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## Implementation of the TPKS Law in Addressing Violence against Children

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**Abstract:** Violence against children, particularly sexual violence, remains a serious and growing issue in Indonesia. As a vulnerable group, children require strong legal protection to safeguard their rights. Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS) serves as a comprehensive legal framework addressing prevention, victim protection, and law enforcement concerning sexual violence, including cases involving children. This article analyzes the implementation of UU TPKS in tackling child sexual violence, highlighting progress and existing challenges. While the law marks significant advancement, issues such as lack of public awareness, limited support services, and cultural barriers hinder its effectiveness. Strengthened collaboration between the government, law enforcement, and society is essential to ensure optimal child protection.

**Keyword:** UU TPKS, Child Protection, Legal Implementation, Sexual Violence, Indonesia.

### INTRODUCTION

Violence against children, especially sexual violence, is a multidimensional problem that is still a serious challenge in Indonesia. Not only does it leave physical wounds, sexual violence against children also has profound psychological and social impacts, and can significantly affect the future of victims. Data from the Indonesian Child Protection Commission (KPAI) and various child protection institutions show that the number of cases of violence against children, especially in the form of sexual violence, continues to increase from year to year. The complexity of this problem requires a handling approach that does not only focus on the legal aspect alone, but also involves community-based recovery, education, and prevention efforts. The Indonesian government has taken significant steps by enacting Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), which is a new legal umbrella in handling cases of sexual violence more comprehensively. This law not only emphasizes prosecution of perpetrators, but also includes comprehensive protection and recovery of victims. However, the implementation of the TPKS Law in the field still faces various challenges, such as limited resources, low public literacy about sexual violence, and minimal synergy between sectors in handling cases.

According to Irwanto (2020) Recovery of child victims of sexual violence requires a long time, as well as psychological, social, legal, and educational interventions. We must

dismantle the entire system that allows the violence to continue to occur. In this context, a conceptual approach known as undoing TPKS has emerged. Although it has not been widely used formally in legal discourse or public policy, the term undoing in this context refers to efforts to “reverse” or eliminate the structural and social impacts of criminal acts of sexual violence. In other words, undoing TPKS does not mean canceling the existence of the law or criminal acts, but rather emphasizes the process of social transformation, victim recovery, and ongoing prevention of violence. This approach emphasizes the importance of a child protection system rooted in humanitarian values, active community participation, and a cross-sectoral approach.

The implementation of undoing TPKS in the context of violence against children requires us to think beyond just law enforcement mechanisms. Integration is needed between curative and preventive efforts that include: provision of psychosocial services for child victims; training for educators, medical personnel, and law enforcement officers on handling child victims in a sensitive and victim-oriented manner; and strengthening community literacy in recognizing, reporting, and preventing sexual violence early on. In addition, it is also important to build safe spaces for children, both in the family, school, and community environments, which allow them to grow and develop without fear. Furthermore, the concept of undoing TPKS also encourages us to review social and cultural norms that often perpetuate violence against children. For example, the existence of a patriarchal culture, taboos on discussing sexuality, or stigma against victims of child sexual violence are challenges that must be overcome. Within this framework, undoing TPKS becomes a transformative strategy that aims to change the social structure that is permissive of violence, to be more inclusive and protective of children (Prayetno, S., & Ali, H., 2020).

Therefore, this article aims to explore in depth how the implementation of the concept of undoing TPKS can provide a concrete contribution to overcoming violence against children in Indonesia. The focus of the discussion includes: analysis of existing policies, challenges of implementation in the field, the role of strategic actors (state, society, family), and policy recommendations to strengthen a holistic child protection system. With this approach, it is hoped that a protection ecosystem will be created that not only responds when violence occurs, but is also able to prevent and heal sustainably. In the midst of efforts to handle cases of sexual violence against children, there is a reality that the existing system is often not fully responsive to the needs of victims (Riyanto, S., Yanti, R. R., & Ali, H., 2017). Many children who become victims actually experience re-victimization in the legal process, such as negative labeling, neglect of basic rights, and lack of adequate psychosocial support. This situation shows that conventional approaches are not enough to touch the root of the problem. Therefore, a new approach is needed that is more empathetic, comprehensive, and pro-victim.

## **METHOD**

This study uses a descriptive quantitative approach with a library research method and normative analysis of relevant laws and regulations. The purpose of this method is to measure the level of implementation of the undoing TPKS approach in overcoming violence against children based on legal indicators, public policies, and public perceptions reflected in available secondary data. This type of research is normative-empirical legal research with a quantitative approach. Normative legal research is used to examine applicable legal norms, especially Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), and its derivative regulations. A quantitative approach is used to analyze secondary data in the form of the number of cases, reporting levels, victim recovery, and policy implementation indicators available from government agencies and non-governmental organizations.

## RESULTS AND DISCUSSION

### Overview of Violence Against Children in Indonesia

Violence against children in Indonesia is a serious problem that continues to occur and has even increased from year to year. Data from the Ministry of Women's Empowerment and Child Protection (KemenPPPA) shows that cases of violence against children, whether physical, psychological, or sexual, are still rampant and require serious attention from various parties. Children as a vulnerable group are at high risk of becoming victims of violence because of their limitations in protecting themselves and fighting for their rights (Maida, M. T., Riyanto, S., & Ali, H., 2017). Violence against children does not only occur in the domestic or family sphere, but also in schools, communities, and even in digital media. The forms of violence experienced are very complex, ranging from physical, psychological, sexual violence, to economic exploitation and child trafficking. This is exacerbated by the lack of public understanding of children's rights and reporting mechanisms and protection for child victims of violence.

### Background of the TPKS Law

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) is an important milestone in the state's efforts to provide comprehensive protection for victims of sexual violence, including children. This law is present as a response to various forms of sexual violence that have not been optimally handled by existing regulations. The TPKS Law not only regulates the criminalization of perpetrators of sexual violence, but also pays special attention to the protection and recovery of victims, as well as the prevention of sexual violence through education and community participation. The existence of this law provides new hope for victims of sexual violence, especially children, to obtain justice and proper protection (Djojo, A., & Ali, H., 2012).

### Implementation of the TPKS Law in Overcoming Violence against Children

#### 1. Prevention Aspect

One of the main objectives of the TPKS Law is to prevent the occurrence of criminal acts of sexual violence, especially against vulnerable groups such as children. In practice, the implementation of prevention is carried out through several efforts:

- a) Sexual Education and Socialization of the TPKS Law: The government through the Ministry of Women's Empowerment and Child Protection, the Ministry of Education and Culture, and related institutions have begun to provide education on sexual violence and children's rights in schools. Socialization of the TPKS Law is also carried out for teachers, parents, and the community so that they have an understanding of the forms of sexual violence and how to report it.
- b) Increasing Digital Literacy: In the digital era, children are vulnerable to becoming victims of electronic-based sexual violence. The TPKS Law also regulates technology-based sexual violence, so the government is trying to educate the public about the dangers of cybercrime and the importance of internet ethics.
- c) Establishment of a Task Force or Special Unit for Child Protection: Several regions have formed a task force or child protection unit tasked with monitoring, educating, and quickly handling cases of sexual violence against children.

#### 2. Aspects of Handling and Protection of Victims

The TPKS Law explicitly states that children as victims of sexual violence have the right to receive special protection. Its implementation includes:

- a) Integrated Services: In certain articles, the TPKS Law regulates the provision of integrated services for victims of sexual violence, including children. These services include health, psychological, legal, and social rehabilitation services. In several regions, these services have begun to be implemented through the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA).

- b) Legal and Psychological Assistance: Child victims of sexual violence often experience deep trauma. Therefore, psychological assistance is an important part of the victim's recovery process. Legal assistance is also provided so that the rights of children as victims can be fought for fairly in court.
- c) Confidentiality of Victim Identity: The TPKS Law emphasizes the importance of maintaining the confidentiality of the victim's identity, especially children, in the legal process. This is important to protect the child's psychology and prevent stigma from their social environment.

### **3. Law Enforcement Aspect**

The implementation of the TPKS Law in the aspect of law enforcement is also the main key in overcoming violence against children. Some concrete steps that have been taken include:

- a) Training for Law Enforcement Officers: Police, prosecutors, and judges are given special training to handle cases of sexual violence, especially those involving children. They are trained to have a child protection perspective and not to corner the victim.
- b) Strengthening the Reporting and Complaint System: Through the TPKS Law, the government strengthens the sexual violence reporting system through call center services, websites, and digital applications. This aims to make it easier and safer for victims to report.
- c) Strict Sanctions for Perpetrators: The TPKS Law provides a threat of severe penalties for perpetrators of sexual violence against children, including additional penalties such as chemical castration and the installation of tracking chips. These sanctions are expected to have a deterrent effect.

### **Challenges in Implementing the TPKS Law in Overcoming Violence against Children**

Although the TPKS Law is a step forward, its implementation in the field still faces various challenges, including:

#### **1. Lack of Socialization and Public Understanding**

Many people do not understand the contents of the TPKS Law or the rights of children as victims of sexual violence. This causes victims and their families to be reluctant or afraid to report because they are afraid of stigma, feel embarrassed, or do not know where to report.

#### **2. Limited Facilities and Professional Personnel**

Child protection services, such as psychologists, counselors, and victim support officers, are still very limited in number, especially in remote areas. This makes the victim's recovery process slow or even unhandled.

#### **3. Obstacles in Law Enforcement**

Some law enforcement officers are still not sensitive enough to cases of sexual violence against children. There are cases where the victim is blamed or not believed, causing the victim to experience a second trauma (revictimization).

#### **4. Social and Cultural Obstacles**

In some cultures, talking about sexual violence is still considered taboo. As a result, cases of violence against children are often covered up by families or resolved amicably, rather than through legal channels.

### **Case Studies and Good Practices**

Several regions have demonstrated good practices in implementing the TPKS Law to address violence against children. For example:

- a) Jambi City through the Women's Empowerment and Child Protection Service has formed a UPTD PPA which actively handles cases of violence against women and children. Services such as shelters, psychological counseling, and legal assistance are available free of charge.
- b) DKI Jakarta Province also has a Child Protection Task Force that is integrated with the education service and police, making it easier to handle cases in the school environment.
- c) Sleman Regency has created an education program on child protection that is integrated into the elementary and secondary school curriculum.

## Recommendations

In order for the implementation of the TPKS Law to be more effective in addressing violence against children, several recommendations that can be given include:

1. Increasing Socialization and Education of the TPKS Law in Schools and the Community
  - a. Material on child protection and sexual violence needs to be included in the education curriculum.
  - b. Training for teachers, educators, and parents must be intensified.
2. Expanding the Reach of Child Protection Services  
Local governments need to increase the number of UPTD PPA and strengthen coordination between related agencies.
3. Encouraging Community and NGO Participation  
The involvement of civil society organizations is very important in reaching victims and providing assistance.
4. Strengthening Data and Monitoring Systems  
An integrated information system is needed to monitor the development of cases of violence against children and assess the effectiveness of their handling.
5. Fair and Responsive Law Enforcement  
Law enforcement must be given ongoing training so that they have a child protection perspective and do not blame the victim.

### Implementasi Undang-Undang TPKS dalam Menanggulangi Kekerasan pada Anak

No	Aspek yang Dibahas	Jenis Kekerasan	Metode Penanggulan	Pihak yang Terlibat	Dampak Implementasi	Rekomendasi
1	Implementasi UU TPKS	Fisik, Seksual	Sosialisasi dan edukasi	Pemerintah Lembaga Perlindungan Anak	Menurunnya kasus kekerasan	Meningkatkan edukasi dan kesadaran masyarakat
2	Pencegahan melalui edukasi	Emosional denget	Penurunan kasus kekerasan	5 ekuunga-Pemerintah Masyarakat	Kurangnya pemahamamasyarakat	Meningkatkan edukasi dan kesadaran masyarakat
3	Peran Lembaga Perlindungan	Salumatypes	Konseling-pendampingan hukum	Pembelaan hak anak	Keterbatasan anggaran lam-baga	Periu dana tambahan dan pelatihan lebih lanjut

## CONCLUSION

Violence against children, especially sexual violence, is a serious problem that threatens the growth and development of children as the nation's next generation. With the presence of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), the state shows its commitment to providing comprehensive protection for victims, including children as vulnerable groups.

The implementation of the TPKS Law has made progress in terms of prevention, handling, and recovery of victims of sexual violence. Public education, integrated services, and strict sanctions against perpetrators are important pillars in efforts to overcome violence against children. However, challenges such as low legal literacy in the community, limited supporting facilities, and cultural barriers are still obstacles that need to be overcome.

In the future, synergy is needed between the government, law enforcement officers, educational institutions, the community, and families to create a safe environment for children. Increasing socialization, strengthening the child protection system, and law enforcement that



favors victims are the keys to the success of the implementation of the TPKS Law as a whole. Thus, the hope of realizing a child-friendly Indonesia that is free from sexual violence can be achieved.

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