


The Role of the Women and Children Service Unit in Handling Cases of Sexual Violence Against Children

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Abstract

Sexual violence against children is a form of criminal act that has a serious impact on the victim, both physically and psychologically. Although Indonesia is a country of law that upholds justice, the reality is that there are still various obstacles in law enforcement against perpetrators of sexual violence against children. The Samarinda City Resort Police Women and Children Service Unit plays an important role in handling these cases, including in providing assistance to victims and processing cases to the legal settlement stage. However, in its implementation, the Women and Children Service Unit still faces various obstacles, both in terms of technical, human resources, and social factors. This study aims to analyze the role of the Women and Children Service Unit of the Samarinda City Resort Police in handling sexual violence against children and identify inhibiting factors in the implementation of their duties. This study uses an empirical juridical method with a qualitative approach, where data is obtained through interviews, observations, and document studies. The results of the study show that although the Women and Children Service Unit has carried out various efforts in handling cases of sexual violence against children, there are a number of obstacles that hinder the effectiveness of handling cases. These obstacles include the lack of expert personnel, limited facilities, delays in the issuance of visum results, as well as social factors such as stigma and fear of the victim's family to report. In addition, the limited coordination between relevant institutions is also a challenge in the fast and effective law enforcement process. Based on the findings of this study, efforts are needed to improve in various aspects, including the addition of professionals, the provision of more adequate facilities, and education to the public to be more aware of the importance of reporting cases of sexual violence against children, so it is hoped that the Women and Children Protection Unit can be more optimal in carrying out its duties to protect children's rights and ensure justice for victims of sexual violence.

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INTRODUCTION

The 1945 Constitution of the Republic of Indonesia stipulates that Indonesia is a country based on the law. The purpose of this state of law is for the law to be enforced fairly and indiscriminately, so that every action from the community and the government must be in accordance with the applicable law. In addition, every citizen has an equal position in the law. Ideally, the law in Indonesia should be able to provide equal justice and protect every individual, including children. However, in reality, there are still many people who violate the law, which is known as a criminal event or criminal act. Criminal cases, especially sexual violence against children, are a form of violation that often occurs and has a bad impact on society. Sexual violence not only harms victims physically and psychologically, but also creates imbalances, insecurity, and injustice in society. To restore peace and order in

community life, criminal accountability is needed for the perpetrators of violations of the law. This study aims to analyze how the legal system in Indonesia should be able to protect children from sexual violence, as well as to see the reality of law enforcement in the field which still faces various challenges.¹ Among the various types of violations of the law, cases of sexual violence against children are one of the most troubling to the public. Sexual violence against children includes various forms of unwanted sexual acts, both verbal and physical, that are committed against children by coercive means.² This condition is contrary to the legal purpose that is supposed to protect children, as mandated in Article 34 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that the state is responsible for caring for the poor and abandoned children³.

Unfortunately, even though the state has child protection regulations, perpetrators of sexual violence are still actively looking for victims. The law should be able to effectively prevent and punish perpetrators, but the reality on the ground shows that law enforcement still faces many obstacles, such as the fear of victims' families to report. As a result, many perpetrators of sexual violence have escaped the law. According to data from the Counselor of the Samarinda City Women and Children Protection Service Unit⁴, The percentage of sexual violence against children is increasing every year. Cases of sexual violence targeting children, especially girls, are reported to have increased, according to Komnas Perempuan records Based on data published by CNN Indonesia, in 2021, Samarinda City recorded the highest number of cases of sexual violence in East Kalimantan Province with 173 case reports. "The Head of the Rapid Reaction Team for the Protection of Women and Children, Rina Zainun, said that sexual violence against children as of May 2024 increased compared to last year, in the last four years (2020–2023), the overall number of cases increased by 20%, from 10 cases in 2020 to 12 cases in 2023. Although the number of cases has remained the same over the past three years (2021–2023), the number of victims has actually increased significantly. The total number of victims from 2020 to 2023 increased by 80%, from 10 victims in 2020 to 18 victims in 2023. The highest increase occurred in 2023, where the number of victims increased by 38.46% compared to 2022. The number of victims that tends to increase indicates an escalation of the impact of sexual violence on children. This increase in the number of victims shows that although law enforcement has been carried out, there are still loopholes that need to be closed to suppress these cases. Therefore, it is important for the Women and Children Protection Unit and related parties to continue to improve efforts to prevent and handle cases of sexual violence against children so that the protection of children can be more optimal.⁵ Although there are already strong regulations such as Article 287 of the Criminal Code regarding the prosecution of perpetrators of sexual violence against women under the age of 15, the implementation of punishment for perpetrators is often not optimal. Unwillingness of families to report, social stigma, and lack of legal awareness are still major obstacles in overcoming this problem.

The Children's Service Center Unit is an institution tasked with providing protection and services to children who are victims of violence, including sexual violence. This unit plays an important role in handling cases, ranging from receiving reports, legal assistance, to psychological rehabilitation for victims, with the existence of the Child Service Center Unit,

¹ Bambang Waluyo, *Penegakan Hukum di Indonesia* (Jakarta: Sinar Grafika, 2016), p. 78.

² Marlina, *Kekerasan Seksual Terhadap Anak* (Yogyakarta: Graha Ilmu, 2020), p. 27.

³ CNN Indonesia, "Kasus Kekerasan Seksual Terbanyak Dialami Anak Perempuan", Komnas Perempuan, 2021.

⁴ Data dari Konselor Unit Layanan Perlindungan Perempuan dan Anak (PPPA) Kota Samarinda.

⁵ Dinas Kependudukan, Pemberdayaan Perempuan, dan Perlindungan Anak (DKP3A) Kaltim, Desember 2021.

it is hoped that the handling of cases of sexual violence against children can be carried out more effectively and comprehensively. Therefore, the role of the Women and Children Service Unit of the Samarinda City Resort Police is very necessary to help, accompany, and handle cases of sexual violence that occur against children in Samarinda City. Based on the context that has been described earlier, the author is interested in raising this issue as a research topic in a study entitled "The Role of the Women and Children Service Unit of the Samarinda Police in Handling the Crime of Sexual Violence against Children in the City of Samarinda".

METHODS OF THE RESEARCH

This type of research uses qualitative research methods. This qualitative analysis will be presented in the form of a systematic description by explaining the relationship between different types of data. Furthermore, all data is selected and processed, then analyzed descriptively so that in addition to describing and disclosing it, it is hoped that it will provide solutions to the problems in this study. Before analyzing the data, the organization of secondary data obtained through literature documentation was first held. The collected data is then analyzed qualitatively, namely the data is described in the form of regular, logical and effective sentences. The data analyzed is about the Role of the Samarinda City Resort Police Women's and Children's Service Unit in Handling Crimes of Sexual Violence against Children in Samarinda City.

RESULTS AND DISCUSSION

A. The Role of the Women and Children Service Unit of the Samarinda City Resort Police in Handling Sexual Violence Crimes

The Women and Children Services Unit of the Samarinda City Resort Police is a special unit tasked with handling cases related to women and children, including sexual violence. This unit is under the auspices of the Samarinda City Resort Police and has a strategic role in providing legal services and protection to victims. Based on the results of the interview with Reynaldo Ardi, he explained that cases of sexual violence against children in the Samarinda jurisdiction have increased significantly in recent years. Cases of sexual violence involving children, such as child intercourse, child molestation, and other violence, show alarming trends,⁶ In the last 4 years, the number of cases of sexual violence against children has increased by around 13.92%, while the number of victims in the 2020-2023 period has increased by 16.98%. 2023 will be the year with the highest number of cases and victims, reaching 33.72%. This is due to several factors, one of which is the condition of minors who tend to be more socially vulnerable. Minors are more susceptible to deception, more susceptible to influence, and generally safer from exposure.

However, this actually makes it easier for them to become victims of sexual harassment. "Children who are victims often feel afraid to report or even choose to remain silent. Sexual violence against children can be simpler because victims tend not to resist or give in to the situation," he explained. He added that the Women and Children Protection Unit has an important role in handling these cases. The Women and Children Protection Unit at the Samarinda City Resort Police focuses on providing maximum protection for victims, starting from the investigation stage to psychological assistance for victims. The Women

⁶ Unit PPA Polresta Samarinda, "Data Kasus PPA Polresta Samarinda 2020-2023".

and Children Protection Unit is tasked with ensuring that every victim receives the legal protection and redress they need. We work with various parties, such as social institutions, hospitals, and psychologists, to assist victims during the legal process. The Women and Children Protection Unit also has a very important role in terms of counseling and education to the public about sexual violence against children. They seek to raise public awareness of the devastating impact of sexual violence and the importance of reporting any form of violence that occurs. In addition, the Women and Children Protection Unit also has the duty to provide assistance during the legal process so that victims of sexual violence do not feel isolated and forgotten in the process of resolving cases.

However, Reynaldo Ardi also revealed that there are a number of challenges in handling cases of sexual violence against children, such as a lack of public awareness about the dangers of sexual violence and limited existing facilities. Nevertheless, she emphasized that the Women and Children Protection Unit remains committed to taking every case seriously and giving full attention to the victims. Based on the results of research at the Samarinda City Resort Police, there has been an increase in the number of cases of sexual violence against children in the last four years, namely from 2020 to 2023, with the data obtained as follows:

Table 1. Number of Cases of Sexual Violence against Children in 2020-2023

No	Case	Year 2020	Year 2021	Year 2022	Year 2023
1	Child Intercourse	10	12	13	13
2	Child Abuse	1	6	6	6
3	Child Violence	2	2	3	5
Total		13	20	22	24

Table 2. Number of Victims of Sexual Violence Against Children in 2020-2023

No	Victim	Year 2020	Year 2021	Year 2022	Year 2023
1	Child Intercourse	10	12	13	18
2	Child Abuse	3	6	6	8
3	Child Violence	2	2	5	5
Total		15	20	24	31

B. Factors Causing Sexual Violence Against Children in the Samarinda Jurisdiction

This section discusses the factors that cause sexual violence against children in Samarinda, which are influenced by social, economic, and psychological elements. One of the main causes is disharmonious family conditions, such as divorce or domestic violence, which creates an unsafe environment for children. Although child protection efforts, such as laws and facilities, are in place, sexual violence against children remains high in Samarinda, with at least one incident reported each month. Other contributing factors include favorable conditions for the perpetrator, which is often influenced by the victim's environment or behavior. The research was based on interviews with several respondents, including the Head of the Women and Children Protection Unit and the local community.

Some of the factors that cause sexual violence against children in the Samarinda area are as follows: a) Parental Factors: The family plays an important role in protecting children, but the absence of mothers who work outside the home can affect children, making them

vulnerable to sexual violence. One of the cases in Samarinda involved a father who sexually abused his son for several years. The perpetrator threatened the victim with physical violence to force her, and the victim finally reported the incident to her uncle. Family economic factors, such as dependence on alcohol or illegal drugs, also play a role in increasing the risk of sexual violence against children, as revealed by the Head of the Women and Child Protection Unit of the Samarinda City Resort Police; b) Environmental Factors: Poor social environment and children's association can increase the risk of sexual violence. Peers who have negative influences, drug abuse, and lack of supervision from parents are important factors. Low socioeconomic factors and materialistic value pressures can also encourage sexual violence. The case in Samarinda, where a child was forced to have sexual intercourse by several perpetrators in a boarding house, illustrates how peer influence and promiscuity can lead to sexual violence. Children who are influenced by unsupervised promiscuity can fall into dangerous situations; c) Child Factors: Children's behavioral factors, such as impaired growth and development or dependence on the environment, can make them more vulnerable to becoming victims of sexual violence. Children who appear mature or do not fit their age sometimes trigger bad intentions from the perpetrator. Witnesses interviewed also mentioned that although the victims may appear to be fine, the conditions around them can worsen the situation and make them trapped in adverse actions, such as in the case of sexual violence that occurred in Samarinda; d) Legal and Cultural Factors: Sexual violence is often influenced by weak law enforcement and patriarchal culture. The lack of understanding of individual rights and gender equality, as well as social norms that justify male dominance over women, exacerbates this problem. In some areas, inadequate traditions of respecting children's rights, such as forced marriage, which often involve violence, have exacerbated the condition. Stricter law enforcement and gender equality education are needed to reduce the rate of sexual violence.

Based on interviews conducted with several related parties in Samarinda, the author will analyze the link between legal protection of children in the context of sexual violence and legal protection theory according to Fitzgerald quoted by Satjipto Rahardjo. Fitzgerald in his theory suggests that legal protection should be able to provide a sense of security to individuals, especially for those who are vulnerable to crime, in this case children who are victims of sexual violence. In the interview, there are various factors that cause sexual violence against children, which can be analyzed through the perspective of legal protection theory. Some of the points of relevance between the interview and the legal protection theory are as follows: 1) Family Factors and Unsafe Environment: A disharmonious family and poor environmental influence are the main factors that cause sexual violence against children in the interview. Legal protection theory emphasizes that laws should be able to create a sense of security for individuals, especially children, who are often victims of violence due to unsupportive family conditions or unhealthy social environments. Therefore, legal protection is essential to ensure that children are protected from family conditions that can increase their vulnerability to sexual violence. Therefore, legal efforts involving family empowerment and environmental monitoring are very important to reduce the potential for sexual violence; 2) Vulnerable Socioeconomic Factors: the results of the interview, it was mentioned that low economic conditions and poor social behaviors, such as alcohol and drug abuse, can exacerbate situations that allow sexual violence against children. Legal protection theory emphasizes the importance of legal arrangements that provide protection for children exposed to vulnerable socioeconomic conditions. States and

societies through the legal system must be able to create regulations that reduce the risk of sexual violence by paying more attention to the social factors that affect individual behavior. Therefore, policies that can improve socio-economic conditions and provide access to education and health to underprivileged families are also part of effective legal protection; 3) Legal Protection of Children: This interview also discusses the low level of legal protection for children who are victims of sexual violence. Fitzgerald in his theory states that the law must protect individuals from crime and violence that can undermine their safety and dignity, it is important for the law to protect victims of sexual violence through strict legal procedures, as well as ensure confidentiality and the identity of the victim is maintained. This is in accordance with the principles of legal protection such as non-discrimination, confidentiality of the victim's identity, and protection of children's rights. Better legal protection should include the provision of psychological assistance for victims, as well as legal procedures that do not aggravate the victim's circumstances and guarantee their right to justice; 4) Culture That Justifies Violence: Some interviews also touched on cultural factors that contribute to the occurrence of sexual violence against children, such as patriarchal culture and culture that justifies violence as a way of controlling women. Legal protection theory suggests that the law should be able to address and counter harmful cultures, especially those that support violence against women and children. The law must be a tool to change social norms that are not in line with human rights and protection of children. In addition, it is important to educate the public about gender equality and children's rights, as well as enforce laws that provide strict sanctions against perpetrators of sexual violence who are not bound by harmful cultural norms.

Overall, the results of this interview are closely related to the theory of legal protection put forward by Fitzgerald. Legal protection in this context involves strengthening regulations and law enforcement that focuses on protecting children from sexual violence. The law should be able to provide protection to children from various factors that increase their vulnerability, be it from family conditions, social environment, culture, or socioeconomic factors. This paper provides a clear picture of the challenges in legal protection of children in Indonesia and how legal protection theory can be applied to improve the safety and security of children.

C. Barriers of the Women and Children Protection Unit (Women and Children's Services)

Based on an interview with Reynaldo Ardi, there are several main obstacles in handling cases of sexual violence against children in Samarinda, which can be categorized as follows: 1) Legal Factors: Lack of public awareness to report due to social stigma, limited evidence due to victim trauma, and legal approaches that still focus on punishment without paying attention to psychological recovery are the main obstacles in handling cases of sexual violence against children; 2) Law Enforcement Factors: The low public understanding of the importance of reporting makes many cases unrevealed. Victims also often experience intimidation from perpetrators, which hinders their courage to report or provide information. In addition, the lack of coordination between the police and child protection agencies slows down the process of resolving cases, so that victims do not immediately get the protection and justice they deserve; 3) Delay in the Issuance of Visum: The surge in cases of sexual violence against children causes a delay in the results of the visum by more than one to two weeks, which hinders the submission of case files to the prosecutor's office and prolongs the legal process. To address this, there is a need for increased coordination

between the Women and Child Protection Unit and hospitals through regular meetings, the signing of MoUs for the priority of visum examinations, as well as the addition of medical personnel to speed up the visum process and ensure that more hospitals can perform visum; 4) Social and Cultural Factors: The view of the public that still considers it taboo to talk about sexual violence makes many victims reluctant to report for fear of social stigma. A strong family culture also leads many families to prefer to settle cases internally without involving law enforcement, often in order to preserve the family's good name. In addition, the dominance of patriarchal culture worsens protections for victims, especially women and children, who often have no say in the decision-making process. To overcome these obstacles, broader education, changes in people's mindsets, and more proactive support from law enforcement and child protection institutions are needed.

CONCLUSION

The role of the Domestic and Child Services unit in handling criminal acts of sexual violence against children: a) The Samarinda City Resort Police Women and Children Service Unit is a special unit tasked with handling cases related to women and children, including sexual violence. This unit is under the auspices of the Samarinda City Resort Police and has a strategic role in providing legal services and protection to victims; b) The Women and Children Service Unit plays an important role in handling cases of sexual violence against children, which aims to provide protection, assistance, and support the existing legal process. The obstacles faced by the Samarinda City Resort Police Child and Child Services Unit in handling crimes of sexual violence against children: a) Lack of public awareness to report, where many victims' families feel afraid or embarrassed to report cases of violence experienced by their children; b) Limited Facilities and Facilities: Limited supporting facilities in handling cases, such as special rooms for victims; c) Lack of Public Awareness: Low public awareness of the importance of protecting children from sexual violence; d) Slow Legal Process: Complex and sometimes time-consuming legal procedures; e) Culture and Social Norms: Some social norms that do not support the disclosure of cases of sexual violence.

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