

Law Enforcement Cases of Sexual Violence Against Children

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Abstract

Cases of violence against children are still an increasing phenomenon, especially sexual violence. This is because most children who are victims of sexual violence are reluctant to report. As law enforcers and parents should be able to provide an understanding of sex for children so that children do not fall into the wrong hole. This study aims to find out how law enforcement is and the obstacles faced by law enforcers in cases of sexual violence against children. The method used in this study is a qualitative research by describing a description of the social phenomena associated. This type of research is normative law, legal research conducted by examining library materials or secondary data. The obstacle that is often found by the Cirebon City Police, West Java, is the lack of approach between the police and the community so that people are reluctant to report any events that occur to them or around them. Lack of understanding of the community in terms of the process of reporting every event due to lack of socialization. Parents are often silent and afraid to report because sexual harassment is a disgrace to their family.

Keywords

Children; sexual violence; enforcement.



I. Introduction

The crime of sexual violence against children is a crime (crime) that does not stop even every day and is growing in the midst of society as long as the community continues to hold social interactions with one another. must get the protection of parents, family, society and the state. Nursariani Simatupang in her book entitled criminology said "Crime is human behavior that violates the norms (criminal law), is detrimental, annoying, causes victims, so it cannot be tolerated" (Nursariani Simatupang & Faisal, 2021).

Regulations on child protection have been implemented, but this cannot stop perpetrators of child sexual violence from continuing to look for victims. Law enforcement in Indonesia is currently starting to worry because the victim's family does not have the courage to report the incident to the authorities, resulting in many perpetrators being avoided from legal entanglement (Nursariani Simatupang & Faisal, 2021).

Children are one of the assets of the nation and society, children are the next generation who have hope for the future development of the nation. Thus, it is proper for children to have the protection of their parents, family, community and state. Sexual violence cannot be interpreted in a narrow sense, an act that is only physical in nature, but includes many other aspects of behavior, such as psychological abuse and humiliation, so when talking about sexual violence, it must touch the core of violence and coercion, not only on behavior. hard and pressing. If sexual violence is only defined narrowly as violent and oppressive behavior, don't be surprised if many cases of sexual violence against children go unpunished.

Lately, there have been various phenomena of negative behavior seen in children's daily lives. Through newspapers or television, we can find cases of children such as physical, verbal, mental abuse and even sexual abuse or violence that has happened to children. This form of violence is usually carried out by people who are known to the child, such as family, biological father, stepfather, uncles, neighbors, teachers and their own playmates.

It is important for children to be given an understanding by parents about sex education. So that through sex education, it is hoped that the goal of maintaining the safety, chastity, and honor of children in the community can be realized (Nurlaili Lisdiya, 2013). The method of delivery of course must be adapted to the life of the Indonesian people, which is based on religion and etiquette, so that children, both girls and boys, can maintain their morals and religion, even at the family level. In addition, the family and society must have a big influence on sex education as the giver of information and role models, the family is the closest environment for children to be prepared with various questions with the right answers, and not let their curiosity be answered by friends or the media that are not necessarily appropriate for their age.

Indonesia has a Child Protection Law and various other rules related to child protection issues, articles that normatively guarantee efforts to fulfill children's rights. But in fact the existing regulations do not have a positive impact on children in Indonesia because they see the fact that sexual violence continues to afflict children, resulting in psychological disturbances in children, children experience severe trauma which causes psychological disturbances in children in the process. growth and development. Another factor that is the pretext that the occurrence of a prolonged economic crisis has made the national financial condition in shambles and made the political situation become chaotic, then the action to implement the articles of various Conventions,

Sexual harassment or sexual violence against children is currently very horrendous in Indonesia KPAI noted that in a period of 9 years, from 2011 to 2019, there were 37,381 complaints of violence against children. "The data on children's complaints to KPAI is like an iceberg phenomenon. Just like the President's statement on the average (9/1/2020) through the PPA SIMFONI Data. Even from January to February, he continued to read the news every day and watch the phenomenon of child abuse. Of course, this is very much recognized and is a shared concern."

Child sexual abuse is a form of child abuse in which an older adult or adolescent uses a child for sexual stimulation (http://id.wikipedia.org/wiki/Harassment_sexual_terhadap_anak). Forms of child sexual abuse include soliciting or pressuring a child to engage in sexual activity, providing indecent exposure of the genitals to a child, displaying child pornography, having sexual relations with children, physical contact with a child's genitals (except in non-sexual contexts). certain sexual activities such as medical examinations), or using children to produce child pornography.

Sexual violence against children according to ECPAT (End Child Prostitution In Asia Tourism) International is a relationship or interaction between a child and an older or more reasonable child or adult such as a stranger, sibling or parent where the child is used. as an object of satisfaction for the sexual needs of the perpetrator. This act is carried out using coercion, threats, bribes, deception or pressure. Activities do not necessarily involve bodily contact between the offender and the child. Forms of sexual violence themselves can mean committing acts of rape or sexual abuse (Ermaya Sari Bayu Ningsih and Sri Hennyati, 2018). Sexual violence against children is also known as child sexual abuse. In many cases, cases of sexual violence against children are often not reported to the police.

These cases tend to be kept secret, even rarely discussed by either the perpetrator or the victim. The victims felt ashamed because they considered it a family disgrace that had to be kept hidden or the victim was afraid of the perpetrator's threats. Meanwhile, the perpetrators feel ashamed and fear that they will be punished if their actions are known by the police and the public.

The form of legal protection provided by the Criminal Code for children against sexual violence is criminal responsibility for the perpetrator, not responsibility for the direct and concrete loss/suffering of the victim, but rather on personal/individual accountability (Barda Nanawi, 2017).

The Ministry of Women's Empowerment and Child Protection (KP3A) has also published the National Strategy for the Prevention of Violence against Children 2016-2020, which includes legislation and implementation of policies, eliminating social norms that allow violence against children, parenting with loving relationships, improving children's skills, improving the quality of life. services and data systems and evidence of efforts to prevent or eradicate violence against children, not only by issuing various laws that protect children. However, the most important thing is how the community strengthens their role in child protection (Penny Naluria Utami. 2018).

Sexual violence against children is illegal almost anywhere in the world, generally punishable by severe criminal penalties, including the death penalty and life imprisonment. Sexual relations of an adult with a minor are declared as rape according to law, based on the principle that a child cannot give consent and any real consent by a child is not considered valid (La Ode Anhusadara & Rusdi, 2016).

Talking about criminal acts is never separated from a consequence that is caused in the community, both as a result to individuals and groups, the resulting consequences become a benchmark for a mode of criminal action, whether the criminal act is a crime or a violation. Legal protection is all efforts made consciously by every person as well as government and private institutions aimed at securing, controlling and fulfilling the welfare of life in accordance with existing human rights (Yesmil Anwar Andang, 2010).

Sexual violence committed against fellow minors will certainly have an impact on the psychological and other developments of the child, especially for the victim. The psychological impact on children will give birth to prolonged trauma which can then give birth to unhealthy attitudes, such as excessive fear, inferiority, disturbed mental development, and ultimately mental retardation. This situation may be a bad memory for child victims of sexual violence.

The 1945 Constitution of the Unitary State of the Republic of Indonesia Article 28B (2) states that "Every child has the right to protection from violence and discrimination". Meanwhile, to prevent violence against children, Article 69 (1) of Law Number 23 of 2002 concerning Child Protection (UUPA) states that "Special protection for children who are victims of physical, psychological, and sexual violence is carried out through efforts: (a) dissemination and socialization provisions of laws and regulations that protect child victims of violence; and (b) monitoring, reporting, and imposing sanctions. While paragraph (2) states that "Everyone is prohibited from allowing, placing, committing, ordering to do, or participating in violence. While Article 54 states that "Children in and within the school environment must be protected from acts of violence committed by teachers, school administrators or their friends in the school concerned, or other educational institutions." Thus it is the responsibility of all parties to implement it in daily activities (Ministry of PPPA, 2011).

Based on the explanation above, the purpose of this study is to determine the efforts to enforce the law in cases of sexual violence against children (Study at the Cirebon City Police Station, West Java).

II. Research Method

A study cannot be said to be research if it does not have a research method because the purpose of the research is to reveal a truth in a systematic, methodological and consistent manner (Taufik Hidayat Lubis and Ismail Koto, 2020) This research is a normative legal research type (Ahmad Fauzi and Ismail Koto, 2022), is a legal research conducted by examining library materials or secondary data (Padian Adi Salamat Siregar, Ismail Koto, 2019). Normative law is research on legal principles, legal systematics, level of legal synchronization, legal history and legal comparisons (Faisal and Nursariani Simatupang, 2021). The approach in this research is qualitative (Faisal Riza and Zainuddin, 2020). The nature of this research is descriptive.

III. Result and Discussion

3.1 Law Enforcement Cases of Sexual Violence Against Children

Child abuse often ranges from neglect to rape and murder. Terry E Lawson said that violence against children is divided into four types, namely verbal abuse, emotional abuse, sexual abuse and physical abuse. Meanwhile, Suharto distinguished violence against children into four categories, namely psychological violence, physical violence, social violence and sexual violence.

Globalization of information that contributes is closely related to the role of parents, parents can act as supervisors and role models for children, as supervisors parents can supervise (Neng Lani Ligina, Ai Mardhiyah et al, 2018) while efforts to deal with the impact of sexual violence on children can be improved. see in Article 69A of Law Number 35 of 2014 concerning Child Protection, are as follows: (a), education on reproductive health, religious values, and moral values; (b), social rehabilitation; (c), psychosocial assistance from treatment to recovery; and d. Providing protection and assistance at every level of examination, from investigation, prosecution, to examination in court. (Roy Syahputra, 2018)

All of the victim's informants were children under the age of 18 and experienced sexual violence. Sexual violence against children by perpetrators is sexual abuse, as many as 9 children, sexual violence in dating as many as 3 children, and molestation of 2 children. The characteristics of the information discussed in this study include age and education, while the age of the victims ranges from 4 years to 18 years, with the criteria of sexual violence from the age of 4-9 years are victims of obscenity and elementary school education because many perpetrators think that child victims will make it safer, easier to trick victims into doing what the perpetrator wants. Then at the age of 14-17 years are victims of sexual violence in dating and have junior high school education, high school is more about promiscuity,

The results of the case can be concluded that sexual violence against children can occur where the perpetrator is the closest person and known to the victim, namely neighbors, girlfriends are the perpetrators in this case, the motives of the perpetrators in committing sexual violence are very diverse and sophisticated such as seduction, deceit and promised something to deceive the victim in satisfying his sexual desires.

In sexual violence against children, forensic examinations must be carried out to protect children because one of the requirements for police investigations is as follows:

Polres A revealed that *“In the process of handling cases of sexual violence against children in general, everything is the same as other criminal acts, starting from receiving reports and conducting investigations as well as conducting interrogation of the victim and several witnesses. If the two pieces of evidence are met, it will proceed to the investigation stage.”*

In an effort to enforce the law on sexual violence against children, it will be more effective if the country adopts a democratic system because the values contained can make a positive contribution to law enforcement. On the other hand, the effectiveness of law enforcement will be hampered if a country adopts an authoritarian political system.

Furthermore, the Police said, *“We as investigators, if we have found two pieces of evidence, we will immediately carry out an investigation where the case status rises to the investigation stage and will immediately arrest and detain the suspect and secure evidence and confiscate evidence related to criminal acts. sexual violence against children as reported to us”*.

With the results of the interviews above, we can conclude that child sexual violence is something that often occurs in an area and even throughout Indonesia. Children are one of the most targeted targets because children are one of the vulnerable groups and they do not know anything but feel pain and cry. The depravity of the perpetrators resulted in the victim's good name being destroyed so that the victim's mentality was clearly disturbed.

Thus, in handling sexual violence against children, there needs to be a synergy between families, communities and the state. In addition, the handling of cases of sexual violence against children should be holistic and integrated. All sides need improvement and handling, both from the medical side, the individual side, the legal aspect (in this case there are still many weaknesses), as well as social support. If sexual violence against children is not taken seriously, it can have a wide social impact in society. Healing psychological trauma due to sexual violence must receive great attention from all parties involved, namely, (1) individuals and families, the simplest steps to protect children from sexual violence can be done by individuals and families. Parents play an important role in protecting children from threats of sexual violence. Parents must be really sensitive if they see unusual signals from their children. However, not all victims of sexual violence will show signs that are easily recognizable. Especially if the perpetrator takes a persuasive approach and convinces the victim that what happened between the perpetrator and the victim is normal, (2) the role of the community, handling sexual violence against children, there is a need for community participation, taking into account aspects of prevention that involve residents and also involve the community. children, which aims to provide protection to children at the grassroots level. The involvement of children is needed as a reference to detect cases of violence they have experienced, (3) the role of the state, The increasingly concerning phenomenon of sexual violence against children can be interpreted as the failure of the State to guarantee a sense of security and protection for children. The state has "allowed" the emergence of sexual violence around children. Therefore, the role of the state is certainly the greatest in handling sexual violence against children. Because, in essence, the state has the ability to shape the readiness of individuals, families and communities.

3.2 Obstacles in Enforcement of Cases of Sexual Violence against Children

The causes of sexual violence against children have become an iceberg phenomenon, which looks few but cases occur in the community, it can be identified the factors that

cause sexual violence are the threat of relatively light punishment, hormonal changes, psychological changes, IT development, lifestyle changes, the perception of the community that still views the taboo on the issue of sexual violence, the socio-cultural aspects of society that influence it, such as gender discrimination, cases of sexual violence that must be covered up.

Victim A revealed *"I first saw porn videos from my first boyfriend's cellphone, I dated him for 2 years, but now it's broken. My current boyfriend already knows that I have had an abortion before and he accepts my situation as it is, but after we had intercourse and I became pregnant he turned to ask for a break up, and beat him up."*

Furthermore, the opinion expressed by the Head of the Women and Child Protection Unit (PPA) Polres A revealed that: *"The obstacles we experienced in handling cases of sexual violence against children started from the condition of the child where the victim was still in a state of shock and mentally unstable so that The information that we will explore is often difficult, because the child or the victim is not mentally ready to explain what has happened to him so that he is not optimal in providing information to investigators, other than that related to the crime experienced, the child or the victim does not speak freely and still hide the truth or honesty and must ensure the condition of the child first before we start doing the Investigation Report (BAP), both in terms of physical and psychological children so that they are ready to be questioned by investigators."*

Furthermore, according to the Head of the Work Guidance Section of the BKA Polres A stated that: *"One of the obstacles is that there is only one person who works as Social Workers in North Lombok which of course results in a social report requested by the Police, in this case the investigator who handled the case. often experience delays."*

Furthermore, according to the Head of the Work Guidance Section of the BKA Polres A, he stated that *"Furthermore, the obstacles that are often found are human resource constraints. The social workers (Peksos) will often encounter obstacles when we need to immediately send social services to the Mataram District Attorney, but we are constrained by social reports that have not been completed because of the limited number of social workers who make the social reports we need."*

Law enforcement in cases of sexual violence against children often results in mental and physical suffering for children, so that their psychological burden is destroyed because they are embarrassed by the ridicule of society and even their peers. In the community, perpetrators often use various modes of carrying out their actions, so the police as law enforcers must be really firm in disclosing these cases.

The law that will burden the perpetrators should be even heavier, so that the perpetrators are deterred by their actions, the perpetrators of the violence usually appear from among the closest relatives, such as family, friends, relatives and so on, the location most often chosen by the perpetrators is the victim's house. The victim who is still innocent and doesn't know anything only feels pain and cries.

We often find perpetrators carrying out their actions and threatening victims with all kinds of threats, whether they want to be killed or something else. Presidential Instruction Number 5 of 2014 concerning the National Movement Against Sexual Violence Against Children (GN AKSA), the President instructs the Ministers, Attorney General, National Police Chief, Heads of non-Ministerial Government Institutions and Regional Heads to determine steps according to their respective duties, functions and authorities to prevent and eradicate and accelerate the process of handling child sexual violence.

According to Social Workers under the auspices of the Ministry of Social Affairs A revealed that: *"One of the obstacles is because of the human resources who work as Social*

Workers, only one person which of course results in social reports requested by the Police, in this case investigators who handle these cases often experience problems. lateness."

IV. Conclusion

Law enforcement in cases of sexual violence against children is one of the efforts made by the police in protecting children as state assets. As for preventive and repressive efforts by law enforcement and other institutions aimed at preventing the possibility of crimes of sexual violence against children, namely in the form of appeals and socialization to the public about crimes of sexual violence and law enforcement and other institutions,

The obstacle that is often found by the Cirebon City Police, West Java, is the lack of approach between the police and the community so that people are reluctant to report any events that occur to them or around them. Lack of understanding of the community in terms of the process of reporting every event due to lack of socialization. Parents are often silent and afraid to report because sexual harassment is a disgrace to their family.

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