

# Restitution in Criminal Cases Criminal Violence Sexual Abuse in Children in Jayapura City

Aprillia Susanti Maswatu  
Farida Tuharea  
Maria Yeti Andrias

Faculty of Law, Universitas Yapis Papua  
Faculty of Law, Universitas Yapis Papua  
Faculty of Law, Universitas Yapis Papua

*Study This titled Restitution in Criminal Cases Criminal Violence Child Sexual Abuse in Jayapura City. Violence sexual in children is problem serious affecting health physical , mental, and social aspects of the victims. Jayapura City, as capital Papua Province , experienced case violence sexual child increasing. Restitution is one of effort For give justice and compensation to the victims. Research This aiming For know How implementation restitution in case Action Criminal Violence Sexual Abuse in Children in Jayapura City, and what obstacles in Handling case act criminal violence sexual abuse in children in Jayapura City. Research This use method Normative Legal Research and Empirical Legal Research . Research law Normative use approach with method learn legislation , theories and related concepts with the problem that will be researched . While Empirical Legal Research is Legal Research that analyzes about implementation law in the reality to individuals , groups and institutions law . Data collected via: Interview with Judges and members Renakta who handles case and Observation directly in the field . Research results show that restitution given in the form of cash , the amount restitution requested from the victim and the victim's family is 65 million , the cases that came in 2024 were 5-6 cases , in court they operate in accordance with rule which are already valid . Submission time restitution in court range between 7 ( seven ) days If No there is a process of effort furthermore and in civil during the application period namely 14 days . The parties Renakta Polda hopes If the victim and the victim's family wants make report about case violence sexual in children must Already Certain with decision said , because the victim and the victim's party did not can to pull out report the with easy , don't Because just promised something or lured something from party perpetrator.*

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## Introduction

Case of violence sexual abuse in children be one of problem the most serious social problems in Indonesia, including in Jayapura City [1] . The impacts caused No only nature physical and psychological , but can also to be continued until bother development child in term long . In facing problem this is important for all party For Work The same in protect children from all form violence and discrimination . Protection right children in Indonesia are regulated in Article 28B Paragraph 2 of the 1945 Constitution which states , " Every child entitled on sustainability live , grow and develop as well as entitled on protection from violence and discrimination ." [2] Commitment to protection right children are also reflected in confession international through Convention on the Rights of the Child (Convention on the Rights of the Child) which was ratified by the UN General Assembly on 20 November 1989. The Convention This is runway law international which confirms rights child For protected from all form violence , exploitation , and discrimination . [3]

Protection law must also can covers various aspect life social , political , economic and cultural , so that all individual , without except , can life with a sense of security and gain proper justice . [4] In a global context , protection law to right basic humans also become attention main set in various instrument international , such as Universal Declaration of Human Rights Humans , who give guidelines to countries in the world for protect rights base every individual without discrimination .

[5] With Likewise , in the world of justice , victims are also seen as very important. For get adequate protection . Protection This No only limited to aspects physical , but also includes protection psychological , social , and legal . Victims, especially in cases crime Serious like violence , fraud , or violence sexual , often facing deep trauma that can hinder the recovery process they . [6] ] Therefore that 's important for system justice For give comprehensive protection , which includes help medical , support psychological , as well as protection from potential threat or intimidation from perpetrator or party others . [7]

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Important For confess that victims ' rights , especially children , must protected with a better way sensitive and comprehensive in system justice . [9] In addition to providing protection Physically , children who are victims of crime also need support sustainable psychological and access to system law that is capable guard dignity and well-being they during the legal process ongoing . [10] State and society must ensure that children victims of crime No only viewed as witness or tool evidence , but also as individuals who have right For treated with respect , get protection , and obtain proper justice for they . [11]

Violation law happen when subject law certain No operate obligations that should be implemented or with on purpose violate rights subject other laws . This is covers various form violations , whether occurring in the realm of civil , criminal , and administration , which has an impact directly to the rights individual or group . In the context of this is important For ensure that those whose rights has violated get protection appropriate and effective law . [12] Child victims of crime are , in essence , the party that suffers the most in incident act criminal , because they No only facing deep physical and psychological trauma , but also often getting trapped in helplessness caused by age and dependency them in adults . In lots case , children victims of crime become the most vulnerable and needy parties protection special . Ironically , they often No get adequate protection from The law , especially If compared to with protection provided to perpetrator crime That myself . Even though system law aiming For give justice , in in practice , protection to victims ' rights , in particular children , still often neglected . [13]

## **Method**

In research This use it empirical normative method , which combines two approaches main in obtain and analyze data. [14] The normative approach aims For review and understand the applicable legal norms , while approach empirical prioritize data collection through observation directly in the field For get more information concrete and relevant . The author do field research For dig deeper into the data deep related with current phenomenon researched , with direct approach connected with practice or the reality that exists in society . [15]

## **Discussion**

### **Implementation Restitution in Case of Action Criminal Violence Sexual Abuse in Children in Jayapura City.**

Restitution first time set in the Criminal Procedure Code (KUHP) in articles 98-101, and several Constitution others who regulate restitution such as , Law no. 13 of 2006 concerning Revised

Witness and Victim Protection became Law no. 31 of 2014. Law no. 35 of 2014 concerning Child Protection, which states aspect restitution in context protection child from act criminal. Regulation Government Regulation No. 43 of 2017. Regulation Supreme Court (PERMA) No. 1 of 2022 also provides guidelines related restitution. Discussion about restitution in case violence sexual abuse in children Lots involving various related issues with aspect social, legal and in its implementation. Some issue the is :

#### Children's Rights as Victims

Children who are victims of violence sexual entitled For get restitution. However, enforcement in matter This often hampered Because lack of understanding among society and law enforcement law.

#### Mechanism Submission Restitution

Submission process restitution that sometimes considered complicated and can So inhibitor to justice for the victims. There are also many victims and his family who did not know systematics submission restitution.

#### Legal Ambiguity

There is ambiguity about who is responsible For pay restitution and how the process that must be passed, things that's what makes uncertainty for the victim.

#### Challenges and Implementation

There are challenges, such as social stigma, lack of support psychology and resistance from perpetrator, thing the can reduce it effectiveness mechanism restitution in give justice to the victims in case This is child.

#### The Need for Legal Reform

For ensure right child protected, necessary there is reform in system the law that governs about restitution, including with simplify procedures and confirm not quite enough answer the paying party restitution.

Based on results interview writer to the relevant Juvenile Criminal Judge effectiveness implementation and conformity implementation restitution, his party need coordinate with the Public Prosecutor for get information more continued. He add that if restitution Not yet implemented, important For know the reason behind it, well That related constraint technical, administrative, or factor others. This is show the need more synergy Good between Courts and Public Prosecutors in ensure that restitution truly applied in accordance with provision law and provide justice for the victims.

### **Constraining Factors in Handling of Criminal Cases Criminal Violence Sexual Abuse in Children in Jayapura City.**

#### Internal factors :

Awareness and participation society : Improve awareness and participation public in prevention and reporting case.

Capacity and competence Officer : Increase ability officer in Handling case, officer the is police, prosecutors, judges and workers social.

Availability source power : increase budget and resources Power For Handling case .

Inter-institutional cooperation : Increasing cooperation between institution government , communities and non- governmental organizations .

External Factors

Regulations and Policies : improve effectiveness regulations and policies related protection child .

System Justice : Improving efficiency dn effectiveness system justice .

Education and Awareness : awareness and education public about danger violence sexual abuse in children .

Technology : using technology For monitor and prevent case the .

Psychological Factors :

Victim Trauma: addressing victim trauma and providing support psychological .

Compliance Handling : adjust Handling with needs of the victims.

Supervision and monitoring : supervising and monitoring victims as well perpetrator .

Other Factors

Culture and Traditions : Respect culture and tradition local in handle case .

Availability Facilities : Improve availability Facility in Handling case .

Supervision and Evaluation : Supervise and evaluate implementation case .

## Conclusion

Implementation restitution in case act criminal violence sexual abuse in children in Jayapura City. The importance of coordination in restitution in case act criminal violence sexual in children is role court in monitor implementation restitution , cooperation between government institutions and non-government organizations , improvement awareness public about restitution . In addition , the function from restitution that is victim restitution , justice for victims and as prevention case violence sexual . Factors constraint in Handling case act criminal violence sexual abuse in children in Jayapura City. The importance of coordination in restitution in case act criminal violence sexual in children is role court in monitor implementation restitution , cooperation between government institutions and non-government organizations , improvement awareness public about restitution .

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