

## Handling Child Victims of Criminal Sexual Violence in Jeneponto Regency, South Sulawesi Province

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### Abstract

*Handling of children's cases in Indonesia is based on the Regulation of the Minister of State for Women's Empowerment and Child Protection concerning Guidelines for Handling Child Victims of Violence. Sexual violence committed against minors will of course have an impact on the psychological aspects and other development of the child. This research aims to determine the treatment of child victims of criminal acts of sexual violence that has been implemented in Jeneponto Regency, South Sulawesi Province, research that examines empirical juridical. Which reviews the existence of sexual violence committed against children. Data collection was carried out using interview techniques. So, we need a way to ensure that acts of violence against children do not continue to be carried out and firm action must be taken by the government who commits violence. So, it is deemed necessary to confirm the regulations that have been implemented by the government, especially Law Number 23 of 2002 concerning child protection.*

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## 1. INTRODUCTION

Sexual violence is any act of degrading, insulting, harassing, and/or attacking a person's body and/or reproductive function, due to unequal power and/or gender relations. Sexual violence, the majority of victims of which are women and children, often becomes the focus of news broadcast in print media, social media and other electronic media. This is of course a big concern for all Indonesian people.

Sexual violence is a violation of human rights, a crime against human dignity, and a form of discrimination that must be eliminated. Sexual violence is increasingly common in society, which has a tremendous impact on victims. These impacts include physical, mental, health, economic and social and political suffering. The impact of sexual violence greatly affects the victim's life in the future. The impact of sexual violence is even stronger when the victims are part of economically, socially and politically marginalized communities or those who have special needs such as children and people with disabilities.

One of the crimes that has become a recent phenomenon is sexual violence against children. Children are a gift from God that must be cared for, protected and educated. He is a human being who has limited physical, mental and social abilities to overcome the various risks and dangers he faces. It is very important for children to receive protection and it is the responsibility of parents, government, society and also the state. This protection can take the form of meeting the needs for clothing, food and shelter.

Not only that, the protection given to a child can also be in the form of protection for the child's psychological or mental condition, especially his mental development. This means that the child can develop and live normally, not only with his physical development but also with his

mental or psychological development, especially after being faced with the problem of sexual violence that befell him.

Sexual violence against children is any activity consisting of sexual activity carried out forcibly by an adult on a child or by a child on another child. Sexual violence against children is a crime that often occurs in the family or community environment, which results in or may result in psychological and/or physical suffering, including harming the child's reproductive health.

Not only that, another impact of sexual harassment that often occurs is that children suffer, become emotional, depressed, lose their appetite, children become introverted, have difficulty sleeping, cannot focus at school, their grades decrease, and they don't even go to class because unable to catch up, thus triggering the loss of opportunities to carry out education safely and optimally. Therefore, recovery efforts are needed for children who are victims of sexual violence so that children can recover and live their lives well.

Regarding the importance of protection for children as one of the efforts to protect children, Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection is present and expressly states that child protection is also the responsibility of the government, parents and society. It is also the responsibility of guardians and social institutions. This is of course considering that children are an inseparable part of human survival and the sustainability of a nation and state.

In article 1 point 2, the definition of "child protection" is given, where child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop and participate optimally in accordance with human dignity, as well as receiving protection from violence and discrimination.

The law on criminal acts of sexual violence is an effort to reform the law to address these various problems. This legal update has the following objectives:

1. Prevent all forms of sexual violence
2. Handling, protecting and recovering victims,
3. Carrying out law enforcement and rehabilitating perpetrators,
4. Creating an environment without sexual violence, and
5. Ensure the non-recurrence of sexual violence

Meanwhile, in Law Number 12 of 2022 concerning Temporary Criminal Actions for Sexual Violence in article 1 point 16, it is explained that Victim's Rights are the right to treatment, protection and recovery which are obtained, used and enjoyed by the Victim. The recovery referred to is all efforts made to restore the victim's physical, mental, spiritual and social condition as regulated in article 70 regarding the victim's right to recovery, both recovery before and during the judicial process and recovery after the judicial process.

The Jeneponto Regency Women's Empowerment and Child Protection Service recorded a number of cases of sexual violence against children in Jeneponto Regency, with 25 children reporting as victims during 2022, not including victims who were witnesses and victims who chose not to report.

The facts show that from the number of confirmed cases above, 9 children (victims) no longer continue their education due to embarrassment and there is also no mechanism at school that ensures that the children can return to school comfortably and safely without ongoing systemic violence. Not only that, social protection for children is still very limited, especially Health Insurance (JKN KIS) and there is also no special treatment for victims for their Health Insurance and even if they have a JKN KIS card they still cannot access free Health services caused by acts of violence. sexual relations as stated in Presidential Decree Number 82 of 2018.

So, when a case of sexual violence occurs when the victim is given a post-mortem or requires medical treatment as a result of the sexual violence. This must be paid by yourself, and sometimes it is paid by the accompanying organizations, institutions or services on the grounds that victims of sexual violence are excluded from the National Health Insurance.

In cases of sexual violence against children, giving punishment to the perpetrator is often considered a form of protection. The public and even law enforcement officers often assume that

the only problem for the victim is the perpetrator, so that by being arrested and giving punishment to the perpetrator, the victim's problem has been considered completed and the victim is deemed safe.

This results in children's rights not being given optimally or even being sidelined. In fact, protection of victims should not only be about giving punishment to the perpetrator. Children who suffer physically, mentally or materially must receive protection in accordance with the losses they have experienced. It is very unfair if child rape victims who suffer physical and mental injuries are only given protection in the form of a sense of security because the perpetrator of the crime has been imprisoned. Meanwhile, the psychological impact that the victim must endure is lifelong trauma.

## 2. RESEARCH METHOD

This research is empirical research using this research method, which aims to accurately describe the characteristics of a person (individual, group or situation) and determine the frequency of occurrence. The empirical method is a method that uses facts that occur in society to gain knowledge.

## 3. RESEARCH RESULTS AND DISCUSSION

Sexual violence against children is a serious crime, but on the other hand, cases of sexual violence against children are often difficult to prove. The US Supreme Court has observed that child sexual abuse is one of the most difficult crimes to detect and prosecute because in most cases there are no witnesses except the victim. In many cases witness testimony is of paramount importance. This is very ironic because on the one hand children are victims because of their weakness, but children's strength as witnesses is their best hope for legal protection.

As victims, children have experienced a very difficult situation. Especially in younger children, there can be confusion in understanding and perceiving social relations, which has the potential to disrupt their psychosocial development. The response of the adults around them, the response of their friends, not to mention if the media covers it without paying attention to the child's psychology, it can disrupt their emotional stability, so that many child victims then change their behavior to become less than normal. Some child victims experience fear, anxiety and lack of self-confidence.

The problem of children is not a small problem, but children are the next generation of the nation and state. Factors that support services for child victims of crime, this was emphasized again by Arif Gosita, are as follows:

- a. The desire to develop fair treatment of children and improve children's welfare.
- b. Welfare law that can support the implementation of services for child victims of crime.
- c. Facilities that can be utilized to provide services to child victims of crime.

Therefore, it is an obligation for previous generations to guarantee, maintain and safeguard the interests of children. The maintenance, guarantee and security of these interests should be carried out by the parties who care for them, namely the family. Judging from the Legal Protection Theory, child protection is an effort to create situations and conditions that enable the implementation of children's rights and obligations humanely. The implementation of legal protection for children as victims has not been optimal as provided by law.

Even though it is not yet optimal, there are several forms of legal protection that have been given to children as victims in accordance with Article 64 paragraph (3) of Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, that children are the victim gets:

1. Rehabilitation both within institutions and outside institutions;
2. Efforts to protect and report identity through mass media to avoid labeling;
3. Providing safety guarantees for victim witnesses and expert witnesses, both physically, mentally and socially;
4. Providing accessibility to obtain information regarding case developments

One of the models for handling children as victims carried out in Jeneponto Regency, South Sulawesi Province is an intensive approach with a sharing method as a form of handling children who are victims of sexual violence. There are several things that can be done:

first, social treatment in the form of restoring the victim's good name, namely a statement that they are innocent, by treating them fairly. Second, health care, related to reproduction and psychology, such as victims experiencing depression, trauma and other psychological stress. Not a few victims of sexual violence against children experience difficulty in carrying out good social interactions.

This is because children who are victims of sexual violence experience fear which makes it difficult for them to get along with their surroundings anymore. Apart from that, the most common impacts experienced by children who are victims of sexual violence are excessive anxiety, fear, nightmares, mental disorders, and deviant social behavior. This condition requires all parties to provide treatment to the victim. It is very unfortunate that officials and justice enforcers often act to corner victims.

In general, the reality so far is that women and girls who are victims of violence, whether physical violence, psychological violence, sexual violence or economic violence, are in a marginal position and are always pushed into a corner. In cases of sexual crimes, this often happens, in many cases, the victim is always cornered and blamed as the cause of the sexual crime.

According to Article 21 paragraph (1) of Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, it regulates the obligations and responsibilities of the State, Government and Regional Governments to respect the fulfillment of children's rights without distinguish between ethnicity, religion, race, class, gender, ethnicity, culture and language, legal status, birth order, and physical and/or mental condition. To respect and fulfill Children's Rights as intended in Article 21 paragraph (1) of Law of the Republic of Indonesia Number 35 of 2014, the Government is obliged to formulate and implement policies in the field of implementing Child Protection.

Efforts that have been made by the government in handling child victims of sexual violence in Jeneponto Regency, South Sulawesi Province include preventive efforts, namely efforts made by the government in terms of prevention. This function helps individuals make active efforts to prevent them before experiencing mental problems due to lack of attention.

Preventive efforts include the development of strategies and programs that can be used to try to anticipate and avoid unnecessary life risks, where the government has higher power and authority than the community and is responsible for the safe and secure life of the nation and state. prosperous. What the government can do as an effort to overcome violence against children is to provide education to the community and parents that violence against children is an act against the law and has a dangerous impact on the victims of the violence.

Efforts to handle repressive measures are efforts made by law enforcement officials in the form of providing criminal sanctions for perpetrators of violence against children. Countermeasures carried out in a repressive manner must be in accordance with established procedures and orders from existing laws and regulations. Countermeasures carried out repressively in Jeneponto Regency, South Sulawesi Province include providing assistance for children who are victims of sexual violence so that they do not experience prolonged trauma.

And in handling there are obstacles faced by the government in handling child victims of sexual violence, namely that the government's provision of rehabilitation in Jeneponto Regency, South Sulawesi Province is still limited. This is due to inadequate facilities and infrastructure for the recovery of children who are victims of sexual violence, it is still difficult to provide psychologists who aim to help recover from trauma in children resulting from sexual violence. This is due to the non-open attitude of the families of victims of sexual violence, making it difficult for the government to carry out the recovery process.

That the handling of child victims of criminal acts of sexual violence is based on local wisdom values in Jeneponto Regency, South Sulawesi Province, namely Trauma Healing and Family Healing and is carried out in the first way, namely by bringing them closer to family members so that children can communicate well as a means of releasing the burden resulting from victims of sexual violence.

#### 4. CONCLUSION

One of the ways to handle children as victims in Jeneponto Regency, South Sulawesi Province is an intensive approach using the sharing method as a form of handling children who are victims of sexual violence. Efforts that have been made by the government in handling child victims of sexual violence in Jeneponto Regency, South Sulawesi Province include preventive efforts, namely efforts made by the government in terms of prevention. This function helps individuals make active efforts to prevent them before experiencing mental problems due to lack of attention.

Preventive efforts include developing strategies and programs that can be used to try to anticipate and avoid unnecessary life risks where the government has higher power and authority than society and is responsible for the safe and prosperous life of the nation and state. What the government can do as an effort to overcome violence against children is to provide education to the community and parents that violence against children is an act against the law and has a dangerous impact on the victims of the violence. Efforts to handle repressive measures are efforts made by law enforcement officials in the form of providing criminal sanctions for perpetrators of violence against children.

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