



POLRI's Efforts to Address Sexual Violence Against Children

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Abstract

The rise of crimes that often occur in the community that makes sadness, namely sexual violence that occurs a lot in children is proven by based on statistical data from the UPTD P2TP2A Lampung Province which shows a significant increase in sexual violence against children within one year. The problem in this research is how is the effort of the National Police in tackling sexual violence against children? and what is the obstacle factor for the National Police in its efforts to combat sexual violence against children? This study uses a normative juridical approach and empirical jurisdiction. The informants of the study were the Tanjung Karang Timur Police Investigator, the UPTD P2TP2A Team in Lampung Province and the Lecturer in the Criminal Law Section of the Faculty of Law, University of Lampung. Based on the results of the research at the Tanjung Karang Timur Sector Police, the National Police's efforts in tackling sexual violence against children were first through Pre-eminent efforts, namely socialization of the community and children to prevent sexual violence that was rampant in children, both Preventive efforts carried out by officers with routine activities the police for prevention efforts are by carrying out patrols and hunting activities, the three repressive efforts, which are carried out by the police by giving strict sanctions to the perpetrators and providing guidance to the perpetrators while serving the sentence. The inhibiting factor is that the low awareness of the community to be involved in efforts to maintain and maintain Kamtibmas can be a trigger for the rise of criminal cases in the community.

Keywords: Efforts of the National Police; Addressing Violence; Sexual Children.

A. Introduction

Children are a mandate and a gift from God Almighty, which is inherent in their dignity as a whole human being. Children are the buds, the potential, the younger generation who are the successors of the ideals of the nation's struggle that must be protected and fulfilled all their rights because a child is an asset of the nation as the nation's next generation who has aspirations and hopes for the future to build a nation and state in the future.

The rise of criminal acts that often occur in society, one of the things that makes it sad is that many occur to children. These little creatures that still rely heavily on adults to always be guided and protected are often targets of crime. If the perpetrators of crimes against children's decency are of course very worrying because if children as the younger generation have been poisoned by negative thoughts, the quality of the young generation's resources as the future of the

nation will decline.¹ All parties involved in a certain criminal act jointly resolve the problem and make an obligation better.² Like the rampant problem of violence against children, which often occurs especially in cases of sexual violence in children which are very dominated.

The case of decency in Lampung itself ranks 9th in cases of sexual crimes against children. The head of the National Commission for Child Protection, Arist Merdeka Sirait, stated that Lampung Province is in the ninth position out of 34 provinces in terms of sexual crimes against children. "I am very concerned about the increase in cases of sexual violence against children in Lampung, where in 2016, Lampung was ranked eleventh and this year 2017 rose to rank nine," he explained. He explained that of the many cases of crimes against children in this area, 52% were dominated by criminal cases of sexual violence.³

Komnas Perempuan recognizes 14 types of sexual violence. The fourteen types of sexual violence are:

- 1) Rape
- 2) Sexual harassment
- 3) Sexual exploitation
- 4) Sexual torture
- 5) Sexual slavery
- 6) Sexual intimidation / assault including threats or attempted rape
- 7) Forced prostitution
- 8) Coercion of pregnancy
- 9) Forced abortion
- 10) Forced marriage
- 11) Trafficking of women for sexual purposes
- 12) Sexual control includes forced clothing and the criminalization of women through discriminatory regulations based on morality and religion.
- 13) The punishment is inhuman and sexual in nature
- 14) Traditional practices of sexual nuances that harm or discriminate against women.

UPTD P2TP2A Lampung Province is recorded as the source of cases of violence against children received in 2017-2018 were dominated by cases of sexual violence against children.

Based on existing data, it shows that there is a very significant increase every year. It took a long time to write about the issue of sexual violence against children, not yet finished with one case in the notification, another case appeared, it was so sad that it was even very tragic that the perpetrator acted outside the boundaries of humanity. This shows that the case of sexual violence crime in Bandar Lampung is somewhat worrying.⁴

The case of sexual violence against children handled by UPTD P2TP2A, one of which was referred to by the Tanjung Karang Timur Police, has been revealed by

¹ Tri Andrisman, *Juvenile Justice Law in Indonesia*, Bandar Lampung, University of Lampung, 2013, p.11.

² Nikmah Rosidah, *Legal Culture of Child Judges in Indonesia*. Semarang, Pustaka Magister, 2014, p.103

³ Suarapedia, <http://www.suarapedia.com/detail/berita/1931/lampung-rank-9-cases-sexual-crimes-against-children>

⁴ Data on Cases of Sexual Violence Against Children in Bandar Lampung 2017/2018 at UPTD P2TP2A Lampung Province

the Police, especially at the Tanjung Karang Timur Police that there has been sexual violence with the criminal act of intercourse by children against children which was carried out jointly in a group. empty field of Tanjung Damai Lestari Housing, to be precise, in the District of Peace in Bandar Lampung City. The perpetrators were prosecuted for their clothing and subjected to Article 81 Paragraph 2 and 82 paragraph 1 The stipulation of Government Regulation in Lieu of Law Number 23 of 2002 concerning Child Protection states that:

Every person who deliberately commits violence or threatens violence to force a child to have intercourse with him or another person, will be punished with imprisonment for a maximum of 15 (fifteen) years and a minimum of 3 (three) years and a maximum fine of Rp.300,000,000.00 (three hundred million rupiah) and at least Rp. 60,000,000.00 (sixty million rupiah).

The criminal provisions as referred to in Paragraph (1) shall also apply to any person who deliberately tricks, lies, or induces a child to have intercourse with him or another person.

B. Research methods

This study uses a normative and empirical juridical approach. Data collection was carried out by literature study and field studies. The data analysis was done qualitatively. Research sources are Tanjung Karang Timur Police Investigators, UPTD P2TP2A, and Lecturers of the Criminal Law Department, Faculty of Law, University of Lampung.

C. Results and Discussion

1. National Police Efforts to Address Sexual Violence Against Children

According to Baharuddin Lopa, preventive steps as an effort to overcome criminal acts include:

- a. Increasing people's welfare to reduce unemployment, which in itself will reduce crime;
- b. Improve the administration and supervision system to prevent this from happening deviations;
- c. Increased legal education to equalize awareness of the treaty law;
- d. Adding police personnel and other law enforcement personnel to further increase repressive and preventive measures,
- e. Upgrademoral toughness and professionalism for law enforcers.⁵

However, it is possible that the effectiveness of crime can only be achieved through the participation of the public in a broad sense including real awareness and order. Thus, crime prevention efforts can be broadly divided into two, namely the "penal" line (criminal law) and the "non penal" route (outside criminal law). According to AS Alam, empirical crime prevention consists of three main parts, namely⁶:

- a) Pre-Emtive

⁵Baharuddin Lopa, *Corruption Crimes and Law Enforcement*, Jakarta, Kompas Book Publisher, 2001, p. 16-17.

⁶ Alam, USA, *Introduction to Criminology*, Reflections Books, Makassar, 2010.hlm 79-80.

Pre-Emptive are the initial efforts made by the police to prevent criminal acts. The efforts made in prevention of crime in a Pre-Emptive manner are instilling good values / norms so that these norms are internalized withinsomeone. Even if there is an opportunity to commit an offense or crime but there is no intention to do so, there will be no crime. So in a Pre-Emptive venture, the intention factor is lost despite the opportunity.

b) Preventive

These preventive measures are a follow-up to pre-emptive efforts which are still at the level of prevention before the occurrence of crimes. In the prevnventive effort, the emphasis is on eliminating the opportunity to commit crimes.

c) Repressive

This effort is made when there has been a crime / crime in which the action is law enforcement by imposing a sentence.

According to Resti, prevention efforts in the socialization process to prevent sexual violence against children have been carried out by bringing in schools to provide counseling with the aim that the child understands the characteristics of sexual crimes, especially so that the child understands which parts of the body should not be held. by an adult other than the mother. Besides that, it also provides knowledge on how to anticipate it by fighting if an adult wants to abuse the child, such as running, screaming, and crying. Furthermore, by giving directions to children not to be afraid and immediately reporting to their closest people or to the closest police. This socialization is of course carried out with language adapted to the child's age so that they can easily absorb the information in the socialization.⁷

Julia argues that efforts to combat sexual violence against children cannot be separated from the importance of the participation of parents, schools and communities. There are several efforts that can be done, namely:

- a) Help the child protect himself in terms of providing understanding and teaching the child to reject any indecent act by immediately leaving where the touch occurs. Remind children not to easily trust strangers and make children always tell them if something happens to them.
- b) Character education is one of the solutions to prevent the moral crisis that hit the next generation is to teach character, both at home and at school as we know, character education is still uneven and has not really become a compulsory subject in all schools.
- c) Maximizing the role of schools must have a social control function, namely schools have an assessment of children's behavior. The school also initiates internal school activitiespositive, facilitate the activities of parents and students at least once a year. The provision of pundapat martial arts can be a solution so that children do not become victims of violence, in addition to teaching children about discipline and forming a strong mental and physical body, self-defense can be used to defend oneself from existing threats.
- d) The role of the community in the RT RW environment is to be more sensitive and care about the surrounding environment, especially observing the

⁷Interview with Resti Santi.E. Investigator of the Women and Children Protection Unit (PPA), Tanjung Karang Timur Police, Tuesday, February 02, 2019.

association of children, observing adults playing with children, as well as families who have children who are closed to their environment, quickly and responsively to immediately report to the local RT management if anything happens something suspicious about a family that is considered deviant.

- e) Report to the authorities, the last thing that must be done if there is physical, psychological or sexual violence, immediately report to the authorities. This aims to immediately take further action against the suspects and reduce the number of similar crimes that occur, while victims of violence must immediately receive assistance from medical experts and support from their families.

According to Julia, the efforts to overcome sexual violence against children, especially for children who are victims at UPTD P2TP2A, are by providing psychological and mental assistance to child victims of sexual violence, in assisting them to go to court proceedings. In times Child assistance is psychologically and mentally treated so that confidence in the child will return and reduce the sense of trauma experienced so that in the future the child can live his days normally without any psychological pressure.

UPTD P2TP2A also often holds outreach and calls on women and children not to be shy about telling stories and not afraid to complain about their problems. The reason the community is reluctant to complain to the Women and Children Protection Unit is because they are afraid that their identity or privacy will be exposed. Therefore, UPTD P2TP2A keeps the confidential identity and privacy of someone who complains to the institution⁸

According to the author, the importance of a special socialization regarding the prevention of sexual violence against children is very important in order to increase special knowledge to children to be more vigilant and to understand what steps should be taken if they are pressed in an unsafe situation. In addition, legal counseling like this should be carried out more frequently in order to increase awareness in society so that security and order can be created in society.

2. Factors Inhibiting Polri's Efforts to Overcome Sexual Violence Against Children

Sexual violence against children in law enforcement is like an iceberg phenomenon, which sometimes does not appear on the surface, apart from The separate child factor is that law enforcement is not merely the implementation of legislation. The lack of public awareness to be involved in efforts to maintain and maintain security and order can trigger the rampant criminal cases in society. For this reason, the importance of the role of the community in maintaining and maintaining Kamtibmas by assisting the Police in carrying out their duties as the apparatus of protection, protection and public servants. Because the role of the police in uncovering a case is not on duty alone, but the police can cooperate with the community.

Resti said the factors inhibiting the Police's efforts to tackle sexual violence against children were:

⁸ Interview with Julia Siti A. Head of Section for Services & Handling of Violence Against Children at the UPTD Women and Children Protection Unit (P2TP2A)

- a) Initially, it was difficult for the victim to be open when explaining how chronologically what had happened, because the effect of the trauma was high, so the child was difficult to tell the situation he was experiencing.
- b) The difficulty in obtaining the victim's identity such as family card, birth certificate / victim's certificate is because the family does not want to publish their child's identity, even though it is only for data collection purposes during an investigation.
- c) The guardian's parents' lack of understanding regarding the assistance of both the suspect / victim, even though a child who is in conflict with the law must always be accompanied.
- d) The low level of public knowledge about what steps should be taken if they see or become victims of what crimes should be done and to whom they should seek legal protection.
- e) The sale of illegal liquor is rampant in the market so that it is easily accessible by children.⁹

Based on the results of the study, the answers to the problems regarding the inhibiting factors of investigators' efforts to overcome sexual violence against children were obtained, namely:

- 1) Own Legal Factors The administration of law is actually a process of harmonizing values, rules and patterns of real behavior that aim to achieve peace. According to Resti, in this case the suspect was more than one person and it was carried out jointly. Therefore, the implementation of the punishments was different because there were those who did it with a heavy weight and some who did it lightly. Every action is given with the appropriate legal retribution. The heavier the criminal act, the more articles that are ensnaring.¹⁰
- 2) Law Enforcement Factors
One of the keys to success in law enforcement is the mentality or personality of the law enforcer. In the framework of law enforcement by every law enforcement agency, justice and truth must be stated as seen and actualized.
Sunarto said it was an inhibiting factor for law enforcers In the effort to tackle sexual violence against children there is an understanding by law enforcers that it is necessary to improve the handling of criminal acts.¹¹
- 3) Facility and Facility Factor
Supporting facilities and facilities include educated and skilled human resources, good organization, adequate equipment, sufficient finance. Without adequate advice and facilities, law enforcement actions can run smoothly and law enforcers may not play their proper role.

⁹Interview with Resti Santi.E. Investigator of the Women and Children Protection Unit (PPA), Tuesday, February 02 2019

¹⁰Interview with Resti Santi.E. Investigator of the Women and Children Protection Unit (PPA), Tuesday, February 02 2019

¹¹Results of Interviews with Prof. DR. Sunarto DM SH, MH, Lecturer in Criminal Law, Faculty of Law, Lmapung University. Monday, 01 April 2017

According to Resti, the factor of facilities and infrastructure is more concerned with the government in terms of this highly advanced technology, so that children do not easily open sites that should not be watched for children. The second is the limitations of cellphone tapping devices which actually make it easier for the investigation process to not be available at the police because they are only available at the regional police. The tools should be more evenly distributed so that the system performance is faster and more effective.¹²

4) Community Factors

The community has a strong influence on the implementation of law enforcement, because law enforcement comes from the community and aims to reach within society. Sunarto said that the current nature of society tends to be individualism that is not sensitive to the surrounding environment to what is happening or just to pay attention to the movements of the surrounding conditions has greatly diminished. Most of the community only takes care of their own interests so that it can lead to potential crimes due to careless supervision of the surrounding environment.¹³

The author argues that the factors that cause a person to commit sexual violence against children are external and internal factors. External factors, namely the environment around the place of residence, law enforcers, and other factors outside the individual that influence a person to commit a crime. Meanwhile, internal factors are factors that exist in the individual as well as the intention in the perpetrator. Those who can control their emotions and develop their desires in a positive direction, there will be no crime and vice versa.

The author concludes, that the factors inhibiting investigators' efforts in overcoming sexual violence against children are the most dominant, namely in terms of community factors that have a strong influence on the implementation of law enforcement, because law enforcement comes from the community and aims to reach in society. The most important part in determining law enforcement is the legal awareness of the community. The higher the legal awareness of the community, the better it will be for good law enforcement. And the facilities and supporting factors include educated and skilled human resources, good organization, adequate equipment, sufficient finance. Without adequate advice and facilities.

D. Conclusion

Based on the results of the research and discussion that has been described, the conclusions in this study are as follows:

¹²Interview with Resti Santi.E. Investigator of the Women and Children Protection Unit (PPA), Tuesday, February 02 2019

¹³Results of Interviews with Prof. DR. Sunarto DM SH, MH, Lecturer in Criminal Law, Faculty of Law, Lmapung University. Monday, 01 April 2017

Investigator's efforts in overcoming sexual violence against children by means of: Pre-emptive efforts, namely by providing continuous socialization against the public and children for the prevention of sexual violence that is rife in children, Preventive Efforts, namely by officers carrying out routine activities carried out by the police for prevention efforts by carrying out patrols and hunting activities, Repressive measures, namely by means of overcoming in the form of handling crimes that have already occurred by law enforcement officials, namely the police, prosecutors and courts. Inhibiting factors Investigators' efforts in overcoming sexual violence against children themselves are the legal factors themselves, law enforcement factors, facilities and facilities factors, and community factors.

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