



# Handling Victims of Sexual Violence Against Children

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## ABSTRACT

This research aims to find out how victims of sexual violence against children are handled at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection, Agam Regency, and to find out what obstacles are faced and the efforts made. This research uses a qualitative descriptive method with a purposive sampling technique. Collecting research data from literature studies and field studies (interviews and observations). The research results show that the simplest step in handling cases of sexual violence against children is the family. Apart from that, the handling of victims of sexual violence against children at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection, Agam Regency, is carried out in three ways, namely restitution, compensation, and rehabilitation. The obstacle that occurs in handling victims of sexual violence against children at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection, Agam Regency, is the lack of understanding of victims or the community in understanding the behavior of children who are victims of sexual violence. Efforts made to deal with obstacles that occur in handling victims of sexual violence against children include socializing and providing counseling on how to handle acts of sexual violence against children in the family and community.

## 1. Introduction

Children are the hope of parents, the hope of the nation and state, who will continue the baton of development, have a strategic role, and have special characteristics or characteristics that will ensure the continued existence of the nation and state in the future (Darling-Churchill & Lippman, 2016; Darwich et al., 2017; Wallander & Koot, 2016). The good and bad of the nation's future also depend on the good and bad of the child's current condition (Di Giorgio et al., 2021; Mileva-Seitz et al., 2017). Therefore, children have the right to receive protection both within the family environment, residence, school, and even within the government environment. One

form of government concern for children is enacting child protection laws. Republic of Indonesia Law Number 23 of 2002 concerning child protection Article 1 paragraph (1) states, "A child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb." Article 1 paragraph (2) states that "child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally, in accordance with human dignity, and receive protection from violence and discrimination."

In essence, children cannot protect themselves from various actions that cause mental, physical, and social harm in various

areas of life and livelihood (Fitzgerald et al., 2021; Kabir et al., 2016; Sillah, 2015). Children have the right to receive protection, attention, affection, and education for the child's welfare (Heimer et al., 2018; Heimer & Palme, 2016). The existence of the Child Protection Law clearly proves that children have the right to happiness in order to improve their mental and psychological growth so that they can become superior seeds to compete in the future.

Even though the government has made many regulations to protect children from acts of violence, in reality, acts of violence still occur. Even the family environment, which should be the safest place, can also be the most terrifying place for some children. Violence that has a big impact on or influence on children's psychology is sexual violence against children (Amado et al., 2015; Guedes et al., 2016; Hillis et al., 2017; Sanjeevi et al., 2018). Sexual violence against children is any action that occurs in the form of carrying out or threatening to have sexual relations (sexual intercourse), carrying out torture, or acting sadistically and abandoning someone, including those who are still children, after engaging in sexual relations.

Sexual violence against children is not only related to sexual relations but also to abuse that touches the child's vital organs, exposing the child's genitals, and saying words that lead to obscene acts that can also be considered sexual acts against children. The perpetrators of sexual violence here are generally people closest to them, such as uncles, teachers, neighbors, and even parents themselves, who are willing to carry out acts of sexual violence (Collin-Vézina et al., 2015; Jackson et al., 2015; Wangamati et al., 2018).

Child sexual violence is something or an intentional act that can have a negative impact on a child's physical and psychological condition (Glaser, 2015; Mathews et al., 2016). Apart from emotional or psychological impacts, physical or depressive impacts experienced by sexual violence against children include unwanted pregnancies, contracting skin diseases or sexually transmitted diseases, and addiction to watching pornographic films. Sexual violence that occurs to children can cause trauma to the child, and the trauma that occurs will cause the

child to lose their personality and lose trust in adults considering what the child has experienced. In addition, this trauma will harm the child mentally or psychologically because it will cause him to feel fear or guilt toward himself, which will have an effect on his social environment.

Sexual violence against children has occurred in many areas of Indonesia, including Agam Regency and West Sumatra Province. This can be seen from the number of cases of sexual violence against children received by the Agam Regency Family Planning, Women's Empowerment, and Child Protection Population Control Service. Of the 13 cases handled, 10 were cases of sexual violence against children, with female and male victims. The cases of sexual violence occurred in 2 kindergarten-age children, 5 elementary school-age children, and 3 high school-age children. The locations of the incidents spread across 16 sub-districts in Agam Regency. 6 Some examples of cases of sexual violence that occurred and were reported to the Population Control Service, Family Planning, Women's Empowerment, and Child Protection, Agam Regency, are as follows: 1) sexual harassment just got hold of holding the child's body where the incident took place behind the victim's house; 2) having intimate relations at the perpetrator's house by calling the victim to the house, and if he did not comply, the victim was threatened this has been done eight times; 3) harassment in the bathhouse.

This statement shows that there are still many cases of sexual violence against children. If acts of sexual violence against children continue to occur, it will have a very bad impact on the children themselves and will even have an impact on the nation in the future, because children are the next generation of the nation whose mental and psychological well-being should be protected. Providing protection for children does not only apply to parents but also to society. As explained in Law Number 23 of 2004 concerning Domestic Violence in Article 20 of Children, the state, government, community, family, and parents are obliged and responsible for implementing child protection.

Children who are victims of sexual violence need to receive protection, guidance,

and support from related parties to treat or restore the child's mental health (Hegarty et al., 2016; Sawrikar & Katz, 2017). One of them, in Agam Regency, has created an institution that helps guide victims of sexual violence so that the victims do not feel excluded from the social community where they live. The agency is the Office of Occupation Control, Family Planning, Women's Empowerment, and Child Protection. The Occupation Control Service, Family Planning, Women's Empowerment, and Child Protection are very helpful for children, especially in protecting them from acts of violence and inhumane treatment and helping them obtain their rights.

However, in handling acts of sexual violence against children, there are still obstacles. There are still victims who are hesitant to report because they are concerned that the perpetrator will threaten them and because their social environment considers them to be a family disgrace because some of the perpetrators are members of the victim's own family. This makes it difficult for the Agam Regency Population Control, Family Planning, Women's Empowerment, and Child Protection Service to record these cases.

## 2. Literature Review

### Handling

Handling is a noun process, method, or act of handling. Another meaning of handling is cultivation. An example sentence of the word handling is that the handling of this case seems slow. So, the meaning of the word handling in this research is the action or process of dealing with something that occurs in the community, both individually and in groups. The research used the idea of treatment that is based on the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. These affirm that victims of sexual assault have a number of rights to restitution, compensation, and reconciliation. The UN General Assembly adopted them (Sudaryanto, 2020).

### Victims of Sexual Violence

According to the United Nations (1985), victims are defined as people who individually or collectively have experienced suffering, including physical or mental suffering, emotional suffering, economic loss, or substantial reduction of human rights, through acts or omissions that violate the criminal law in force in the member country, which also includes legal regulations prohibiting abuse of power (Hearman, 2017; McGarry & Walklate, 2015). Victims of violence are people (whether individuals, families, or groups) who experience acts of violence, whether in the form of neglect, abuse, exploitation, discrimination, or other forms of violence, or who are in situations that endanger themselves, causing their social function to be disrupted.

According to this understanding related to this research, victims of violence are people who receive discrimination in the form of threats that endanger their emotional and physical health (Mendoza-Perez & Ortiz-Hernández, 2021). The victims of violence in this case were children who were victims of sexual violence. Children who are victims of sexual violence tend to have bad personalities and emotions, so they need special attention so that their mental and psychological conditions are not disturbed (Estévez et al., 2016; Wilinsky & McCabe, 2021). Apart from that, it would be better for victims to get a guarantee of satisfaction and not have the same treatment happen to them again, namely sexual violence. So that the victim feels safe and does not feel afraid when meeting this person or meeting new people due to the trauma that befell him.

According to the UN Agency for the World Health Organization (WHO), violence is the use of physical force or power, threats, or actions against oneself, an individual, a group of people, or a society that results in or is likely to result in bruising or trauma, death, psychological harm, developmental abnormalities, or deprivation of rights. According to the Child Protection Commission, the definition of violence is any form of action against a child that results in physical, mental, sexual, psychological, or emotional suffering and neglect, including forced degrading. Violence is basically all forms

of behavior, verbal and non-verbal, carried out by a person or group of people against another person or group of people that cause negative physical, emotional, and psychological effects on the target (victim) (Hannem et al., 2015). Children often experience violence in their lives. Because violence doesn't just happen; sometimes it's because parents hurt other people, so they take it out on their children.

Sexual violence is any act of violating a person's human dignity based on gender discrimination that targets a person's body and sexuality, which results in or could result in physical, psychological, economic, sexual, political, and/or social harm or suffering to the victim (Grosser & Tyler, 2022; Kismödi et al., 2017). Sexual violence includes all forms of sexual threats and coercion. In other words, sexual violence is sexual contact that is unwanted by one of the parties. The essence of sexual violence lies in "threats" and "coercion." In the Criminal Code (KUHP), the definition of sexual violence can be found in articles 285 and 289. In Article 285, it is determined that anyone who, by force or threat of violence, forces a woman who is not his wife to have sexual relations with him is punished for rape, with a maximum prison sentence of 12 years. Meanwhile, Article 289 of the Criminal Code states that anyone who, by force or threat of violence, forces someone to commit or allows him to commit an obscene act will be punished for destroying modesty with a maximum prison sentence of nine years.

Based on the above understanding, perpetrators of sexual violence and victims of sexual violence can be women, men, adults, or children. Although in general, the victims of sexual violence are children, especially girls, acts of sexual violence against children are an example of a violation of human rights, especially children's rights. The fact is that there are many cases of sexual abuse that befall their children; they tend to receive less attention and protection, and their existence is often ignored. However, with the existence of an institution that is able to help the child recover from his psychological decline, the child can become a person who does not close himself off from his environment.

### 3. Methods

This research uses qualitative research methods, where research is carried out by collecting descriptive data in the form of words or writing and documentation or images of phenomena or events that occur and are observed, which are not statistical data or numbers. According to Denzin and Lincoln (2002), qualitative research is research that uses natural settings with the aim of interpreting phenomena that occur and is carried out by involving various existing methods. The population in this research is the Population and Family Planning Service for Women's Empowerment and Child Protection, as well as communities and families that are victims of sexual violence against children.

The data collection techniques used in this research are library research and field studies in the form of observations and interviews. This research was carried out in Agam Regency, West Sumatra Province. This district was chosen because, based on the data that researchers obtained, the number of cases of sexual violence against children in Agam District had increased. This research was conducted at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection. This service was chosen because it has the authority to handle social problems that occur in society. Among these social problems is sexual violence against children.

### 4. Result and Discussion

#### **Handling Victims of Sexual Violence Against Children at the Population Control Service, Family Planning, Women's Empowerment and Child Protection, Agam Regency**

The handling of victims of sexual violence against children at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection in Agam Regency has been able to help people who are victims of sexual violence against children in Agam Regency. Apart from that, the role of family, community, and state is also very important in handling cases of sexual violence against children. In this research, the handling of victims of sexual violence against children at the Population Control Service, Family Planning,

Women's Empowerment, and Child Protection, Agam Regency, was carried out in several ways, namely:

### **Restitution**

Restitution refers to the perpetrator's payment to the victim. Compensation can take the form of medical expenses, legal fees, or transformation costs incurred by the victim while handling the complaint (Ali et al., 2022). The provision of restitution in handling victims of sexual violence against children at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection, Agam Regency, has not been achieved optimally because the application for restitution procedures is considered difficult, making victims trust the case more to the authorities. Apart from that, perpetrators also prefer to be sentenced to prison rather than pay restitution, which they consider to be more expensive than prison.

### **Compensation**

To those who suffer losses as a result of criminal activity, the state provides compensation. Compensation is given when the perpetrator is unable to provide compensation to the victim (Miers, 2019). According to Mrs. Asnidawati, S.E., Head of the Child Protection Division, compensation was given to victims of sexual abuse against children at the Agam Regency Family Planning, Women's Empowerment, and Child Protection Population Control Service. All funds obtained for handling victims of sexual violence at the Agam Regency Family Planning, Women's Empowerment, and Child Protection Population Control Service are Special Allocation Funds (DAK) provided by the Agam Regency Regional Government. This is the result of an interview with Mrs. Asnidawati, S.E., as Head of the Child Protection Division. From the explanations of several informants, researchers drew the conclusion that providing compensation to victims had been carried out well because all the victims' desired needs had been met. This was all assisted by Special Allocation Funds (DAK) provided by the Agam Regency Regional Government.

### **Rehabilitation**

The rehabilitation process is very necessary to restore the victim's physical, psychological, and mental condition so that they are able to return to socializing as usual with society (Hutschemaekers et al., 2019). In line with the results of the interview with Mrs. Asnidawati, S.E., as Head of the Child Protection Division, she said that the rehabilitation process for handlers of victims of sexual abuse against children at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection, Agam Regency. Because there is no clinical psychology in Lubuk Basung, the victim's rehabilitation process requires clinical psychology, so the victim was taken to Bukittinggi to receive psychiatric treatment. The rehabilitation process at the Population Control, Family Planning, Women's Empowerment, and Child Protection Service has been carried out well. Even though there is no clinical psychology nearby at the Population Control Office, Family Planning, Women's Empowerment, and Child Protection, Agam Regency, this can all be resolved, even though it is quite a long distance from Lubuk Basung to Bukittinggi. Apart from that, victims who received rehabilitation have experienced quite satisfactory changes.

### **Obstacles faced in handling victims of sexual violence against children at the Population Control Service, Family Planning, Women's Empowerment and Child Protection, Agam Regency**

In handling victims of acts of sexual violence against children at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection in Agam Regency, they have been able to assist the community in dealing with these acts of violence. There are still challenges because the Population Control Service, Family Planning, Women's Empowerment, and Child Protection, Agam Regency, cannot resolve all cases of sexual violence against children. Other obstacles to handling victims of sexual violence against children include population control services, family planning, women's empowerment, and child protection, namely:

### ***Obstacles to Restitution***

Providing restitution, especially to victims of sexual violence, is still an obstacle to this day due to the lack of public knowledge about victims' rights to restitution. As stated by Mrs. Asnidawati, S.E., Head of the Child Protection Division, the obstacle faced in providing restitution to victims in handling victims of sexual abuse against children at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection in Agam Regency is the lack of public knowledge about the right to restitution for child victims of sexual violence, so that when they report sexual crimes to the police, they do not receive information regarding the right to restitution that can be submitted.

The delivery of information on constitutional rights from the service to victims has also not been realized properly. Because the child protection service gets reporting data on cases of victims of sexual violence against children from the KAPOLRES, not directly from the victims. So, providing information regarding the right to restitution is hampered. Additionally, the lack of regulations on coercive measures for sexual violence perpetrators presents a challenge for law enforcement officials in fulfilling restitution obligations for victims of sexual assault against children.

In fact, giving victims the right to restitution is really needed, including victims of sexual violence against children. It is certainly not an easy thing to restore the psychological condition of children who are still minors. Apart from the lack of information about restitution rights, the process of submitting a request for restitution is also not easy; you must follow a process in accordance with applicable law. Apart from that, the victim must first wait for confirmation from the LPSK regarding the restitution being received by the LPSK, and then the application will be submitted to the court or to the public prosecutor.

### ***Compensation Constraints***

Providing compensation to victims of sexual violence against children is still abstract or not yet visible (Von Hohendorff et al., 2017). The State Finance Department provides compensation because the court system only

compensates victims of serious crimes, such as human trafficking. Despite the fact that the Agam Regency Family Planning, Women's Empowerment, and Child Protection Population Control Service has so far implemented its compensation program well, there are still challenges to implementing it.

Victims of sexual violence against children do not receive compensation from the state or the courts because the courts provide more compensation to victims of serious cases. Even though there has been compensation provided by the population control service, family planning, women's empowerment, and child protection, the process is also hampered. Because these funds can be cut at any time if the region experiences an emergency or serious situation. For example, DAK funds were cut to handle the COVID-19 case in Agam Regency.

### ***Rehabilitation Obstacles***

Based on the results of the author's interview with the Head of Criminal Investigation Unit of the Agam Police, AKP. Fahrel Haris, regarding the obstacles to providing rehabilitation to victims of sexual violence against children, he said that the court focuses more on the perpetrator than the victim for rehabilitation. According to information provided by the Head of Criminal Investigation Unit for the Agam Police, AKP. Fahrel Haris, because the court did not handle the victims, the rehabilitation of child violence victims was carried out by the Population Control Service, Family Planning, Women's Empowerment, and Child Protection of Agam Regency.

Apart from that, there are also obstacles in the rehabilitation process at the service based on the results of an interview with Mrs. Erniza Kurniati, SH, as the Child Violence Prevention and Handling Section at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection. In carrying out rehabilitation for victims of sexual violence, there are also obstacles, one of which is that there is only one official car at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection, Agam Regency, which sometimes hampers the victim's rehabilitation process.

The rehabilitation process for victims of sexual violence against children has not been carried out completely well in court. So, the rehabilitation process was carried out at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection in Agam Regency. However, the lack of facilities and infrastructure as well as human resources in the department means that the rehabilitation process for victims of sexual violence against children is hampered.

#### **Efforts Made in Handling Victims of Sexual Violence Against Children at the Population Control Service, Family Planning, Women's Empowerment and Child Protection, Agam Regency**

To overcome the obstacles experienced in handling victims of sexual violence against children in the population control service, family planning, women's empowerment and child protection, Agam Regency is to socialize efforts to the community so that they can understand children and can assess their children's behavior and development, as said. by Mrs. Asnidawati, S.E as Head of the Child Protection Division, that the efforts we are making so that the community, especially parents, can understand the actions and behavior of their children is by collaborating with children's institutions and government agencies and maximizing the role of the Integrated Service Center for Women's Empowerment and Child Protection in several sub-districts in Agam Regency as well as the existing Children's Forum in Nagari to continue to carry out outreach and education. And our party also invites the role of ninik mamak to be involved in fulfilling and protecting children from all acts of violence. Because of the many cases handled, most of the perpetrators are people closest to them. Then don't be shy about reporting if there is an act of violence against children. Apart from all that, our collective role is also needed in suppressing cases of sexual violence involving children. As long as they are under eighteen (18) years old, they are still categorized as children, even though they are married. They need our collective attention.

To overcome obstacles in handling acts of sexual violence against children in the population control service, family planning,

women's empowerment, and child protection at Agam Regency, several efforts are needed:

#### ***Efforts to Overcome Obstacles to Restitution***

In the process of handling acts of sexual violence against children at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection in Agam Regency, there is an obstacle, namely the lack of knowledge of victims regarding the rights of restitution for victims of sexual violence against children. Therefore, efforts are needed to carry out outreach activities in the community so that if the community experiences violence or other crimes, they understand what forms of loss they must accept from the victim.

The Population Control Service, family planning, women's empowerment, and child protection all involve holding community meetings to discuss strategies for preventing and responding to acts of violence. Officials from each region and members of the local community attended this event. With this outreach, the public can find out what actions are taken in the process of handling acts of sexual violence against children. Apart from that, the public can also apply for the right of restitution to victims because they already know the procedures regarding restitution without guidance from the Population Control Service, Family Planning, Women's Empowerment, and Child Protection in Court.

#### ***Efforts to Overcome Compensation Constraints***

In handling acts of sexual violence against children at the Agam Regency Population Control, Family Planning, Women's Empowerment, and Child Protection Service, there are also obstacles to providing compensation to victims. The problem experienced by the child protection sector is that in 2020, DAK funds were cut for other, more urgent needs. In overcoming obstacles to providing compensation at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection, Agam Regency, where in 2020 DAK funds were cut for more urgent needs. Therefore, the activity plans that have been prepared previously are revised so that existing funds can be used as optimally as possible and compensation to victims of sexual violence against children can be carried out well.

### ***Efforts to Overcome Rehabilitation Obstacles***

In the rehabilitation process for handling victims of sexual violence against children at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection, Agam Regency, there are also obstacles to rehabilitation. This obstacle is that there is no clinical psychology specifically to treat victims of sexual violence against children in Agam Regency, so the child protection sector brings victims of sexual violence against children to Bukittinggi to receive psychological treatment.

Efforts made to overcome transportation obstacles include borrowing or using cars belonging to employees in the population control service, family planning, women's empowerment, and child protection. Apart from that, the child protection sector also rents other cars outside the area. Apart from that, it is hoped that the Agam Regency Government can build a special clinical psychology for treating victims of sexual violence against children in Agam Regency, especially in Lubuk Basung, to facilitate the rehabilitation process for victims of sexual violence against children.

### **5. Conclusion**

The handling of victims of sexual violence against children at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection in Agam Regency has been able to help people who are victims of sexual violence against children in Agam Regency. Apart from that, the role of family, community, and state is also very important in handling cases of sexual violence against children. In handling victims of acts of sexual violence against children at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection in Agam Regency, they have been able to assist the community in dealing with these acts of violence, but there are still obstacles where the community does not understand what actions should be taken in dealing with children who have become victims of sexual violence against children. victims of these acts of violence because the population control service, family planning, women's empowerment, and child protection, Regency, cannot resolve all cases of sexual violence against children. To overcome the

obstacles experienced in handling victims of sexual violence against children at the Agam Regency Family Planning, Women's Empowerment, and Child Protection Population Control Service, efforts are made to socialize the community so that they can understand children and assess their behavior and development.

The handling of victims of sexual violence against children at the Agam Regency Family Planning, Women's Empowerment, and Child Protection Population Control Service is carried out in three ways, namely restitution, compensation, and rehabilitation. Obstacles that occur in handling victims of sexual violence against children at the Population Control Service, Family Planning, Women's Empowerment and Child Protection, Agam Regency are the lack of understanding of victims or the community about the restitution rights that must be given by the perpetrator, the heavy restitution request procedure makes the victim submit the case completely to courts, lack of funds for providing compensation, diverted DAK funds hampering the provision of compensation to victims of sexual violence against children, the absence of clinical psychology in Agam Regency disrupting the rehabilitation process, inadequate human resources, lack of facilities and infrastructure at the Population Control Service Family Planning for Women's Empowerment and Child Protection, Agam Regency. Efforts have been made to deal with obstacles that occur in handling victims of sexual violence against children at the Population Control Service, Family Planning, Women's Empowerment, and Child Protection, Agam Regency, namely socializing with the community how the restitution process is in handling acts of sexual violence against children and collecting data on activities that will be carried out. so that existing funds can be fulfilled in providing compensation to victims, bringing victims to Bukittinggi to receive treatment for the rehabilitation process for victims of sexual violence against children, and looking for other alternatives in using transportation if the transportation is available at the population control service, family planning, women's empowerment, and child protection. used by other fields in the Population Control Service, Family Planning, Women's



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