

Crime of Sexual Violence Against Children (Study at Kebumen Police Station)

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Article History

Received: 20/04/2024; Reviewed: 11/05/2024; Accepted: 15/05/2024; Published: 10/06/2024

Abstract: In Indonesia, cases of sexual violence have increased every year, the victims are not only adults but now have spread to teenagers, children and even toddlers. The purpose of this research focuses on identifying and analysing the obstacles faced by investigators and the efforts made by investigators in revealing cases of sexual violence against children. This research uses empirical methods through interview data and field observations, then conceptually analysed to find obstacles and efforts of investigators in overcoming cases of sexual violence in children. The results of the study found that the main obstacle for investigators in uncovering criminal acts of sexual violence against children is the lack of information from children who experience sexual violence due to trauma. The absence of a psychologist in the investigating team, difficulties in bringing in a psychologist when a case of child abuse occurs. Efforts made by Kebumen Police investigators are to call a psychologist when there is a case of sexual violence against a child. Efforts to provide assistance by psychologists, and traumatic recovery for children who experience sexual violence. It is hoped that the Kebumen police will have a field of psychology experts who specialise in handling child sexual abuse crimes in Kebumen.

Keywords: Sexual Violence; Child; Criminal.

Abstrak: Di Indonesia kasus kekerasan seksual setiap tahun mengalami peningkatan, korban bukan hanya dari kalangan dewasa saja sekarang sudah merambah ke remaja, anak-anak bahkan balita. Tujuan penelitian ini fokus pada mengidentifikasi dan menganalisis kendala yang dihadapi penyidik dan upaya yang dilakukan oleh penyidik dalam mengungkap kasus kekerasan seksual pada anak. Penelitian ini menggunakan metode empiris melalui data wawancara dan observasi di lapangan, kemudian di analisa secara konseptual untuk menemukan kendala dan upaya penyidik dalam mengatasi kasus kekerasan seksual pada anak. Hasil penelitian, menemukan kendala utama penyidik dalam mengungkap tindak pidana kekerasan seksual pada anak adalah kurangnya informasi dari anak yang mengalami kekerasan seksual akibat traumatik. Tidak adanya ahli psikolog dalam tim penyidik, kesulitan dalam mendatangkan ahli psikolog pada saat terjadi kasus kekerasan pada anak. Upaya yang dilakukan oleh penyidik Polres Kebumen yaitu memanggil ahli psikolog ketika ada kasus kekerasan seksual pada anak. Upaya pemberian pendampingan oleh ahli psikolog, dan pemulihan traumatik pada anak yang mengalami kekerasan seksual. Diharapkan kepolisian Kebumen mempunyai bidang ahli psikologi yang khusus menangani kejahatan kekerasan seksual pada anak di kebumen.

Kata Kunci: Kekerasan Seksual; Anak; Kejahatan

INTRODUCTION

Protection against sexual violence against children is also carried out by taking precautions, not only punishing the perpetrators can then be considered to provide justice to victims but also need to provide an understanding of how sexual abuse is actually to prevent children from becoming victims of sexual abuse, among others: family environment, school environment, government.¹ In it, legal protection is very important to regulate its citizens who are victims of criminal acts. Indonesia is a state of law, according to Article 1 Paragraph 3 of the 1945 Constitution.

This shows that Indonesia is a state of law. Legal protection is very important and has consequences in a state of law, and the state is obliged to protect the legal rights of its citizens.² To be honest, the Indonesian government has enacted Law No. 4 on Child Welfare in 1979, which stipulates that every child has the right to protection and care from the womb until birth.³ At the UN General Assembly on January 26, 1990, Indonesia then signed the Convention on the Rights of the Child (Convention on the Rights of the Child), which was later ratified by Presidential Decree Number 36 of 1990 concerning the Ratification of the Convention on the Rights of the Child.⁴

Several Indonesian laws regulate children. However, there is no legal certainty due to different age limits for each category of children. In Law No. 4/1979 on Child Welfare, a child is defined as someone who is unmarried and has not reached the age of 21 years. However, Law No. 23 of 2002 on Child Protection defines a child as someone who is not yet 18 (eighteen) years old.

Law enforcement officials face challenges in establishing legal policies because the definition of a child between Law No. 23 of 2002 and the Criminal Code is not the same. Due to Law No. 35/2014 on Child Protection, perpetrators of sexual violence against children must be subject to severe criminal sanctions and fines.⁵

¹ Dody Suryandi, Nike Hutabarat, and Hartono Pamungkas, "Penerapan Sanksi Pidana Terhadap Pelaku Tindak Pidana Kekerasan Seksual Terhadap Anak," *Jurnal Darma Agung* 28, no. 1 (2020): 84, <https://doi.org/10.46930/ojsuda.v28i1.464>.

² Deni Setiyawan, Muhammad Ramli, and Noor Rahmad, "Kedudukan Rasio Decidendi Hakim Dalam Pemenuhan Hak Restitusi Kepada Korban Kejahatan Seksual Pada Anak," *Jatijajar Law Review* 1, no. 1 (2022): 38, <https://doi.org/10.26753/jlr.v1i1.729>.

³ Diana Yusyanti, "Perlindungan Hukum Terhadap Anak Korban Dari Pelaku Tindak Pidana Kekerasan Seksual," *Jurnal Penelitian Hukum De Jure* 20, no. 4 (2020): 619, <https://doi.org/10.30641/dejure.2020.v20.619-636>.

⁴ Irvan Rizqian, "Upaya Perlindungan Hukum Terhadap Anak Sebagai Korban Tindak Pidana Kekerasan Seksual Dikaji Menurut Hukum Pidana Indonesia," *Journal Justiciabelen (Jj)* 1, no. 1 (2021): 51, <https://doi.org/10.35194/jj.v1i1.1115>.

⁵ Rosania Paradias and Eko Soponyono, "Perlindungan Hukum Terhadap Korban Pelecehan Seksual," *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (2022): 61–72, <https://doi.org/10.14710/jphi.v4i1.61-72>.

The purpose and rationale for legal protection of children cannot be separated from the goal of how to realize the welfare of children as an integral part and realize social welfare as a whole.⁶ Children are the next generation of the nation because on their shoulders lies the task of the nation that has not been resolved by previous generations. As the next generation of the nation's ideals, children must grow and develop into adults who are physically and mentally healthy, intelligent, educated, and have good morals. There are many legal issues in the protection of children, especially protection from sexual violence against children.

Lia Latifah, acting chairperson of the Child Protection Committee (Komnas PA), said that more cases of child sexual abuse were reported than the previous year. She stated that as many as 4,000 cases will occur throughout 2023. This is our data throughout Indonesia, until the middle of last year in July, there were almost 4,000 cases of sexual violence reported to Komnas Anak. This is the figure for 2023, which has increased from the previous year, from January to the first semester of June. There has been progress.⁷ The Regent of Kebumen, Arif Sugiyanto, accompanied by the Head of the Mother of Children Forum Iin Windarti Arif Sugiyanto, attended the 39th National Children's Day commemoration event which took place at the Pendopo Kabumian.⁸ Sexual violence against children is a type of deviant sexual behavior. The act not only involves violence or threats of violence, but the perpetrator also asks the victim in intimate terms to have sexual intercourse.

Several previous studies have focused on law enforcement efforts carried out by imposing criminal sanctions in the form of imprisonment and/or heavier fines on perpetrators in accordance with Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.⁹ Research from Denni Wahyuning Ismoyo, the obstacles of investigators in uncovering criminal acts of online fraud through internet electronic media. Study in Malang city police station.¹⁰ Research from Hana

⁶ Ida Bagus Subrahmaniam Saitya, "Faktor-Faktor Penyebab Tindak Pidana Kekerasan Seksual Terhadap Anak," *Vyavahara Duta* 14, no. 1 (2019): 1, <https://doi.org/10.25078/vd.v14i1.1097>.

⁷ okezone, "Anak Jadi Korban Kekerasan Seksual Sepanjang 2023," n.d., <https://nasional.okezone.com/read/2023/09/27/337/2890796/4-000-anak-jadi-korban-kekerasan-seksual-sepanjang-2023>.

⁸ Suara Purwokerto, "Kasus Kekerasan Terhadap Anak Di Kebumen Meningkat, Dilakukan Orang-Orang Ini," n.d., <https://purwokerto.suara.com/read/2023/08/02/223122/kasus-kekerasan-terhadap-anak-di-kebumen-meningkat-dilakukan-orang-orang-ini>.

⁹ Ni Putu et al., "Upaya Perlindungan Hukum Terhadap Perempuan Dan Anak Korban Kekerasan Seksual Di Provinsi Bali," *Seminar Nasional Hukum Universitas Negeri Semarang* 7, no. 1 (2021): 369, <https://e-resources.perpusnas.go.id:2243/eds/detail/detail?vid=9&sid=eb5409ce-0c6a-4e32-beb6-5de66d90f4ef%40redis&bdata=JnNpdGU9ZWRzLWxpdmU%3D#AN=edsdoj.1ddfe24b9bc0464d9840cd255c7adc7c&db=edsdoj>.

¹⁰ Wardoyo, "Kendala Penyidik Dalam Mengungkap Tindak Pidana Penipuan Online Melalui Media Elektronik Internet (Studi Di Polres Malang Kota)," *Jurnal Mahasiswa Fakultas Hukum Universitas Brawijaya* 15, no. 1 (2016): 165-75, <https://core.ac.uk/download/pdf/196255896.pdf>.

Setiawati Anggono, obstacles for investigators in revealing criminal acts of sexual violence against children. Study in the women and child protection unit of Surabaya Police Station.¹¹ Based on several previous studies, this research will focus on the obstacles faced by investigators and the efforts made by investigators in uncovering cases of sexual violence against children.

METHOD

This research uses empirical methods through interview and observation data in the field, then conceptually analyzed to find obstacles and efforts of investigators in overcoming cases of sexual violence against children.

DISCUSSION

A. Obstacles Faced By Investigators When Investigating Child Victims Of Sexual Violence

Traumatizing effects of sexual violence Sexual violence tends to have a traumatic impact on both children and adults. Victims of sexual violence are in dire need of trust. A child must trust his or her parents very strongly, and that trust is understood and comprehended.¹² A child feels betrayed because of the violence that befell him and came from his own parents.¹³ Russel found that women who experience sexual violence tend to reject sexual relationships and become victims of domestic sexual violence. According to Finkelhor, victims are more likely to have same-sex partners because they believe that men are unreliable.¹⁴ As victims experience fear, they become helpless. Victims experience nightmares, phobias, and anxiety, in addition to pain. Feelings of helplessness cause them to feel weak and unproductive at work. Conversely, there are also victims who have too much drive.¹⁵

¹¹ Hana Setiawati Anggono, "Kendala Penyidik Dalam Mengungkap Tindakan Pidana Kekerasan Seksual Pada Anak (Studi Di Unit Perlindungan Perempuan Dan Anak Polresta Surabaya)," *Kumpulan Jurnal Mahasiswa Fakultas Hukum Universitas Brawijaya*, 2015, 1–19, <https://core.ac.uk/download/pdf/196255896.pdf>.

¹² Deni Setiyawan and Noor Rahmad, "Menelaah Keabsahan Kontrak Binary Option Pada Unsur Pidana Perjudian," *Jurnal Penegakan Hukum Dan Keadilan* 5, no. 1 (March 30, 2024): 69–78, <https://doi.org/10.18196/jphk.v5i1.19312>.

¹³ Suwito et al., "Contemplating the Morality of Law Enforcement in Indonesia," *Journal of Law and Sustainable Development* 11, no. 10 (October 25, 2023): e1261, <https://doi.org/10.55908/sdgs.v11i10.1261>.

¹⁴ Deni Setiyawan, "Kedudukan Saksi Mahkota Dalam Pembuktian Tindak Pidana Di Persidangan Berdasarkan Asas Non Self Incrimination," *Jurnal As-Said. LP2M. Institut Agama Islam Abdullah Said Batam* 1, no. 1 (2021): 1–4.

¹⁵ Dimas Amal Kurniawan et al., "Legal Threats To Home Industry Prostitution," 2022, 1–8.

Victims of sexual violence may experience feelings of guilt, shame, or poor self-perception. Helplessness and the belief that they cannot control themselves lead to guilt and shame. Children who are victims of violence often feel that they are different from others; some become so angry that they damage their own bodies.¹⁶ Other victims use drugs and alcohol to punish themselves and try to avoid memories of the violence that has happened to them.¹⁷

Child sexual abuse often leaves traumatic marks that are difficult to remove. They experience resentment, fear of marriage, low self-esteem, and various other traumas caused by rape even when they are adults and married. The wounds caused by rape are very difficult to heal. Another factor that drives prostitution is the rape of children. Victims of sexual abuse have long-term consequences. Studies show that children who have been sexually abused into adulthood are usually depressed, harbor feelings of guilt, lonely, have difficulty trusting others, have difficulty maintaining and building relationships with others, and have no interest in sex. Other studies show that when they become adults, these children fall into prostitution, illicit drug use, and alcohol and drug use. They are also more likely to commit child sexual abuse.¹⁸

The obstacle experienced by investigators in handling sexual violence against children is the difficulty in obtaining information from the victim who has severe trauma. Severe trauma experienced by a child is very vulnerable to being asked for information about the criminal act of sexual violence he experienced. For victims who experience severe psychological trauma are victims of the crime of sodomy or sexual abuse. The obstacle regarding the difficulty of obtaining information from victims who have experienced sexual violence at the Kebumen Police Station is also due to the absence of psychology in the investigating team. So that during the investigation it is difficult to get information. The results of an interview with one of the investigators at the Kebumen Police Station stated:

"Sometimes we experience difficulties because there is no team that really understands and explores child psychology, so we feel difficult when conducting investigations. Sometimes they don't want to talk, just silent without saying anything during the investigation".

¹⁶ Deni Setiyawan, "Analisis Yuridis Terhadap Pemberian Nafkah Oleh Istri Kepada Keluarga : Studi Kasus Di Kelurahan Semolowaru Kecamatan Sukolilo Kota Surabaya" (Uin Sunan Ampel Surabaya, 2016), <http://digilib.uinsa.ac.id/id/eprint/14574>.

¹⁷ Utami Zahirah, Nunung Nurwati, and Hetty Krisnani, "Dampak Dan Penanganan Kekerasan Seksual Anak Di Keluarga," *Prosiding Penelitian Dan Pengabdian Kepada Masyarakat* 6, no. 1 (2019): 10, <https://doi.org/10.24198/jppm.v6i1.21793>.

¹⁸ Zahrotul Uyun, "Kekerasan Seksual Pada Anak: Stres Pasca Trauma," *Proceeding Seminar Nasional*, no. 978-602-71716-3-3 (2015): 228-38.

Then when asked what other obstacles affect the difficulty of investigators in obtaining information from victims of sexual violence against children is due to not getting clear information from victims, as a result they have difficulty in knowing the perpetrators of the sexual violence. As the investigator said during the interview, as follows:

"It is very difficult to find the perpetrators of child sexual abuse crimes. One of the factors is the lack of information we get during the investigation".

Another impact of the lack of information from victims of sexual violence crimes is that it makes investigators conduct repeated investigations. As the results of the interview we got, as follows:

"With the difficulty of getting information during the investigation, the result is that we sometimes conduct investigations repeatedly to get information. And also sometimes we call psychologists from outside the police to help us during the investigation. To get clear information from the victim".

The next obstacle is when investigating crimes of sexual violence against children, and requesting assistance from psychologists outside the police. They sometimes have schedules that cannot be postponed and changed. So the investigating team must wait for the next day to conduct further investigations"¹⁹.

B. Efforts Made By Investigators In Uncovering Cases Of Sexual Violence Against Children

Efforts made by Investigators to Uncover Cases of Child Sexual Abuse at Kebumen Police Station In conducting investigations into criminal acts of sexual violence against children, it is different from investigating criminal acts committed by adults. Sometimes, the investigation experiences several obstacles in it. In Kebumen Police Station itself, investigators from the Women and Children Protection Unit often experience several obstacles contained in the discussion above from the first problem.

The following will explain the efforts of investigators to uncover criminal acts of sexual violence against children. The efforts made are for children who are victims of criminal acts of sexual violence against children, especially for sodomy cases and children who are severely traumatized physically and psychologically, the investigator provides assistance from a psychologist. Assistance by a psychologist, parents, lawyer or person trusted by the victim is very helpful for a child in the recovery period and helps during the investigation process so as not to cause fear.

¹⁹ KANIT PPA Polres Kebumen, "KANIT PPA Polres Kebumen," n.d.

Based on the results of the author's interview with the investigator, a child who is a victim of sexual violence often has trauma, namely physical trauma and psychological trauma. For physical trauma, the investigator and the victim seek treatment from a doctor. As for psychological trauma, the investigator conducted treatment to counseling in Kebumen and conducted treatment to a psychologist. The recovery time for psychological trauma is about 4-5 days depending on the victim's psychological state.

According to Kebumen police investigators, the role of parents, schools and the community is needed to prevent child sexual abuse crimes from occurring continuously. The role given can heal trauma in children both physically and psychologically and can help during the investigation process. The investigator appealed to parents or people closest to the perpetrator or victim of child sexual abuse not to scold the perpetrator or victim for the actions that occurred.

Parents must be more careful or more vigilant in protecting their children from bad environments and associations. The investigator himself provides motivation to parents whose children are perpetrators or victims of child sexual abuse so that the child does not experience fear during the investigation.

There are prevention efforts made by the Kebumen Police investigators, namely by conducting movements or socialization activities about the Child Protection Law to the Kebumen community. Socialization activities are routinely carried out once a month. The socialization is carried out in collaboration with various villages, various sub-districts, various villages, various universities, various non-governmental organizations in Kebumen.

The purpose of the socialization of sexual violence against children is so that the public understands and knows information about these criminal acts and to increase public participation, public legal awareness of the dangers of criminal acts of sexual violence against children that have occurred by providing counseling, sticking posters in public places such as malls, train stations, terminals and holding cooperation with mass media.

The socialization is provided clearly to the community by the Women and Child Protection Unit as the investigating party. If there are suspicious things related to the crime of sexual violence against children, the public can immediately report to the nearest police or directly to the Women and Child Protection investigator.

Efforts by investigators to create cooperation in the mechanism of handling children who are victims of child sexual abuse under one roof by involving the police,

NGOs and related agencies and strive for unity of information to be updated in Kebumen because according to Article 15 paragraph (1) of Law No. 2 of 2002 concerning the Indonesian National Police, the National Police is generally authorized to organize the National Criminal Information Center.

Investigators should be able to organize preventive efforts in preventing the crime of sexual violence against children. These activities are sex education in schools, extended counseling in care programs for children, psychologist and psychiatric help for children.

CONCLUSION

The obstacle faced by investigators when conducting investigations is that many child victims of sexual violence experience deep trauma from the actions of the perpetrators. So that when the child is asked about the incident and the perpetrator who did it, the victim is only silent and does not want to talk. As a result, investigators did not get clear and detailed information about the perpetrator who committed sexual violence against the victim. The next obstacle is the absence of a team of investigators who study psychology or come from psychology. Finally, investigators asked for help from outside psychology. However, when calling psychology from outside cannot necessarily be done. Because sometimes there are other activities that cannot be abandoned. Finally, the investigation process was postponed to the next day. Some of these obstacles, of course, must be resolved. One of them is the efforts made by investigators in uncovering cases of sexual violence against children through fulfilling the rights of child victims of sexual violence by conducting investigations to find the perpetrators who have committed sexual violence against the child. Then restoring the trauma experienced by the victim, providing psychological assistance to the victim through external psychological assistance. Then Kebumen Police also made preventive efforts by conducting socialisation to prevent criminal acts of sexual violence against children. With the help of the local government and figures who play a role in tackling criminal acts of sexual violence against children.

ACKNOWLEDGEMENT

thanks to the kebumen police who have given permission for us to conduct research with the title " Sexual Violence Crime On Children And The Conditions Facing The Investigators (Study At Kebumen Polres)", so that it can be carried out smoothly. hopefully this research can provide input for the future to be better in overcoming the obstacles of sexual violence crimes at Kebumen Police Station.

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