

Protection of the Rights of Child Victims of Sexual Violence in the Koppatara Foundation, Malang Regency Perspective *Maqāṣid al-Sharī'ah* Jasser Auda

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Abstract:

Children who experience violence need to be protected and their rights fulfilled, because many losses have been suffered. Children's rights are contained in Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 on Child Protection. In fact, the low quality of child protection in Indonesia has drawn a lot of criticism regarding the scope of the implementation of children's rights which is carried out as a form of protection for child victims of sexual violence to ensure the survival of children which is part of human rights. This research is a type of empirical legal research with interviews and documentation techniques; The results show that the process of protecting child victims of sexual violence by the Koppatara Foundation is through receiving complaints, accompaniment, case handling, and case termination. And the implementation of fulfilling the rights of child victims of sexual violence according to *maqāṣid al-syarī'ah* Jasser Auda can be implemented through the implementation of effective fulfillment of children's rights which aims for the benefit of the child and prioritizes legal certainty and upholds the values of justice are based on the main objectives of the policy The Child Protection Act for the benefit of child victims of sexual violence.

Keywords:

Child Protection, Fulfillment of Children's Rights, Sexual Violence, *Maqāṣid al-Sharī'ah* Jasser Auda.



Introduction

The phenomenon of sexual violence against children is often heard and disseminated in electronic and non-electronic news. Sexual violence is a crime and its provisions are regulated by Law No. 12 of 2022 on Sexual Violence Crimes. The law stipulates that a child victim of sexual violence must be under the age of 18.¹ Children are often the target and target of cases of sexual violence because they are considered weak and helpless. In terms of age, children have limitations to open their voices or be honest about what they have experienced. The perpetrator's approach to the victim is very diverse. The most sophisticated mode is that the perpetrator uses social media by getting to know each other, inviting them to meet, and carrying out the action against the victim, namely sexual violence.²

Sexual violence against children often occurs in the home as well as in public places. Perpetrators of sexual violence are often parents and relatives of victims, and children who are victims of sexual violence suffer a great loss and must be protected and their rights realized. The losses suffered by victims are often physical or mental disabilities and can even affect a child's self-esteem.³ Child rights in general are also included in Law No. 35 of 2014 amending Law No. 23 of 2002 on Child Protection, which includes: (2) Right to Growth and Development. (3) Rights to Protection. (4) Participation Rights. Furthermore, Article 66 (1) of the Sexual Violence Crimes Law No. 12 of 2022 provides that the victim shall receive treatment, protection and recovery from the moment the crime of rape was committed.⁴ He explained that child protection is to protect children's dignity from violence and discrimination so that they can properly participate in society while protecting their rights.

In practice, however, the poor quality of child protection in Indonesia has drawn criticism from various sectors of society. A

¹ Undang-Undang No. 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual, Pasal 1 ayat (5).

² Ermayu Sari Bayu Ningsih dan Sri Hennyati, "Kekerasan Seksual Pada Anak di Kabupaten Karawang", *Jurnal Bidan "Midwife Journal"*, 4 (Juli, 2018), 57.

³ Bambang Waluyo, *Viktimologi (Perlindungan Korban & Saksi)*, (Jakarta: Sinar Grafika, 2019), 18.

⁴ Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual, Pasal 66 ayat (1).

frequently asked question is, as a means of protecting children who are victims of sexual violence, the extent to which children's rights are enforced so that they receive the survival guarantees that are part of their human rights. That's what it means. Children are also present in life and in humanity. However, the rights of children of victims of sexual violence are not fully realized.⁵

According to East Java Women's Empowerment, Child Protection and Population Department (DP3AK) PPA Simponi, there were 589 cases of violence against children as of August 2022. According to these data, sexual violence against children tops the list with 358 cases.⁶ Apart from DP3AK, a number of non-profit organizations have also noted cases of child sexual violence, such as in Malang Regency there is a non-governmental organization, namely the Yayasan Komunitas Perlindungan Perempuan dan Anak Nusantara (Koppatara). The foundation is committed to providing comprehensive services to empower women and children in Malang Province. Zuhro Rosyidah as Chair of Koppatara said that in 2021 there were 36 cases of violence that he assisted, 25 of which were cases of child sexual violence. In 2022 there were 15 cases of violence with 8 of them being child sexual violence.⁷

Koppatara foundation receives reports from victims' families who contact the call center, visited the office directly, and even referred to other institutions that were unable to provide maximum protection, who then delegated their protection to the Koppatara Foundation. This Foundation's form of rights protection and advocacy provides psychological assistance to clients who have experienced sexual violence for reasons of mental or psychological trauma, and provides safe homes for sexually abused children to establish.⁸

⁵ Anggar Kurniawati, "Perlindungan Hukum Terhadap Anak Korban Kekerasan Seksual di Kota Surakarta (studi Kasus Pelayanan Terpadu Perempuan dan Anak Surakarta)", *Jurnal Hukum Pidana dan Penanggulangan Kejahatan*, 3 (2014), 115-123.

⁶ Tribatanews, "Kasus Kekerasan Seksual Pada Anak dan Narkoba di Jatim Masih Tinggi, <https://polri.go.id/berita-polri/1630>. (accessed January 1, 2023)

⁷ Zuhro Rosyidah, *interview* (Malang, 6 March 2023).

⁸ Armand Hakim, "Analisis Kekerasan Terhadap Anak di Masa Pandemi Covid-19 Ditinjau dari Undang-Undang No. 35 Tahun 2014 Tentang Perlindungan Anak Perubahan Atas Undang-Undang No. 23 Tahun 2002 Tentang Perlindungan Anak (Studi Kasus di Lembaga Yayasan Koppatara)", *Skripsi*, (Malang: Universitas Muhammadiyah Malang, 2022), 57.

In line with the aim and purpose of ensuring legal certainty of the rights of children of victims of sexual abuse, it is very important to use a systems approach to analyze Islamic law. *Maqāṣidal-Sharī'ah* was developed by his Jasser Auda. Fundamental concepts often used in systems analysis and approaches are cognitive nature, wholeness, openness, interrelated hierarchy, multidimensionality, and purposefulness.⁹

In his study, Jasser Auda describes an approach based on principles, aims, and ultimate goals. It refers to the process of advocating for the rights of children of victims of sexual violence and protecting them so that whatever they do is consistent with their goals of right to justice, equality, welfare and happiness. Because in principle the actualization of *Maqāṣid al-Sharī'ah* Jasser Auda points to a concept of human development. Its realization can be measured in reality using the features of the Jasser Auda system approach which is based on intentional features. The eminence of Jasser Auda's thought in his discussion is that he offers a concept of human development as the main goal.

On the other hand, he stressed that the law was enacted to realize the interests of the community dan all people. The utility factor is the basis for determining the study *Maqāṣid al-Sharī'ah* according to the features of intent.¹⁰ That is, a goal can be achieved if the elements of benefit have been fulfilled, including justice, prosperity, and happiness. Determine whether the extent to which issues relating to the protection of child rights for victims of sexual violence are resolved is more efficient, useful and effective for child victims who need to protect and realize their rights. The idea of protection efforts in terms of the Koppatara Foundation supports child rights advocacy for victims of sexual violence can be reviewed through the Jasser Auda system approach. Because the effectiveness of a system is measured by the achievement of its goals in terms of meaningful features so that it reaches the point of benefit for children as victims.

Research Methods

⁹ Jasser Auda, *Membumikan Hukum Islam Melalui Maqasid Syariah: Pendekatan Sistem*, Terj. Amin Abdullah, (Bandung: Mizan, 2015), 12-15.

¹⁰ Rohmad Adi Yulianto, "Kebijakan Penanganan Pengungsi di Indonesia Perspektif Maqasyid Al-Syariah", *Al-Manahij*, 2 (2019), 176.

This type of research is empirical legal research, i.e. implementation of protection of the rights of children who are victims of sexual violence, in cooperation with Koppatara Foundation, Malang Regency, in relation to Law No. 23 of 2002 *jo.* Law No. 35 of 2014 *jo.* Law No. 17 of 2016 on the Protection of Children and laws related to the topic, namely the Sexual Violence Criminal Law and the Domestic Violence Law. Primary data was conducted by interviews and documentation to informants, namely counselors of the Koppatara Foundation Malang Regency, while secondary data were obtained from legal materials. The book in this study is a book by Jasser Auda entitled "*Membumikan Hukum Islam Melalui Maqasid Syariah: Pendekatan Sistem*", this book is a reference in analyzing the problem to be studied. Data analysis is carried out by examining, clarifying, verifying, analyzing and concluding data and using source triangulation to check the validity of data.

Results Of Research And Discussion Child Protection Procedures for Victims of Sexual Violence by Yayasan Koppatara Malang Regency

Child protection includes all the rights and needs to protect children not only physically and mentally, but also to ensure their regular and appropriate growth and development, including their intellectual, physical and social development. In this way, children can grow up to be employable adults to uphold and fulfill the mission of the nation.¹¹ As in Article 1 paragraph (2) of Law Number 35 of 2014 concerning Child Protection which reads:

"Child protection is: all activities that guarantee and protect children and their rights in order to live, grow, develop, and participate optimally in accordance with human dignity and dignity, and receive protection from violence and discrimination".¹²

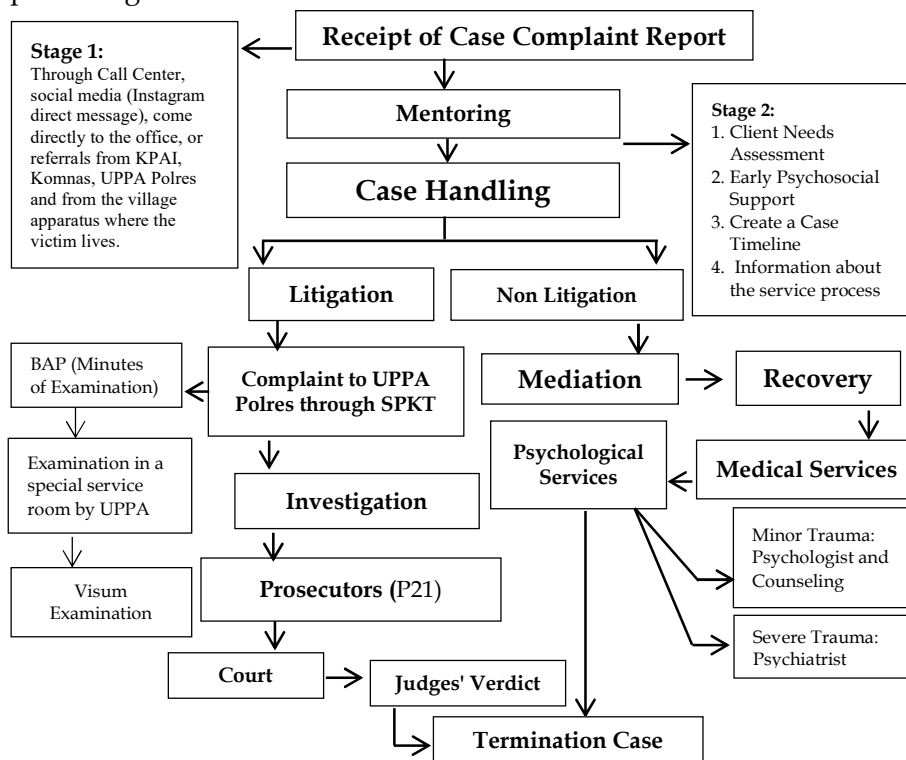
Children who are victims of sexual violence may be protected by a chaperone. Victim support includes staff from the Witness and Victim Protection Service, technical implementation staff for the protection of women and children, health care workers, psychologists, social workers, social workers, psychiatrists, paralegals (attorneys, paralegals). (including Regal, etc.), Service Provider Affiliates.

¹¹ Wagianti Sutedjo, *Hukum Pidana Anak*, (Bandung: PT Refika Aditama, 2006), 62.

¹² Undang-Undang No. 35 Tahun 2014 Tentang Perlindungan Anak, Pasal 1 ayat (2).

Community-based and other companions as defined in Section 26 of the Sexual Violence Act. In this study, the protection of children victims of sexual violence was carried out by a partner NGO, Koppatala Foundation, Malang Regency.

The following describes the Koppatala Foundation's process for protecting children of victims of sexual violence:



Source: Processed by Researchers

Figure: Child Protection Procedure for Victims of Sexual Violence by Yayasan Koppatala

The child protection process for sexual violence victims implemented by the Koppatala Foundation begins with receiving complaints from victims and clients, either coming directly to the office, through social media in the form of Instagram (direct message), or through contact call center Koppatala Foundation. On the other hand, complaints were filed by the National Commission, the Indonesian Child Protection Board, reports from the villages where the victims

lived, police officers female and child protection units, and other institutions that transferred their services to the Koppatara Foundation because these institutions were not able to provide maximum service.

After getting a report or complaint, assistance is then carried out. Assistance is the process of providing services to clients or victims in understanding needs and solving problems, and encouraging personal initiative in the decision-making process so that the independence of the client or victim is realized.¹³ This stage is carried out by assessing client needs, initial psychosocial support, making a case chronology, and information about the service process.

Customer needs analysis is done by a companion to help the client explore the needs he needs by approaching the client to obtain information about the violence that has befallen him. The results of the assessment are studied by the assistant to find out the next steps that must be given to the client. The initial form of psychosocial support provided by Koppatara provided support in the form of practical care, assessing the needs and attention needed by victims, assistance in accessing services, listening to complaints, and providing a sense of calm, comfort, and protection from violence that befalls clients or victims. Next, make a chronology of cases to find out the sequence of events that befell the victim. A detailed chronology can help distinguish between litigation and non-litigation cases.

Service process information is carried out to strengthen the client's understanding that the case being experienced whether it is entered into the realm of law or not, or is it only limited to mediation or what is known as litigation and non-litigation. If the elements of violence that have befallen a client are strong, such as evidence of violence, this must be legally reported or litigation, Koppatara prepares assistance starting from the reporting process to ending with a decision in court. If the legal element is weak or the case does not need to be reported, mediation or non-litigation can still be carried out, this is also facilitated by Koppatara who coordinates with networks or work partners. The final policy chosen by the client, either through litigation or non-litigation, is an agreement between the client and the assistant.

¹³ Direktorat Bantuan Sosial, *Pedoman Pendamping Pada Rumah Perlindungan dan Trauma Center*, (Jakarta: Departemen Sosial RI, 2007), 4.

A litigation process is a form of handling cases through a legal process starting with the police and prosecutors, and ending in court. This process involves the parties involved in cases of violence mutually defending their rights in court.¹⁴ The first time the litigation process was carried out was after it was discovered that the case that occurred was included in the realm of law (litigation) based on the available evidence, a report or complaint was made to the Polres, in this case, the Kepanjen Polres. Reports or complaints are made at the Integrated Police Service Center (SPKT).

If there is eligibility, a BAP (Inspection Report) is drawn up and an examination is carried out in a special service room handled by the UPPA (Women and Children Service Unit), after the initial inspection a post-mortem is carried out. The victim can be immediately referred by the police to Kanjuruhan Hospital for the post-mortem process. The results of the post-mortem are used as a reference for the next summons in the follow-up BAP process.

The investigation is based on data police received from the victim's complaint. The results of the investigation are used to determine whether the violence committed is a crime. Evidence is used to explain the sexual violence that occurred and identify suspects. After the suspect and evidence have been presented, the investigation is considered complete. Investigators then sent the entire case file in P21 format to the public prosecutor's office.

Proceedings at the public prosecutor's office, files received from investigators, the public prosecutor's office examining them, then an indictment is drawn up and the case is forwarded to court. At the court stage, the files that have been delegated from the prosecutor are received by the junior criminal clerk. The chairperson of the trial and member judges examine documents and investigate the case and determine a trial date. The public prosecutor informed the defendant about the proceedings and presented the defendant on the appointed date of the trial. Then the indictment was read, then the interlocutory decision was read out by the Panel of Judges, and finally the decision by the Panel of Judges.

¹⁴ Nurnaningsih Amriani, *Mediasi Alternatif Penyelesaian Sengketa di Pengadilan*, (Jakarta: Grafindo Persada, 2012), 16.

The process through which child victims of sexual violence choose is to handle legal aspects or serve clients. Sexual Violence Crimes Law No. 12 of 2022 provides that victims of sexual violence have the right to legal assistance.¹⁵ Article 10 letter (a) of Law no. 23 of 2004 concerning the Elimination of Domestic Violence states that victims of sexual violence against children have the right to receive protection from the family of the police, prosecutors, courts, advocates, social institutions, or other parties, either temporarily or based on a stipulation of a protection order from the court.¹⁶ The same article in letter (d) states that victims are entitled to assistance by social workers and legal assistance at all levels of the investigative process in accordance with statutory provisions.¹⁷

Article 69A letter (d) Law No. 35 of 2014 amending Law No. 23 of 2002 on Child Protection entitles child victims to treatment, protection and assistance at all levels of the investigation, from investigation to law enforcement and judicial proceedings.¹⁸ Similarly, Article 72 of Law No. 35 of 2014 amending Law No. 23 of 2002 on Child Protection provides for the enforcement of child protection through the involvement of non-governmental organizations by reporting violence against children to law enforcement agencies. That it is possible to do so to treatment, protection and assistance at all levels of the investigation, from investigation to law enforcement and judicial proceedings.¹⁹ Thus the protection handling and assistance services carried out by the Koppatara Foundation as a non-governmental organization are in accordance with existing regulations.

In addition to the litigation process, there are also clients who prefer to resolve their cases through a non-litigation process. The non-litigation process is the process of resolving legal issues out of court, which is often known as Alternative Dispute Resolution which is

¹⁵ Undang-Undang No. 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual, Pasal 68 huruf (c).

¹⁶ Undang-Undang No. 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga, Pasal 10 huruf (a).

¹⁷ Undang-Undang No. 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga, Pasal 10 huruf (d).

¹⁸ Undang-Undang No. 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang No. 23 Tahun 2002 Perlindungan Anak, Pasal 69A huruf (d).

¹⁹ Undang-Undang No. 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang No. 23 Tahun 2002 Perlindungan Anak, Pasal 72 huruf (c).

carried out without involving law enforcement agencies or in a peaceful way, namely by means of mediation. Mediation is the process Koppatara does with its clients (child victims of sexual violence). In practice, mediation is carried out when an agreement has been reached with the client. After the agreement is reached, Koppatara on behalf of the institution invites the parties involved and both parties must be accompanied by parents, family, or a companion from Koppatara who can be their guardian and Koppatara becomes an intermediary or third person or mediator in the mediation process. find a way out win-win solution for sexual violence that befell the client so that it can be known what punishment perpetrators get rewarded for their actions based on the outcome of mediation that has been carried out and not to repeat the actions he has committed.

After the mediation is complete, recovery is then carried out for the victim in the form of comprehensive victim care and empowering victims of child sexual violence through medical and psychological care. Medical services are in the form of medical treatment or physical healing such as injuries resulting from acts of violence, thus healing is carried out by bringing them to the clinic. Besides that, it also provides medical records such as seen and found which can be used as evidence in court. Psychological services in the form of support can provide comfort to victims in communicating their problems. Psychological treatment is carried out for children who have mild trauma through psychologists and regular counseling. Meanwhile, children with severe trauma, are taken to a psychiatrist due to long-standing pressure that the victim does not convey. Because the new victim has the courage to reveal what he has experienced after so long, which causes the psyche to experience severe trauma so it must be treated by a psychiatrist.

Koppatala Foundation Medical and Psychological Services under Section 68 of the Sexual Violence Crimes Act (No. 12 of 2022). Victims of sexual violence are entitled to treatment for psychological enhancement. Right to medical services, including testing, interventions and treatment.²⁰ The same is found in Section 69A (c) of the Child Protection Act No. 35 of 2014, which states that dealing with sexual violence against children can be done with psychosocial support

²⁰ Undang-Undang No. 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual, Pasal 68

from the time of treatment through recovery.²¹ Services provided comply with the 1989 United Nations Convention on the Rights of the Child (PBB). The Convention was later legalized in Indonesia by Presidential Decree No. 36 of 1990, which stipulates that children and their rights must be protected in the following ways: access to health. And Article 10 of the Domestic Violence Elimination Act gives victims the right to receive medical care to meet their medical needs.

After all, processes have been completed, the last thing to do is terminate the service and terminate the case. This process is the final stage and the stage of formal termination of the relationship with the client who has been assisted by the Koppatara Foundation. Article 39 of the Domestic Violence Elimination Act emphasizes the importance of protecting children who are victims of sexual violence from access to services provided by health care workers, social workers and judicial personnel who protect them according to their respective professions. Health workers are tasked with carrying out examinations on victims based on professional standards and are obliged to provide medical assistance in recovery and rehabilitation needed by the victim during the victim's health process. Social workers, and accompanying volunteers, in this case, the Koppatara Foundation, are committed to providing services to victims in the form of shelters that empower them so that a sense of security and self-confidence is instilled in victims. The legal apparatus is obliged to enforce the law based on justice, benefit, and legal certainty in carrying out every legal process from the police to the courts. All elements need to collaborate/cooperate in the context of protecting, assisting, handling, and recovering child victims of sexual abuse.

The protection process implemented by the Koppatala Foundation is a form of justice for children as victims of sexual violence and encourages their growth and development in order to create a well-being of children free from discrimination and exploitation through acts of sexual violence. It gives child the opportunity to continue keep working and high performers. As the purpose of protecting children as stated in Law no. 23 of 2002 concerning Child Protection in Article 3:²²

²¹ Undang-Undang No. 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang No. 23 Tahun 2002 Perlindungan Anak, Pasal 69A huruf (c).

²² Undang-Undang No. 23 Tahun 2002 tentang Perlindungan Anak, Pasal 3.

"Child protection aims to guarantee the fulfillment of children's rights so that they can live, grow and participate optimally in accordance with human dignity and dignity, and receive protection from violence and discrimination, for the realization of quality, noble and prosperous Indonesian children. "

Evidence of the successful child protection process for victims of sexual violence conducted by the Koppatala Foundation shows that child survivors of sexual violence have the courage to talk about the sexual violence they have suffered, which makes them feel happy and open. That's what it means the comfort the counselor brings to the victim and the relative character of children who are victims of sexual violence allows each stage of the protection process to be carried out appropriately, simply and effectively.

Fulfillment of the Rights of Children Victims of Sexual Violence Accompanied by the Koppatara Foundation Malang Regency *Maqāṣid al-Sharī'ah* Jasser Auda's Perspective

The fulfillment of the rights of child victims of sexual violence carried out by the Koppatara Foundation, Malang Regency, is a necessity that is needed and becomes an interest that brings benefit to a child victim of sexual violence. The role of a party or institution is needed to realize this benefit. In practice, in line with *maqāṣid al-Sharī'ah* Jasser Auda. Auda initiated his well-known theory with six features, namely cognitive, wholeness, openness, interrelated hierarchies, multidimensional, and ends with meaning. These features cannot be carried out on only one feature but must be applied starting from cognitive to ending with intent, in other words, the six features are interrelated and stem from the last feature, namely intent, a detailed explanation as follows:

Cognitif Nature

According to Jasser Auda, this feature is one of the other features in advice which is designed to distinguish between revelation and reason. Both must be returned to their respective substance. Revelation is scienceDivinewhile fiqh is the rational interpretation of a fiqh expert. Thus, in this discussion, the separation refers to the detachment of fiqh, namely the human understanding of argumentation as a domain

divine.²³ In this context, the divine is different from the science of fiqh experts. Therefore, the focus of this study is on fulfilling the rights of children who are victims of sexual violence which is a human ijtihad (expert of fiqh), which in this case is pure ijtihad from the Indonesian parlement or government.

The government's policy to protect the rights of children who are victims of sexual violence is a revolutionary step in meeting the needs of today's children. Pursuant to the Decree of Law No. 35 of 2014 amending Law No. 23 of 2002 on Child Protection as a Guideline for the Realization of Children's Rights, Law No. 12 of 2022 and Law No. 23 of 2004 on Sexual Violence Offenses will end domestic violence. This legal basis is part of the product of thinking about human relations and aims at solving existing problems for good, welfare and justice.

This cognitive feature refers to the Islamic legal system which separates revelation from knowledge, revelation here means the Qur'an. The Qur'an does not explicitly mention the rights of child who are victims of sexual abuse, it only explains children's rights in general. Like surah al-Kahf verse 46 concerning the rights of children to enjoy fatherhood and motherhood. Surah al-Ahzab verses 4-5 which explain that including children's rights is that their lineage is linked to their fathers. Surah al-An'am verse 140 is about survival. The verses that have been mentioned are considered as supporting the needs of children in general which are manifested in fulfilling their rights.

That is, if the Qur'an, hadith, and fiqh, especially *fiqh munahakah* do not clearly and comprehensively regulate the protection of children's rights, especially in relation to sexual violence. Then the cognitive features here come into play, to what extent do the government organizes ratios to consider as well as providing policies in fulfilling the rights of children victims of sexual violence and how to relized the rights of children victims of sexual violence can be implemented by the Koppatara Foundation with the hope that all children's needs can be met so that children can process to become what they want by realizing their dreams in the future.

Wholeness

²³ Auda, *Membumikan Hukum Islam*, Terj. Amin Abdullah, 12.

Overall features apply the overall principle, provide innovation in applying the overall approach, and provide new breakthroughs that are not fixed on one nas in resolving the cases at hand. Jasser Auda says that any causal relationship must be viewed holistically. Relations between parts have an exclusive function in the system. Correlation attachment is built as a whole and dynamically.²⁴ This feature shows that every causality must be viewed as a coherent part. The solution offered by the Koppatara Foundation is a functional 'thematic interpretation' no longer limited to legal verses.

First, according to researchers in Shari'a, when there are children in a family, child rearing automatically occurs. This view focuses on preserving oneself and one's family from the torment of hellfire.

يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ عَلَيْهَا مَلَائِكَةٌ غِلَاظٌ شِدَادٌ لَا يَعْصُونَ
اللَّهَ مَا أَمَرَهُمْ وَيَفْعَلُونَ مَا يُؤْمَرُونَ

"O believers, preserve yourselves and your families from the torments of hellfire whose fuel is man and stone, while the guardians of the harsh and harsh angels, they disobey Allah not what he commands, and they do anything they are commanded to do".²⁵ (QS. at-Tahrim: 6)

Second, the researcher considers it juridically, Because we are successfully realizing the rights of children, especially those who are victims of sexual violence, because of the role and duties of a companion. Victim assistance can be provided by staff of the Witness and Victims Protection Service (LPSK) and by staff of the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA), as provided for in Section 26 of the Sexual Violence Act. Health care professionals, psychologists, social workers, social workers, psychiatrists, paralegals (including attorneys and paralegals), community-based service provider (LPLB) officers and other assistants, and the responsibilities they commit to Support institutions and infrastructure in the realization of children's rights. Articles 4 to 18 of Law No. 23 of 2002 on Protection of Children, as amended and perfected by Law No. 35 of 2014, contains the rights of children that must be fulfilled by their companions or parents.

²⁴ Auda, *Membumikan Hukum Islam*, Terj. Amin Abdullah, 87.

²⁵ Departemen Agama RI, *al-Quran dan Terjemahnya*, Cet. ke-2, (Diponegoro: al-Hikmah, 2007), 560.

Third, social aspects are also considered by researchers because this overall feature applies causality which is a common feature of human-to-contemporary ratios. The purpose of this is, when victims report sexual violence they experience to Koppatara which is then carried out both litigation and non-litigation actions, Researchers analyze the extent to which the rights of children of victims of sexual violence are realized in the process of providing protection and, as a result, how regulations, legal rules and religious values are applied to victims of sexual violence. It guides policies and aspects of the realization of children's rights for children of all ages. investigation. To ensure that children who have been victims of sexual violence can properly reintegrate into society without shouldering the burden of the past of sexual violence.

Openess

The third feature is openness, this feature offers a wider spectrum. Open and closed systems are distinguished by systems theorists; a living system must be an open system.²⁶ Islamic Sharia can develop as an answer to problems in the life of the ummah according to the era of development; advice dynamically *kulli zaman wa makan*.²⁷ In this regard, sexual violence against children is no longer taboo. Many cases of sexual violence against children occur when the perpetrator is the victim's biological father, leaving the victim powerless and deprived of basic rights. This means that these rights must be fulfilled by other parties for the benefit of victims of sexual violence.

Based on the data obtained, the rights of victims of child sexual violence committed in childhood are also within the scope of public disclosure, as the implementation of children's rights implemented by the Koppatara Foundation aims to benefit children. come in. This is done to improve the welfare and protect children from vulnerable groups, especially from the increasing number of victims of sexual violence. Therefore, the assistance provided by the Koppatala

²⁶ Moh. Nurrarouf, "Penyelesaian Sengketa Harta Bersama Pasiva di Pengadilan Agama Malang Perspektif Teori Maqasid Syariah Jasser Auda", *Journal of Islamic Law and Family Studies*, 1 (2021), 54.

²⁷ Siti Mutholingah dan Muh. Rodhi Zamzami, "Relevansi Pemikiran Maqashid al-Syari'ah Jasser Auda Terhadap Sistem Pendidikan Islam Multidisipliner", *Ta'limuna*, 2 (September, 2018), 102.

Foundation is limited to those affected by re-education in school as stipulated in Law No. 35 of 2014 amending Law No. 23 of 2002 on Child Protection, which stipulates the rights of children for educations.

In this case, *maqāṣid* present and try to respond to the challenges and demands of the times by reforming *maqāṣid* who aspires to fulfill human rights, so as to create benefits and benefits according to the current context. In this category, Protection of the Rights of Children Victims of Sexual Violence by the Koppatara Foundation of Marang Regency is an appropriate policy to protect the rights of children of victims of violence whose children are not found after the violence that befell them In accordance with the obligations of child protection law. Thus, legal reform certainly makes it easier for us to live a dynamic life.

Interrelated Hierarchy

Auda argues that a system is characterized by its hierarchical structure. Because the system consists of small subsystems beneath it, the similarities and differences of each part of the overall system can be distinguished. To analysis it is divided into three parts, viz mother's *maqāṣid* (general), *khassah* (special) and *juz-iyah* (Partial). First, *maqāṣid ammah* (general) is the purpose of sharia contained in several Islamic discourses, such as the necessity and necessity combined with *maqāṣid* new such as expediency and justice, which *nota bene* includes all the benefits obtained in general legislation. And included in this category are aspects *dhoruriyatin maqāṣid* classic. Fulfillment of the rights of child victims of sexual violence can be categorized as *maqāṣid* general, namely the protection of children. This objective is supported by Articles 4-18 of Law No. 23 of 2002 concerning Child Protection as amended and perfected by Law No. 35 of 2014. The ratification of this regulation which aims to benefit child victims of sexual violence in fulfilling their rights, in line with aspects of *dhoruriyatin maqāṣid* Classical is about the care of the soul. Children who are both physical and emotional victims of sexual violence are given priority for help by the Koppatara Foundation. This is done so that the health aspects are guaranteed by the fulfillment of their rights.

Second, *maqāṣid khassah* (special) is *maqāṣid* which is found or examined from the implied meaning of a particular text or law as a whole, such as the welfare of children in family law and protecting them from mischief and *jinayah*. In particular, *maqāṣid khassah*

emphasized that since sexual violence protecting the rights of the children of victims of sexual violence is a way of life for victims of sexual violence and a means of survival, especially of family and society in Malang Regency. It is hoped that the implementation of children's rights by the Koppatala Foundation will be consistent with its duties and responsibilities.

Third, *maqāṣid juz-iyyah* (Partial). In this case, the Koppatala Foundation fulfills the rights of children victims of sexual violence in relation to the safety, justice, protection and well-being of each client/victim. Because by practicing the rights of children of victims of sexual violence, clients are more courageous to speak out about what happened to them and ensure their future survival, in line with safety laws that stipulate child protection obligations.

From the three *maqāṣid* discussed above, the objective is to realize the rights of children of victims of sexual violence in the *juz'iyyah* manner, by realizing the rights of children of victims of sexual violence. It can be concluded that Child Protection Laws can be enforced in a targeted and effective way. The efforts are made to protect the rights of child sexual violence victims, the Koppatala Foundation, as a non-governmental organization, can help realize the rights of child sexual violence victims in accordance with its obligations and increase responsibilities. Child protection (*maqāṣid khassah*) and the application of child protection laws are appropriate and efficient in meeting the challenges of the times. In other words, if there is an aspect of protecting the rights of children of victims of sexual violence, the mental and physical lives of children who are indirectly subjected to sexual violence are guaranteed (*maqāṣid ammah*).

The Koppatara Foundation maintains the independence of the assistants; starting from complaints of cases, accompaniment, litigation or non-litigation services, police proceedings to judges' decisions, mediation, medical services and psychological services, supervision and guidance are continuously carried out whose hierarchies are interrelated and must be carried out in a structured and systematic manner to protect and fulfill human rights. The rights of victims of sexual violence follow a consistent hierarchy. In other words, if children's rights are realized, the lives of children who have been victims of sexual violence will be immediately guaranteed.

Multidimensionality

In this feature, it can be interpreted as the realization of children's rights by the Koppatara Foundation can be seen in various dimensions or multidimensional, namely in accordance with goals, interests, and benefits. In addition to protecting and improving the welfare of children, prevention also occurs of sexual violence against children involves various dimensions in maximizing services for fulfilling children's rights by networks (police, prosecutors, courts, lawyers, and universities) to be directly and actively involved in utilize their energy to assist to defend the rights of children of victims of sexual violence.

Realizing children's rights provides an opportunity for them to continue to grow and develop, as children are the generation that is poised to realize the future development and management of the country. Realization of the rights children who are victims of sexual violence and can exercise their rights more effectively and concretely, and that they can exercise their rights to grow and develop in the same way as any other ordinary child, will help improve their future prospects and it will have a big impact on child's life.

Purposefulness

This feature explains that every system has a purpose. The effectiveness of a system is judged by the extent to which its objectives have been achieved. This means that the law is said to be effective if *maqāsid al-Shari'ah* is achieved effectively. The development and deification of human rights should be one of the main topics that are considered a public good today so that the deification of human rights and general welfare is the main goal of *maqāsid al-Shari'ah* in triggering policies or regulations based on the wider benefit.²⁸

The principles of justice and certainty are important issues in studying the fulfillment of the rights of children who are victims of sexual violence. Prioritizing the protection of the rights of children as victims of sexual violence should be a priority for policy-making of child protection laws, which play an active role in protecting the rights of children, especially victims of sexual violence is the main goal.

Protection and fulfillment of the rights of children victims of violence is a priority and benefits must be distributed appropriately

²⁸ Retna Gumanti, "*Maqasid al-Syariah* Menurut Jasser Auda (Pendekatan Sistem dalam Hukum Islam)", *Jurnal Al-Himayah*, Vol. 2, No. 1 (2018), 115

and effectively. Therefore, the realization of children's rights regulated in the Child Protection Act is a form of realizing children's rights by prioritizing legal certainty and upholding the value of justice for sexual violence against children and is one way to solve the problem of sexual violence that befalls children. The Koppatara Foundation's priority in fulfilling for the rights of child victims of sexual violence has many roles, namely accuracy, and effectiveness in addressing the problem of child sexual violence by providing protection and fulfillment of their rights whose benefits can be felt directly by children. Therefore, this is very relevant to the concept of benefit developed by Jasser Auda, where the role of the Koppatara Foundation in enforcing the rights of child victims of sexual violence can survive in the future and get their rights as children according to the mandate of the Child Protection Laws.

Conclusion

Based on the results and discussions that have been described, it can be concluded that the protection procedures carried out by the Koppatara Foundation to child victims of sexual violence they accompany are carried out with four processes, namely receiving complaints from victims, mentoring, handling and termination of cases. And in the fulfillment of the rights of child victims of sexual violence accompanied by the Koppatara Foundation of Malang Regency The perspective of *maqāṣid al-sharī'ah* Jasser Auda based on its six features, namely: *Cognitive Nature*, this feature plays a role in fulfilling the rights of child victims of sexual violence which is an example of the promulgation of the Child Protection Law as a guideline in fulfilling the rights of child victims of sexual violence.

Wholeness, understanding the overall rights of children victims of sexual violence by the Koppatara Foundation by considering sharia, juridical, and social aspects. *Openness*, openness in fulfilling the rights of children victims of sexual violence aimed at the benefit of children. *Interrelated Hierarchy*, the interrelation of small sub-systems in it consisting of *maqāṣid ammah* (general), *khassah* (special) and *juz-iyah* (partial) in the process of protection to child victims of sexual violence whose hierarchy is interrelated which aims to meet the needs of children. *Multidimensionality*, it is interpreted that the fulfillment of children's rights by the Koppatara Foundation can be seen in a multidimensional manner, namely in accordance with the goals,

interests and benefits of child victims of sexual violence. *Purposefulness*, prioritizing legal certainty and upholding the values of justice based on the main objective of the Child Protection Law policy, namely for the benefit of children effectively.

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