



Analysis of Sexual Violence Against Minors in West Sulawesi

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ABSTRACT

Sexual violence is something that should be watched out for and given special attention, because it can be life-threatening, especially for women and girls. This is evident from the many forms of gender-based violence that have become topics of national and international discussion. Sexual violence is relevant to public health issues and is also linked to the human rights of every individual. In our country, Indonesia, there are still many facts that show that some children do not have their rights guaranteed, especially children who are victims of violence, neglect, exploitation, and discrimination, which are inhumane acts. A physical examination can reinforce the medical history, but sexual violence cannot be diagnosed based on physical examinations and laboratory results alone, as there are many types of sexual violence that leave no traces or clear evidence and heal completely. The prevention of sexual violence against children, especially minors, according to the Child Protection Law, is as follows: the government, parents, and the community are obliged to protect children, monitor them, provide information, report to the authorities, impose severe sanctions on perpetrators of sexual crimes against children, and provide treatment and rehabilitation for victims of sexual violence.

Keywords: Sexual Violence, Factors and Impacts, Handling.

INTRODUCTION

Children are the future of the nation and the next generation. They have the right to live, grow, and develop free from all forms of violence, including sexual violence. Article 1 point a of Law Number 23 of 2002 concerning Child Protection states that a child is a person who is under 18 (eighteen) years of age, including unborn children. Meanwhile, Article 1 point 5 of Law Number 39 of 1999 concerning Human Rights defines a child as every human being under the age of 18 (eighteen) and unmarried, including children who are still in the womb if such rights are in their best interests.¹ However, the bitter reality shows that sexual violence against minors is still a prevalent issue in various parts of the world, including Indonesia.

Statistics show alarming figures. According to UNICEF, 1 in 17 girls in Indonesia have experienced sexual abuse, and 1 in 9 boys have experienced sexual violence. These figures are only the tip of the iceberg, as many cases go unreported due to stigma and fear on the part of the victims. Sexual violence against minors not only has physical consequences, but also leaves deep emotional and psychological scars on the victims. These consequences can disrupt a child's

¹ Somaliagustina, D., & Sari, D. C. (2018). *Kekerasan seksual pada anak dalam perspektif hak asasi manusia. Psychopolytan: Jurnal Psikologi*, 1(2), pp.122-131.

development, both in the short and long term. Victims may experience difficulties in learning, forming relationships, and building self-confidence. Sadly, sexual violence is not only committed by strangers, but can also be committed by those closest to the victim, such as family members. There are many cases of sexual violence that occur within families. Such is the case currently happening in West Sumatra, where a biological father committed the despicable act of molesting his own 6-year-old child.

Understanding the root causes, patterns, and formulating effective prevention and countermeasures are crucial steps in eradicating sexual violence against minors. An in-depth analysis of this phenomenon is an important foundation for creating a safer and more child-friendly future. This analysis aims to understand the impact of sexual violence against minors, formulate recommendations for effective efforts to protect children from all forms of violence, especially sexual violence, and formulate law enforcement in cases of sexual violence against minors. It is important to remember that every child has the right to live free from fear and violence. Protecting children is a shared responsibility, and by working together, we can create a brighter future for them.

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METHOD

This study uses a normative legal research or legal literature research method, which is method or approach used in legal research conducted by examining existing literature. The first stage of normative legal research is research aimed at obtaining objective law (legal norms) by conducting research on legal issues. Meanwhile, the second stage of normative legal research is research aimed at obtaining subjective law (rights and obligations). The research conducted is descriptive in nature, describing the symptoms in the community regarding a case being studied, using a qualitative approach, which is a research method that produces descriptive data. The researcher uses a qualitative approach to understand the phenomena being studied. The researcher conducts research with the aim of drawing legal principles (“rechtsbeginselen”) that can be applied to both written and unwritten positive law. The research conducted by the researcher was more focused on a legislative

approach and a case approach. The legislative approach was carried out by examining all laws and regulations related to the legal issues being addressed. The case approach was carried out by examining cases related to sexual violence against children.

RESULTS AND DISCUSSION

The prevalence of criminal cases involving sexual abuse of minors is a problem that has been on the rise recently. Violence is the most common form of abuse experienced by children. One relevant definition of violence related to children is formulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence (Domestic Violence Law). Article 1 paragraph 1 of the UUKDRT states, “domestic violence is any act against a person, especially a woman, which results in physical, sexual, psychological suffering or distress and/or domestic neglect, including threats to commit acts, coercion or deprivation of liberty contrary to law within the scope of the household” (Article 2 paragraph (1) of the (Domestic Violence Law)).²

Violence against children is most often committed by members of the household. Cases of sexual violence are not only committed by strangers, but can also be committed by people close to the victim, such as family members, including biological fathers. Such was the case in West Sulawesi, where a biological father with the initials (B) allegedly committed sexual violence against his biological child with the initials (SA). The victim is only 6 years old, while the perpetrator, who is her biological father, is 46 years old. The witness is the victim's biological mother. The incident occurred between April 2022 and July 2022. The perpetrator committed sexual violence against the victim while she was at her grandmother's house and at the defendant's house.

In April 2022, at around 10:00 a.m. WITA, the victim was at her grandmother's house. While in the kitchen on the second floor, the perpetrator sexually assaulted the victim. Until July 2022, the perpetrator lived with the victim and continued his actions, threatening the victim not to report him to her mother. On August 2, 2022, the Polewali Regional General Hospital issued a medical examination report confirming that the victim had suffered sexual violence because she complained of pain in her genitals. Because the victim was threatened by the perpetrator, she did not report the incident to her mother. However, when the victim felt pain in her private parts, the

² Ibid.p.5

witness (the victim's biological mother) asked the victim what had happened, and the victim told her mother the truth.

Her mother then reported the incident to the authorities. In this case, the defendant was found guilty of committing the crime of "any person who deliberately deceives, lies, or persuades a child to have sexual intercourse with him or her or with another person," as regulated and punishable under Article 81 Paragraph (2) of Law No. 17 of 2016 concerning the Second Amendment to Law No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection, and was sentenced to 12 (twelve) years in prison, a fine of Rp. 1,000,000,000 (one billion rupiah), or a subsidiary 6 (six) months in prison.³

A. The Impact of Sexual Violence on Minors

Sexual abuse is a form of physical abuse that constitutes a criminal act. The impact of sexual violence on children causes trauma to the victims, which can interfere with their daily activities. Cases of violence against children are common, and many are not reported to the authorities because families feel ashamed to report such acts, considering them a family disgrace. Usually, the problem is revealed after the victim of sexual abuse gives birth to a child. Many cases of violence against minors go unreported due to a cultural belief that family problems are internal matters that should not be discussed or reported to the authorities, as this would be tantamount to exposing the family's shame.⁴ This makes it difficult to address cases involving child victims without the availability of victims or their families to immediately report to the authorities. The psychological and physical effects of sexual abuse include:

The psychological impact of this act is very easy to recognize and understand by those closest to the victim, because as a result of this act, the child will exhibit unusual behavior. It is from these behaviors that those closest to the victim become aware of the situation, such as the child losing their appetite, no longer being enthusiastic and not wanting to go to school, becoming introverted and not mixing with other people, being afraid of new people/strangers, and even becoming traumatized when seeing objects or places that remind the victim of what they have experienced. Children's psyches are very fragile, unlike those of adults in general.

³ Mahkamah agung, 2023. Hlm.6. *putusan_34_pid.sus_2023_pt_mam_20240518200337*

⁴ Novrianza, N., & Santoso, I. (2022). *Dampak Dari Pelecehan Seksual Terhadap Anak di Bawah Umur*. Jurnal Pendidikan Kewarganegaraan Undiksha, 10(1), pp. 53-64.

Children who are still unfamiliar with sexual knowledge will certainly not understand what they have experienced and may not even realize that they have been victims of sexual abuse.

The physical effects experienced by victims include difficulty sleeping, headaches, loss of appetite, pain in the genital area, risk of contracting infectious diseases, wounds from the act, and in the most severe cases, pregnancy as a result of sexual intercourse.

B. Effective Measures to Protect Minors from Sexual Violence

Sexual violence against minors is a very serious issue that requires the attention of all parties. Here are some protection or prevention measures that can be taken:⁵

- 1) Education and Communication:
 - a) Improving education about children's rights and the dangers of sexual violence to children, parents, teachers, and the general public.
 - b) Establish open and trusting communication between parents and children, so that children feel comfortable sharing their experiences.
 - c) Teach children about the concept of "private body parts" and the importance of protecting themselves from others.
 - d) Provide age-appropriate sex education to help children understand their bodies and build a positive self-image.
- 2) Empowering children:
 - a) Teach children assertive skills so that they have the courage to say "no" to uncomfortable or dangerous situations.
 - b) Build children's self-confidence so that they feel capable of protecting themselves.
 - c) Provide support and guidance to children who have experienced sexual violence.
- 3) Strengthening the role of families and communities:
 - a) Creating a safe and supportive family environment for children.
 - b) Increasing parental involvement in supervising and protecting their children.
 - c) Building a community that is aware of and responsive to the issue of sexual violence against children.
 - d) Conducting outreach and education to the public about the importance of preventing sexual violence against children.

⁵ Napitupulu, Y. R., & Julio, B. A. (2023). *Pelecehan Seksual Anak Di Bawah Umur Pada Anak Indonesia*. Jurnal Multidisiplin Indonesia, 2(10), pp.3088-3095.

- 4) Law enforcement:
 - a) Enforce strict laws against perpetrators of sexual violence against children.
 - b) Improve the capacity of law enforcement officials in handling cases of sexual violence against children.
 - c) Ensure that victims of sexual violence against children receive protection and justice.
- 5) Synergy between institutions:
 - a) Building synergy between government agencies, non-governmental organizations, and civil society in efforts to prevent and address sexual violence against children.
 - b) Developing integrated and comprehensive programs to prevent and address sexual violence against children.
 - c) Monitoring and evaluating the implementation of programs to prevent and address sexual violence against children.

It is important to remember that preventing sexual violence against children is a shared responsibility. By working together, we can create a safe and comfortable environment for children to grow and develop.

C. Law Enforcement in Cases of Sexual Violence Against Minors

Law enforcement in cases of sexual violence against minors is an important element in efforts to protect children and provide justice for victims. Here are some important aspects of law enforcement:

- 1) Legal framework:
 - a) Child Protection Law: Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection is the main legal basis for handling cases of sexual violence against children.⁶

⁶ Suryandi, D., Hutabarat, N., & Pamungkas, H. (2020). *Penerapan Sanksi Pidana Terhadap Pelaku Tindak Pidana Kekerasan Seksual Terhadap Anak*. Jurnal Darma Agung, 28(1), pp.84-91.

- b) Articles 81 and 82 of the Child Protection Law: Regulate criminal acts of sexual intercourse and molestation against children with strict penalties.⁶
 - c) Other provisions: The Criminal Code and other laws and regulations may also be applied in cases of sexual violence against children, such as articles on adultery, abuse, and sexual exploitation of children.
- 2) The Role of Law Enforcement:
- a) Police: Responsible for receiving reports, conducting investigations, and arresting perpetrators.
 - b) Prosecutor: Represents the state in court proceedings.
 - c) Judge: Passes judgment on perpetrators based on the facts and evidence presented.
- 3) Case Handling:
- a) Child-friendly approach: Law enforcement officials must apply a child-friendly approach in handling this case, taking into account the psychological condition and special needs of the child.
 - b) Integrated services: Victims must receive integrated services that include psychological, medical, and legal assistance.
 - c) Protection of witnesses and victims: Witnesses and victims must be protected from intimidation and threats from perpetrators.

Effective law enforcement in cases of sexual violence against minors requires commitment and cooperation from all parties. With strict and fair law enforcement, it is hoped that this will have a deterrent effect on perpetrators and protect children from the dangers of sexual violence.

CONCLUSION

Sexual violence against children is any treatment of a child that is used as a source of sexual gratification for adults or older children, where the child is under the legal age of consent. Gender-based violence, especially sexual violence, is an issue that requires special attention because it has the potential to seriously threaten lives, especially those of women and girls.

Violence against children can occur anywhere and anytime, and is a violation of children's human rights, which cannot be justified from a human rights or Islamic law perspective, or from a humanitarian perspective. However, in reality, it is often ignored. Therefore, children need protection from all forms of violence. In addition, strategic steps need to be taken to deal with child victims of violence.

⁶ Ibid. Hlm.4

This is because the handling of child victims of violence should be done together because violence against children is a major problem. The role of the government is also very important, namely in enforcing existing regulations and taking a more critical stance in responding to and addressing cases of sexual abuse. It is also hoped that all elements of Indonesian society can work together effectively so that cases of sexual abuse can be reduced immediately and no more minors become victims of sexual abuse.

It is recommended that parents and community members continue to protect the next generation, especially minors, by increasing education about children's rights, sexual violence, and ways to protect children's rights as they grow and develop. Perpetrators of sexual violence against children must be held accountable for their actions, both before the law and for the healing of the trauma experienced by the child.

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