the best for its growth. Development should foster all the abilities and talents of the child. Protection is all activities that ensure that children develop naturally, both physically and mentally, free from all forms of threats, obstacles and interference.

Related to this reality, there are important factors that place children's rights in the process of promotion/defense and protection, as defined by law. The items mentioned are:

- A. Mandatory Formal and Substantive Legal Requirements.
- B. Processes to protect children's rights.
- C. Criminal acts (criminal facts) and illegal acts (illegal acts);
- D. Children's rights interests are protected. To achieve this, Law No. 3 of 1997 on Juvenile Courts and Law No. 35 of 2014 on Amending Law No. 23 of 2002 on Child Protection are statements to protect children from the law. In this context, it is necessary to understand that the existence of these two laws is an attempt to create legal certainty (legal certainty) on the basis of formal legal norms in law enforcement (law enforcement). I have.

In this context, it is clear that legal policy, the political basis for the birth of Law No. 35 of 2014 on the Amendment of Law No. 23 of 2002, cannot be separated from efforts to ensure the welfare of all citizens. is. Including the protection of the rights of the child, which are constitutionally guaranteed human rights provided for in Article 28B(1) and (2) and Article 28I(1). (2) Her 1945 Constitution of the Republic of Indonesia states:

Article 28B

1. Everyone has the right to establish a family and multiply offspring by lawful marriage.
2. Every child has the right to survive, grow and develop and to be protected from violence and discrimination.

Article 28I

1. The right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to have a religion, the right not to be enslaved, the right to be recognized as a person before the law and the right not to be prosecuted under retroactive law: It is a human right that cannot be restricted under any circumstances.

2. Everyone has the right not to be subjected to discriminatory treatment and to be protected from such discriminatory treatment.

In this regard, CFG Sunaryati Hartono further stated regarding Indonesia's child protection law policy:

First, before the Declaration of Independence, there were practical efforts to protect children in the form of regulations in laws and regulations, and by governments and women's and social organizations. However, as Indonesia is very densely populated and has many problems, all these efforts are not satisfactory and need to be improved

according to the development of society and the needs of the Indonesian people.

Second, domestic law has sought to protect the body and soul of children. It also includes the protection of health and education, and all the benefits inherent in physical, psychological, moral, spiritual and social growth and development.

Third, within this framework, some legal regulations on child protection must be put into concrete terms by implementing regulations, and efforts are made to perfect and consolidate them. must be paid.

Taking into account such legal policy, the existence of the Child Protection Law has a clear political orientation (politics, policy), which is stated in the preamble, and taking into account Law No. 23 of 2002 on child protection in the sense of the letters c and d states, inter alia, justification for the introduction of legal regulations on child protection:

C. Children are the germs, the potential and the young generation for the continuation of the nation's struggle aspirations, they have a strategic role and they possess special qualities and characteristics that will ensure the future survival of the nation and the nation.

C. In order for every child to one day assume this responsibility, it must be given the greatest possible opportunity to

develop and develop optimally physically, mentally and socially and to develop a noble character. Children can protect and enforce their rights by ensuring that their rights are fulfilled and that they are treated without discrimination.

With the development of domestic law, various laws and regulations in the field of child protection have been enacted as a constitutional implementation of her 1945 Constitution of the Republic of Indonesia. Law No. 4 of 1979 on Child Welfare, Law No. 8 of 1981 on Criminal Procedure Law, Law No. 3 of 1997 on Juvenile Courts, Law No. 39 of 1999 on Human Rights, Law 2014 on Amendments To Law No. 35 Law No. 23 of 2002 on Child Protection and Law No. 11 of 2012 on Juvenile Criminal Justice System.

This reality shows that legal policy is realized as a basic policy in the design of legal products for child protection as a legal norm arising from the values that prevail, live and develop in Indonesian society. is showing.

From a victimology perspective, the existence of child protection laws is an attempt to protect children who are victims of crimes caused by human behavior that cause mental, physical and social suffering. The goal is not to flatter the victim, but to clarify the victim's position and role and relationships with other parties. This clarity is very important in the

context of pursuing activities to prevent various kinds of victimization against children, by upholding justice and improving their welfare.

There are several general rights provided to victims or families of victims of crime, including:

the right to obtain compensation for the suffering they have experienced. This compensation can be given by the perpetrator or other parties, such as the State or a special institution formed to deal with the problem of compensating victims of crime, the right to obtain guidance and rehabilitation, the right to obtain protection from threats by the perpetrator, the right to obtain legal assistance, the right to recover his rights (property), the right to gain access to medical services, the right to be notified if the perpetrator of a crime will be released from temporary detention, or if the perpetrator is a fugitive from detention.

Taking this into account, in the handling of criminal cases, it is time for the interests of child victims of crime to be given special attention, apart from being a witness who knows a crime has occurred as well because of the position of the victim as a legal subject who has an equal position before the law (equality before the law). Attention to child victims of crime in handling criminal cases should be done on the basis of compassion and respect for the



victim's dignity (compassion and respect for their dignity).

### **B. Application of the Law on the Protection of Child Victims of Crime in the Context of Law Enforcement in the Perspective of Victimology.**

Based on the various issues covered by the Convention on the Rights of the Child, one of them is children with special protection needs (children with special protection needs), more specifically children in conflict with the law. . The Indonesian Child Protection Board (KPAI) reported that from January 2022 to November he had 4,124 complaints related to child protection cases against her. A total of 2,222 complaints received by KPAI in the 11 months of this year relate to the implementation of child rights, of which 1,706 were from family settings and alternative parenting clusters. A total of 376 cases involved educational clusters, recreational use, and cultural and religious activities. There were also 101 cases related to basic health and well-being rights. Thirty-nine cases, on the other hand, were about civil rights and liberties. Meanwhile, in 2022, she recorded 1,903 and 746 complaints regarding child special protection cases in which the child was the victim of a sexual crime. There were also 454 cases involving children who were victims of physical and/or psychological

violence. Then 187 cases of children treating the law as perpetrators. Since then, there have been 80 cases of children being economically and/or sexually exploited. There are currently 70 cases of child victims of pornography and cybercrime.

This reality shows that violations of children's rights are still prevalent, including among victims of crime. So, in reality, there are several factors that influence how children deal with the law.

First, poverty. This factor is a structural problem that has not yet been adequately addressed and causes children to drop out of school. As a result, it is not uncommon for children to exhibit deviant behavior due to poor education levels and difficulty finding employment in the formal sector. Second, the home environment. Many children's problems are caused by family issues such as: B. Bringing the child into contact with people who behave differently because the parent is seen as the child or because the parent is indifferent to the child.

Third, the presence of gait. Joining a child gang is one of her options for children struggling with families. Because of parents' indifference to children, children seek out groups where they can share and pour out their hearts. Gangsters have even dared children to do naughty things and commit crimes.

From a legal point of view, several provisions of child protection law indicate that in criminal prosecution (criminal prosecution) sanctions are aimed not only at the goal of legal certainty (justice) but also at profit (utility). increase.

In this regard, in Juvenile Justice System which includes the criminal justice system related to the handling of child cases in Indonesia including:

First, the police as a formal institution when juvenile delinquents first come into contact with the justice system. Second, prosecutors and parole agencies who will also determine whether the child will be released or processed to juvenile court. Third, Juvenile Court, the stage when the child is placed in choices starting from being released until being put in a punitive institution. Fourth, a child advocacy institution that must try to provide legal protection for children, both through a juridical and sociological and psychological approach.

For this reason, in law enforcement, legally the legislators also provide discretion to judges to consider various aspects of imposing sentences on children, therefore the strategic role of judges in protecting children who are in conflict with the law is a benchmark for fulfilling these rights. for children and child protection, because through fair and correct decisions the rights of these

children can be guaranteed and obtain legal certainty as desired by Law No. 35 of 2014 and Law no. 11 of 2012 concerning the Juvenile Criminal Justice System, of course through coordination and cooperation with other law enforcement officials.

This means that juridically, a judge in deciding a case is obliged to explore, follow and understand the legal values and sense of justice that live in society., so it is hoped that the judge's decision is in accordance with the law and a sense of justice (sense of justice) public. Indeed, considering the provisions of this Child Protection Act, in its application to criminal offenses committed by children, restorative justice, the process of transitioning from formal criminal proceedings to informal ones, has been used to treat children. It turns out to be the best alternative. All parties involved in a particular crime break the law by working together to solve the problem and deal with the consequences of future child behavior.

The implementation of restorative justice in various countries has met with some success. Several countries have adopted and successfully implemented restorative justice in handling cases of offenses committed by children, using nationally appropriate forms. However, while various countries have successfully

implemented the concept of restorative justice, there have also been obstacles and challenges to implementation in various countries, such as very serious rights violations by children. Most serious crimes committed by Canadian children end up in formal judicial institutions. Different restorative justice practices that fundamentally support children in conflict with the law. Consistent with the fundamental principles of diverse and restorative justice, they share common ground in removing offenders from the formal criminal justice system and providing them with opportunities to seek alternative sanctions other than imprisonment. .

One result of restorative justice is that offenders hold victims directly responsible alongside their crimes in the form of compensation or other liability. After signing the contract, the violator must perform all contracts under community supervision. Victims, on the other hand, have the right to compensation and healing from their perpetrators for the pain, suffering, or loss they suffer. In Indonesia, restorative justice is also an attempt to amend the provisions of Article 16 (3) of Law No. 23 of 2002 on Child Protection. They are consistent with applicable law and can only be exercised as a last resort. "

In practice, however, restorative justice must of course meet the following requirements:

1. There must be an admission or admission of guilt by the perpetrator.
2. Settlement outside the justice system requires the consent of the victim.
3. Recognition of the Police/Prosecutor's Office as a discretionary authority.
4. Assist communities in implementing reconciliation.

Therefore, Section 45(1) of the Children's Courts Act No. 3 of 1997 states that "the detention of delinquent children is possible with serious consideration of the interests of the child and/or the interests of society". That's not surprising. Given these regulations, punishing children is only a last resort (last resort). This legal analysis proves that Law No. 35 of 2014 on Child Protection does not only serve the purpose of positive legal formation to create legal certainty. However, it turns out that this right is also related to the search for values contained in society for the discovery of law (judiciary) by judges. This has more to do with reality than with the place and function of law as a means. The association's community is geared towards renewal.

For this reason, there are two main approaches to dealing with children with legal problems. First of all, children who have committed minor crimes such as traffic violations or fights should be returned to their parents or guardians, and should be educated and raised. Someone has returned to society, believing that they have committed a crime under the influence of the community they are in. Second, action is taken against children who commit serious crimes such as: B. Effective in deterring the crime of drug dealers, murder, and aggravated abuse in prison. On this basis, the Judge's decision was made in line with the objectives of Law No. 35 of 2014, namely criminal sentencing against children as a last option, thereby providing special protection to children in conflict with the law and It must be warranted by treatment. Humanely, respecting the dignity and rights of children, providing special care for children from an early age, providing special facilities and infrastructure, imposing appropriate sanctions in the best interests of children, Monitor and record your child's growth on an ongoing basis. Provides protection for maintaining relationships with parents and family members, and protection from mass media coverage of identity.

Given the problems faced by children participating in the process of

dealing with the law, law enforcement officers need to think and understand specifically so that their growth and developmental character is not harmed.

The juvenile justice system cannot achieve its goals of protecting children without the assistance of law enforcement officers who are experts in the field. Child investigators, child prosecutors, and child judges are systems inseparable from the juvenile law.

Such a constellation means that child protection provision needs to pay attention to values that grow and evolve in society. Putting into practice the appropriate laws, i.e. laws that are consistent with applicable laws. Living in Society (Living Law)".

The above facts prove that child protection laws protect children in conflict with the law, especially those who have been victims of crime. Child protection practices must therefore include moral, physical and economic dimensions. Child protection with mental health aspects includes psychological support for children who are victims of crime, child psychological services, child escort/legal assistance requests, and the criminal justice system for children. protection seeking escort or confrontation from law enforcement officers.

Meanwhile, child protection with a physical aspect is protection that seeks

medical treatment, prevents physical threats, seeks to return property, seeks compensation for his suffering, seeks or obtains material assistance. Meanwhile, child protection with a social aspect is child protection that prevents the application of social values that are detrimental to children; preventing the application of norms that harm children; and preventing and resolving the abuse of power, authority, and power possessed by individuals, groups, social institutions, such as:

family members, educational institutions, mass information institutions, administrators of the justice system, and social rehabilitation institutions.

However, when analyzed from a juridical perspective, several provisions in this law show that in law enforcement (law enforcement) relating to sanctions not solely based on the objective of legal certainty (legal certainty), but also aimed at benefits (utility) as stipulated in Chapter XII of Criminal Provisions, Article 77 to Article 90 of Law No. 35 of 2014, legislators aim to provide legal certainty, so that in law enforcement (law enforcement), neither the police, prosecutors nor judges can determine a prison sentence of less than 3 (three) years or a fine of less than Rp. 50,000,000.00 (fifty million rupiah).

However, juridically the legislators also provide flexibility for judges to consider various aspects of sentencing as long as they are within the minimum and maximum limits that have been determined. This means that juridically, a judge in deciding a case is obliged to explore, follow and understand the legal values and sense of justice that live in society., so it is hoped that the judge's decision is in accordance with the law and a sense of justice (sense of justice society, therefore what is also very much needed is the wisdom of judges in deciding cases, especially child victims of crime, so that victims are not disappointed with criminal decisions because the decisions handed down to perpetrators are relatively light, not comparable to the suffering that must be borne by children as victims of crime , even though it is not uncommon for child victims of crime to experience prolonged trauma even for life, such as child victims of rape, sexual abuse and so on. Whenever crimes against children, from petty to serious crimes, are committed, it is certain that the child who is the victim of the crime will experience physical and immaterial suffering. The suffering of child victims of crime does not end with the arrest and trial of the perpetrators.

In this context, there are several efforts to address the issues faced by victims of power and abuse of power and

should be considered when protecting child victims of crime. Victims of this abuse of power or authority are entitled to individual or Collectively suffered child offenders. .human rights.

Efforts to address the consequences of abuse of power or authority include:

First, groups or individuals seeking supervision over their propensity to abuse power or authority lead to victimization of abuse of power or authority in caring for the victim's children.

Secondly, we try to prevent people from committing abuse of power and authority in facilitating child abusers in various ways so as not to cause psychological, physical and social harm, such as:

a Prevent opportunities for abuse of power or authority in the education of child offenders.

B. Imposing appropriate sanctions on perpetrators who allow victims to abuse their power and authority in a variety of ways that benefit both perpetrators and victims. Its aim is to prevent victims of abuse of power and authority in the care of child offenders from recurring and to share their suffering by imposing sanctions and reparations.

Third, service: child crime, which needs to be understood, internalized and

practiced in the context of developing truth, justice and child welfare as a result of the abuse of power or authority in promoting child offenders. There are different types of services for people. As:

Aid, Return (Compensation), Compensation.

In addition, Schaefer states that he has five systems for compensating and compensating victims of crime.

1. Claims (damages) that are civil in nature are awarded through civil proceedings. This system separates damages claims and victims of criminal proceedings.
2. Civil Compensation Allowed in Criminal Cases
3. Damages that are mixed civil and criminal in nature are awarded through criminal proceedings. Although the return here is still of a civil nature, there can be no doubt about its criminal (punitive) nature. One form of remedy under this system is fines. This fine is a financial obligation imposed on the prisoner as compensation to the victim in addition to the punishment that is due.
4. Inherently civil damages are awarded through criminal proceedings and are supported by government revenue streams.

One of the aims of compensation and restitution schemes is to develop justice and well-being for children of crime victims who suffer psychological, physical and social consequences. Therefore, it is hoped that victimology opinions will be used in criminal justice decision-making. One of the measures for implementing an appropriate redress plan is to give children who are victims of crime the opportunity to exercise their rights and responsibilities and to develop as decent human beings as a whole.

In this connection, according to Ediwarman, the handling and resolution of victims' compensation issues must take place in several stages.

First, in order to understand the problem, we need to understand that in this context, first of all, the rationale is:

1. Individuals involved in the existence of structural damage
2. Second, we need to understand the circumstances and conditions that hinder or support those involved in structural victimization.
3. Preventive, facilitative and social control efforts to address structural damage and their impact, impact and effectiveness on those affected

Four. Rights and responsibilities of those involved in the existence of structural victims.

Second, we strive to prevent structural damage. Prevention efforts should be prioritized as they are easier and better than repression, correction, rehabilitation, etc. So you don't have to have negative consequences, and you can strengthen your sense of responsibility to others in many areas of your life.

Third, take action and resolve structural damage. This may include constructing, warning, punishing and enforcing threatening penalties. Under Law No. 35 of 2014, when setting sanctions, it essentially established compensation in the form of fines. To make amends or compensate for crime, children who are victims of crime are generally those who suffer the most from crime and who do not receive effective protection. Thus, when perpetrators of crimes are sentenced to criminal sanctions by the courts, the situation of children who are victims of crimes seems to be completely ignored, whereas issues of justice and respect for human rights are addressed by the perpetrators of crimes. Not only to victims of crime, but also to victims of crime.

Therefore, the effectiveness of legal regulation to adequately regulate compensation is highly dependent on the staff dealing with it (especially law enforcement officers such as police, prosecutors, and especially judges who decide criminal cases). In this regard, since

the Child Protection Act came into force, there has never been a judgment on the conviction of a perpetrator of a crime against a child. another. On the other hand, Indonesia does not yet have an institution that specifically deals with the issue of compensation for crime victims, including children who are victims of crime. B. The Crime Victim's Compensation Board in the United States is an agency established to provide financial assistance to crime victims in the form of reimbursement for medical bills, funerals, loss of income, etc. Finally, there is such an agency, the Crime Victims Compensation Commission. This agency is very necessary as it can assist crime victims who suffer financial losses, especially when the perpetrator is unable to pay compensation to the victim due to the crimes committed.

#### 4. CONCLUSION

Based on the above explanation, the following conclusions can be drawn:

Considering the existence of the Child Protection Law from the viewpoint of victimology, the following suggestions can be obtained.

1. From the perspective of victimology political law, as a constitutional implementation of the 1945 Constitution of the Republic of Indonesia, various legal institutions have emerged in

the field of child protection. Law No. 8 of 1981 on Criminal Procedure Law, Juvenile Court Law No. 3 of 1997, Human Rights Law No. 39 of 1999 and Law No. 39. Law No. 23 of 2002 on the Protection of Children and Law No. 11 of 2012 on the Juvenile Criminal Justice System Amendments of 2014 35 Regard children as victims of crime and grow and develop in Indonesian society.

2. In juvenile justice, the police, prosecutors, and judges of child prosecutions (prosecutions) believe that children must always be the embodiment of leadership, and that their development and protection should be based on the best progressive laws for children, It must be grounded in the protection of child victims, especially child victims.

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