The Role of The Police in Efforts to Overcome Sexual Violence Against Children

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Abstract

Sexual violence is an act that can be categorized as an unnatural sexual relationship and behavior, resulting in serious losses and consequences for the victims. There are quite a lot of cases of sexual violence against children in West Nusa Tenggara. Based on data from West Nusa Tenggara POLDA, Central Lombok Police handles the most cases of sexual violence against children. The aim of this research is to find out and understand the role of the police in efforts to tackle criminal acts of sexual violence against children and to find out the obstacles faced by the Central Lombok police in efforts to prevent criminal acts of sexual violence against children. The research method used in this research is empirical legal research. The implementation of legal protection for children who are victims of sexual violence in West Lombok Regency is in accordance with what is mandated in Article 64 paragraph (3) of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Apart from that, obstacles in implementing legal protection for children who are victims of sexual violence in Central Lombok Regency consist of internal and external factors.

Keywords: Sexual Violence against Children, Police, Central Lombok, Mitigation Efforts

INTRODUCTION

We all understand that Indonesia is a country of law, which means that all actions carried out by Indonesian citizens must be based on the laws that apply in Indonesia. As a state, the law must guarantee that every citizen is equal before the law and government, therefore every citizen is obliged to uphold the laws that apply in our country, in order to create security and peace in life in society, nation and state.

In a rule of law state there is no distinction between one person and another "Equality Before The Law" which means that all citizens are equal before the law. This means that no one who is above the law, be it a state official or a citizen, can be obliged to obey the same law.

The Indonesian state guarantees the welfare of every citizen, including the protection of children's rights, which are human rights because children are the successors of the nation's ideals and must be educated, nurtured and looked after.

Children who are the successors of the nation's ideals in the future and have an important role in national development must receive protection from the state in accordance with the provisions of Article 28B paragraph 2 of the 1945 Constitution of the Republic of Indonesia which reads:

"That children have the right to survive, grow and develop and have the right to protection from violence and discrimination (UUDNKRI 1945 Article 28B Paragraph 2)".

In recent consideration, news has spread through the mass media, both print and electronic, that cases of sexual violence against children are quite worrying, sexual violence against children can occur in various forms such as tribal slavery, rape, sexual exploitation and so on.

Child sexual violence as a global problem and human rights violation1 includes a wide range of activities such as sexual fondling, exposure of children to adult sexual activities, participation of children in prostitution or pornography, and sexual relations. Children are sexually abused by other children and adults, depending on their age or stage of development, who are in a position of responsibility, trust or power over the victim.¹

Sexual violence against children is a social phenomenon that is rife in Indonesia at the moment, where cases of sexual violence against children in Indonesia have entered a state of emergency because the number of cases of sexual violence against children in Indonesia is increasing day by day.

Sexual violence is an act that can be categorized as an unnatural sexual relationship and behavior, resulting in serious losses and consequences for the victims. Sexual violence has permanent and long-term physical and psychological impacts. Not only does it leave physical wounds and more than that it will have a bad effect on the emotional, social and psychological development of victims of sexual violence, especially since the victim is a child, the child's emotional condition will definitely experience disorders such as stress, anxiety, feelings of pressure and insecurity and insecurity. comfortable in daily life.

Some factors around the world that are associated with perpetrating sexual violence include beliefs about sexual purity and family honor, patriarchal societies, acceptance of violence against women, and weak legal penalties for sexual violence.²

¹Danaeifar, Morteza; Arshi, Maliheh; Moghanibashi-Mansourieh, Amir. 2022. "Child sexual abuse in Iran: a systematic review of the prevalence, risk factors, consequences, interventions and laws". Journal of Injury and Violence Research; Kermanshah Vol. 14, Iss. 3 (Jul 2022). p. 225

²Zidan Ji; Rockowitz, Sarah; Flowe, Heather D; Stevens, Laura M; Kanja, Wangu; et al. 2022. "Reflections on Increasing the Value of Data on Sexual Violence Incidents against Children to Better Prevent and Respond to Sexual Offending in Kenya". Societies; Basel Vol. 12, Iss. 3, (2022). Pg. 1.

It is not uncommon for victims to experience psychological disorders in the future. This is characterized by difficulty in interacting with others, despair and lack of self-confidence, to the point of losing enthusiasm and hope for life.

Several studies show that the experience of sexual violence in childhood can lead to several consequences, such as emotional deficits, impulsive behavior, hypersexualization, mental disorders, alcohol and drug abuse, among other situations that will affect the current and future lives of children, and also society as a whole.³

WHO has reported a 10%–50% increase in domestic violence helpline calls. Physical and mental abuse are the most common forms of violence during the COVID-19 pandemic, according to the results of this study. According to a report in the United States, the number of child abuse hospital visits fell during COVID-19, while the number of child abuse hospitalizations increased compared to the previous year.⁴

There are quite a lot of cases of sexual violence against children in West Nusa Tenggara, this is based on data from the NTB POLDA since May 2020, there were 72 cases, with the following details:

Central Lombok Police 15 cases, Sumbawa Police 13 cases, Bima City Police 12 cases, Bima Police 3 cases, Mataram Police 12 cases, Dompu Police 10 cases, West Sumbawa Police 5 cases, West Lombok Police 1 case. From this data, it turns out that the Central Lombook Police Department handles the most cases of sexual violence against children. Sexual violence against children is one of the crimes that must be prevented and dealt with. The police, as the front guard in maintaining security and order, are required to be able to tackle various forms of crime, including sexual violence against children, considering the problems it causes. From the background above, the researcher formulated problems related to the role of the police in efforts to tackle sexual violence against children and what the obstacles are for the Central Lombok Police in efforts to prevent sexual violence against children.

RESEARCH METHODS

The type of research used in this research is Empirical legal research. In legal science research with empirical aspects, law is conceptualized as an empirical phenomenon that can be observed in real life. The data used in this research is primary data, namely based on the results of interviews with the Central Lombok Regency Police. Data collection techniques in this research are document study techniques, interview techniques and observation techniques. Data processing and analysis will be carried out qualitatively. After obtaining the required data through observation, document study and interviews, it will be processed and analyzed by arranging the data systematically, grouped into patterns and themes, categorized and classified, connected between one data and another, then interpreted to understand the meaning of the data and interpretation from the perspective. researchers after understanding the overall quality of the data.

RESULT AND DISCUSSION

The Role of Central Lombok Police in Efforts to Prevent Sexual Violence Against Children

Children as the next generation of the nation's ideals must be protected and nurtured because they have an important role in national development. This is in accordance with the provisions of the Constitution of the Republic of Indonesia Article 28B paragraph (2) which

³Marcia Regina de Oliveira Pedroso; Franciéle Marabotti Costa Leite. 2022.

[&]quot;Prevalence and Factors Associated with Sexual Violence against Children in a Brazilian State". International Journal of Environmental Research and Public Health; Basel Vol. 19, Iss. 16, (2022). p. 1.

⁴Karbasi, Zahra; Safdari, Reza; Eslami, Parisa. 2022. "The silent crisis of child abuse in the COVID-19 pandemic: A scoping review". Health Science Reports; Hoboken Vol. 5, Iss. 5, (Sep 2022). p. 7

states that "children have the right to survival, growth and development and have the right to protection from violence and discrimination."5

As one form of violence against children is sexual violence which according to Wahid and Irfan, quoted by Agus Huraerah, has the view that "sexual violence is a term that refers to deviative sexual behavior or deviant sexual relations, which is detrimental to the victim and destroys peace and security in the community." amidst society. If sexual violence occurs, the suffering for the victim becomes a serious consequence for those who need attention."6

Sexual violence can occur in various forms such as sexual slavery, rape, sexual exploitation and so on, while what is meant by sexual violence that occurs to children is all forms of child involvement in sexual activities that occur before the child is 18 years old where the perpetrators are people who are older or mature.

According to Russul, quoted by Ferry Johanes in a book entitled sexual violence against children and adolescents, he said that "sexual violence against children is extraordinary violence (The Mest Surious Crime) which is increasing from time to time and significantly threatens and endangers lives. children, damaging personal lives and children's growth and development, as well as disrupting the sense of comfort, peace, security and public order. "In fact, the effects of sexual violence against children not only affect the present but also affect the child's future."⁷

Sexual violence against children is a social phenomenon that is very widespread in Indonesia today. Cases of sexual violence against children in Indonesia have entered a state of emergency with the number of cases of sexual violence against children increasing day by day.

Sexual violence against children is an important and complicated issue. The term sexual violence is an act that can be categorized as an unnatural sexual relationship and behavior, resulting in serious losses and consequences for the victims. Sexual violence has permanent and long-lasting physical and psychological impacts. Not only does it leave physical wounds, more than that this anarchy will have a bad effect on the emotional, social and psychological development of victims of violence. Emotional conditions experience disorders such as; stress, anxiety, feelings of pressure and discomfort and man in everyday life. And it is not uncommon for victims to experience psychological disorders in the future. This is characterized by difficulty in interacting with others, despair and lack of self-confidence to the point of losing enthusiasm and hope for life.

Sexual violence against children gives rise to reactions of deep hatred and annoyance from the public towards the perpetrators of this violence and even the victims are brutally murdered. There are quite a lot of phenomenal cases of sexual violence against children which occurred in 2018. Cases of rape against children in Mojokerto East Java where a perpetrator raped 9 minors, not to mention rape cases in other places. This is why child protection activists encourage and support the government to make various regulations to make children safer.

Central Lombok Regency is one of the districts in West Nusa Tenggara which has quite high cases of sexual violence compared to other districts, so we from the research team were interested in seeing the efforts of the Central Lombok Regency police in tackling this crime.

The establishment of a Police Institution in a country cannot be separated from the concept of state efforts to prevent the possibility of disturbances that could affect security, peace and public order in the country, thereby possibly causing community activities to become chaotic (disrupted). Debates and discourse about the function of the police in a country still occur from time to time. But one thing that is certain is that society definitely needs a police institution to create security and order.

⁷Ferry Johanes, 1997, Sexual Violence in Children and Adolescents, Jakarta, Rajawali, p. 2.

⁵Indonesia Constitution of the Republic of Indonesia 1945 Article 28B Paragraph (1).

⁶Agus Huraerah, 2006, Violence Against Children, Bandung Nuansa, p.60.

A strong police force has been entrusted as an important prerequisite in the life of society, nation and state because in the hands of a strong police force, the law will become a living law, whereas in the hands of a weak police force the law is just a dead thing. The life of the National Police in this state organization is based on the concept of the need for an independent (Independent) Police Institution in carrying out its duties and authority, so as to create a professional Indonesian state police administration that is oriented towards the community it serves, fair and neutral law enforcement and protection. , protection and service to the community as a community servant.⁸

The role and function of the police in realizing a just and prosperous society that is materially and spiritually equitable based on Pancasila and the 1945 Constitution within the framework of the Unitary State of the Republic of Indonesia which is independent, united and has the sovereignty of the people in an atmosphere of safe, peaceful, orderly national life in the social environment. a friendly and peaceful world. The service provided by the National Police to the community is by receiving any Reports and Complaints from the community within 1 x 24 hours. The National Police has directly provided a sense of security and comfort to the community in carrying out their daily activities.⁹

In its duties and functions as protector and protector of the community, the police are expected to always be at the forefront in assisting the community in overcoming and resolving existing problems, one of which is related to crime, as we all know that where there is society, there is crime. These two things are closely related in our daily lives.

In life we always encounter various types of crimes, including crimes of sexual violence against children. This is what happened in Central Lombok according to the topic of this research.

Below, data will be displayed on the number of cases of sexual violence against children in the iurisdiction of the Central Lombok Police over the last 4 years as follows:

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No.	Year	Case Type		Number of
		Lewd Fuck		Cases
1	2019	11	10	21 Cases
2	2020	10	11	21 Cases
3	2021	20	5	25 Cases
4	2022	18	7	25 Cases
	Amount:	59	33	92 Cases

Central Lombok Police Data Source

From this data we can see that the number of cases of sexual violence against children in the last 4 years from 2019 to 2022 in the Central Lombok Police jurisdiction is indeed very high, there are 92 cases with the following details:

In 2019, there were 21 cases, namely 11 cases of sexual intercourse and 10 cases of obscenity. In 2020, there were 21 cases, namely 10 cases of sexual intercourse and 11 cases of obscenity. In 2021, there will be 20 cases, namely 5 cases of sexual intercourse and 10 cases of obscenity. In 2022, there will be 18 cases, namely 11 cases of sexual intercourse and 7 cases of obscenity.

Based on this data, cases of sexual violence against children in Central Lombok Regency are very high so that the Central Lombok police are required to prevent and deal with it so that the development of this case can be eradicated or at least reduced. Based on the results

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⁸Yoyok Ucok Suyono, 2014, Police Law. The Position of the Police in the Indonesian Constitutional System After Amendments to the 1945 Constitution, Laksbang Graphics, Yogyakarta, page VI

⁹Untung S. Rajah, 2003, Position and Function of the Police of the Republic of Indonesia in the Constitutional System (UUD 1945), Bandung, p. 1

of an interview with Mrs. Daya as a PPA investigator at the Central Lombok Police on June 28 2023, there were 2 steps taken, namely Preventive efforts.

Repressive efforts are a penal effort, the final effort according to Barda Nawawi Arief, namely countermeasures through penal means, can also be called efforts carried out through legal means, this effort is a countermeasure that focuses more on the repressive nature, namely actions carried out after a crime. occurs, namely by enforcing the law and combining punishments for crimes that have been committed.¹⁰

In connection with the above, the police are the front guard in maintaining security and public order in accordance with the main duties of the police as stated in Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia Article 13 letter a which reads "The main duty of the police is to maintain security and public order."

The government has made efforts to protect children from various kinds of violence, including sexual violence. This is proven by the publication of various regulations intended to protect children. Protection of children is an effort to protect various freedoms and human rights of children (Fundamental rights and freedoms of children) as well as interests related to the welfare of children.¹¹

Meanwhile, Arif Gosita said "that child protection is a joint activity aimed at securing, providing and fulfilling the spiritual and physical welfare of children in accordance with their interests and human rights." ¹²

Legal protection of victims can be seen from two meanings, namely;

- 1. Can be interpreted as legal protection against becoming a victim of criminal acts (meaning protection of human rights or the image of a person's legal interests);
- 2. It can be interpreted as protection to obtain guarantees or legal compensation for the suffering or loss of people who have been victims of criminal acts (so it is synonymous with victim compensation).

This form of compensation can be in the form of restoration of good name or rehabilitation, restoration of inner balance (including forgiveness), provision of compensation (restitution, concessions, guarantees or social welfare compensation) and so on. ¹³Child protection is all efforts made to create a situation so that children can achieve rights for the child's growth and development and can carry out rights and obligations for the child's normal development, both physical, mental and social. ¹⁴

Regarding this penal effort, the Central Lombok Police, according to the results of an interview with Mrs. Daya as a PPA investigator, stated that the actions taken were;

a. Conducted by investigators

In dealing with criminal acts of sexual violence against children, the police first receive reports or complaints from the public, after which they continue with the investigation.

In Article 1 paragraph (5) of the Criminal Code, Investigation is "a series of investigatory actions to search for and discover an incident that is suspected of being a criminal act in order to find out whether or not an investigation can be carried out according to the method regulated in this Law.¹⁵

The investigation stage is the stage to find out whether an act or event that occurred is a criminal act or not. If it is a criminal act, the police will make a police report which will then

¹⁰Barda Nawawi Arief, 2011, Anthology of Criminal Law Policy, Fajar Interpratama, Semarang, p. 45

¹¹Barda Nawawi Arief, 1998, Several Aspects of Policy in the Development of Criminal Law, Citra Aditya Bandung, p. 156.

¹²Arif Gosita, 2004, Problems of Crime Victims, Bhuana Popular Science Jakarta, p.18

¹³Barda Nawawi Arief, 2007, Law Enforcement Issues and Criminal Law Policy in Combating Crime, Kencana Jakarta, p.6

¹⁴Maidin Gultom, 2013, Legal Protection of Children, Refika Aditama Bandung, p.33

¹⁵Indonesia, Law Number 8 of 1981 concerning the Criminal Procedure Code, Article 1 paragraph 5

be forwarded to their superiors to check which unit will handle the case. If there are immoral elements then the case will be handled by sub-directorate IV, then in this investigation stage the police will also examine witnesses, after obtaining evidence, carry out a case title to advance the investigation stage. ¹⁶

b. Conducting Investigations

The purpose of the investigation is to find a suspect in a case that occurred. During the investigation stage, call people and if they do not come, a summons will be issued to the chairman, then a pick-up will be carried out.

"Article 1 paragraph 2 of the Criminal Procedure Code states that an investigation is a series of investigative actions in terms of and according to the methods set out in this law to search for and collect evidence with the evidence to shed light on the criminal act that occurred in order to find the suspect."¹⁷

Investigations must be carried out in a family atmosphere to provide a sense of security and comfort to children, one of which is by investigators not using official attributes such as police uniforms and so on, this is done so that children do not feel afraid when being questioned. Official attributes are only used when investigating a crime scene (TKP) so that it runs smoothly and the public knows the identity of the police personnel carrying out the investigation. Apart from that, the investigation is carried out in a special child examination room which has been arranged in such a way as to provide a sense of security to the child.

As explained above, this is a repressive action carried out by the Central Lombok Police as a penal action. Therefore, the Central Lombok Police not only take penal action but also non-penal action as a preventive measure, as the results of an interview with Mrs. Daya, Central Lombok Police PPA Investigator, said that the Central Lombok Police continue to carry out outreach to schools and to children's parents to remain alert to the many cases of sexual crimes against children.¹⁸

Obstacles Faced by Central Lombok Police in Efforts to Prevent Sexual Violence against Children

Based on the research results, it is in accordance with the results of an interview with Mrs. Pipin as head of the Central Lombok Police PPA unit who was interviewed on June 8 2023, who said there were obstacles, namely:

1. Internal Constraints

Internal obstacles are obstacles related to the inside, namely obstacles or obstacles from the Central Lombok Police Department itself in the process of dealing with criminal acts of sexual violence against children, such as supporting facilities and facilities. Supporting facilities and facilities are very important in dealing with criminal acts, because supporting facilities and facilities will make the process of dealing with criminal acts of sexual violence against children easier and smoother.

Development in facilities and facilities will make the police's performance in dealing with criminal acts of sexual violence against children more optimal. The existing facilities and facilities are still inadequate, especially the space for carrying out examinations and including the police personnel in the Central Lombok Police PPA unit is still small so it is not commensurate with the number of child cases being handled.

2. External Constraints

External constraints are constraints related to the outside. In this case, it is related to the obstacles faced by the Central Lombok Police, which are caused by influences from outside

¹⁶Results of an interview with Mrs. Daya as Central Lombok Police PPA Investigator dated June 8 2023

¹⁷Indonesia, Law Number 8 of 1981 concerning the Criminal Procedure Code, Article 1 Paragraph (2).

¹⁸Results of an interview with Mrs. Daya as Central Lombok Police PPA Investigator dated June 8 2023

the policies of law enforcement officials. The obstacle faced in this case is a lack of public awareness in assisting the process of preventing sexual violence against children.

These external obstacles include the following:

a. Difficulty communicating with child victims

Because sometimes children under the age of 12 are difficult to ask for information, because on average they are afraid of seeing the police or strangers and even if the police don't wear police attributes or uniforms, they know that it is the police and even when they are given a post-mortem, they often afraid.

b. Victim's parents are sometimes uncooperative

In this case, parents often do not want to follow up on their child's case because they think it will expose their family to disgrace, so this is why cases often happen again.

c. Uncooperative Society.

In several cases that have occurred, the community has often been uncooperative, especially during crime scene processing (OTKP), people will gather together to take pictures and videos, making the atmosphere for crime scene processing (OTKP) not conducive, even though the case being handled is child cases that should not be published.¹⁹

Based on these several obstacles, the first factor that most influences the examination process is the difficulty of communicating with the victim, for example the victim does not understand Indonesian, the victim is difficult to approach and does not trust other people, has deep trauma. At each meeting between the victim and the investigator, they can only ask one question. This is done to ensure the victim's condition is stable or not. Because communication between investigators and victims is very important, where communication is the process of conveying messages from one person to another with a specific purpose.

Apart from the difficulty of communicating with victims, what is also an obstacle is that parents and the community are less cooperative. In this case, the victim's parents often cover up the true incident because they are afraid of their disgrace being known by many people and even want to withdraw the report. An uncooperative society is like a society that accidentally leaks the victim's identity. In fact, the community here should also have a very important role in the process of overcoming criminal acts of sexual violence against children, where the community has a role to control themselves and their families and other communities must be more concerned about the surrounding conditions, feeling safe and comfortable must be the responsibility of others in the family environment and society so that children can grow and develop well.

CONCLUSION

Based on the results and discussion that have been presented, a conclusion can be formulated that The implementation of legal protection for children who are victims of sexual violence in West Lombok Regency is in accordance with what is mandated in Article 64 paragraph (3) of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, namely rehabilitation efforts, both within the institution and outside the institution, efforts to protect against identity reporting through the mass media and to avoid labeling, providing safety guarantees for victim witnesses and expert witnesses, both physical, mental and social, and providing accessibility to obtain information regarding case developments.

Obstacles in implementing legal protection for children who are victims of sexual violence in West Lombok Regency consist of internal and external factors. Internal factors include the unavailability of child psychologists, the lack of access to remote residences and

¹⁹Results of an interview with Mrs. Pipin, Head of the Central Lombok Police PPA Unit, dated June 8 2023

the unavailability of Special Rooms for Children (RKA). Meanwhile, external factors consist of lack of parental supervision, environmental factors, and family disharmony (broken home).

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