

**THE LAW OF PROTECTION TOWARDS CHILDREN
AS SEXUAL VIOLENCE VICTIMS
(The Study in the Directorate General of Criminal Detective, Subdit IV the Regional
Police of East Nusa Tenggara)**

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ABSTRACT

Children are biggest asset to a country, therefore, must be protected by laws against any evil including sexual violent crime. As for legal problem, this study is to know to what extent protection laws toward the children as victims of sexual violence in East Nusa Tenggara. The type of this research namely empirical law research. The results of the study found that the protection laws toward the children as victims of sexual violence in East Nusa Tenggara has been running. This can be seen from the establishment of: The organization of regional forces (OPD), namely children and women empowerment agency of East Nusa Tenggara dealing with kids and women, set up a child who face legal action, set up the victim house which is home to accommodate children who became the victims and form teams specialty of handling the victim soon.

Keywords: children, sexual violence, victims, protection law

INTRODUCTION

The son was investment and the future hope and as the next generation in the future, and will be eligible for a protection from the action of force and discrimination has resulted in the human rights abuses. In relation to this the country is a law, need regulation laws and protecting children so that was inevitable from the evil to protect its future as said by Mohammad Taufik Makarao in his journal Ayu Amalia Kusuma (2015:1), It is part of the younger generation as one of human resources is a potential and successor of ideals of nations, having the role of strategic and have a special and properties, guidance and protection need to ensure growth and development physical, mentally, and social whole, one, harmony, and balanced (see also journal Irma Rumtianing, 2014: 1-2).

The number of sexual harassment cases for children shows that the quality of protection against, to are still bad the children who are not able to to live on their own certainly need others as a shelter. Most cases violence or sexual harassment in the and conflicts mostly the innermost of the children themselves, as immediate family (father, uncle,

brother), neighbors, school friends, teachers, nanny and her lover having intensity quite often the, but there are also sexual violence against children was conducted by foreigners not known by the victim.

Crimes of harassment or sexual violence occurs in the iceberg phenomenon, the crimes of harassment or sexual violence can be is higher than reported to law enforcement, it can only because the harassment or not bold reported sexual violence it shame, on in addition victims and their families fear environment come stigmatisasi that might be victims and their families as a which were infected by the mass media that is made by an the in (the victim) as a public and consumed by is may make it a cause for the trauma.

In handling criminal case law enforcement officials and the prosecutor (police) often faced with an obligation to protect two interests impressed fight, interest to protect the the to restore the sufferer because it has become a victims of crime (mentally, physical, material), and and interests or suspect accused hell guilty, but he kept as mortals are having no rights violated. Moreover when for what it has earned have not the judicial the stated that the guilty. Hence, the to be regarded as a innocent (presumption innocent).

The victim was not given the authority and not engaged in active in the process of investigation and trial so that he lost a chance to fight for rights and restore the situation is due to an evil. For example when a doer crime a felony auto theft were successfully captured the police and then go to the criminal. At the time the suspect arrested turns out the car the results of his crimes have been sold and the result has been used to dissipate with his friends. With they catch the perpetrator of course brought excitement to the victims, but at the time the victim knew that the stolen car that had been sold and it all gone, of course with they catch the perpetrators do not have any meaning for the victim because for the victims who is more important is how the car was restored owned. The problem of crime suspects rounded up by the police did not directly affect himself.

The evil with mode of violence but it will become a serious problem faced by almost every nation on earth. Various discussions, the seminar, scientific the meetings of the serasehan and find a solution was implemented to appropriate about what was going on and disturbs residents. In social daily lives, the violence associated with cases criminality that tends to the harder or brutal. Theft, plundering and rape and violence in the killing in a variety of shapes sadistic, add to the list the conversation about violence (Nashir Haedar, 1997:5).

Indonesian country can be used as for example, that nations that have life of philosophy named Pancasila and the 1945 constitution and predominantly Sunni Muslim is in fact, each of the components social not always realize relation between humans in believe in god, civilized, and the humanity system. Not a little is among those who are indicate which behaviors, as was not believe in god or according to the term philosopher nietchze “The lord Is Dead” in himself (Wahid Abdul & Irfan Muhammad, 2001: 5).

Child protection is an outcome interaction because the interaction between the phenomenon and affect each other. Therefore, are we willing to aware, child protection good or bad, right or improper, then we must see a relevant, who have significant roles in the child protection activities. To develop activities we business child protection to be alert and several unwanted aware that it was, loss that the protection the positive, rational not liable and useless. Therefore, made existence of something to regulate and assure the implementation of child protection. To prevented, business that the child protection and as different that guarantee the child protection of and even have a negation of the other.

ISSUE

Based on the background and the formulation of problems that may be formulated as: to what extent the legal protection for the victims of sexual assault in East of Nusa Tenggara?

METHODS

Research laws can be distinguished among normative legal research the result of empirical law. In research the thesis empirical law was used in the research. Empirical research law is research in the form of empirical studies to find theories regarding the process the occurrence and regarding the process an undeveloped law within the community.

DISCUSSIONS

1. Legal Protection For The Victims Of Sexual Assault Given In The East Of Nusa Tenggara Province

About investigation to sexual violence case against children in general in investigation, investigators required to give priority to the to provide protection the rights of children for a sexual violence in any process investigation, starting from a child must accompanied by parents or guardian, provide legal protection against children of disservice victims, the right to receive service because the victim suffering mental suffering, physical and psychological aspects others and neither compelled children to give the information.

The perpetrators because police investigations power is the stage the most determining requirement in the operationalization of the integrated criminal justice systems in order to the achievement of the aims of enforcement criminal, because at the investigate can be known that there was suspects in an event a crime or a criminal act and determine suspects before a crime or these crimes of crime in the end prosecuted and be tried in court and criminal be sanctioned in doing good works. Examination investigators focused along that is easy to legal problem. The point of the trunk of the examination will be exposed investigators is suspect. The indonesians obtained information on events crimes being examined. But, though suspects who become a turning point examination, it must be imposed the principle akusatur namely suspects must be placed on where men who possessed of value dignity. Who examined not human as a suspect but the work of a felony that did as the object examination.

The suspect should be considered innocent, according to the law “presumption of innocence” (presumption of innocent) until obtained the award that has been a magnitude of a fixed law.

The act of investigation not must be preceded by inquiry. When investigators found event that is considered as a crime, can be investigating. Investigation criminal sexual violence against children done by Subdit IV Renakta The Directorate General Criminal Detective besides checks on victims, police also looking instrument evidence and guidance other support of the event. Instrument the evidence of them : of medical check of the victims who is usually done at RSB Polda NTT and check witnesses who aware of the incident. To be more clarify stages investigation criminal sexual violence, the following steps in the investigation by a unit IV Renakta the directorate general criminal detective in handling of the includes :

- a. Received reports of the victims or from families of the victims;
- b. Inspections
- c. Do have a medical check et repertum;
- d. Provide a cure for a contraceptive;
- e. Establish cooperation with psychiatrist;
- f. Provides a facility home safe (shelter);
- g. Gather witnesses;
- h. submitted notification letter the development of the investigation (SP2HP).

While handling the suspect as follows:

- a. Calling or arrest suspects;
- b. Detention while;
- c. Seizure evidence;
- d. Inspections;
- e. Do a news event and;

- f. Making the case docket;
- g. To public prosecution;

Violence against women is the act of sacrilege and humanitarian, value castration but there was among the people who think of it as a logical consequence, this life the woman considered appropriate to sacrificed or treated as objects of male pemuas also, in any way including allow violence. Historical reality also shows that women being treated not as old as human beings who must be kept humanity's worth. There is evil, hands vile and savage, made life miserable dogged by his prolonged and address a stadium acute psychological trauma (Abdul Wahid and Muhammad Irfan 2001: 52).

Of cruelty sexual as rape, although in the communities might not be considered as a case crime pulling (as less interesting than political crime) does not mean to eliminate seriousness this case, let alone this crime fatal for life victims. This means not always that does not attract in the sight of the community and not seriously value for human life, especially for involved in that case.

The behavior of the violence that is in with all the evil certain rape dramas on television good treatment in order by the community is no longer a crime what is really interesting here, because apart from being the revenues from the divestment were as old as the history of human life, also the community itself and mass media to be unable to provide response he will come to his. Yet it is so, when the rape victims is both of children underage and their mode of operandinya m e is conducted in togethers or participated in with extreme atrocity other which e g a caused of his death and psychological suffering, only then will it the like of it property of being attractively.

Violence is a form more and human rights abuses which a person does to others, certain group, to other groups adults, to children to his employer to women and men. This action reflects the strongly inclined superior and put the weak as the victims.

Men for example does superior and conquered, tame and then of women. Feeling this can be strong motivation to prove he stimulate to habitats and do furthermore barbarity and by showing dahumanitas (might).

For example, anyone is bound to be affected and sullen. Why not? Behavior that is perhaps is only necessary animals apparently performed supposedly civilized human beings. A group of robbers just plunder the wealth of the victim, but also committed acts of savage, rape a mother and two little girls are still soft. The tragedy suffered by the family acan, (monday 24 july 1996) truly the jerking hi conscience society. Of robbery action accompanied rape that soon it be the talk loud and many comments have also arisen, starting from a common man, officials security forces, experts clergy, the judge and so on, which basically the same : condemn the act of the abominable a rapist who do not know compassion.

Opinions and news about it described behavior a group of people who do shameful mean to others. Mode of crimes inclined to accumulative, it is a crime made not only one thing, but followed by other crimes. A crime that, suffered multiple the be or heavier again. Accumulated wickedness it as robbers followed a crime persecution and rape. When commit robbery, investors use the victim was unable to be more heinous and raped. As a result, the victim suffered serious, if more so rape done alternately and mass. It is hard to imagine suffering dialam the women and their families.

According to I.S. Sutanto that quoted by Eko Prasetyo and Suparman Marzuki, rape was one form of violence against women is a very serious. An opinion it shows, that rape is one of the evil that is quite serious, because of damage not only afflict to woman who fall victim, but is also causing fear in the community (fear of society). Community members who have a daughter for example beset anxiety and fear the evil consequences that threatened her anytime who do not be expected from which the emergence. It is therefore, Rachmat Safa'at

the who cites an opinion Arief Sapient and Veronika also express, “in the last time, long enough, social fact of life good domestic in sector and public shows that women are not just be distinguished, more than that exploited and placed in the lowest caste”.

Of cases of sexual violence against children, many efforts have been made by the government, as Fridolin Luruk, Workers From The Local Office Of Child Protection Of The Social Affairs Agency Social NTT she explains as follows:

In 2010, of the social ntt build safe (shelter) who dedicated to children needs special protection (victims of sexual violence) the home of social protection children (RPSA) lived at Jl A.Yani Oeba called the hope GMIT 221, since the establishment of the shelter rpsa have received clients including, trafficking victims a victim of violence and sexual (sodomy) has also given social assistance to the children in the form of cash directly transferred to accounts children be used to meet basic needs children. Funds the social needs arising from the ministry of social republic of indonesia which is channeled through RPSA NTT. With social workers he set in of the social, and since 2015 operating, RPSA no longer active it is because human resources is not available. For the many cases of children and requires NTT, home safe and of the social NTT partnership with private organizations. The foundation has been designated as RPSA as a reference to the budget a victim of violence seksual yang received support from Social Departement of NTT.

Based on data from Subdit IV Ditreskrimum Polda NTT, in 2015 to 2018 according the latest data be mostly cases sexual violence against children happened to come by in coition types of cases where the data it was the son of a friend of the victim son itself and the closest to the victim son itself, as well as the next case fornication with the perpetrators and mode of which is similar to the case of intercourse often happens in the area of jurisdiction NTT reported in Subdit IV Ditreskrimum Polda.

The violence was sexual because influenced by many factors in family, the child, and economic factors own in this a factor in their sanagt large family as lack of supervision from parents, the freedom given by the parent child itself and environment them situation. Ironically the recent economic had great influence over the very sexual violence, on the because technology development and needs of the itself causing intense easy persuaded persuade the lure in material so with others in the way sex.

Based on the description above shows the seriousness of the crime on rape in the social life. Anyone (among women, better than age), teenagers and children can be the rape victims. Even sadistic again, the sometimes persecuted and killed for removing the. Sadistic again, to deprive of tracks are, the slaughter all out, as the dijagal the victim s body into its component parts.

There are children who are both on the bench elementary school grade II be used as rape victims by people adults specifically looking for children underage as gratification. There are parents who economically ca not afford or poor category and is being lost his conscience, who would “sell” his daughter to be raped by others and then overridden there to let willing to pay for it only with the exchange rate a few hundred and tens of thousands of rupiah just so the presence of law must be to protect children in days live his life. Who referred to child protection is all the work done to create the conditions for any child can exercising the right and responsibility for the development and growth of children was properly either physically, mental and social (Nelsa Fadilla, 2016: 2).

Rape constitutes a crime decency is normal that was caused by various factors. This crime quite complex the cause and not stand alone, the cause can be influenced by the conditions conducive to, the existence of victims immediately not directly push it was and can be that there are other elements influence.

According to Lidya Suryani W. and Sri Wurdani, that rape can occur as a result of various for kinds, such as the existence of an offender on the sacrificial offering of resentment, out of a sense of revenge an offender on someone women so other women become the target of his anger, compensation to the victims as the feeling of distress or stress investors over a wide range of her problem, because of the influence of the environment such as film or stimuli porn images, and because it is a desire an offender channel sexual impulse that can no longer be can be withheld, also because of the environment as well as the

situation and the condition the offender and the victim that allows done rape. Therefore Syaiful Bahri and Fajriani (2015:1) stated that today our society often faced on sexual harassment cases be it the experienced by adults and children, different with a motive.

An opinion it shows that rape can occur not solely caused by the sex drive that cannot be controlled and need a release, but also can be caused by a factor of emotion as the perpetrators to desire to exact revenge against women who previous, never hurt him or make every women as the target of his anger, so it must be used as the victim.

Because this is rape also supported by the role of an offender, the position of the victim and environmental influences. An offender becomes a human figure who failed to control your emotions and instincts of sexual in an appropriate manner, a victim temporarily also represent himself/herself as a factor kriminogen, it means as a stimulant and indirectly slender against an onset of rape. The position of the offender in this victim is supported by the role of environment that is potentially actors can freely do the acts of bad guys.

Women who are traveling alone at night (situation), without accompanied by husband, parents or element of the council, while berpergiannya associated with interest wasting a lot of time and frequent contact with opposing its kind an individual women in threat. Dimensions or productive time that worked women unaccompanied finally positioned as “when vulnerable” or condition in the crime for women.

The results of the study that was a show that between the the offender in the rape victims there are even closer ties between the significance of the. This means that, the relationship between the victim with market agents they will more as banyunan which is situated quite near. These are the ones for close they were to the mutual assistance which are still affecting the occurrence of the crime of rape dramas on television. Somewhere for an interaction between the offender in the victim go so near, parties women bogdani had control or power

of oversight of to fortify ourselves, while the to the offender as had risen to percent deliberately and knowingly practice committing at having gained a chance.

The perpetrator using, inadvertence weakness and perhaps a mistake the victims who directly or not his behavior has been encourage both do evil. Women (victims) have come on with persuade seduce appearance and proximity, relationship gave it are in position depends on or requiring the existence of men (perpetrators).

Next, a problem of evidence is conflicting with a look that erroneously that one obscure understanding between rape and troubled turned. Of all women who complain to polda ntt, as it had raped a man. This number will fine the perspective of the more a result of not can dibuktikannya rape in a juridical manner and medical. In this section also pop the question from participants to locate sources of than the denominator violence which it says of them are aspects of culture (especially with regard to the concept of partaking), women and the low level of education.

Be elaborate became to more specific, modus operandi rape at least as follows:

1. Threatened and forced;
2. Seduced;
3. Killed;
4. Drugs were given;
5. Given, stimulant drugs;
6. Gullible or manipulated and other.

Modus operandi rape as it is quite possible later develop and can bermodus operandi in another. Because, modus operandi, evil in addition to the position of the target was, or object has also been linked to social development, culture, economic and political occurring and turbulent in our community. It is equal to a adagium mentioned “more advanced, a society

but also the development of more advanced” his crimes. It means, there are new types and modus operandi, world of wickedness due to adapt to the development of existing.

On the basis of this, above the East Nusa Tenggara, have been trying to determined policy to replenish the, sexual violence as between other:

- a. Establish an organization provincial apparatus working units (OPD), such as a body of the protection of the empowerment of women, with them wherein there is one of an area that generally deal with a problem the son of namely the unit of one stop integrated service unit of technical management (UPT) P2TP2A (The service center for center on women and children).
- b. To form a team to of reducing the incidence of that a child may comes to the law a consisting of the head of who also holding position as the chief member of the the field of TP2A , of the new zealand police as a member, Kesbangpolmas as a member, head of pkk of the north west frontier Province / District, City. corporate secretary ronald nangoi said sub district village/urban village. The job of this team should have the its industrial activity among others, to socialise about of violence against children, of the things which were, and channeling complaints and alongside an inquiring if there are children that user to become a victim.
- c. Establish Ruban (the his house) the made by government to shelter as for children who became the for training, guided to cub victims were being recovered regained, ruban under social agency.
- d. Make cooperation (MOU) with a district general hospital ntt and other rumas private hospital in the kota and of related medical workers with expertise in psychological therapy or psychology to conduct a remedy for the sexual a victim of violence.
- e. socialization regarding technical implementation unit of the unit of technical management (UPT) P2TP2A town or district all troops acting as skirmishers NTT. The socialization

was indented is done so that they know have to during the doha open last when your words come true kekerasan.kegiatan case on the cash low this should be conducted by a technical unit P2TP2A, inthe is prone to violence or a brand new place not be ruled out completely of violence against children.

- f. The projects must not exceed which held a seminar by distributing an invitation to the parties that is concerned with kegitan women and children protection harness the participation of who had been appointed by from the city or kabupaten the whole NTT. A seminar with a was so far applied by on a given day pt pgn promised to supply market rate for example for there is a memorial to Kartini day in ancol or days on the elimination of violence .The speaker is provided by the BKK PP and Birth Control or KB the Province of NTT, a seminar was conducted with the aim to give information to the seminar participants concerned with the protection of women and children that is going to they are then referred to the hearing of all the people .

Besides finalists the special, dealing with the children still many organizations units (OPD), dealing with the children, as health agency, employment agency and the rural community empowerment (BPMD) and others.

CONCLUSION

Legal protection for the victims of sexual assault in east nusa tenggara has run this can be seen from the establishment of the units (OPD), namely the children and women empowerment east nusa tenggara dealing with children and women, to form a team to children who face, law build a house the (Ruban) the house to accommodate children who became the special teams and forming the handling their children.

SUGGESTIONS

A suggestion that is wanting in that they used to do so in writing to parents who do not/family it was recommended that more attention to his sons always alert in his children to not unwanted things against children.

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