

ABSTRAK

Sebagai negara hukum Indonesia wajib melindungi hak-hak anak supaya anak dapat menikmati tumbuh kembangnya secara optimal. Dasar hukum perlindungan anak yang paling utama yaitu UU Nomor 35 Tahun 2014 Tentang Perubahan Atas UU Nomor 23 Tahun 2002 Tentang Perlindungan Anak. Di dalam UU tersebut disebutkan bahwa anak memiliki hak untuk mendapat perlindungan dari segala bentuk kekerasan di lingkungan pendidikan. Akan tetapi jumlah kasus kekerasan seksual di lingkungan pendidikan mengalami peningkatan setiap tahunnya. Metode penelitian yang digunakan adalah metode penelitian yuridis normatif dengan pendekatan perundang-undangan dikemukakan secara deskriptif kualitatif untuk memberikan pemahaman serta mengembangkan teori. Faktor yang menyebabkan kekerasan seksual pada anak dapat terjadi di lingkungan pendidikan antara lain: anak termasuk ke dalam kelompok rentan dan memerlukan bimbingan, ketimpangan relasi kekuasaan antara pelaku dengan korban, belum maksimalnya system pencegahan dan penanganan kekerasan seksual di lingkungan pendidikan, serta masih lemahnya penegakan hukum terhadap pelaku kekerasan seksual. Dalam melindungi anak, perlindungan hukum dilakukan dalam bentuk upaya-upaya perlindungan khusus seperti yang dituangkan di dalam Pasal 59 dan 59A UUPA serta pemberian hak perlindungan seperti yang terdapat di dalam UU TPKS serta penguatan kelembagaan yang berhubungan dengan perlindungan anak seperti KPAI.

Kata Kunci: Perlindungan Anak, Kekerasan Seksual, Lingkungan Pendidikan Formal

ABSTRACT

As a legal state based on the Indonesian national constitution, it is obligatory to protect children's rights so that children can enjoy their optimal growth and development. The primary legal basis for child protection is Law Number 35 of 2014 concerning child protection. The law states that children have the right to be protected from all forms of violence in the educational environment. However, The Indonesian Child Protection Commission as an institution that has the task of protecting children shows data on an increase in the number of cases of sexual violence in the educational environment every year. The research method used is a normative juridical research method with a statutory approach presented in a qualitative descriptive manner. Factors that cause sexual violence against children to occur in the educational environment include: children belong to a vulnerable group and need guidance, inequality of power relations between perpetrators and victims, the system for preventing and handling sexual violence in education is not optimal, and law enforcement is still weak. against perpetrators of sexual violence. In protecting children, legal protection is carried out in the form of special protection measures as outlined in Articles 59 and 59A of the Child Protection Act as well as the provision of protection rights as contained in the Sexual Violence Act as well as institutional strengthening related to child protection such as The Indonesian Child Protection Commission.

Keywords: Child Protection, Sexual Violence, Educational Unit