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Addressing the Challenges in Protecting Child Victims of Sexual Violence within Non-Formal Education Institutions

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Article	Abstract
<p>Keywords:</p> <p>Child Victims; Non-formal Education Institutions; Policy; Sexual Violence; Victim Protection.</p> <p>Article History Received: Jun 5, 2023; Reviewed: Jul 9, 2024; Accepted: Jul 29, 2024; Published: Jul 31, 2024.</p> <p>DOI: 10.28946/slrev.Vol8.Iss2.2987.pp249-268</p>	<p>In recent years, violence against women and children has markedly increased in the Special Region of Yogyakarta, Indonesia. Numerous cases underscore a significant potential for sexual violence against children, particularly those enrolled in non-formal education institutions. This pressing issue necessitates a thorough examination of current implementation practices, the identification of existing constraints, and the formulation of prospective criminal policies aimed at protecting children from sexual violence in these educational settings. This study utilises a socio-legal framework with a normative-empirical approach, drawing on data from Bantul Regency and Yogyakarta City. It also critically reviews pertinent regulatory frameworks and implementation practices within this context. Findings indicate that both preventive and repressive measures have been enacted to combat sexual violence against children, primarily through the empowerment of law enforcement officials and related government officers at the district, city, and provincial levels. However, the effectiveness of preventive measures is impeded by current regulations and prevailing social norms. Future initiatives to protect children from sexual violence in non-formal education institutions should prioritise non-penal approaches, including the enhancement and harmonisation of the Criminal Acts of Sexual Violence legislation at both national and regional levels. Furthermore, it reveals that local government agencies have yet to establish effective coordination mechanisms to promote better norms for preventing sexual violence in these institutions. Enhancing community empowerment and bolstering the coordination and roles of stakeholders will be pivotal in mitigating the stigma faced by child victims of sexual violence.</p>

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INTRODUCTION

The educational institution is a service group that organizes education through formal, non-formal, and informal channels at all levels and types.¹ Non-formal education, in this context, is

¹ Rahabaw, Patrius, and Threesje Roza Souisa. "Evaluation of Non-Formal Education Management in Maluku Province, Indonesia." *International Journal of Evaluation and Research in Education (IJERE)* 10, no. 4 (2021): 1395–1408. <https://doi.org/http://doi.org/10.11591/ijere.v10i4.21116>

a structured and hierarchical educational pathway outside of the formal system. It can fully replace formal education for students unable to complete it for various reasons.² This type of education encompasses life skills, early childhood education, youth and women's empowerment, literacy, and job training, all aimed at developing students' abilities. Examples of non-formal education institutions include course centres, training centres, study groups, community learning activity centres, Islamic teaching assemblies, and similar establishments. Early childhood education within non-formal education is provided through playgroups, childcare centres, and equivalent settings.

Parents are beginning to choose and provide alternative non-formal education for their children. This is appropriate because, in the 21st century, one skill that determines one's success is the soft skills that can be obtained from non-formal education institutions.³ This is also the case in the Province of the Special Region of Yogyakarta. The number of educational institutions currently established and developed in both the regency (wide) and the city (narrower) scope supports the parents' wishes to enrol children in these institutions. At the district level, The Agency of Education, Youth and Sports (Dikpora) in Bantul Regency and Yogyakarta City organises their non-formal education institutions. Table 1 describes the number of non-formal education institutions in Bantul Regency and Yogyakarta City.

Table 1: Number of Non-Formal Education Institutions in Bantul and Yogyakarta (2022)

Form of Non-Formal Education Institutions	Location	
	Bantul Regency	Yogyakarta City
Non-formal Early Childhood Education Programs Formal) (including Study Groups (KB) and Child (TPA))	779	182
Community Learning Activity Centre (PKBM)	25	18
Workplace Learning Activities (SKB)	1	1
Course and Training Institute (LKP)	41	58
Total	846	259

Source: *The Office of Education, Youth and Sports of Bantul Regency and Yogyakarta City (2022)*

Awareness-raising attempts related to child protection are an important part of improving the quality of child protection, especially in cases of sexual violence. Sexual violence against children is unacceptable and must be a priority⁴. However, sexual violence cases in the Province of the Special Region of Yogyakarta have increased over the last two years. The large number of institutions in Table 2 shows how important it is to provide protection against sexual violence in such establishments.

Table 2: Number of Victims of Violence Against Women and Children in the Province of the Special Region of Yogyakarta (2020-2021)

Locations	2020		2021	
	Workplace/ School	Others	Workplace/School	Others

² Yayat Hidayat, “Strategy for Improving the Quality of Non-Formal Education in the Field of Equality Programs in the Context of Policy and Implementation,” *Jurnal Keilmuan Manajemen Pendidikan* 7, no. 2 (2021): 137–48, <https://doi.org/https://dx.doi.org/10.32678/tarbawi.v7i02.4515>.

³ Iis Prasetyo, Yoyon Suryono, and Sachin Gupta, “The 21st Century Life Skills-Based Education Implementation at the Non-Formal Education Institution,” *Journal of Non-formal Education* 7, no. 1 (2021): 1–7, <https://doi.org/http://dx.doi.org/10.15294/jne.v7i1.26385>.

⁴ KPAI, “Kasus Kekerasan Seksual Terhadap Anak Tidak Dapat Ditoleransi,” n.d., <https://www.kpai.go.id/publikasi/kasus-kekerasan-seksual-terhadap-anak-tidak-dapat-ditoleransi>.

Kulonprogo Regency	2	23	3	15
Bantul Regency	11	54	35	46
Gunungkidul Regency	0	10	2	36
Sleman Regency	18	73	17	65
Yogyakarta City	17	113	12	105
Total (Yogyakarta Province)	48	273	69	267

Source: *The Office of Women's Empowerment, Child Protection and Population Control (DP3AP2) of the Province of the Special Region of Yogyakarta (2022)*

Note: "Others" in the above table represent institutions outside workplaces and schools

Table 2 shows there was an increase of twenty-one sexual violence cases at work or school in the Province of the Special Region of Yogyakarta in 2021 compared to 2020. Most cases involving children as students who become victims happen in formal education institutions, such as schools. Students try to develop their potential through learning processes at certain pathways, levels, and types of education. The "School" category in Table 1 refers to education institutions on formal pathways. Meanwhile, education institutions on non-formal pathways are in the "Others" category. Although cases of sexual violence have decreased in formal education institutions, table 2 shows that such cases are still rampant in non-formal education institutions.⁵

Bantul Regency, one of the regencies in the Province of the Special Region of Yogyakarta, has the highest number of sexual violence cases in 2021. An example of a case in Bantul Regency is where eight students at non-formal Islamic boarding schools became victims of sexual violence by educators and their educational staff. Another case happened in 2022, where an adult student became the victim of another non-formal education institution in sports.⁶ A similar case has also occurred in the Sleman Regency. The victim was a student from Yogyakarta City.⁷ The issue of violence against children in sports has risen to attract global recognition.⁸ These show that sexual violence can also take place in non-formal education institutions.

Based on Law Number 20 of 2003 concerning the National Education System, the type of education chosen is based on the specific goals of an educational institution. Formal, non-formal, or informal pathways are possible for holding it. In Article 54 Paragraph (1) Law Number 35 of 2014 concerning Amendment to Law Number 23 of 2002 concerning Child Protection, the government must protect children inside and outside the education institution environment from acts of physical violence, psychological violence, sexual crimes, and other crimes committed by educators, education staff, fellow students, and/or other parties. The

⁵ Pamela Davies, Peter Francis, and Tanya Wyatt, *Invisible Crimes and Social Harms* (New York, 2014).

⁶ Kamal, "(Police Investigator in Woman and Children Protection (PPA) Unit of the Bantul Regency Police)," 2022.

⁷ Udiyati Ardiyani, "(Head of the Technical Implementation Unit for the Protection of Women and Children (UPT PPA) Yogyakarta City)," 2022.

⁸ Aurelie Pankowiak, "Psychological, Physical, and Sexual Violence Against Children in Australian Community Sport: Frequency, Perpetrator, and Victim Characteristics," *Journal of Interpersonal Violence* 38, no. 3-4 (2023): 4338-65, <https://doi.org/https://doi.org/10.1177/08862605221114155>.

educational environment is currently facing a huge problem⁹ due to the neglect of violence, tolerance for violence, and the existence of a culture that degrades children.

Every child should have the right to live, grow, and develop and should have the right to protection from violence and discrimination. The ratification of the Convention on the Rights of the Child (CRC) strengthens this global commitment to protect, respect, and fulfil children's rights. At the national level, the Government of the Republic of Indonesia has made Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection and the Establishment of Government Regulation in place of Law Number 23 of 2022 concerning Child Protection to become Law (Law Number 17 of 2016 concerning the Establishment of Government Regulation in place of Law Number 1 of 2016 to become law). The government still warrants children's rights, even if a child commits a crime. It is in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

The government creates a national strategy for preventing and treating violence and discrimination against children as its role. There are reference sources for ministries and agencies that work on violence against children, like provinces and cities. Those are in Presidential Regulation Number 101 of 2022 concerning the National Strategy for Eliminating Violence Against Children. The responsibility, especially in the protection of children from sexual violence in the educational environment, lies with all parties and all educational pathways. Law Number 20 of 2003 states that formal education has levels, starting with basic education, then secondary education, and finally, higher education. Meanwhile, non-formal education means education outside formal education, which can be implemented structurally or at several levels.

Indonesia has public and religious schools, which the Ministry of Education administers separately. The Ministry of Education, Culture, Research, and Technology is responsible for general education, while the Ministry of Religion is responsible for managing religious education.¹⁰ The Ministry of Education and Culture and the Ministry of Religion can organise their educational programs and policies, including policies on sexual violence.

Currently, the Ministry of Religion has issued Regulation of the Ministry of Religion Number 73 of 2022 concerning Handling and Prevention of Sexual Violence in Education Institutions.¹¹ This regulation protects education institutions in all education pathways, namely formal, non-formal, and informal. The Ministry of Education and Culture also issued Regulation 82 of 2015 concerning the Prevention and Countermeasures of Violence in Education Unit Environments.¹² It only prevents and stops violence before and during early childhood education and formal education institutions. Meanwhile, the meaning of education

⁹ Jogja.tribunews.com, "DP3AP2 DIY Catat Ada 654 Kasus Kekerasan Pada Perempuan Dan Anak Di DI Yogyakarta," n.d., <https://jogja.tribunews.com/2022/09/16/dp3ap2-diy-catat-ada-654-kasus-kekerasan-pada-perempuan-dan-anak-di-di-yogyakarta>.

¹⁰ Ahmad Mukhlisin, "Dualisme Penyelenggaraan Pendidikan," *Journal Educational Research and Social Studies* 2, no. 1 (2022): 67–72, <https://doi.org/https://doi.org/10.25217/ji.vxix.xxxx>.

¹¹ Kementerian Agama Republik Indonesia, "Kemenag Terbitkan PMA Penanganan Dan Pencegahan Kekerasan Seksual Di Satuan Pendidikan," n.d., <https://www.kemenag.go.id/read/kemenag-terbitkan-pma-penanganan-dan-pencegahan-kekerasan-seksual-di-satuan-pendidikan-doy4w>.

¹² Sabaruddin, "Implementasi Permendikbud No. 82 Tahun 2016 Tentang Pencegahan Dan Penanggulangan Tindak Kekerasan Di Lingkungan Satuan Pendidikan Di SMP Telkom Makassar," *Phinisi Integration Review* 2, no. 1 (2019): 146–64, <https://doi.org/https://doi.org/10.26858/pir.v2i1.8365>.

institutions in the national education system is broader. These education service groups organise education in formal, non-formal and informal pathways at every level and type of education.

This research aims to explore how the regulatory and institutional frameworks are implemented in relation to sexual violence in non-formal education institutions. The research also seeks to identify primary obstacles or constraints hindering effective prevention and response to sexual violence against children in these educational settings. Furthermore, the author questions what policies should be proposed to address sexual violence in non-formal education institutions.

The objective of the research is to investigate and analyse the implementation practices, constraints, and potential criminal policy proposals aimed at protecting children from sexual violence in non-formal education institutions in the Special Region of Yogyakarta, Indonesia. It seeks to review the existing regulatory frameworks and implementation practices related to child protection from sexual violence in these educational settings.

Additionally, the research intends to assess the effectiveness of current preventive and repressive measures, highlight constraints stemming from regulatory gaps and societal norms, and propose non-penal instruments for enhancing child protection policies at national and regional government levels. Furthermore, the study aims to evaluate the coordination efforts of local government agencies in promoting preventive norms against sexual violence in non-formal education institutions.

RESEARCH METHODS

This research is underpinned by a socio-legal framework, which integrates legal principles with socio-cultural norms and empirical data. The socio-legal approach allows for a nuanced understanding of how legal regulations interact with societal practices and norms regarding child protection from sexual violence in non-formal education institutions. The data analysis method used in this study is qualitative, a research procedure that makes descriptive data. This method gives researchers more data and space to be objective, then assess the facts and show expected research results without reducing objectivity.¹³

The approach of this research is normative-empirical, combining two stages of study. The first stage is a study of applicable normative laws, and the second stage is the application of real cases to achieve predetermined goals.¹⁴ This research was preceded by carrying out the stage of reviewing laws and regulations that are relevant to the formulation of the problem. This initial phase allows for a detailed examination of legal frameworks governing child protection from sexual violence in non-formal education institutions within Yogyakarta City and Bantul Regency. Subsequently, the second stage applies these normative findings to real-world cases to achieve predetermined research objectives. This application phase involves observing and analysing how effectively Yogyakarta City and Bantul Regency have implemented these regulations.

¹³ Zuchri Abdussamad, *Metode Penelitian Kualitatif* (Makasar: Syakir Media Press, 2021).

¹⁴ Abdulkadir Muhammad, *Hukum Dan Penelitian Hukum* (Bandung: PT Citra Aditya Bakti, 2004).

This research requires secondary data and primary data. Researchers acquire secondary data indirectly from the source.¹⁵ The method used to obtain secondary data is a literature study using a statutory approach. The first secondary data consists of primary legal materials: laws and regulations related to children, sexual violence, and education. The second is secondary legal material in the form of literature books, journals, papers, research reports, and articles related to the subject matter. The last secondary data uses tertiary legal material, namely, the National Indonesian Dictionary (KBBI).

Meanwhile, researchers obtain primary data directly from the source without intermediaries from other parties. Then, researchers collect and process it themselves. The method for getting primary data is an in-depth interview with respondents and resource persons using a purposive sampling method based on interview guides. The respondents are Indonesian National Police Investigators in the Woman and Children Protection (PPA) Unit in Bantul Regency and Yogyakarta City Police Resort, the counsellors of the Technical Implementation Unit For The Protection of Women and Children (UPTD PPA) Bantul Regency, Sub Coordinator of Protection of Women and Children's Rights (PPHA) Unit in Office of Women's Empowerment, Child Protection and Population Control and Family Planning (DP3AP2KB) Bantul Regency, the Head of the Technical Implementation Unit for the Protection of Woman and Children (UPT PPA) Yogyakarta City, the Head of Protection of Women And Children's Rights (PPHA) Sector in Office of Women's Empowerment, Child Protection and Population Control and Family Planning (DP3P2AP) Field of Yogyakarta, and the Sub Coordinator of Protection of Women And Children's Rights (PPHA) in Office of Women's Empowerment, Child Protection and Population Control (DP3AP2) of the Province of the Special Region of Yogyakarta. The study's resources were the Head of Non-Formal Education (PNF) of the Agency of Education, Youth and Sports (Dikpora) Bantul Regency, the staff of Community Education (Dikmas) Sector of Dikpora Yogyakarta City, and the Data and Information Analyst in the Office of Women's Empowerment, Child Protection and Population Control (DP3AP2) of the Province of the Special Region of Yogyakarta.

ANALYSIS AND DISCUSSIONS

Implementation Practices and Identification of Constraints in the Study Area

Several regulations technically guide all education institutions in all education pathways in the Province of the Special Region of Yogyakarta to implement countermeasures, namely:¹⁶ a) Regulation of the Minister of Women's Empowerment and Child Protection Number 5 of 2011 concerning Fulfilment of Children's Education Rights; b) Regional Regulation of the Province of the Special Region of Yogyakarta Number 3 of 2012 concerning the Protection of Women and Children Victims of Violence; c) Regulation of the Governor of the Special Region of Yogyakarta Number 21 of 2013 concerning Implementation of Inclusive Education; d) Regulations for Implementing of Child-Friendly Schools based on the Regulation of the Minister of Women's Empowerment and Child Protection of the Republic of Indonesia Number 8 of 2014 concerning Child-Friendly School Policy; e) Regional Regulation of the Province of

¹⁵ Suteki and Galang Taufani, "Metode Penelitian Hukum," in *Filsafat, Teori Dan Praktek* (Jakarta: RajaGrafindo, 2020).

¹⁶ Yohana Santi Rostriani, "Sub Coordinator DP3AP2 of the Special Region of Yogyakarta," 2022.

the Special Region of Yogyakarta Number 2 of 2018 concerning Implementation of Child Protection; f) Regulation of the Governor of the Special Region of Yogyakarta Number 17 of 2019 concerning Fulfilment of Children's Rights in General.

In addition to these regulations, there are regent/mayor regulations at the district or city level. The District Government in Bantul uses the Bantul Regency Regional Regulation Number 4 of 2022 concerning implementing Child-Friendly Regencies. Meanwhile, the City Government in Yogyakarta applies the Yogyakarta City Regional Regulation Number 1 of 2016 concerning Child-Friendly Cities. Furthermore, there are regulations like the Mayor's Decree on Child-Friendly Schools, Prevention of Child Marriage, Child-Friendly Villages, Mayor Regulation Number 56 of 2022 on Regional Government Guarantees for Children Victims of Violence, and the Head of the Yogyakarta City DP3AP2KB's Decree regarding the Establishment of Website Management Team.

In general, there are two pathways to tackling sexual violence, namely through the prevention (preventive) and handling (repressive) pathways. The first is preventive measures. Related sub-national agencies (OPD) and law enforcement officers work together to carry out these efforts. However, technically, DP3AP2KB has a greater burden of prevention efforts because it takes on program responsibility. In Bantul Regency, DP3AP2KB organises prevention attempts with the Bantul Police Resort, Social Services Office, Save Our Soul (SOS) Children's Village, and Teratai Putih Foundation. In Yogyakarta City, DP3AP2KB Yogyakarta City holds prevention attempts in coordination with Yogyakarta City Resort Police, Social Services Office, Universities, Community Organizations, Working Group (Pokja) 1-4 in Empowerment of Family Welfare (PKK), regional and private hospitals.¹⁷

The provincial government's socialisation of the commitment to Child-Friendly Schools (SRA) includes promoting it with resocialisation directions to the education institutions of each regency and city. Bantul Regency did both tasks and legal counselling for Child-Friendly City (KLA) in formal education. While the counselling does not specialise in sexual violence, these activities provide information and directions on the prevention and handling of sexual violence.¹⁸ DP3AP2KB Bantul Regency provides prevention services through socialisation through the Family Learning Centre, called PUSPAGA, which is regularly held with a different child protection theme every month. For non-formal education, the Education, Sport, and Youth Agency provides services yearly to PAUD and TPA. Every sub-district and urban village also holds prevention attempts to raise public awareness of sexual violence against children.¹⁹

Besides implementing provincial directives, services are provided to create Child-Friendly Cities (KLA) within the scope of Yogyakarta City. The first service is PUSPAGA to improve families through education and coordination of family and child counselling against violence. Direct education is held in schools and communities through working groups in each urban village, sub-district, and worship places. Indirect education from PUSPAGA is through mass media (online), including the DP3AP2KB's website.²⁰

¹⁷ Isna, "Head of PPHA Unit DP3AP2KB Yogyakarta City," 2022.

¹⁸ Ani Suparjati, "Legal Counselor/ Legal Assistant UPTD PPA Bantul Regency," 2022.

¹⁹ Azzakiyah Fitriati, "Sub Coordinator PPHA Unit DP3AP2KB Bantul Regency," 2022.

²⁰ Isna, "Head of PPHA Unit DP3AP2KB Yogyakarta City."

There are also services to fulfil children's rights by delivering information about the KLA and regulations on special protection of children to educate and build children's character through the pioneering and initiation of child-friendly worship places, child-friendly villages (urban village and sub-district) and the Child-Friendly Sector Police (especially children in conflict with the law) by holding social activities and mobilising Community-Based Integrated Child Protection (PATBN). These services also target the scope of related policies and institutions, such as the initiation of the Association of Child-Friendly Entrepreneurs and the Regional Indonesian Child Protection (KPAID). In this case, KPAID joins DP3AP2KB and related OPD. They have socialised Ministerial Regulation Number 82 of 2015 concerning the Prevention and Management of Acts of Violence in Education Institution Environments.²¹ Specifically, the Education, Sport and Youth Agency, through the Holistic Integrated (HI) PAUD method, has been giving services to PAUD and TPA every year. Every urban village and sub-district has been doing prevention attempts to raise public awareness of sexual violence against children.²²

The second is handling attempts. In this case, related agencies and law enforcement officers work together. The Technical Implementation Unit for the Protection of Women and Children, as part of the DP3AP2KB, has responsibility for it, whether resolved illegally or legally. In Bantul Regency, the UPTD PPA Bantul Regency works with the Bantul Resort Police, the Social Service Office, and the Education, Sport and Youth Agency (only for reported cases). In Yogyakarta City, the UPT PPA Yogyakarta City works with the Petty Officer for Village Trustees (Babinsa), Bhayangkara Advisor for Public Security and Order (Bhabinkamtibnas), and the support of the region, school members, and Education, Sport and Youth Agency (only for reported cases).²³

At the provincial level, the Rekso Dyah Utami Integrated Service Centre for Women and Children handles all attempts related to complaints and victims, coordinated with the Violence Victims Protection Forum. Hospitals, law enforcement officers, and non-government organisations are members of that forum. TESAGA and the Woman and Children Protection (PPA) Task Force are also facilitated in each regency/city. One of its functions is outreach.²⁴

In Bantul Regency, the UPTD PPA provides services to handle post-complaints through psychological and social assistance for victims. In this case, UPTD PPA gives psychological assistance through a psychologist. In terms of any social assistance, UPTD PPA coordinates with the Social Service Office to direct social workers who will assist the victim. The next form of handling attempts is legal assistance, especially for child victims who take legal action on cases they experience through police reports. Legal assistance is provided from the investigation to the trial level.²⁵

The hospital holds coordination to give health-related treatment. UPTD PPA encourages victims of sexual violence to carry out legal proceedings, especially if the victim is a child and

²¹ DP3AP2KB Jogja Kota, “Sosialisasi Permendikbud Nomor 82 Tahun 2015 Tentang Pencegahan Dan Penanggulangan Tindak Kekera-San Di Lingkungan Satuan Pendidikan,” n.d., <https://dp3ap2kb.jogjakota.go.id/detail/index/24193>.

²² Isna, “Head of PPHA Unit DP3AP2KB Yogyakarta City.”

²³ Isna.

²⁴ Yohana Santi Rostriani, “(Sub Coordinator PP DP3AP2 of the Special Region of Yogyakarta),” 2022.

²⁵ Suparjati, “Legal Counselor/ Legal Assistant UPTD PPA Bantul Regency.”

the perpetrator is an adult. In handling attempts where there are already victims, psychoeducation is also carried out. The target for the psychoeducation is the victim's environment, namely not only the family but also the community. The purpose is to prevent labelling or bad stigma from the environment, which causes the victim not to want to interact at home, so the UPTD PPA cooperates with the Social Service through the Social Worker and then coordinates with the institution.

In Yogyakarta City, UPT PPA provides psychological help and assessments based on Standard Operating Procedures (SOP). If a victim wants to process his or her case through a police report, UPT PPA also gives him or her legal assistance. Children are more vulnerable than adults. There is no difference in handling child victims of sexual violence in all educational pathways. However, most of the cases were from formal education institutions. In each formal school, there is a Child Protection Committee that can report sexual violence and then coordinate with the Indonesian Child Protection Commission (KPAI).²⁶

When students become victims of sexual violence or free sex, they leave school and get married (as candidates for marriage). The handling also involves DP3AP2KB Yogyakarta City as part of the PUSPAGA service. It provides non-formal education, like packages A, B, and C, to help victims obtain an education that will lead to a better future, together with the SKB under the authority of the Education, Sport and Youth Agency of Yogyakarta City. Non-formal education institutions should be educated about sexual violence for prevention attempts. Yogyakarta City Government has formed a Task Force called *Satgas Siap Gerak Anti Kekerasan* (Sigrak) in each urban village and sub-district area. They handle cases of violence reported to UPT PPA. The DP3AP2KB Yogyakarta City's Jogja Smart Service application, managed by the Ministry of Communication and Informatics, provides integrated reporting services via WhatsApp chat while maintaining the reporter's confidentiality.²⁷

Another obstacle is that not all parties in education understand sexual violence, both in formal and non-formal education pathways. Socialisation related to Ministerial Regulation Number 82 of 2015 concerning the Prevention and Handling of Violence in Education has not been optimally implemented. Not all law enforcement officers and related local government agencies at the district level know and have received socialisation of this regulation.

The obstacles regarding prevention that exist in Bantul Regency and Yogyakarta City are the same. The development of science and technology has an enormous negative impact on children. It includes easy access to sexual content. This condition is one of the factors encouraging children to engage in sexual acts. The lack of parental supervision and role exacerbates this. The restrictive measures of the Police and the Ministry of Communication and Informatics are insufficient to stop information from spreading. The best way to stop the spread of light is to raise awareness of the child by the parents, the community, law enforcement

²⁶ Udiyati Ardiani, "(Head of UPT PPA Yogyakarta City)," 2022.

²⁷ Isna, "Head of PPHA Unit DP3AP2KB Yogyakarta City."

officers, and the government.²⁸ In particular, parents need to have an important understanding of early childhood sex education for their children.²⁹

The handling constraints in Bantul Regency and Yogyakarta City are similar. The constraint comes from the high negative stigma from society towards victims of sexual violence. While it is expected that victims will not be blamed or victimized³⁰, there is also a lack of awareness among victims to report the sexual violence they experience because it is considered a disgrace to themselves, their families, society, or related educational units. Human resources are the biggest hindrance to implementing various activities at the regency and city level due to insufficient people handling the case. The proportion of the number of employees is not proportional to the number of existing education institutions, so the attempts made are not optimal. It occurs notably in non-formal education, considering that only in formal education institutions cannot all of them be reached by the lack of active role of Education, Sport and Youth Agency in regencies/cities both on prevention and treatment.³¹ It is the impact of the not-yet-comprehensive protection of all educational pathways.

Prospective Criminal Policies to Address Criminal Acts of Sexual Violence Against Children as Students in Non-Formal Education Institutions

The term “sexual violence against children” comes from the meaning and use of the term sexual violence in various international instruments, both legally binding and non-binding instruments. It has a meaning which is then generally agreed upon and/or can be used without stigmatising and/or harming the child. The idea of sexual violence has been used, especially towards adults, which is often related to gender-based violence and public health discourse and is often too associated with rape.³² The World Health Organization (WHO) has stated a definition of sexual violence adopted from the World Report on Violence and Health.³³

The term sexual violence is often used as an umbrella term to cover all types of sexual victimisation. Sexual violence is one of the children's rights most troubling violations, so international legal instruments protect them from its various forms.³⁴

“Sexual violence against children encompasses both sexual exploitation and sexual abuse of children and can be used as an umbrella term to refer jointly to these phenomena, both with regard to acts of commission and omission and associated with physical and psychological violence. At the same time, within this broader framework, it is important also to maintain a more narrow focus on different specific manifestations of sexual violence against children in order to develop precise protection and prevention strategies as well as case-specific responses to child victims. From a child rights perspective, what matters is that the protection

²⁸ Kamal, “(Police Investigator in Woman and Children Protection (PPA) Unit of the Bantul Regency Police).”

²⁹ Fitri Wahyuni, Aris Irawan, and Siti Rahmah, “The Legal Protection For Children Of Sexual Violence Victims In Indragirii Hilir Regency,” *International Journal of Educational Research and Social Sciences (IJERSC)* 2, no. 2 (2021): 322–27, <https://doi.org/https://doi.org/10.51601/ijersc.v2i2.46>.

³⁰ Muswandi, Jamillah, and Ariman Sitompul, “The Power of Proof In Victims of Sexual Violence,” *SASI Journal* 28, no. 3 (2002): 390–96, <https://doi.org/https://doi.org/10.47268/sasi.v28i3.988>.

³¹ Isna, “Head of PPHA Unit DP3AP2KB Yogyakarta City.”

³² ECPAT International and ECPAT Luxemburg, “Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse,” Interagency Working Group on Sexual Exploitation of Children, 2016.

³³ World Health Organization, “Preventing Intimate Partner and Sexual Violence Against Women: Taking Action and Generating Evidence,” World Health Organization/London School of Hygiene and Tropical Medicine, 2010.

³⁴ UNICEF, “Sexual Violence,” n.d., <https://data.unicef.org/topic/child-protection/violence/sexual-violence/>.

granted or sought through both legislation and policies be as broad and effective as possible, leaving no room for loopholes and securing all children's protection and freedom from harm."³⁵

As part of an international community, Indonesia recognises and guarantees the protection and fulfilment of children's rights through the approval of the CRC through Presidential Decree Number 36 of 1990. The emphasis on protecting children from sexual violence is referred to in Article 19.³⁶ Indonesia has realised its commitment to protecting children from sexual violence through some laws specifically regulated in Law Number 12 of 2022 concerning criminal acts of sexual violence.

Other regulations have regulated sexual violence, although the forms of sexual violence are still limited and seen as crimes of decency. A study found that online gender-based violence causes psychological losses, social alienation, economic losses, limited mobility, and self-censorship.³⁷ Some regulations comprehensively address the handling of criminal cases, and they pay attention to the needs of women and children, from assisting with restitution.³⁸ However, these regulations are not yet optimal in preventing, protecting, accessing justice, and recovering victims, and they are not comprehensive in regulating procedural law.³⁹ Therefore, the government formed and enacted the Law Number 12 of 2022. It has a clear term for "criminal acts of sexual violence".

Indonesia considers sexual violence a serious crime because the sanctions given to perpetrators of sexual violence can also be in the form of chemical castration, which is expected to have a deterrent effect, especially in cases of sexual violence against children. The chemical castration stipulated in Government Regulation in Lieu of Law No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection. However, this raises several problems. On one hand, it is hoped that it will have a deterrent effect on the perpetrators, but on the other hand, there are problems regarding the human rights of the perpetrators and the lack of guaranteed protection of the victims' rights.

Government Regulation in Lieu of Law focuses solely on the perpetrator. In contrast to the perpetrators who are threatened with chemical castration, the victims do not know the concept of rehabilitation. Considering the increase in cases of violence against children, the state needs to increase the severity of criminal sanctions and provide treatment to the perpetrators. Restitution, compensation, and psychological care to the perpetrators to recover victims' rights are needed.⁴⁰ The imposition of chemical castration sanctions on perpetrators of sexual violence is not merely to provide a deterrent effect. However, it must also reflect respect for

³⁵ Luxemburg, "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse."

³⁶ UNICEF, "Sexual Violence."

³⁷ Ardicha Caterine, Bagaskoro Adi, and Dhimas Wahyu, "Kebijakan Penegakan Hukum Kekerasan Berbasis Gender Online (KBGO): Studi Urgensi Pengesahan RUU PKS," *Jurist-Diction* 5, no. 1 (2022), <https://doi.org/https://doi.org/10.20473/jd.v5i1.32869>.

³⁸ Indonesia Judicial Research Society, "Peraturan Kekerasan Seksual Sebelum Adanya UU TPKS," n.d., <https://ijrs.or.id/peraturan-kekerasan-seksual-sebelum-adanya-uu-tpks/>.

³⁹ UNICEF, "Sexual Violence."

⁴⁰ Henny Yuningsih, *et.al.*, "Ratio Legis of Chemical Castration to the Perpetrators of Sexual Violence against Children", Vol. 4, Issue 2, 2020, *Sriwijaya Law Review*, July 2020, DOI: 10.28946/slrev.Vol4.Iss2.652.pp285-303.

human rights based on divine principles, as in Pancasila, the ideological foundation of Indonesia.⁴¹

Children, one of society's most vulnerable groups,⁴² deserve more treatment and protection for their speciality.⁴³ This protection is given anytime and anywhere, including protection for children as students in non-formal education institutions. The potential for sexual violence against children is especially alarming because non-formal education differs from formal education. The learning method used in non-formal education institutions is different from formal education.⁴⁴ It allows for more flexibility and fewer rules during teaching and learning activities. Some perpetrators use it to commit sexual violence against children. It is most common among educators or educational staff against their students.

Children inside and outside the educational institution environment are required to receive protection from acts of physical and psychological violence, sexual crimes, and other crimes committed by educators, educational staff, fellow students, and/or other parties.⁴⁵ As the research done by the author, the protection of children from criminal acts of sexual violence in the jurisdictions of Bantul Regency and Yogyakarta City, when viewed from the politics of criminal law, the attempts made by the two regions are in the context of overcoming crime through the penal pathway (in the form of handling attempts) as well as non-penal pathway (in the form of prevention attempts).

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence orders efforts to overcome any sexual violence. The central and regional governments must take preventative measures and handle attempts on a regular and sustainably. Education institutions and other places where sexual violence has the potential to take place can take preventive measures for students. Prevention⁴⁶ is any action or attempt to eliminate various factors that lead to the occurrence of sexual violence and the recurrence of it. Relevant ministries/agencies organise prevention efforts at regional levels (provincial and district/city) integrated based on their respective regulations.

Meanwhile, handling⁴⁷ is an action to provide service for complaints, health services, social rehabilitation, law enforcement, legal services, repatriation, and social reintegration. There is no difference in handling child victims in all educational pathways. Students can be adults and are only sometimes in the child age category. Consequently, the application of the law is different. Law enforcement officers use the law on child protection and the law on the

⁴¹ Henny Yuningsih, *et.al.*, "Philosophical Foundation of Chemical Castration for Offenders of Sexual Violence Against Children", *Sriwijaya Law Review*, Vol.4, Issue 1, January 2020, DOI: 10.28946/slrev.Vol4.Iss2.297.pp62-78.

⁴² UNICEF, "'Sexual Violence.'"

⁴³ UNICEF.

⁴⁴ Patrius Rahabaw and Threesje Roza Souisa, "'Evaluation of Non-Formal Education Management in Maluku Province, Indonesia,'" *International Journal of Evaluation and Research in Education (IJERE)* 10, no. 4 (2021): 1395–1408, <https://doi.org/http://doi.org/10.11591/ijere.v10i4.21116>.

⁴⁵ Luxemburg, "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse."

⁴⁶ Luxemburg.

⁴⁷ Luxemburg.

juvenile justice system for children in cases where the victim or perpetrator is a child.⁴⁸ The following are the results of the analysis based on the author's research,

Table 3 shows the national and sub-national government actions to prevent and handle sexual violence in non-formal education institutions, which demonstrates the obstacles in overcoming sexual violence. The complexity in the prevention of sexual violence in non-formal education institutions is due to several obstacles in overcoming criminal acts of sexual violence against children and the factors driving the occurrence of this criminal act. This complexity can be explained by an argument by G.P. Hoefnagels that divided the countermeasures of crime into two categories, namely "penal" and "non-penal." The "penal" pathway uses criminal law, while the "non-penal" utilises instruments outside criminal law. Prevention of crime through the "penal" pathway emphasises the nature of "repressive" (suppression/eradication) after the crime has occurred. Meanwhile, the "non-penal pathway places more emphasis on the "preventive" (nature of prevention/deterrence/control) before a crime occurs.⁴⁹

Table 3: The Countermeasures of Sexual Violence in Non-Formal Education Institutions

Forms of Countermeasures	Description
Prevention	<p>Both regions, but not optimal, have made prevention attempts.</p> <p>The women's empowerment and child protection agencies in Bantul Regency and Yogyakarta City have yet to implement prevention in all non-formal education units, except in non-formal childcare and early childhood institutions. Prevention activities are carried out yearly based on demand (not routinely scheduled). The education, youth, and sports agencies in the study areas have not played an active role in initiating activities to prevent sexual violence.</p> <p>The education, youth, and sports agencies in Regency/City have yet to participate in prevention attempts actively.</p> <p>Not all agencies and law enforcement officers know and/or can distinguish the classification of educational pathways, so the target of prevention activities still tends to be formal education units. The quantity of prevention activities implemented is also not proportional to the number of existing education units, so they cannot reach all existing education institutions, especially for non-formal education.</p> <p>It is still difficult to raise awareness and vigilance with related parties regarding criminal acts of sexual violence, especially in terms of supervision at home by parents/guardians of their children.</p>
Handling	<p>Both regions, but not optimal, have made handling attempts.</p> <p>There is still a high negative stigma from society toward victims. The lack of awareness of victims to report sexual violence they experience because it is considered a disgrace for themselves, their families, society, or related educational units.</p> <p>The Regency/City's education, youth, and sports agencies have not actively participated in handling attempts.</p> <p>Law enforcement officers and related agencies still need to learn and/or understand the educational pathways of National Education System Law. They need to pay more attention to students in non-formal education institutions. They use the term "School"⁵⁰ to represent formal education institutions. As a result, the data reveals cases only for formal education institutions.</p>

From the interviews' synthesis, it was found that there are internal and external factors causing sexual violence against children in the jurisdiction of Bantul Regency and Yogyakarta City. The internal factors are perpetrators (adults) and victims (children). The research found

⁴⁸ Kamal, "(Police Investigator in Woman and Children Protection (PPA) Unit of the Bantul Regency Police)."

⁴⁹ Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru* (Jakarta: Kencana, 2008).

⁵⁰ KBBI, "'education Unit' Not 'School,'" The National Education System Law uses term, n.d.

two internal factors regarding the perpetrators. First, the background factor is perpetrators having experienced sexual violence. Most of the perpetrators had been victims of sexual violence themselves in education institutions by seniors or educators. The second factor is low morality and religious values. The low awareness and understanding of the morals and religion of perpetrators make them unable to control themselves.⁵¹ From the victims' point of view, there are three internal factors. The first is the fear and threat factor. Victims feel afraid to refuse and feel pressured to accept. There is a power relationship between students and educators or educational staff. Some victims still feel confused about the incident they experienced (both resulting in physical and psychological pain) even after the incident. They have difficulties determining whether the incident was appropriate and whether it needs to be unfolded.⁵² The second is the ignorance factor. Not knowing about criminal sexual violence leads to the victim not reporting because they think it is normal. The third is the shame or embarrassment factor.⁵³ Only a few victims are willing to reveal it to their closest people because of the shame of what they have experienced.

External factors from the perpetrators consist of four components. The first is the social media development factor. Easily accessible pornographic content motivated the perpetrators. The second is the economic factor.⁵⁴ In some cases, the limitations of the economy encouraged the perpetrators. They could not vent their sexual desires on adults (commercial sex workers). The third, weak supervision, is related to the opportunity caused by, first, the intense encounter between the perpetrator and the victim, and second, there are not as many school members in non-formal education institutions as in formal education institutions. It is what distinguishes these non-formal institutions from formal education institutions. With no regulations for prevention and steps to take when sexual violence happens, perpetrators have more chances to commit it. The fourth is that several educational institutions still consider sexual education a taboo.⁵⁵ With regard to the children as victims, two external factors emerged. The first is the lack of supervision.⁵⁶ Parents, guardians, or anyone responsible for the child's education at home pays little attention to the child's interactions with other people in the educational institutions when they are at home. Most victims had incomplete family backgrounds (parents divorced or died). Furthermore, this is related to family resilience. The second is stigmatisation and labelling factors.⁵⁷ There is still a high level of family and community opinion that sexual violence is a disgrace that is shameful when exposed. Victims are considered and labelled as bad children, which allows re-victimisation.

The factors above can be related to the theory of crime prevention. Cohen and Felson proposed the Routine Activity Theory, which is quoted by Leclerc and Savona. This theory states that crime is possible when the perpetrator is motivated while the appropriate target/victim gathers in one place.⁵⁸ This theory opens up an understanding of criminal acts, where daily activities contribute to how perpetrators and victims meet. A competent guardian, manager, or those who control the child (parents, teachers, peers) can take crime prevention.

⁵¹ Kamal, "(Police Investigator in Woman and Children Protection (PPA) Unit of the Bantul Regency Police)."

⁵² Suparjati, "Legal Counselor/ Legal Assistant UPTD PPA Bantul Regency."

⁵³ Kusnaryanto, "(Police Investigator PPA Unit of the Yogyakarta City Police)," 2022.

⁵⁴ Kamal, "(Police Investigator in Woman and Children Protection (PPA) Unit of the Bantul Regency Police)."

⁵⁵ Ardiyani, "(Head of the Technical Implementation Unit for the Protection of Woman and Children (UPT PPA) Yogyakarta City)."

⁵⁶ Ani Suparjati, "(Legal Counselor/ Legal Assistant UPTD PPA Bantul Regency)," 2022.

⁵⁷ Kusnaryanto, "(Police Investigator PPA Unit of the Yogyakarta City Police)."

⁵⁸ Benoit Leclerc and Ernesto U. Savona, *Insightful Approaches for Crime Prevention Initiative*, Crime Prev (Switzerland: Springer International Publishing Switzerland, 2017).

There is a need for parent involvement in child development.⁵⁹ The management of the educational institution is the main component in prevention through regulations and learning curriculum because parents/guardians are only sometimes with the child. Managers must create a Standard Operational Procedure (SOP) to prevent sexual violence and create a curriculum that includes sexual education material. Local government can urge them through regulations that require it.

Sexual violence has a psychological impact and creates social dynamics. Common impacts of sexual violence include psychological trauma, depression and anxiety, identity and personality disorders. One of the social dynamics here is stigma towards victims. Social intervention supports victims' recovery, creates a strong support network, and reduces societal stigma. The social stigma attached to it is often rooted in ignorance and stereotypes that develop in society. To overcome this, educational campaigns can open dialogue and understanding about the reality of sexual violence. Communities need to be empowered to respond empathetically to victims, combat stigma and promote attitudes supportive of recovery. In this case, coordination needs to be established between law enforcement officials, health service providers, and the community.⁶⁰ In addition, according to the author, the role of the education service is huge, especially in campaigning to prevent sexual violence in all educational institutions.

Criminal politics in countermeasures sexual violence is not only through the penal pathway but also through the non-penal pathway. The non-penal policy is for overcoming criminal acts using means other than criminal law. From a macro perspective on criminal politics, the non-penal criminal law policy is the most strategic crime prevention policy. The non-penal policy prevents crime by eliminating its causes of it. These conducive factors, among others, focus on problems or social conditions that directly or indirectly give rise to crime. Therefore, non-penal attempts occupy a key and strategic position in all criminal political attempts.⁶¹

The primary purpose of protecting children from criminal acts of sexual violence covers all educational pathways in existing education institutions; when viewed from a regulatory perspective, in outline, it can be detailed and compared as follows:

Table 4: Comparison of the Scope of Legal Protections for Students Against Sexual Violence in Non-Formal Education Institutions

Regulatory Level	Regulations	Scope
<i>National</i>	Law Number 20 of 2003 concerning the National Education System	It covers education service groups that organise education through formal, non-formal, and informal channels at every level and type of education.
<i>Ministry</i>	Regulation of The Minister of Education and Culture Number 82 of 2015 concerning the Prevention and Countermeasures Acts of Violence in Education Institutions	The Education institutions cover early childhood education and formal education institutions in primary and secondary education.
	Regulation of The Minister of Religion Number 73 of 2022 concerning the Prevention and Treatment of Sexual Violence in Education Institutions	The Education institutions provide education on formal, non-formal, and informal pathways at every level and type in the ministry of religion. They include madrasas, Islamic boarding schools, and

⁵⁹ Nina Maxwell, "I'm Trying to Save My Family: Parent Experiences of Child Criminal Exploitation," *Youth Justice Journal*, 2022, 1–16, <https://doi.org/https://doi.org/10.1177/14732254221122559>.

⁶⁰ Wulandari, Yunita Adinda, and Yusuf Saefudin. "Dampak Psikologis Dan Sosial Pada Korban Kekerasan Seksual: Perspektif Viktimologi." *Jurnal Review Pendidikan dan Pengajaran (JRPP)* 7, no.1, (2024): 296-302.

⁶¹ Teguh Prasetyo and Abdul Halim Barkatullah, *Politik Hukum Pidana Kajian Kebijakan Kriminalisasi Dan Dekriminalisasi* (Yogyakarta: Pustakapelajar, 2012).

	within the Ministry of Religion	religious education institutions.
	Regulation of The Minister of Women's Empowerment and Child Protection Number 8 of 2014 concerning Child-Friendly School Policy	Child-friendly schools are formal, non-formal, and informal education institutions that are safe, clean, and healthy, care and have a culture of the environment, can guarantee, fulfil, and respect children's rights and protect children from violence, discrimination, and other mistreatment and support participation children, especially in planning, policy, learning, supervision, and complaint mechanisms related to the fulfilment of children's rights and protection in education.
<i>Regional/ Sub National</i>	Regional Regulation of Bantul Regency Number 4 of 2022 concerning the Implementation of Child Friendly Regency	The scope of Child-Friendly Schools is the same as The Minister of Women's Empowerment and Child Protection's regulation.
	Regional Regulation of Yogyakarta City Number 1 of 2016 concerning Child-Friendly City <i>jo</i> Regulation of Yogyakarta Mayor Number 49 of 2016 concerning Child-Friendly School	Formal schools include elementary school/ibtidaiyah madrasa, junior high school/tsanawiyah madrasa, senior high school/aliyah madrasa, and vocational school.

Table 4 shows that national regulations require the protection of students in educational institutions across all educational pathways, namely formal, non-formal, and informal. However, the regulations still need to cover the three educational pathways at the ministerial level through the Ministerial Regulation and at the regional level through the Regional Regulation of Yogyakarta City. The Ministerial Regulation has several areas for improvement.

The first is that the scope of protection is limited. It only covers early childhood education and formal primary and secondary education institutions organised by the Government, Regional Government, or the community.⁶² Child protection⁶³ means protecting children's rights to live, grow, and participate in human dignity. It also prevents violence and discrimination. Children have the right to welfare, care, guidance, and services to develop abilities and social life, rearing, and protection during and after birth, as well as the right to protection against harmful environments.⁶⁴ The law for children must consider the consequences of its application. Legislation is a legal norm,⁶⁵ which is a rule of law that social engineers use to create order and justice. According to the theory of justice from Gustav Radbruch⁶⁶, the source of justice is positive law and legal ideals. The essence of justice is equality. Protecting children as students is based on several positive laws, namely regulations that apply at the national, ministry, and regional levels. The Ministerial Regulation does not accommodate the principle of non-discrimination in existing regulations, so it does not provide justice in the context of protecting children from sexual violence in non-formal education institutions which are part of the national education system.⁶⁷

Secondly, the role of the Ministry of Education and Culture is not yet optimal in attempts to prevent sexual violence against children. They have an important role and must lead actively to prevent and deal with it. However, its involvement is limited to its role after sexual violence

⁶² UNICEF, “Sexual Violence.”

⁶³ Luxemburg, “Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse.”

⁶⁴ Luxemburg.

⁶⁵ C.S.T. Kansil, *Pengantar Ilmu Hukum Dan Tata Hukum Indonesia* (Jakarta: Balai Pustaka, 1989).

⁶⁶ Hyronimus Rheti, *Filsafat Hukum* (Yogyakarta: Universitas Atma Jaya, 2011).

⁶⁷ KBBI, “‘education Unit’ Not ‘School.’”

has occurred. The Ministry of Education and Culture⁶⁸ implements the first strategy by providing policies, implementing regulations, and enforcing laws. It also takes responsibility for the second strategy, which involves strengthening anti-violence norms and values.

Thirdly, the Ministerial Regulation has not adapted to the Criminal Acts of Sexual Violence Law nor the principles that form its background. In this case, harmonising regulations is of utmost importance both vertically and horizontally. The first material discusses "prevention" and "countermeasure" as stipulated in the Ministerial Regulation. While Law Number 12 of 2022 on Sexual Violence and Presidential Decree Number 101 of 2022 on the National Strategy for the Elimination of Violence Against Children use the terms "prevention" and "handling". Basically, according to G.P. Hoefnagels, quoted by Barda Nawawi Arief, the countermeasure of crime can be pursued by (1) criminal law application, (2) prevention without punishment, and (3) influencing views of society on crime and punishment/mass media.⁶⁹

According to the National Dictionary (KBBI), a "prevention"⁷⁰ means process, method, an act of prevention, or rejection. The meaning of "countermeasure"⁷¹ is the process, method, or act of overcoming. Meanwhile, the meaning of "handling"⁷² is the process, method, act of handling, and cultivating. The definition of "countermeasure" in the Ministry of Education and Culture's regulation means the form of repressive attempts, namely handling by looking at higher regulations. Therefore, using the term "handling" is more appropriate.

The second material relates to the principles⁷³ in the law of sexual violence, namely the principle of respect for human dignity and worth, the non-discrimination principle, the best interests of the victim principle, the justice principle, the expediency principle, and the legal certainty principle, which should also form the basis of the Ministerial Regulation. The third material relates to the affirmation of forms of sexual violence that should be appropriate with the law on the crime of sexual violence.

CONCLUSION

This paper has established a review of the existing regulatory and institutional framework for victim protection against sexual violence in the case of children in non-formal education institutions and an understanding of the effectiveness of government intervention in addressing sexual violence in children. The research concludes that neither regulations nor sub-national government agencies responsible for managing these issues through preventive and repressive instruments have been effective. The research also found that factors hampering the repressive measures are the stigma or disgrace from the society toward victims of sexual violence acts and the lack of awareness of the victims to report the violence. To overcome the stigma of child victims of sexual violence, the community needs to be empowered with a campaign for an understanding of the reality of sexual violence itself, an effective method on how to respond to victims empathetically, and measures to fight the stigma with support and cooperation from law enforcement officials, health and psychology service providers, as well as from the Agency for Education, Sport and Youth, especially to implement violence prevention efforts. The research also found that law enforcement officers and staff from related agencies have narrow understanding of the importance of providing attention to non-formal education institutions.

⁶⁸ Chapter III Attachment of The Presidential Regulations, "Concerning the National Strategy for Eliminating Violence Against Children." (2022).

⁶⁹ Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana* (Semarang: Fajar Interpretama, 2011).

⁷⁰ Kemendikbud.go.id, "Pencegahan," n.d., <https://kbbi.kemdikbud.go.id/entri/pencegahan>.

⁷¹ Kemendikbud.go.id, "Penanggulangan," n.d., <https://kbbi.kemdikbud.go.id/entri/penanggulangan>.

⁷² Kemendikbud.go.id, "Penanganan," n.d., <https://kbbi.kemdikbud.go.id/entri/penanganan>.

⁷³ Regulations concerning the National Strategy for Eliminating Violence Against Children.

The Agency for Education, Youth and Sports has not been actively pursuing preventive and repressive measures. The number of appointed officers in other relevant agencies has been limited. Thus, preventive measures are difficult. Future policies in managing sexual violence crimes at non-formal education institutions should be harmonious vertically and horizontally to achieve justice. They should be geared toward implementing protection for all students in all education pathways. Government agencies are advised to use non-penal means to prevent criminal acts of sexual violence and eliminate determining factors that cause a crime to occur. The amendment of the Regulation of the Minister of Education and Culture Number 82 of 2015 and subsequent regional regulations is strongly recommended, which covers the scope of protection and the empowerment of the Agency for Education, Youth and Sports to implement children protection at the non-formal education institutions. It adopts Ministerial Regulation to the Criminal Acts of Sexual Violence Law or the principles that form its background.

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