

THE VICTIMOLOGICAL CONTEXT ON CHILD SEXUAL VIOLENCE

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Abstract

Sexual violence against children is a crime that needs serious attention. In this crime, children as victims often do not get adequate legal protection and fulfill their rights as victims. This study aims to analyze child sexual crimes in the context of victimology and victim protection. This study uses a normative legal study approach by analyzing the applicable laws and regulations as well as literature review related to the protection of children as victims of sexual crimes. This study proves and confirms that the protection of children in cases of sexual crimes has been legally guaranteed through the Law on the Protection of Witnesses and Victims, the Law on Child Protection, and the Law on Human Rights. However, the process of fulfilling the rights of children as victims in these crimes does not yet have adequate aspects of justice for children. The existing criminal law instruments are only oriented towards punishment and deterrence of perpetrators of sexual crimes.

Kekerasan seksual terhadap anak menjadi salah satu tindak pidana yang perlu mendapatkan perhatian serius. Pada tindak pidana ini, anak sebagai korban seringkali tidak mendapatkan perlindungan hukum dan pemenuhan hak-haknya sebagai korban secara memadai. Studi ini bertujuan untuk menganalisis kejahatan seksual anak dalam konteks viktimologi dan perlindungan korban. Studi ini menggunakan pendekatan studi hukum normatif dengan menganalisis aturan perundang-undangan yang berlaku serta kajian kepustakaan berkaitan dengan perlindungan

anak sebagai korban kejahatan seksual. Studi ini membuktikan dan menegaskan bahwa perlindungan anak dalam kasus kejahatan seksual telah dijamin secara yuridis melalui Undang-Undang Perlindungan Saksi dan Korban, Undang-Undang Perlindungan Anak, dan Undang-Undang Hak Asasi Manusia. Namun demikian proses pemenuhan hak-hak anak sebagai korban dalam tindak pidana tersebut belum memiliki aspek keadilan yang memadai bagi anak. Instrumen hukum pidana yang ada hanya berorientasi terhadap pemidanaan dan penjeraan terhadap pelaku kejahatan seksual.

Keywords: Sexual Crime, Child Protection, Crime Victim Protection, Victimology Study

INTRODUCTION

Before entering the discussion and solving solutions to problems related to the phenomenon of violence against children, which we focus on protecting victims based on the Child Protection Act, the authors have an interest in researching the complicated cases that befell victims of this violence, especially the victims are children. So, the authors invite us to return to review in detail about the science of victim protection or what we know as Victimology or Victimology so that as long as we review cases, we know many points of view of victimology. The authors will process the short material on victimology as well as concrete cases into one container so that readers can easily understand critically based on theory. Through the data and theories that the authors obtained from several formal sources such as journals, E-Books, Victimology which comes from the word victim "victim" and logi which means "science" in Latin, victimology comes from the word victim and logos, when interpreted simply victimology means knowledge of victims of crime.

Meanwhile, according to the Crime Dictionary, quoted by an expert Abdussalam, the victim is a person who has suffered physical or mental suffering, lost property or resulted in death for acts or attempts of minor offenses committed by other criminals. It is clear that what is meant by people who suffer physical suffering and so on are victims of an unlawful act such as a violation and/or crime (Abdussalam, 2020: 5). The presence of victimology in science basically aims to study the protection of crime victims through understanding, describing, and identifying crime problems by studying from the victim's point of view, the victimization process and its causes in order to create policies and preventative actions and suppress crime more fairly, and is responsible for victims without exception before the law. Victimology is an extension of criminology which is still limited to crimes committed by criminals, so the presence of victimology as a new science in the world of knowledge, especially in law.

The benefits of victimology can be seen from more than three main points regarding the benefits of the study of victims. First, philosophically the benefits of Victimology are related to the explanation of the role of the victim in a criminal act getting closer to the legal goals and objectives of punishment which provide just benefits, secondly, the substantive benefits of Victimology are related to the equipment of the criminal law system and criminal justice as well as efforts to prevent the occurrence of victims through development of a policy framework, the third practical benefit of victimology is related to seeking the rights of victims as well as to their legal protection.

The development of victimology to the current state of course does not occur by itself, Victimology has developed in a description of three phases including:

- a. The first phase, victimology only studies victims of crime, at this phase it can be said as "penal or special victimology".
- b. The second phase, victimology not only examines the problem of crime victims, but also includes accident victims. This phase is known as "general victimology".
- c. In the third phase, victimology has developed more broadly, namely examining the problems of victims due to abuse of power and human rights. This phase is referred to as "new victimology (Rena, 2013: 44-45).

Victimology examines topics regarding victims, such as: the role of the victim in the occurrence of a crime, the relationship between the perpetrator and the victim, the vulnerability of the victim's position and the role of the victim in the criminal justice system. According to JE Sahetapy, the scope of victimology includes how someone can become a victim who is determined by a victimity that is not always related to the problem of crime, including victims of accidents and natural disasters apart from victims of crime and abuse of power (Mansur and Gultom, 2007: 44-46; Pertiwi, 2020: 35-44; Jamaludin, 2021: 1-10).

However, in its development in 1985, Separovic pioneered the idea that victimology specifically examines victims due to crime and abuse of power and does not examine victims due to natural disasters or disasters, because victims of natural disasters are out of man's will. According to Muladi (Muladi and Arief, 2007: 82-83), the goals of victimology include:

- a. Analyze various aspects related to victims;
- b. Describe the cause and effect of victimization;
- c. Develop a system of action to reduce human suffering, especially victims.

TABLE 1 - *The History and Development of Victimology*

Year	Figure	Progress
1937	Benjamin Mendelshon	Introducing the name Victimology in 1956, he reintroduced the term in an article entitled "Reveu Internationale de Criminologie et de Police Technicue"
1949	Hans von Hentig	In the article "The Criminal and His Victim" it focuses more on the victim. The relationship between the perpetrator and the victim is studied not only from the aspect of the victim's suffering. But it also examines how victims are often the trigger and lead to crime
1954	Ellenberger	Studying the psychological relationship between criminals and victims followed by Manheim, Schafer, Fiesler etc.
1973	Symposium in Jerusalem	Victimology can be formulated as a scientific study and criminology has been enriched with a Victimology orientation
1976	in Boston	The 2nd Int Symposium was made Post Graduate Course on the Victim of Crime in The Criminal justice system
1977	Pioneered by Schneider and Drapkin	Founded World Society Victimology
1985	In Milan Italy	The Congress in the Prevention of Crime and Treatment of Offenders produced the basic principles on Victims of crime and abuse of power. The principle adopted by the United Nations in 1985 was called the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
1988	Seminars in Surabaya	Victimological Seminar (solving problems for victims of Indonesian-Dutch legal cooperation)

Then there are three types of approaches used by world figures, including Positivism Victimology Approach, Radical Victimology Approach and Critical Victimology Approach (new approach).

1. Positivism Victimology Approach

Pioneers of the Positivism Victimology Approach include: Mendelshon (1937) studying homicide cases where victims generally have a kind of unconscious condition that they are being victimized by "the innocent", and victims generally contribute to the suffering they suffer due to victim precipitation situations or situations created by the victim. In 1963 Mendelshon stated that responsibility or guilt for the occurrence of this crime distinguishes between potential victims and non-victims. Where the degree of guilt of the victim is limited to not guilty at all; guilty of negligence, as guilty as the perpetrator; more guilty than the perpetrator; the blame is entirely on the victim.

Von Hentig (1948) studying murder cases with types of victims including mental disorders, greed, delinquents, and torturers. Wolfgang (1958), the tendency to become a victim as a victim (victim proneness) and its relationship to being in the criminal act. The potential victims are women, children, the elderly, mentally disabled, white and heterosexual men. Wolfgang identified the types of victims in terms of psychological and social approaches (The depressed, the acquisitive, the wanton, the lonesome, and heartbroken, the tormentors, and the blocked and fighting). Schafer (1968), look at how the victim consciously or not has an effect on the victimization he suffers and even the division of responsibility with the perpetrator in certain cases. Hindelag er al and

Fattah (1991), both belong to the advanced victimological notion that individuals are in danger or have the potential to become victims due to their daily behavior or lifestyle such as the behavior of public women “on the street at certain hours”. Which is Fattah being a Nonparticipating victim; latent or predisposed victims; provocative victims; participating victims and false victims.

Contribution of the Positivism Approach: provides the basis for the establishment of Victimology as a science that is considered important in criminal law and influences how law enforcement and victim institutions pay attention to victims. Criticism of the Positivism approach in the study of Victimology:

- a. Based on ideas and estimates or speculation rather than empirical data
- b. Empirical data sourced from criminal statistics by the government
- c. Emphasizing the responsibility of the victim as something that is very problematic because it tends to blame the victim (Blaming the Victim)
- d. Ignoring victims in private areas, victims of state and corporate actions
- e. Not considering the risks experienced by the victim tends to generalize or generalize the victim's situation
- f. Neglecting to integrate political or structural analysis in analyzing what causes someone to become a victim

- g. Building a theory of victimology from some of the views of positivism (Mendelshon who saw that the concern of victimology was all victims)
 - h. Influenced by the anti-violence against women and children (gender-based violence)
 - i. Criticizing the concept of victim precipitation as a concept that blames the victim (blaming the victim)
2. Radical Victimology Approach

This approach pays attention to a combination of analysis of the state and its actions on the life experiences of crime victims. There are two elements of the radical victimology approach, namely the focus on the sociological and geographical aspects of the part of the community that are most vulnerable to the impacts experienced by victims as a result of the level of risk and vulnerability. Then the contribution of a radical approach in victimization includes recognizing victims as the impact of social problems due to capitalist economic power; relating to political struggles at the local level; pay attention to the impact of state actions; recognizing and acknowledging the victim's experience of a neglected environment; and collaborate with feminist volunteer groups and social movements. Criticism of the radical approach in victimization includes still using a framework or based on a positivism approach; simplify thinking about law and the state; very limited research agenda.

3. Critical Victimology Approach (new approach)

The critical victimology approach is a new approach which relies heavily on a radical approach to answer criticism of the positivism and

radical approach, one of the pioneers or figures of this approach is Pioneer Sandra Walkate (1989). The view of Victimology according to Walkate on Critical Victimology Approach, among others, is to question what is called the real reality; emphasizes the importance of building an understanding of victimology based on the victim's empirical experience; questioning the relationship of situations that are powerless with the potential to make victims; as well as trying to understand the mechanism that gave birth to a view that emphasizes all appearances based on a victimological view. The contribution of this approach is to dismantle the understanding of the victim in more depth in the risk and experience or suffering experienced by the victim; introduce an approach that provides justice to the victim avoiding the attitude of "blaming" the victim or blaming the victim, which causes the victim to become a victim for the second time (revictimization); and views that are considered male bias when measured from a male perspective.

In addition, Indonesia as a state of law certainly has the development of ideas or approaches to Victimology according to Indonesian legal experts, namely the Victimology Approach according to Mardjono Reksodiputro (1987: 97-99):

- a. The first approach is to look at the influence or relationship between the victim and the perpetrator's actions;
- b. The second approach, the rights of victims are taken into account in the criminal law system;

- c. The third approach is to pay attention to the number of victims who do not report their cases, seeing that victims are not only victims of conventional criminal acts but also unconventional cases.

According to Mardjono Reksodiputro, the scientists' attention to victimology is related to the attention of scientists towards victimology, is based on two currents:

- a. There is an idea that the state is also at fault in the occurrence of victims, therefore it is natural for the state to provide compensation to victims.
- b. There is a new school of thought in criminology that leaves the field positivist approach to pay more attention to the processes that occur in the criminal justice system and the structure of society (critical criminology). This means that this critical criminological view has influenced many thoughts in victimology.

According to Sahetapy, Victimology should not limit its scope to both criminal law and criminology studies. Thus, the focus of victimology is on those who are victims. Meanwhile, those who become victims can be due to the victim's own fault, the role of the victim directly or indirectly and without any role from the victim. This means that the scope of victimology is determined by what is called victimity. By starting with the victimity, according to Sahetapy, the problem of the victim does not need to always be associated with the crime factor. Because victimity is not the same as crime (Sahetapy, 1987: 25).

Based on the previous statements, it is necessary to disclose the limits regarding the victim as a reference or standard in determining the scope of the victim. This is important to do in order to be able to explain more about

the victim. As the limits on victims regulated in Law No. 13 of 2006 concerning the Protection of Witnesses and Victims, which has been amended by Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning the Protection of Witnesses and Victims, based on Article 1 paragraph (2) of Law No. 13 of 2006 and Article 1 paragraph (3) of Law no. 31 of 2014 "Victim is someone who experiences physical, mental, and/or economic loss caused by a criminal act". Then also based on Article 1 number (3) of Law no. 23 of 2004 concerning the Elimination of Domestic Violence, it is stated that "Victims are people who experience violence and/or threats of violence within the scope of the household", and in Article 1 number (3) of Law no. 21 of 2007 concerning Eradication of Criminal Acts of Trafficking in Persons "Victim is someone who experiences psychological, mental, physical, sexual, economic, and/or social suffering as a result of the criminal act of trafficking in persons".

Based on the explanation above, is there any relevance to Indonesian criminal law? One of them is related to the rise of cases of sexual violence against children. Indonesia is a legal state that has been recognized by the constitution Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia. In a society that runs in an orderly manner, it is something that cannot be separated from the existence of a legal order. What's more, Indonesia highly values humanity and etiquette in life. So here the law is something that cannot be separated from humans who control and regulate humans in life. From this, it is very necessary for legal protection for every human being to provide the value of justice for the people of a country. In essence, Law is a product of humans in the form of norms that contain

lessons about behavior which is a reflection of human will about the way that should be in directing and fostering society (Hadjon, 1987: 105-106). To carry out the function to regulate life, the law requires a long process and involves various stakeholders. In accordance with Article 8 of Law Number 39 of 1999 concerning Human Rights which states that all forms of human rights are the responsibility of the government as well as the community. Current legal protection must reach various groups of people without distinction, especially legal protection for children. Given that children are a very important asset for the generation of reformers of the Indonesian nation.

In Article 1 point 1 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, defines a child as a person who is not yet 18 years old, including those who are still conceived (Saraswati, 2015; Chandra, 2018; Fitriani, 2016: 250-258). The Human Rights Law explains that every human being who belongs to a 'vulnerable' community group has the right to get more protection regarding their specificity. This law does not explicitly regulate what is meant by vulnerable groups, but in its explanation, it has been stated that children are included in a vulnerable community group. The positive law has massively emphasized that children need to be protected. Legal protection for children is always intensified nowadays, considering that violence against children is increasing. In fact, the problem that has been highlighted so far is the increasing number of children as victims of sexual violence, especially women. Meanwhile, children still have to grow and develop in order to form their personality. In the KBBI, it has given meaning related to violence,

which means an act of a person or group, where the act causes damage or death of another person or physical damage or property of another person.

If sexual means having sex.

Therefore, Sexual violence can refer to an act of a person to make another person perform an unwanted sexual act. Referring to the Convention on the Rights of the Child (1989), which includes violence against children consisting of all forms of violence in the form of physical or mental, neglect or negligent treatment, abuse or exploitation, injury and harassment including sexual harassment. One of the types of child abuse is sexual which includes sexual harassment, molestation, incest, rape, forced marriage, gender-based violence, inappropriate touching, forced oral sex, and sexual violence. neglect or negligent treatment, abuse or exploitation, injury and harassment including sexual harassment. One of the types of child abuse is sexual which includes sexual harassment, molestation, incest, rape, forced marriage, gender-based violence, inappropriate touching, forced oral sex, and sexual violence. neglect or negligent treatment, abuse or exploitation, injury and harassment including sexual harassment. One of the types of child abuse is sexual which includes sexual harassment, molestation, incest, rape, forced marriage, gender-based violence, inappropriate touching, forced oral sex, and sexual violence (Gerintya, 2021). This is really far from human common sense. Where children should get protection and care, but in fact the opposite is true. If this continues to be left without firm handling, it will endanger the nation's future generations.

MaPPI emphasized that during August-October 2017 there were 367 news related to sexual violence, of which 275 occurred in Indonesia. Based

on these data, as much as 11% occurred in schools. It can be concluded that the author concludes that sexual violence in schools is sexual violence against children, considering that school age is an age that is still referred to as a child. It is an irony that the number of sexual violence committed against children is increasing. For example, the case of the Women's coalition also confirms that child marriage at an early age is an act of sexual violence. In the mass media circulating often intensify the protection of children from sexual predators. This warning arises due to the increasing number of cases of sexual violence against children (Brilio.net; Pratiwi, 2021).

Based on the background of the existing problems, a juridical review is needed regarding legal protection for children and also the role of child protection institutions in handling cases of sexual violence based on the perspective of legal victimology or legal protection for victims of crime. This requires a review of the causes of Sexual Addict where the victim is a child and also related to existing regulations that can be an effort to prevent sexual violence against children.

Therefore, formulation of the problem, are, first, what are the positive legal rules regarding legal protection for victims of sexual violence against children, and second, what is the victimization of victimization of sexual violence against children based on Law Number 35 of 2014 concerning Child Protection? This study aims to analyze and identify legal rules related to legal protection for victims of sexual violence against children, and also intended to analyze and describe the perspective of victimization of victims of sexual violence against children based on Law Number 35 of 2014 concerning Child Protection.

METHODOLOGY

This study uses a normative legal study approach where the data used are secondary data originating from various laws and regulations related to child protection in victimization studies. According to Soerjono Soekanto, research is a scientific activity based on analysis and construction that is carried out systematically, methodologically, and consistently and aims to reveal the truth as a manifestation of the human desire to know what he is facing (Soekanto, 1986: 3-4).

Normative legal research is legal research conducted by examining library materials or secondary data (Soekanto and Mamudji, 2003: 13-14). Normative legal research is also known as doctrinal legal research. According to Peter Mahmud Marzuki, normative legal research is a process to find a rule of law, legal principles, and legal doctrines in order to answer the legal issues faced (Marzuki, 2010: 35-36). In this type of legal research, law is often conceptualized as what is written in the law. Legislation or law is conceptualized as a rule or norm which is a benchmark for human behavior that is considered appropriate (Amiruddin and Asikin, 2006: 118-120).

DISCUSSION

Positive Legal Rules Regarding Legal Protection for Victims of Sexual Violence Affecting Children

Mayers stated that the law is a whole set of rules in which there are considerations of morality shown for human behavior in society and become a reference for the government in carrying out its duties and authorities.

Several legal experts have revealed definitions related to law, based on this it can be concluded that the law has the following elements:

- a. Law is a rule regarding human behavior in social interactions in society;
- b. Law is a rule that is enforced by an authorized official agency;
- c. Sanctions given to anyone who violates the rule of law is given strictly (Mertokusumo, 1999: 5-6).

From these elements it can be interpreted that the law has several functions as follows:

- a. Maintain an order;
- b. Made for a means of development;
- c. For the means in realizing the enforcement of justice;
- d. As a means of public education (Sumantoro, 1986: 4-5).

From this function, it can be interpreted that legal protection is to create protection and protection of human rights that have been harmed by other people in which protection must be given to citizens so that they can enjoy all the rights accommodated by law. Or in other words, legal protection can be interpreted by the existence of all legal remedies that must be provided by law enforcement officers to people who need it in order to provide a sense of security and comfort physically and psychologically from threats from various parties. This legal protection includes the protection of dignity and respect, as well as the recognition of human rights.

This legal protection also gives rise to legal products that are oriented towards protecting children. Protection of children is all about protecting and guaranteeing children and their various rights so that their growth and development can be fulfilled and participate optimally and can also achieve

protection from all forms of violence and discrimination. This violence is an attempt by a person to use his physical body accompanied by threats or actions that result in injury, psychological trauma, death, developmental abnormalities, and deprivation of rights. Violence can also be done individually or together. There are various types of violence, one of which is sexual violence. This definition of sexual violence appears as it is influenced by gender roles, the existence of human rights, cultural, socio-political, and geographical. Not only that, definitions related to sexual violence may also change or decrease over time. Meanwhile, sexual violence today is often defined as actions that are oriented towards obtaining sexual desire, it can also be in the form of comments or sexual approaches such as anything that is done by force. This kind of thing can be done to anyone and often does not pay attention to the relationship with the victim.

Therefore, sexual violence is not limited by place and can occur anywhere, even at home. Meanwhile, sexual violence today is often defined as actions that are oriented towards obtaining sexual desire, it can also be in the form of comments or sexual approaches such as anything that is done by force. This kind of thing can be done to anyone and often does not pay attention to the relationship with the victim. Therefore, sexual violence is not limited by place and can occur anywhere, even at home. Meanwhile, sexual violence today is often defined as actions that are oriented towards obtaining sexual desire, it can also be in the form of comments or sexual approaches such as anything that is done by force. This kind of thing can be done to anyone and often does not pay attention to the relationship with

the victim. Therefore, sexual violence is not limited by place and can occur anywhere, even at home.

Sexual violence is closely related to coercion accompanied by various forms of action, intimidation, extortion, and threats. According to Komnas Perempuan, sexual violence has 15 (fifteen) types, some of which are rape, sexual harassment, intimidation or sexual threats, giving punishments that involve sex, controlling sexual activity through various discriminatory rules that use religious morality as an excuse, and forced pregnancy or abortion. Violence or sexual abuse that occurs in children must receive serious attention and treatment, because this case causes children to have trauma that is difficult to remove and prolonged. (Rohmah, Novitasari, Nuqul, 2015: 5-10; Tunggal and Naibaho, 2020: 329-343; Jamaludin and Noval, 2020: 191-208; Kardono, Jaya and Rochaeti, 2020: 567-582).

Sexual violence behavior that makes children as victims is an action that does not succeed in parenting which causes psychological damage to children, this action is not limited to places which can occur in organizations, homes, schools, and communities that relate and interact directly with children. Violence against children in Indonesia continues to increase every year. This has also been proven based on data from the Pusdatin Komnas Anak which has received a total of 2898 cases of violence against children. Meanwhile, of the total data, there are as many as 60% which are cases of sexual violence that afflicts children. Based on data on sexual violence against children (Risma, 2019: 448-462).

Cases of sexual violence against children are currently being monitored to increase, even coupled with data from KPAI (Indonesian Child

Protection Commission) in 2013 it is a child emergency. According to Arist Merdeka Sirait, General Chair of KPAI, sexual crimes are considered an emergency because the perpetrators of these crimes are usually people closest to the victim. Such as parents, siblings, family relatives, people in the community, school environment, drivers, and street vendors in the victim's environment. Cases of sexual crimes committed by those closest to them become cases that are difficult to question and solve.

Based on the problems that have been described previously, the protection provided by law for children who are victims of sexual crimes must be the responsibility of all elements of society, not only the family of the child but also the entire community still has a role and responsibility in creating child protection considering as explained above, sexual violence knows no time and place, so it can happen whenever and wherever children are (Risma, 2019: 448-462). Therefore, cooperation from the community and law enforcement in eradicating sexual violence is very important. If the public sees or knows that there is sexual violence against children, they should immediately report it to the authorities. Law enforcement officials should also be swift in tackling this problem. Problems related to sexual violence against children are not an ordinary problem because children are the next generation which will be needed for the future of the country. So that it is an obligation for every element of the nation to maintain, secure, and guarantee the interests of children (Harahap, 2016: 39-40). The implementation of child protection is embodied in the form of legislation on positive law that applies in Indonesia.

Sexual crimes in positive Indonesian law are included in criminal acts against decency as regulated in the Criminal Code Articles 285 to 296. In addition, for sexual crimes with the victim being a child, it is regulated in Law Number 23 of 2002 concerning Child Protection Article 81 related to sexual intercourse, Article 82 related to obscenity, Article 88 related to child exploitation. The meaning of sexual according to the Big Indonesian Dictionary is relating to sex or gender and relating to cases of intercourse between men and women. The position of children and women have situations and conditions that are vulnerable to becoming victims of criminal acts because of the assumption that they have physical and mental weaknesses. This is in line with Von Hentig's opinion that young people or children are easy targets for crime, where the victim is physically weak and has immature personality and moral resilience, which often makes them unable to distinguish between right and wrong, what can and cannot be done. Often children do an act without thinking about the consequences, so that they can unconsciously become victims (Budiastiti, 2011: 3-7). For the perspective of victimology, actions that are carried out consciously or unconsciously, actively or passively that can stimulate someone to commit a crime against him are called the role of the victim. The victim as a participant in the occurrence of a crime essentially has a functional role. This role arises from certain conditions and situations which are inherently inherent in the victim's personality.

Victimology Perspective of Victims of Sexual Violence in Children

Broadly speaking, crime is an act or act of a human being that is considered to deviate from norms, rules or customs. In line with what has been stated by George Vold that crime always leads to human actions and the paradigm of society regarding the limits of what is allowed and what is prohibited, good and bad things contained in a law, custom, and custom. According to Arif Gosita, crime is the result of interaction by the existence of a relationship between existing phenomena and influencing each other. This understanding is an understanding in a broad sense which includes not only a juridical understanding but also actions or actions that can cause suffering and cannot be justified and are considered evil. Based on the theory of interaction and interactive perspective promoted by Arif Gosita, in examining the problem of crime, it must be reviewed at a macro level by paying attention to the relationship between all phenomena that exist and influence each other (relationship criminology) because all existing and relevant phenomena have the potential to become criminogenic factors. So those involved in the occurrence of a crime include:

- a. The perpetrators and victims of crime;
- b. The legislator who formulates, determines the type of act that is considered a crime;
- c. The police who investigated began to strengthen the existence of the crime;
- d. Prosecutors who demand to strengthen and try to prove the occurrence of a crime;
- e. The judiciary decides whether or not a crime exists;
- f. Officers of coaching and implementing punishments for criminals;

- g. Observers or witnesses who witness the occurrence of a crime play a role in the occurrence or non-occurrence of a crime by preventing or allowing the crime to take place (Gosita, 2019: 138-139).

The victim is a participant in the occurrence of a crime because every crime that occurs is always followed by the appearance of the victim. The existence of this victim then makes the victim have a role in the occurrence of a crime. The purpose of the role is the attitude and condition of a person who will become a victim or attitudes and circumstances that can trigger someone to commit a crime (Yulia, 2010: 75-76). The victim himself according to Law no. 13 of 2006 Article 1 number 1 is defined as a person who experiences physical, mental, and/or economic loss caused by a criminal act. Meanwhile, from the point of view of victimology as a study that looks at the role of the victim of a crime, it is related to what the victim does when something is done and where it is done. The role of the victim affects and affects the victim, other parties and the environment. Between the victim and the perpetrator there is a functional relationship, even in the occurrence of certain crimes the victim can be said to be responsible. As in the case of rape, the victim has a role in the occurrence of rape either consciously or unconsciously. The actions and conditions of the victim sometimes become a stimulus for the perpetrator to commit a crime. The existence of the victim's role in cases of sexual harassment does not necessarily blame the victim, but the perpetrator must also be held accountable for his actions. Quoting the opinion of Arif Gosita, the stimulus for the action can be in the form of certain situations and conditions.

However, if we review the issue of sexual violence against children from a victimological perspective, then the crime of sexual violence against children is something different from what Arif Gosita has previously stated. Given that children according to Article 1 number 1 of Law no. 35 of 2014 concerning Child Protection is someone who is not yet 18 years old, including children who are still in the womb. In addition, violence according to Article 1 point 15a is any act against a child that results in physical, psychological, sexual misery or suffering, and/or neglect, including threats to commit acts, coercion, or unlawful deprivation of liberty.

Furthermore, based on the theory, approach or thought that has been described by the previous author in the background subchapter, then the author will identify and analyze the perspective of victimization of victims of sexual violence committed against minors by means of violence, deceit, persuasion with a series of planned and unplanned lies which are threatened with Article 81 paragraph (2) of Law Number 23 years 2002 concerning Child Protection in conjunction with Article 65 paragraph (1) of the Criminal Code or Article 82 of Law Number 23 of 2002 concerning Child Protection jo. Article 65 paragraph (1) of the Criminal Code. persuasion with a series of planned and unplanned lies that are threatened with Article 81 paragraph (2) of Law Number 23 of 2002 concerning Child Protection in conjunction with Article 65 paragraph (1) of the Criminal Code or Article 82 of Law Number 23 of 2002 concerning Child Protection jo. Article 65 paragraph (1) of the Criminal Code. Persuasion with a series of planned and unplanned lies that are threatened with Article 81 paragraph (2) of Law Number 23 of 2002 concerning Child Protection in conjunction with

Article 65 paragraph (1) of the Criminal Code or Article 82 of Law Number 23 of 2002 concerning Child Protection jo. Article 65 paragraph (1) of the Criminal Code.

Based on cases of violence against children, women, parents, and other groups who are considered weak and different from those who are considered to have more power. So, the Author will use the Critical Victimology Approach (a new approach), in which this view of critical victimology has influenced many thoughts in victimology.

The reason is that according to this critical victimology approach, it does not rely on a radical approach, and responds to criticism of positivism and radical approaches, one of the pioneers or figures of this approach is Pioner Sandra Walkate (1989). The view of Victimology according to Walkate on Critical Victimology Approach, among others, is to question what is called the real reality; emphasizes the importance of building an understanding of victimology based on the victim's empirical experience; questioning the relationship of situations that are powerless with the potential to make victims; as well as trying to understand the mechanism that gave birth to a view that emphasizes all appearances based on a victimological view.

The contribution of this approach is to dismantle the understanding of the victim in more depth in the risk and experience or suffering experienced by the victim; introduce an approach that provides justice to the victim avoiding the attitude of "blaming" the victim or blaming the victim, which causes the victim to become a victim for the second time (revictimization); and views that are considered male bias when measured

from a male perspective. as well as trying to understand the mechanism that gave birth to a view that emphasizes all appearances based on a victimological view. The contribution of this approach is to dismantle the understanding of the victim in more depth in the risk and experience or suffering experienced by the victim; introduce an approach that provides justice to the victim avoiding the attitude of "blaming" the victim or blaming the victim, which causes the victim to become a victim for the second time (revictimization); and views that are considered male bias when measured from a male perspective. as well as trying to understand the mechanism that gave birth to a view that emphasizes all appearances based on a victimological view.

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Conclusion

Finally, this study highlighted and concluded that Indonesia as a state of law is obliged to guarantee the rights of citizens, one of which is by guaranteeing the fulfillment of children's rights in accordance with Law Number 23 of 2002 concerning Child Protection. However, in practice this regulation is still frequently violated, as evidenced by the prevalence of sexual violence against children. This requires further review of the existing laws and regulations. In addition, in carrying out child protection, it is necessary to have more participation or role in every institution related to child protection such as KPAI, LPA, LPSK, Non-Formal Education which is carried out from an early age such as families and PAUD. On the other hand, the role of the victim, which is also related to an action or behavior carried out by the victim, consciously or unconsciously, has an effect on the occurrence of a crime and the factors that are inherent in the victim so that it triggers the role of the victim is a factor that determines the success or failure of a crime. occur. Certain situations and conditions for the victim have the potential to stimulate or encourage the perpetrator to commit a crime, the reality of the existence of a special relationship (dating) between the victim and the perpetrator is a situation and condition that stimulates the perpetrator to commit sexual crimes against the victim by persuading and threatening. Characteristics of victims who are easily persuaded and weak mental and physical conditions are factors that play a role in the victim's role

in the occurrence of sexual crimes. So, as a preventive measure or an effort to prevent the occurrence of a crime, in examining the problems of crime, it is better to review it according to an approach that looks broadly by paying attention to the relationship between all existing phenomena (empirical), and mutually influencing each crime act (relationship criminology), because all the phenomena or events that have relevance have the potential to become criminal acts. So that the victim as a participant in the occurrence of a crime has the role of the victim in considering the light weight of sorrow for the perpetrator as an effort to realize justice. [W]

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