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Legal Protection of Child Victims of Sexual Violence in Tourist Attractions

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Legal Protection of Child Victims of Sexual Violence in Tourist Attractions in Support of the Green Economy Through a Child-Friendly Tourism Industry

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Abstract. The problem that hinders the achievement of the green economy is also caused by the absence of integrated policies that support child-friendly tourism places from sexual violence, as evidenced by the presence of children who are victims of sexual violence in tourist attractions. The research method used is normative juridical. The results showed that legal protection is needed through special regulations governing the protection of children from sexual violence that occurs in tourist attractions in supporting the green economy through an integrated policy.

Keywords: tourism · protection · child · violence · sexual

1 Introduction

The concept of *a green economy* not only includes those related to environmental sustainability, but also supporting factors to achieve that *green economy*, In 2012, the *International Chamber of Commerce* (ICC), published a green economy roadmap as a comprehensive and multidisciplinary effort to clarify and frame the concept of a green economy and promote a more general understanding of the green economy. The ICC sets out 10 necessary conditions for a green economy, namely: Open and competitive markets Metrics, accounting, and reporting Financial and investment Awareness Life cycle approach Efficiency and decoupling resources Employment Education and Governance skills and partnerships Integrated policies and decision-making [1].

Ironically sexual harassment in the tourism industry often occurs particularly in hospitality and restaurants. Thus the tourism industry becomes smeared even though the tourism industry is the core economy and the largest contributor to foreign exchange in Indonesia [2].

Recent research in 10 tourist destinations in Indonesia - including Bali, Bukit Tinggi, Lombok to Pulau Seribu - reveals that children are still victims of sexual violence and exploitation practices. These cases of sexual violence against children still occur as concluded by one joint government study with activist agencies also because parents,

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turnitin Page 1 of 13 - Integrity Submission Submission ID trn:oid:::1:3045987777

turnitin Page 8 of 13 - Integrity Submission Submission ID trn:oid:::1:3045987777

communities, and local authorities pursue economic benefits more than understanding child-friendly tourism. The study was conducted by the Ministry of Women's Empowerment and Child Protection together with an activist for commercial sexual exploitation of children, ECPAT Indonesia, in 10 tourist visit areas. These areas are Karang Asem (Bali), Gunung Kidul (Yogyakarta), Garut (West Java), Toba Samosir (North Sumatra), Bukit Tinggi (West Sumatra), Lombok (West Nusa Tenggara), Kefamenanu (East Nusa Tenggara), West Jakarta and Pulau Seribu (DKI Jakarta). The research findings revealed not all of these regions had local regulations on child protection and some residents in some of those areas were said to not even understand sexual crimes [3].

In addition to the weak law enforcement, sexual violence against children is also inseparable from the lack of public knowledge. What's more, Indonesia has an open and friendly culture, even with foreigners. In other countries, children are not allowed to roam randomly in tourist attractions. In Indonesia, almost all children are allowed to interact with newly recognized people [4].

The absence of regulations aimed at protecting child victims of sexual violence in tourist attractions has the potential to be an obstacle to achieving a *green economy,* because when undergoing the travel process, a child-friendly place is needed and there is no sexual violence against children that occurs in tourist attractions. The need for environmental responsibility to work together in a mutually reinforcing way while supporting the progress of social development.

2 Result and Discussion

2.1 The Concept of Green Economy in the Tourism Industry

Article 1 no 3 of the Law of the Republic of Indonesia Number 10 Year 2009 concerning Tourism (Tourism Law) Tourism is a variety of tourist activities and is supported by various facilities and services provided by the community, entrepreneurs, the Government, and Local Governments. Furthermore, Article 1 number 4 of the Tourism Law stipulates that "Tourism is the entirety of activities related to tourism and is multidimensional and multidisciplinary in nature that arises as a form of the needs of everyone and the country as well as interaction between tourists and local communities, fellow tourists, governments, local governments, and entrepreneurs".

Article 2 of the Tourism Law stipulates that: Tourism is organized based on the principles of:

a. benefits;
b. kinship;
c. fair and equitable;
d. balance;
e. independence;
f. sustainability;
g. **participatory;**
h. **sustainable;**
i. democratic;
j. **equality; and**

turnitin Page 8 of 13 - Integrity Submission Submission ID trn:oid:::1:3045987777

turnitin Page 9 of 13 - Integrity Submission Submission ID trn:oid:::1:3045987777

k. unity.

Tourism, which refers to the principle of sustainability in its ecological aspects, needs to also be guaranteed aspects of equality, in this case tourist attractions based on equality need to be guaranteed so that tourists or children around tourist attractions can be guaranteed from acts of sexual violence and need to reward child participation so that tourist attractions become child-friendly.

The concept of value in the discussion of sociology, psychology and axiology (philosophy of value). Starting from a norm to a legal norm that basically exists regarding the understanding of value itself. Value is something that people see as appropriate or not, must be pursued, fought for, realized, implemented, and maintained, so that values related to bad values must be abandoned, resisted and must be prevented such as violations of human rights [5].

The concept of development and development of a tourism object, of course, is inseparable from four main principles, namely environmental, social, cultural and economic. The concept of sustainable development will certainly not be separated from the concept of development itself. This is because according to the paradigm of sustainable development is based on the course of implementing increasingly uncontrolled development in a country. Sustainable tourism development is basically part of the concept of sustainable development by paying attention to development principles that include ecological, socio-cultural and economic. Over time the concept of sustainable development was adopted with sustainable tourism development [6].

2.2 Legal Protection of Child Victims of Sexual Violence in the Tourism Industry Can Support the Green Economy in Indonesia

The child is both a mandate and a gift of God Almighty. The child is considered the most valuable treasure compared to other possessions. Every child has human rights as stipulated in the 1945 Constitution of the Republic of Indonesia and the United Nations convention on the Rights of the Child. Children as the next generation of national ideals have the right to survival, growth and development, participation, protection from violence and discrimination, as well as civil rights and freedoms. Sexual violence against children is related to exploitation, mistreatment, discrimination and so on. Children urgently need to be protected from various forms of evil that can affect their physical, mental, and spiritual development. Laws and regulations governing the legal protection of children do not reduce the occurrence of sexual violence problems in Indonesia. Sexual violence against children still occurs in various places both in cities and in villages. Sexual violence against children in Indonesia not only occurs in areas prone to violence, but also occurs in family and school settings. Perpetrators of child sexual abuse are also not only committed by other people who are not recognized, but also carried out by people who are recognized, close, and trusted by the child [7].

Children's human rights are part of the human rights contained in the 1945 Constitution and the provisions of the Convention on the Rights of the Child ratified by the Indonesian government through Presidential Decree Number 36 of 1990, then also stated in Law Number 4 of 1979 concerning Child Welfare and Law Number 23 of 2002 concerning Child Protection, all of which stated the principles of- general principles of

turnitin Page 9 of 13 - Integrity Submission Submission ID trn:oid:::1:3045987777

child protection, namely non-discrimination, the best interests of the child, survival and development, and respect for child participation [8].

In terms of national and state life, children are the future of the nation and the next generation of national ideals, so that every child has the right to survival, growth, and development, participation and the right to protection from acts of violence and discrimination as well as civil rights and freedoms. Although Law No. 39 of 1999 on Human Rights has included the rights of children, the implementation of the obligations and responsibilities of parents, families, communities, governments and the state to provide protection to children still requires a law on child protection as a juridical basis for the implementation of these obligations and responsibilities. Thus, the establishment of the Child Protection Law is based on the consideration that child protection in all its aspects is part of national development activities, especially in advancing the life of the nation and state [9].

The effects of sexual violence on children include depression, post-traumatic stress disorder, anxiety, a tendency to become further victims in adulthood, and physical injury to the child among other problems. Sexual abuse by family members is a form of incest, and can generate more serious repercussions and long-term psychological trauma, especially in the case of parental incest. Dinar stated that Sexual abuse that occurs in childhood is a sexual activity that occurs in children because they are persuaded or forced by their elders without being realized or understood by the child. The form is in the form of palpitation, bodily relationships, or other forms of exploitation. Sexual harassment has both physical and psychological repercussions. The child becomes restless, quiet, self-excommunicating, feels prolonged sexual sensations, masturbates, infantile fears, even to the point of becoming a pedophile, homosexual or prostitute in his adulthood later. Children victims of sexual abuse, some are able to get out of the suffering (resilience), so that they are able to become mentally healthy adults, sensitive to the social environment. In general, child protection efforts can be divided into direct and indirect protection, and juridical and non-juridical protection. Direct protection efforts include: procurement of something so that the child is protected and saved from something that endangers him, prevention of everything that can harm or sacrifice the child, supervision, guarding against disturbances from within himself or from outside himself, coaching (mental, physical, social), correction of formal and informal education, nurturing (honing, loving, fostering), rewarding, regulating in laws and regulations [10].

Basically, all legal products have the purpose of creating a state of living, both a small and larger environment so that there is harmony, order, and legal certainty [11]. In the UN's view, it is also stated that violence can be interpreted to include violence of a physical, sexual, or psychological nature that occurs: in the family including beatings, sexual abuse of children, rape in marriage, harmful traditional practices, sexual exploitation; in society including rape, intimidation at work, places of education, and places-elsewhere, trafficking in women, coercion to prostitute is carried out or allowed by the state wherever it occurs [12].

One of the things that is expressly guaranteed by the constitution is related to freedom from torture or acts that degrade the degree of human dignity, namely those contained in Article 28G paragraph (2) of the 1945 NRI Constitution. Sexual violence which is an act that degrades the degree of a person's dignity. So that the abolition of all forms of sexual

turnitin Page 11 of 13 - Integrity Submission Submission ID trn:oid:::1:3045987777

violence is a necessity in the protection of the right to be free from treatment that degrades the dignity of a human being. However, in reality cases of sexual violence continue to occur and seem to be ignored by the state. In the context of national law, the 1945 NRI Constitution and the laws and regulations under it have also provided guarantees about the protection of human dignity and dignity. In the 1945 NRI Constitution, it generally contains guarantees of personal self-protection to guarantees of freedom from treatment that degrades the degree of human dignity. The laws and regulations under it that also provide related regulations are the Human Rights Law. Then the regulation of criminal law related to sexual violence is spread in the Criminal Code, the Domestic Violence Law, the Child Protection Law, and the PTPPO Law. The guarantee of protection of victims of sexual violence has been contained in the 1945 NRI Constitution and the laws and regulations under it [13].

Cases of crimes of sexual violence against children are one of the cases that have increased significantly recently. Not only improving quantitatively but also qualitatively. From time to time the crime of sexual violence against children is unstoppable and the modus operandi is increasingly inhumane. And what is even more tragic is that most of the family environment or the environment around the child is located, among others, within his own home, school, the child's social environment [14].

Article 1 number 15 of Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Child Protection Law) stipulates that "Special Protection is a form of protection received by children in certain situations and conditions to obtain a sense of security against threats that endanger themselves and their lives in their growth and development".

Article 66 of the Child Protection Law stipulates that "Special Protection for Economically and/or sexually exploited Children as referred to in Article 59 paragraph (2) letter d is carried out through:

a. dissemination and/or dissemination of the provisions of laws and regulations related to the Protection of Economically and/or sexually exploited Children;
b. monitoring, reporting, and sanctioning; and
c. involvement of various companies, trade unions, non-governmental organizations, and communities in the elimination of economic and/or sexual exploitation of children.

Article 23 paragraph (1) of the Child Protection Law provides that "The State, Government, and Local Government guarantee the protection, maintenance, and welfare of the Child by taking into account the rights and obligations of parents, guardians, or other persons who are legally responsible for Ana". Furthermore, Article 23 paragraph (2) of the Child Protection Law stipulates that "the State, Government, and Local Governments supervise the implementation of Child Protection".

3 Conclusion

The occurrence of children who are victims of sexual violence in tourist attractions is one of the obstacles to achieving the *green economy* process because the tourism process

turnitin Page 11 of 13 - Integrity Submission Submission ID trn:oid:::1:3045987777

also includes all activities and facilities in carrying out tourism activities. The need for legal protection construction so that child-friendly tourist attractions in avoiding the occurrence of sexual violence against children in tourist attractions needs to be accommodated in the Tourism Law, so that it becomes concrete evidence to ensure child-friendly tourist attractions and does not hinder the process of economic growth through the tourism sector if there is a rate of sexual violence against children in tourist attractions.

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