The Implementation of Legal Measures Against Sexual Exploitation and Harassment in Kediri City

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Abstract

Child sexual exploitation and abuse represent grave violations of human rights with long-lasting consequences for victims. In Kediri City, these issues remain prevalent, raising significant concerns within the community. This paper seeks to analyze the legal enforcement measures addressing sexual exploitation and abuse in Kediri City. It explores several key aspects, including data and statistics concerning cases of sexual exploitation and abuse within the city, the law enforcement efforts undertaken by agencies such as the Kediri City Police, the Kediri City District Attorney's Office, and the Kediri City District Court. The paper also examines the challenges encountered in law enforcement, such as insufficient evidence, societal stigma against victims, and interference from particular parties. Furthermore, it discusses prevention initiatives undertaken by various stakeholders, including local government, civil society organizations, and the community. This study aims to enhance public understanding of sexual exploitation and abuse while advocating for more effective and victim-centred law enforcement practices.

1. Introduction

Sexual exploitation and abuse are delineated under Indonesian law, specifically in Law No. 23 of 2002 on Child Protection and its amendment, Law No. 35 of 2014. Sexual exploitation is comprehensively defined as any act that involves a child for sexual purposes, including but not limited to prostitution, pornography, and human trafficking. Conversely, abuse is characterized as any unwelcome sexual conduct

aimed at violating a person's dignity and fostering an environment that is intimidating, hostile, degrading, humiliating, or offensive. These legal frameworks are designed to safeguard individuals, particularly children, from exploitation and abuse, while also establishing a basis for holding offenders legally accountable. The implementation and enforcement of these laws are crucial for fostering a safe and nurturing environment where children can grow without the fear of exploitation or abuse. It is vital for both individuals and communities to be aware of these legal protections and to report any instances of sexual exploitation or abuse to the relevant authorities. Through collective vigilance and the rigorous enforcement of these laws, we can work towards ensuring that every child is allowed to live free from harm and abuse.[1]

In Kediri City, the issue of sexual exploitation and harassment is a severe and persistently overlooked problem. This crime pervades various sectors, including workplaces, educational institutions, and public spaces, inflicting significant harm on both the physical and mental health of individuals. Despite efforts to address this issue, there remains a lack of comprehensive strategies to effectively prevent and combat sexual exploitation and harassment. [2] Concrete measures must be taken to protect the rights and dignity of all citizens in Kediri City, thereby fostering a safe and inclusive environment for everyone. The elimination of sexual exploitation and harassment can only be achieved through proactive and collaborative efforts. Law enforcement serves not only as a mechanism for maintaining public order but also as an embodiment of justice. The law protects everyone, irrespective of social status, religion, or other distinguishing factors. By enforcing the law, we ensure the upholding of human rights and prevent unjust treatment. Moreover, effective law enforcement is essential in imposing appropriate penalties on offenders, thereby instilling a deterrent effect that discourages the commission of such crimes.[3]

Law enforcement agencies play a crucial role in addressing sexual exploitation and violence. They are responsible for conducting thorough and professional investigations to prosecute the perpetrators of such crimes. Ensuring the protection of victims must be a priority in these cases. Furthermore, continuous education and outreach to the public about the dangers of sexual exploitation and violence are essential to raising awareness and fostering a stronger commitment to combating these crimes.[4]

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[1] Eko Nursiman, "Risalah Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya Undang-Undang Nomor 12 Tahun 2022," *Jurnal Pembangunan Hukum Indonesia* 2 (2022).

[2] S.E.S.H.M.H. R. Valentina Sagala, *Ketika Negara Mengatur Kekerasan Seksual* (Guepedia, n.d.).

[3] Nadhila Cahya Nurmalasari, "Efektivitas Undang-Undang Tindak Pidana Kekerasan Seksual Di Indonesia," *Souvereignty: Jurnal Demokrasi Dan Ketahanan Nasional* 1 (2022).

[4] M Yantzi, *Kekerasan Seksual Dan Pemulihan* (BPK Gunung Mulia, n.d.).

The goal is to minimize incidents of sexual exploitation and violence while ensuring that victims receive the justice they deserve. For instance, the police in Kediri City conducted a comprehensive investigation into a human trafficking network involved in sexual exploitation. Authorities collaborated with victim protection agencies to ensure that victims received the necessary protection and assistance throughout the legal process. Adequate support and protection enable victims to feel safer and more supported during legal proceedings. Additionally, strict law enforcement can serve as a deterrent to prevent perpetrators from reoffending. Through cooperation among various parties, it is hoped that cases of sexual exploitation and violence can be effectively prevented and eradicated.[5]

Researchers are interested in conducting a study on the enforcement of sexual harassment laws in Kediri City, as there is a lack of research specifically focused on this issue. A literature review revealed two prior studies that are somewhat similar to this research. The first study, conducted by Kathryn Kirsten Voges, Toar Neman Palilingan, and Tommy F. Sumakul, titled "Law Enforcement Against Perpetrators of Sexual Harassment Against Women Committed Online," aimed to examine the legal regulations governing sexual harassment crimes and how the law is enforced against perpetrators of online sexual harassment. The second study, conducted by Christina N. Shanthi and Indra H. Prasetya, titled "Legal Protection for Victims of Sexual Harassment in the Educational Environment," focused on the educational environment. In contrast, the present research focuses on the condition of law enforcement in Kediri City, particularly concerning the exploitation and sexual abuse of children—issues that have become increasingly concerning and widespread in Kediri City, reflecting a serious societal problem. [6]

This egregious act not only infringes upon children's human rights but also inflicts profound trauma with lasting effects on the victims. According to data from the Kediri City Women's Empowerment, Child Protection, and Population Service (DP3AK), there were 20 reported cases of child sexual exploitation and abuse in 2023. Of these, 15 involved sexual abuse, while 5 involved sexual exploitation. These statistics indicate that incidents of child sexual exploitation and abuse in Kediri City remain concerningly high and demand urgent attention from all stakeholders. Such cases typically occur within the home, school, or public spaces, with perpetrators ranging from parents, siblings, and teachers to strangers. The underlying causes of these incidents are multifaceted, including factors such as poverty, lack of education,

[5] Nadhila Cahya Nurmalasari, "Efektivitas Undang-Undang Tindak Pidana Kekerasan Seksual Di Indonesia," *Jurnal Demokrasi Dan Ketahanan Nasional* **/** 1, no. 1 (2022): 57.

[6] Guruh Tio Ibipurbo, Yusuf Adi Wibowo, and Joko Setiawan, "Pencegahan Pengulangan Kekerasan Seksual Melalui Rehabilitasi Pelaku Dalam Perspektif Keadilan Restoratif," *Jurnal Hukum Respublica* 21, no. 2 (2022): 155–78.

and entrenched patriarchal norms. The impact on the child victims is severe, leading to significant physical and psychological trauma that can disrupt their long-term development. This trauma often results in conditions such as depression, anxiety, and post-traumatic stress disorder (PTSD). Additionally, victims are at heightened risk for social and emotional difficulties, including challenges in forming relationships and behavioural issues.[7]

Based on this background, the researchers asked two research questions, namely, number one, what is the legal enforcement process for cases of sexual exploitation and harassment in Kediri City, What are the challenges and measures taken in the enforcement of laws related to sexual exploitation and harassment cases in Kediri City.

2. Research Methods

This research employs a qualitative method with a case study approach, chosen for its ability to facilitate an in-depth and comprehensive examination of a specific phenomenon within a defined context. In this instance, the focus is on the exploitation and sexual abuse of children in Kediri City. The data collection methods employed in this study include: in-depth interviews, where discussions are held with law enforcement officials, victims, perpetrators, victims' families, social workers, and other relevant stakeholders.[8] These interviews are designed to elicit detailed information and insights regarding their experiences, perceptions, and motivations related to the exploitation and sexual abuse of children. Participant observation is also utilized, with the researcher actively engaging in field activities to observe and document the interactions and behaviors of perpetrators, victims, and other involved parties. This method enables the researcher to gain a more contextual understanding of the underlying conditions and circumstances that contribute to the exploitation and sexual abuse of children. Additionally, document analysis is conducted, where the researcher collects and examines pertinent documents, including case reports, statistical data, legal frameworks, and media coverage. This analysis provides a more comprehensive perspective on the phenomenon of child exploitation and sexual abuse in Kediri City.[9]

The collected data were subjected to analysis through the thematic analysis method. Thematic analysis is designed to identify, categorize, and interpret patterns and meanings that emerge from the data. The analytical process involved several

[7] M A Turmudzi, *Bunga Rampai Sikap Patriotik Dalam Perlindungan Korban Kekerasan - Jejak Pustaka* (Jejak Pustaka, 2021), https://books.google.co.id/books?id=jbxWEAAAQBAJ.

[8] Nomensen Sinamo, *Metode Penelitian Hukum* (Jakarta: PT. Bumi Imtitama Sejahtera, n.d.).

[9] N.Q.J.A.S.S. Mundakir, *Kekerasan Seksual Dalam Perspektif Transdisipliner* (UMSurabaya Publishing, 2022).

steps: First, researchers engaged in a thorough reading and reviewing of the data to develop a comprehensive understanding of its content. Subsequently, coding was performed to identify and mark significant themes and concepts. These codes were then organized into broader thematic categories. Finally, the researchers interpreted the meaning of the identified themes.[10]

In terms of research ethics, this study adhered to fundamental ethical principles. Informed consent was obtained by providing participants with a clear explanation of the research's purpose, data collection procedures, and any potential risks. Participants were given the opportunity to consent or decline participation. Confidentiality was strictly maintained, ensuring that participants' identities and personal information remained protected. Additionally, researchers prioritized participant safety and well-being, ensuring that individuals felt secure and comfortable throughout the research process.[11]

To ensure data validity and reliability, several measures were implemented. Data triangulation was employed by utilizing multiple data sources and collection techniques to enhance the data's validity and credibility. Cross-checking of data was carried out with participants and other sources to verify accuracy. An audit trail was also provided, documenting the research process in detail to facilitate transparency and verification.[12]

3. Results and Discussion

Enforcement of legal measures in cases of sexual exploitation and harassment within the jurisdiction of Kediri City.

Based on field research findings, several instances of sexual exploitation and harassment were identified in Kediri City in September 2023, according to data from the Child Protection Agency (LPA) of Kediri City presented during a Focus Group Discussion (FGD) on the prevention of Human Trafficking (TPPO) and sexual exploitation. The FGD revealed that between 2013 and 2014, the Kediri City District Court adjudicated two TPPO cases, resulting in sentences of 5 to 9 months in prison for the two defendants involved. Since that period, no new TPPO cases have been reported.

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[10] E D Uswatina et al., *Power Perempuan Dalam Mencegah Kekerasan Seksual* (Penerbit NEM, 2021), https://books.google.co.id/books?id=BUBZEAAAQBAJ.

[11] Tomi Saladin, "Tinjauan Yuridis Hukum Korban Kekerasan Seksual Berbasis Nilai Keadilan," *Mahkamah : Jurnal Kajian Hukum Islam* 5, no. 2 (2020): 270, https://doi.org/10.24235/mahkamah.v5i2.7284.

[12] Eva Mei Wulandari and Rabbani Kharismawan, "Pusat Rehabilitasi Korban Kekerasan Seksual Dengan Konsep Healing Environment," *Jurnal Sains Dan Seni ITS* 9, no. 2 (2021): 70–75, https://doi.org/10.12962/j23373520.v9i2.57200.

In August 2023, investigators discovered evidence indicating that a 17-year-old female from Bandung, West Java, was subjected to sexual exploitation by her boyfriend and a human trafficker in Kediri City. The victim was subsequently rescued and provided with assistance by the Kediri City Department of Women's Empowerment, Child Protection, Population Control, and Family Planning (DP3AP2KB) to return to her place of origin in Bandung.[13]

A child prostitution case was uncovered in the city of Kediri in May 2023. A pimp from Kediri was admitted to a psychiatric hospital after being found guilty of exploiting a 15-year-old girl for sexual exploitation. The pimp was charged under Articles 81 and 82 of Law Number 35 of 2014 concerning Child Protection.[14]

A high school teacher in Kediri City was accused of sexual harassment involving a female student. The incident allegedly occurred in November 2022. The school initiated an investigation into the matter and reported the allegations to the relevant authorities.[15]

The researcher conducted interviews with activists from non-governmental organizations. M. Rifai, representing the United Kediri Alliance and serving as the Chairperson of the East Java Gerak Indonesia NGO DPD, advocated for the Kediri City Police to address allegations of sexual exploitation with seriousness. Rifai presented a statement letter intended for the Kediri City Police Chief, AKBP Wahyudi, requesting that legal action be pursued. The letter highlighted concerns about allegations of sexual harassment involving teachers and the involvement of departmental heads who were attempting to resolve the issue internally. Additionally, the second interview was with Eka Januar, Chairperson of the Gelora NGO, who also urged the authorities to take a firm stance against perpetrators of sexual violence in Kediri City. Rifai opposed any actions that would conceal instances of sexual harassment or shield individuals from prosecution. Specifically, Rifai suggested that such actions, particularly those suspected to be associated with Siswanto, the Head of

[13] Pemerintah Kota Kediri, "DP3AP2KB Kota Kediri Fasilitasi Anak Korban Eksploitasi Pulang Ke Daerah Asal," Pemerintah Kota Kediri, 2021, https://www.kedirikota.go.id/p/berita/10110143/dp3ap2kb-kota-kediri-fasilitasi-anak-korban-eksploitasi-pulang-ke-daerah-asal.

[14] Andhika Dwi, "Pemerkosaan Ibu Asal Bekasi Tengok Anak Mondok Di Kediri Disebut Modus Lama," Detik.com, 2024, https://www.detik.com/jatim/hukum-dan-kriminal/d-7131265/pemerkosaan-ibu-asal-bekasi-tengok-anak-mondok-di-kediri-disebut-modus-lama.

[15] Kediri Tangguh, "Kasus Pelecehan Seksual Berbuntut, Aliansi Kediri Bersatu Laporkan Oknum Guru Dan Kadisdik Kota Kediri Ke Polisi," Kediri Tangguh, 2022, https://kediritangguh.co/kasus-pelecehan-seksual-berbuntut-aliansi-kediri-bersatu-laporkan-oknum-guru-dan-kadisdik-kota-kediri-ke-polisi/.

the Education Office, might result in criminal liability under Article 211, paragraphs 1e and 2e, and Article 165, paragraph 2, of the Criminal Code.[16]

The Kediri Police, under the leadership of the Head of the Criminal Investigation Unit, AKP Tomy Prambana, S.I.K, M.H., M.Si., has reported receiving a Police Report (LP) concerning an alleged case of child molestation that took place at a school in Kediri City. Investigators have proceeded by gathering information and interviewing witnesses. According to the assessment of law enforcement practices related to sexual harassment in Kediri City, it has been observed that the enforcement of laws concerning sexual exploitation and harassment has not been executed comprehensively or favourably towards the victims. To improve law enforcement, several measures are recommended: conducting investigations and prosecutions of offenders in a professional and accountable manner, ensuring that the victim's rights are respected and that the legal process is conducted fairly and transparently; imposing strict and appropriate penalties on perpetrators to ensure that the punishment serves as a deterrent and sets an example to prevent similar crimes; and providing comprehensive support for victims, including physical, psychological, and social recovery through programs such as counselling, therapy, and social assistance.[17]

Preventive measures can be effectively implemented through the education and dissemination of information regarding the risks of sexual exploitation and abuse to the public. This education should be conducted through various channels, including educational institutions, community organizations, and mass media platforms. Strengthening the involvement of families and communities in safeguarding children from sexual exploitation and abuse is also crucial. Parents should be educated on methods to protect their children, and communities should be encouraged to report any instances of exploitation or abuse they observe. Additionally, enhancing coordination among relevant institutions is essential for effective law enforcement in cases of sexual exploitation and abuse. This requires robust collaboration among law enforcement agencies, prosecutors, social services, and child protection organizations.[18]

Supporting victims is another critical step. This involves establishing complaint and assistance services to provide a safe space for victims to report incidents and receive support. Such services can be offered by government agencies or non-governmental organizations. Ensuring access to health and psychosocial support for

[16] N Rahayu, *Politik Hukum Penghapusan Kekerasan Seksual Di Indonesia* (Bhuana Ilmu Populer, 2021).

[17] M Reksodiputro, *Sistem Peradilan Pidana* (Rajawali Pers, 2020).

[18] Riyan Alpian, "Perlindungan Hukum Bagi Korban Tindak Pidana Kekerasan Seksual Di Perguruan Tinggi," *Jurnal Lex Renaissance* 7, no. 1 (2022), https://doi.org/10.20885/jlr.vol7.iss1.art6.

victims is imperative, as they often face physical and psychological trauma. They require comprehensive health and psychosocial care to aid their recovery. Legal assistance should also be provided to victims, as they are entitled to advocate for their rights. It is essential that law enforcement efforts in cases of sexual exploitation and abuse respect the rights of victims, treating them with dignity and ensuring they have the opportunity to be heard and obtain justice.[19]

Obstacles and Law Enforcement Measures Addressing Cases of Sexual Exploitation and Harassment in Kediri City.

Law enforcement in Kediri City faces several challenges in addressing cases of sexual exploitation and abuse. The first challenge is the insufficiency of evidence, as gathering evidence in such cases is often problematic, particularly when victims are unable to provide clear testimony due to trauma or fear. Additionally, the general lack of public understanding and awareness regarding the importance of preserving evidence exacerbates this issue.[20]

The second challenge involves the stigma and fear experienced by victims. Victims of sexual exploitation and abuse frequently feel ashamed and are hesitant to report the incidents due to societal stigma. Moreover, threats from perpetrators or individuals within the victim's environment further discourage reporting.[21]

The third challenge is the inadequate coordination among institutions. Effective law enforcement in cases of sexual exploitation and abuse necessitates robust coordination between various institutions, including the police, prosecutors, social services, and child protection agencies. Poor coordination among these entities can impede the enforcement process and lead to delays in case resolution.

The fourth challenge pertains to the limited capacity of law enforcement officers. Investigators and public prosecutors may lack adequate training and expertise to handle sexual exploitation and abuse cases effectively. Furthermore, deficiencies in resources, such as psychological support and translation services, can obstruct the enforcement process. The fifth challenge is the prevalence of patriarchal culture within society, which can perpetuate the justification of exploitation and

[19] Diana Yusyanti, "Perlindungan Hukum Terhadap Anak Korban Dari Pelaku Tindak Pidana Kekerasan Seksual," *Jurnal Penelitian Hukum De Jure* 20, no. 4 (2020): 619, https://doi.org/10.30641/dejure.2020.v20.619-636.

[20] S.H.M.H. Dr. Serlika Aprita, *Pengantar Ilmu Hukum* (Prenada Media, 2024).

[21] Peter Mahmud Marzuki, *Pengantar Ilmu Hukum* (Prenada Media, 2009).

sexual harassment of women and children. This cultural dominance complicates the pursuit of justice for victims.[22]

To address the challenges associated with law enforcement in cases of sexual exploitation and harassment, several strategic measures should be undertaken. Firstly, enhancing the capacity of law enforcement personnel is crucial. This can be achieved by providing comprehensive training and education focused on handling sexual exploitation and harassment cases. Adequate resources, such as psychological support and translation services, should also be made available to assist officers in managing these cases effectively. Secondly, improving institutional coordination is essential. Establishing a robust coordination system among relevant institutions will facilitate effective and efficient case management. Public awareness campaigns and educational initiatives about the significance of inter-institutional coordination in law enforcement should be conducted.[23] Thirdly, raising public awareness is vital. This involves conducting campaigns and educational programs to inform the public about the dangers of sexual exploitation and harassment. Information regarding victims' rights and available assistance should be disseminated, and the public should be encouraged to report any instances of sexual exploitation and harassment they encounter. Fourthly, victim protection must be prioritized. Providing protection and support to victims, including access to health care, psychosocial support, and legal services, is essential.[24] Lastly, strict law enforcement measures must be implemented. This includes imposing severe and appropriate penalties on perpetrators of sexual exploitation and harassment and ensuring a fair and transparent legal process for victims. Efforts to overcome these challenges must be sustained and involve all stakeholders. Through strong collaboration and commitment from the government, law enforcement agencies, civil society, and the broader community, it is hoped that law enforcement in Kediri City can become more effective and supportive of victims.[25]

4. Conclusion

The enforcement of laws concerning sexual exploitation and harassment in Kediri City remains suboptimal, with law enforcement officers encountering significant challenges in prosecuting perpetrators of sexual violence. These obstacles necessitate ongoing efforts to enhance the capacity of investigators and other law

[22] R Soeroso, *Pengantar Ilmu Hukum* (Jakarta: Sinar Garfika, 2011).
[23] *Pengantar Hukum Pidana* (Deepublish, 2018).
[24] M Najih, *Pengantar Hukum Indonesia: Sejarah, Konsep Tata Hukum, Dan Politik Hukum Indonesia* (Setara Press, 2014).
[25] M Amalia et al., *Pengantar Hukum Indonesia* (Get Press, 2022).

enforcement personnel in Kediri City. Such efforts should focus on improving the skills and resources available to these officials to better address and manage cases of sexual harassment and violence effectively.

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