



Legal Protection of Women and Children Victims of Sexual Violence in Gorontalo City Police

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ARTICLE INFO

Article history:

Received Mar 26, 2023
Revised Apr 14, 2023
Accepted Apr 27, 2023

Keywords:

Children;
Gorontalo;
Legal Protection;
Sexual Violence;
Woman;

ABSTRACT

Legal protection in Indonesia is given to everyone based on equal rights and obligations as well as standing before the law. In this case, women and children are given extra legal protection because they are vulnerable to becoming victims of violence. In Gorontalo itself, the number of sexual violence increases every year. This is corroborated by the findings of cases of sexual violence from November 2019 to 2022, namely 105 cases. Regarding protection, the Gorontalo City Police Women's and Children's Service Unit has a role in protecting against all forms of violence, especially sexual violence. Sexual violence is defined as forced sex that can be performed by anyone who does not care about their relationship with the victim. The method used in this research is qualitative analysis, where research findings are obtained from literature research, document studies, and interviews. The purpose of this research is to find out legal protection efforts for women and children who are victims of sexual violence in Gorontalo and what are the inhibiting factors for legal protection for children and women who are victims of sexual violence themselves. In the findings of this study, legal protection for women and children who were victims of sexual violence, namely that victims immediately received assistance from the Integrated Service Center for Empowerment of women and children (P2TP2A) at the Gorontalo City Police in the initial process. Assistance is focused on the mental and psychological health of the victim. After that, if the victim is not satisfied with the process, the Integrated Women and Children Empowerment Service Center (P2TP2A) will assist the victim in submitting a report to the National Police so that it is followed up through the court process. The inhibiting factors found in this study were the victim's uncooperativeness in providing information due to mental disturbances due to trauma, as well as the location of the victim's house which was quite far away in terms of the process of providing legal protection itself.

ABSTRAK

Perlindungan hukum di Indonesia diberikan kepada setiap orang berdasarkan persamaan hak dan kewajiban serta kedudukan di hadapan hukum. Dalam hal ini, perempuan dan anak-anak diberikan perlindungan hukum ekstra karena rentan menjadi korban kekerasan. Gorontalo sendiri angka kekerasan seksual tiap tahun meningkat, hal ini dikuatkan dengan temuan kasus kekerasan seksual dari November 2019 hingga 2022 yakni sebanyak 105 kasus. Terkait perlindungan, Satuan Pelayanan perempuan dan anak Polres Kota Gorontalo berperan melindungi dari segala bentuk kekerasan, khususnya kekerasan seksual. Kekerasan seksual diartikan sebagai seks paksa yang dapat dilakukan oleh siapa saja yang tidak mempedulikan hubungannya dengan korban.. Metode yang digunakan dalam penelitian ini adalah analisis kualitatif, dimana temuan penelitian diperoleh dari penelitian pustaka, studi dokumen, dan wawancara. Adapun Tujuan dari Penelitian ini adalah untuk mengetahui upaya perlindungan hukum terhadap perempuan dan anak korban kekerasan seksual di Gorontalo dan bagaimana faktor penghambat perlindungan hukum terhadap anak dan perempuan korban kekerasan seksual itu sendiri. Pada Temuan Penelitian ini Perlindungan hukum terhadap perempuan dan anak korban kekerasan seksual tersebut yakni korban langsung mendapat bantuan dari Pusat Pelayanan Terpadu Pemberdayaan perempuan dan anak (P2TP2A) Polres Kota

Gorontalo pada proses awal. Assistance difokuskan pada kesehatan mental dan psikologis korban. Setelah itu, jika korban tidak puas dengan prosesnya, Pusat Pelayanan Pemberdayaan Perempuan dan Anak Integratif (P2TP2A) akan mendampingi korban dalam mengajukan laporan ke Polri agar ditindaklanjuti melalui proses pengadilan. Adapun Faktor Penghambat yang ditemukan dalam penelitian ini adalah tidak kooperatifnya korban dalam hal pemberian keterangan karena terganggunya mental akibat trauma, serta lokasi jarak rumah korban yang cukup jauh dalam hal proses pemberian perlindungan hukum itu sendiri

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I. INTRODUCTION

Legal protection in Indonesia is given to every citizen because every citizen has the same rights and obligations and the same position in the eyes of the law. Especially for children and women who are given extra legal protection, considering that children and women are vulnerable to being victims of violence. Legal protection is all efforts to fulfill rights and provide assistance to provide security to witnesses and / or victims, legal protection of victims of crime as part of community protection, it can be realized in various forms, such as through the provision of restitution, compensation, medical services, and legal assistance.

Legal protection is the narrowing of the meaning of protection, Protection can mean a place of Refuge, a thing or deed, a process or a way to protect something (Amin, 2021). in this case, only protection by the law will be discussed. Protection provided by law, also related to the rights and obligations, in this case owned by humans as subjects of law in their interactions with fellow humans and the environment. As a subject of Law man has the right and obligation to perform a legal act, an obligation, in this case owned by man as a subject of law in his interaction with fellow human beings and the environment. As human subjects of law have the right and obligation to perform a legal act (Amay, 2019)

The forms of Criminal Law protection as a law made to regulate Order in society basically have two forms of legal protection, namely preventive legal protection where this legal protection is given with the aim of preventing before the occurrence of violations while repressive legal protection is the final protection in the form of sanctions such as fines, imprisonment and additional penalties given violation (EM, 2020).

Crimes of a general nature in the Criminal Code (KUHP) one of which regulates sexual harassment which is one type of sexual violence. While violence according to Pasal 89 of the criminal code is to make people faint or helpless equated to using violence. There are two types of violence: physical violence and mental violence. Physical violence refers to violence that causes the body to be injured, mental violence is violence that is done with mental pressure on someone who caused someone a trauma. However, there is also violence that directly concerns physical violence and mental violence, that is, sexual violence. Because sexual violence can not be interpreted narrowly, but includes many other aspects, namely persecution, psikologi and humiliation. So that this sexual violence touches on the core of violence and coercion, not just on violent and oppressive behavior. Women and children who are victims of sexual violence who do not easily forget the bad events they experienced.

In Gorontalo itself recorded from November 2019 to november 2022, there was a change in silir where the Criminal Investigation Unit of the Gorontalo City Police Women and Children Protection unit reported that there were 105 cases of child and child abuse. 37 cases of sexual violence against women over the age of 18 years in the city of Gorontalo. The Modus operandi related to sexual violence cases in Gorontalo city is most dominant not only through physical violence (nonverbal), but there is also verbal violence such as Catcalling.

The number of complex violence problems rife in Indonesia was established and ratified by Law No. 23 of 2004 on the elimination of domestic violence and Law No. 35 of 2014 amendments to law No. 23 of 2002 on child protection. Where in Law No. 35 of 2014 changes to law No. 23 year 2002 article 76c stated that everyone is prohibited from placing, allowing, doing, ordering to do, or turu as well as committing violence against children. But the application of The law is not as it should be. The problem in this study is the discovery of violence that takes place and occurs repeatedly is a painful and stressful situation for someone who experiences it. Any act that creates pressure, threats, criminal acts is included in social problems. This condition is very painful and tends to cause pressures that result in disruption of one's psychological problems as a result of the violence that occurs.

In a previous study (Nopiana, 2021) there are several similarities with this study where crime victims are the ones who suffer the most in a criminal act. Sometimes it does not memperoleh protection as well as given the law against suspects, even on the contrary there is a tendency to protect matters relating to the rights of suspects without paying attention to the rights of victims, especially in perumpuan and children, and hampered his legal protection given because the location of the victim's home is difficult to reach. The difference is that the previous study discussed the provision of education to children victims of violence Therefore, seeing the number of criminal cases of sexual violence against women and children, the role of an authorized institution is needed to provide protection, especially for women and children.

Based on the explanation described above, the researcher formulated the title of the study on " legal protection of women and Children Victims of criminal violence in Gorontalo City Police.

II. RESEARCH METHODS

The method used is to use the method approach Empirical Normative Is a research method that combines elements of normative law which is then supported by the addition of data or empirical elements (Efendi, 2018).

On research methods Empirical Normative it is also about the implementation of normative legal provisions (laws) in their action at each specific legal event that occurs in a society. The location taken is in Gorontalo City Police Women and Children Protection Unit. On This research was conducted in several stages, namely: 1) Library Research (Library Research) theoretical data collection is by collecting data and literature related to cases of sexual violence against children and women in gorontalo, which then analyzed the problem in a descriptive qualitative , 2) document study, document study is a way of collecting data through written documents by analyzing the data obtained in the field provided by relevant parties related to this research, namely data collection by conducting questions and answers to parties related to the study, in this case in cooperation with the Gorontalo City Police.

III. RESULTS AND DISCUSSION

Gorontalo City Resort police is a police station located in the capital city of Gorontalo province, more precisely located in the city of Gorontalo, Gorontalo City Resort police or Gorontalo City Police is the task force of the police in the city of Gorontalo. Gorontalo City Police is located at Jl. P. Kalengkongan No. 31 Ex. Tent District Hulonthalangi Gorontalo City. Regulation Of The Head Of The Indonesian National Police No. 10 Of 2007 On The Organization And Work Procedures Of The Women And Children Service Unit (Unit PPA) Within the Indonesian National Police Article 1 Paragraph (1) and Article 3 which reads as follows: a) " Women and children Service Unit, hereinafter abbreviated as PPA unit is a Unit tasked with providing services, in the form of protection against women and children who are victims of crime and law enforcement against the perpetrators ".Pasal 1 ayat (1) " Unit Pelayanan Perempuan dan Anak yang selanjutnya disingkat unit PPA adalah Unit yang bertugas memberikan Pelayanan, dalam bentuk perlindungan terhadap perempuan dan anak yang menjadi korban kejahatan dan penegakan hukum terhadap pelakunya "; b)" the PPA Unit is tasked with providing services, in the form of protection against women and children who are victims of crime and law enforcement against the perpetrators. The phenomenon of violence against women and children is still happening in many regions in Indonesia. Women and children need to be protected from various forms of evil that can affect their physical, psychic, and spiritual development.

In the previous discussion that the data collection techniques taken in the implementation of this research are observation, interviews and documentation. Here are the results of interviews conducted by the author in Gorontalo City Police.

1. Legal protection of women and children victims of sexual violence in Gorontalo City Police

Legal protection of women and children juridically may include legal protection in the field of private law, and in the field of Public Law. Law No. 23 of 2004 on the elimination of domestic violence which reads: "Everyone is prohibited from committing domestic violence against people within the scope of their household, by: a. Physical violence; b. Sexual assault; c. Domestic neglect. And Law No. 35 of 2014 amendment to law No. 23 of 2002 on the protection of children in Article 76c stated that everyone is prohibited from placing, allowing, doing, ordering to do, or participate in violence against children.

With regard to the protection of women and children, it is the responsibility and obligation of parents, the general public and institutions authorized by the courts and governments, both central and local. Integrated Service Center for women and Children Empowerment (P2TP2A) whose role is to provide services for women and children victims of violence to help escort and assist victims of sexual violence, as well as the police in this case Gorontalo City Police. It is aligned as in Express Mr. Aipda H. Ridel Manoppo, SH as Ps. Kanit Perlindungan Perempuan dan Anak (PPA) Gorontalo City Police.

"According to him, for 2020 in gorontalo city alone there were 108 cases, 54 cases of women, 10 cases of adult men, 23 cases of boys and 21 cases of girls who became victims. it was further conveyed that "when we carry out protection, it involves the protection of the Integrated Service for the empowerment of women and children (P2TP2A) which accompanies the victim to protect the victim through physical and psychological social assistance, if it is related to legal protection, then we (Gorontalo police) will accompany the victim and process in accordance with what is burdensome. one with a woman and a child. The types of violence that have been reported such as lewd body that the perpetrator has intercourse with the victim forcibly, or ordinary lewdness where the perpetrator only kisses and forces the victim.

Furthermore, Mr. Aipda as the head of child and Women Protection added that in terms of SOP related to it, one of them is by enforcing the law with non-discrimination, upholding human rights, anti-KKN and anti-violence; Provide support to the community in the form of guidance, counseling and development of the potential of the community to take an active role in maintaining security and order in the community environment in order to increase legal awareness.

Furthermore, when the women and children Service unit (PPA) received a report about a case of sexual violence against women and children, the police immediately conducted an investigation process. If there is evidence that there has been a criminal offense reported then the police directly process the case in the court shutter through the police, prosecutor's office, after that to the court."

Based on the results of the interview above we can conclude that, when sexual crimes occur in women and children, the First party to play a role is the Integrated Service for the empowerment of women and children (P2TP2A) to accompany women and children who are victims of sexual violence to maintain the psychological and physical victims who may experience trauma at the time of the incident. Furthermore, if the victim has objections in the reporting process and needs legal assistance, the case will be continued at the Gorontalo City Police and it becomes the task of the women and Child Protection unit (PPA). But when the report will be processed in the police, the victim will still get assistance from the Integrated Service for the empowerment of women and children (P2TP2A).

2. Inhibiting factors in the legal protection of women and children victims of sexual violence in Gorontalo City Police.

Sexual violence is also often called Sexual abuse which includes coercion of sexual relations carried out against people who live in the scope of the household (such as wives, children and households). Furthermore, it is explained that sexual abuse is any act in the form of coercion of sexual relations, coercion of sexual relations in an unnatural way and or not liked, coercion of sexual relations with others for commercial purposes and or certain purposes. Sexual abuse is a type of abuse that is usually divided into categories based on the identity of the perpetrator (N, 2021).

Sexual violence is any unwanted sexual act using coercion. The notion of coercion here includes, varying degrees of force, psychological intimidation, blackmail, or threats. Sexual assault occurs when a person is unable to give consent. Judging by the number of cases recorded in the background, victims of sexual violence are not only adult women, but also women in child age.

Sexual violence, which usually affects women and children, can have a major impact both physically and psychologically. The victim will experience various personality deviations such as being quiet, or vice versa being aggressive, negative self-concept, self-blame, easily suspicious, withdrawn from others, easy to get angry, shy, difficult to control themselves, nightmares, difficulty sleeping, depression, anxiety disorders, panic, loss of confidence while physically the child will experience physical injuries. Sexual traumatization the exposure of forced and untimely sexual experiences to minors, also those that occur incorrectly, can have repercussions on the appearance of trauma (Mozin, 2021).

Factors that cause sexual violence against women and children as follows (Andini, 2019) : a) Internal factors are factors that refer to the crime that originated in the form of perpetrators: Psychological condition of the perpetrator this condition is influenced by deviant sexual orientation in the form of abnormal sexual conditions, usually this condition occurs because the perpetrator cannot control his sexual appetite properly or in this case the perpetrator is difficult to neutralize sexual stimuli that grow in him so as to trigger the occurrence of deviant sexual acts committed by the and The biological condition of the perpetrator, the biological factor referred to here is the need for sex that is

not met or cannot be channeled properly so that the perpetrator releases it to other women or minors.

b) External factors are factors that exist from outside the perpetrator: Economic factors, low income and low standard of living of a person greatly affect the occurrence of criminal acts this is based on the assumption that with a low standard of living causes a low level of education as well, the lower the level of education of a person, the lower the knowledge possessed by the person. This causes the perpetrator to not think rationally about the impact of sexual violence committed against women and minors, And Environmental factors, environmental factors can affect sexual violence against children and women in the family environment is based on that a closed environment creates an advantage for the perpetrators of criminal acts in carrying out the action without being known by anyone.

c) Moral factors of the offender: Morality is an important instrument in teaching about the goodness of goodness and is a very central thing and determines the behavior if a person does not have good morals then that person has a tendency to do evil. similar to the case of sexual violence against women and children in the family sphere, this happens because morality in the perpetrator no longer exists.

d) Social Media Factors: With the development of the current era of globalization access to pornographic content through the internet network more easily, this can be bad because the stimulation and influence of pornographic content can cause addiction for those who see it and can trigger sexual violence (Dimas Rangga, Tarmudzi Anas, 2021).

Based on previous research (Nopiana, 2021) on "the provision of education and legal assistance to victims of corruption in Gorontalo" there are several factors that inhibit the law enforcement process against children of victims of corruption, one of which is the psychological condition of the victim and the temporary network or location of the victim who is quite far away in terms of the process of providing legal protection.

Trauma from sexual violence is divided into six, namely depression, eating disorders, Rape Trauma Syndrome, dissociation, Hypoactive Sexual Desire Disorder, and dyspareunia. All trauma to the violence can be handled even though it is not easy, this trauma can be managed well if you get the right support and help, so that victims of this violence can heal gradually and can accept reality. From the results of interviews conducted by the authors, the trauma experienced by the victim could have been an inhibiting factor in the implementation of the investigation. As mentioned kanit protection of women and children namely: "When women or children become victims of sexual violence, of course, they are psychologically pressured or traumatized so that the victim is difficult to provide information at the time of the investigation. This requires assistance from the Integrated Service for the empowerment of women and children (P2TP2A) so that victims feel safe and willing to give testimony to the police in this case we are the women and Children Protection unit (PPA). The constraints that affect the reporting of cases to be late is the victim directly report to the police on holidays, so that the victim must wait for assistance from P2TP2A on the day the office operates. But this is not an obstacle for our side to directly follow up the case."

Based on the results of the interview above, there are two factors that inhibit the legal protection of women and children victims of sexual violence, namely, internal factors and external factors. Internal factors arise from women or children who are victims of trauma at the time of the incident, causing the victim to be difficult to give testimony because the victim's psyche is under pressure, therefore the police need parties from the Integrated Service Center for women and Child Empowerment (P2TP2A) to accompany the victim to feel safe and be able to give testimony. The external factors that the victim reported the incident on a holiday p2tp2a Office makes the victim did not immediately get assistance and have to wait for the office will operate, but this does not prevent the victim also to still be able to report his case to the police because they will immediately follow up the case hanya saja indirect victims get assistance.

IV. CONCLUSION

Based on the research findings with the discussion above, the conclusions in this study include: cases of violence against women and children from year to year continue to increase in every region in Indonesia, especially in Gorontalo City Police. The process of providing legal protection to child and female victims of sexual violence is in accordance with the vision and Mission and existing operational standards. but there are some factors that influence the occurrence of violence against women and children is usually derived from internal factors which are factors that refer to the crime that originated in the form of psychological conditions of the perpetrator biological conditions of the perpetrator; external factors are factors that exist outside the perpetrator, namely economic factors and environmental factors ; Moral factors of the perpetrator ; social Media. Gorontalo City police in collaboration with the Integrated Service Center for women and Children Empowerment (P2TP2A) to assist women and children who are victims of sexual violence cases that occurred in the city of Gorontalo. Factors inhibiting legal protection of women and children victims of sexual violence occur because of the psychological condition of victims who are usually traumatized after the incident. sepperti case that will be interrogated is still postnatal trauma and the distance traveled to know the location of the victim is far enough so that it becomes an obstacle in the process of handling this case

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