

Implementasi undang-undang nomor 10 tahun 2012 tentang pengesahan optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography: studi putusan kasus eksploitasi seksual anak online = Implementation on the law number 10 year 2012 regarding the legalisation of the optional protocol on the sale of children child prostitution and child pornography to the convention on the rights of the child: study on the verdict of online child sexual

Diah Kristiningsih, author

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Abstrak

ABSTRAK

Penelitian ini bertujuan untuk menganalisis implementasi dari UU No. 10 Tahun 2012 tentang Pengesahan Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography dalam penyelesaian kasus eksploitasi seksual anak online melalui sistem hukum Indonesia. Fokus penelitian ini adalah untuk menganalisis hambatan yang dialami oleh para aparat penegak hukum dalam melakukan upaya perlindungan terhadap anak korban eksploitasi seksual online, khususnya dalam kasus penjualan anak online, pornografi anak online, dan prostitusi anak online. Penelitian ini merupakan penelitian kualitatif yang dilakukan melalui pendekatan feminist legal theory yang akan mengungkapkan persoalan perlindungan anak terkait dengan kasus yang dianalisis. Data akan diambil dari studi literatur, studi lapangan melalui pengamatan cyber, dan mewawancarai dua narasumber yaitu pihak dari kepolisian unit Cybercrime dan Kementerian Pemberdayaan Perempuan dan Perlindungan Anak. Masalah yang ditemukan melalui penelitian ini muncul akibat kecacatan kerangka hukum, kurangnya kesadaran dan pengetahuan hukum terhadap masalah ini, hambatan dalam mendapatkan data terbaru, kurang sensitif terhadap kepentingan anak, dan sebagainya. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography yang disahkan melalui UU No. 10 Tahun 2012 tidak diintegrasikan dengan baik dalam kerangka hukum nasional. Akibatnya, para aparat penegak hukum tidak dapat bertindak secara efektif untuk melindungi anak korban eksploitasi seksual online.

ABSTRACT

This research aims to analyze the implementation of the Law No. 10 Year 2012 regarding the Legalisation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography within the Indonesian legal system on resolving the case of child online sexual exploitation. Focus on this research is to analyze the difficulties faced by Indonesian law enforcements on protecting the child victims of online sexual exploitation, specifically on the case of online sale of children, online child pornography and online child prostitution. This is a qualitative research through feminist legal theory approach that would reveal the child protection problems in accordance with the analyzed case. Data would be gathered from studying literatures, field study through cyber observation, and interviewing some key resource persons such as the police cyber crime unit and the Commission of the

Women Empowerment and Child Protection. This research finds the problems related to these difficulties are borne out of a faulty legal framework, a lack of legal knowledge and awareness of the issue, obstacles in obtaining an updated data, insensitivity towards the child's best interest, and other issues. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography legalised under the Indonesian Law No. 10 Year 2012 is not being properly integrated within the national legal framework. Hence, the law enforcers are unable to effectively protect the child victims of online sexual exploitation.