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Legal Aid In Handling Cases Of Sexual Violence Against Children In Indonesia

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Abstract

This community service was carried out for ten days in each village, including Kanci Kulon Village, Cirebon, Rejomulyo Metro Village, and Sabiyan Village, Bangkalan, Madura. The result in this article show the devotee has a formulation or summary in overcoming the problem of sexual violence against children that occurs in the village in stages, namely observing first whether the case that occurs is included in the category of sexual violence and is included in the category of sexual violence at what level, if it is true regardless of the level, it should be immediately reported to the village apparatus or other community leaders in order to get a solution immediately, the next stage is that both parents or guardians are called, and if no solution is found, the last solution is to report to the police. The author places reporting to the police at the last stage because the author understands that the legal solution is the ultimum remedium or the last weapon if other methods of resolution are no longer available. This stage is also intended to avoid unilateral mass judges

Keywords: *Case o Sexual Violence, Childern, Legal Aid*

INTRODUCTION

The importance of handling violence, especially sexual violence, is because of its potential to threaten lives, especially for women and girls. This is a particular concern because it involves human rights. Therefore, the government responded by issuing Law Number 23 of 2002 concerning child protection, which aims to provide comprehensive protection and handling of cases of violence against children (Sudaryono 2007).

Facts in Indonesia show that there are still many children who do not have guaranteed fulfillment of their rights. Cases of violence against children, such as neglect, exploitation, discrimination, and inhumane treatment, still occur significantly. This reflects a worrying reality where children's rights are not fully protected and protection for them is not optimal. Violence against children can be grouped into four main forms, namely physical violence, psychological violence, sexual violence, and neglect. This issue is very important to get special attention because it has the potential to become a disaster and requires emergency handling. This is due to the fact that the majority of victims of violence are women and children (Gelles 2021).

Children in emergency situations are vulnerable to sexual violence due to their high level of dependency on adults. They have limited ability to protect themselves because they do not have a strong position to determine their own destiny. Because of their limited life experiences, children are more vulnerable to exploitation, deception, and coercion than adults. In addition, because of their immature developmental level, children may not fully understand the sexual nature of certain acts and may not have the capacity to give their own consent (Dania 2020).

Child sexual abuse involves any form of treatment intended to satisfy the sexual gratification

of an adult or older individual against a minor under the legal age. This can happen either by a family member, such as a father, stepfather, brother, and sister, or by an unknown individual who suffers from a mental disorder such as pedophilia, exhibitionism, and voyeurism. Close relationships between the victim and the perpetrator, such as living in the same house, neighbors, or giving gifts and excessive attention, can also be triggers for child sexual abuse (Lilua 2016). In addition, children's exposure to pornographic and pornographic content can also increase the risk of sexual abuse in them. One of the most terrible types of sexual violence and has a tremendous impact on victims, especially children, is rape. This sexual violence leaves a very deep trauma and is often difficult for victims to recover from. The impact can damage the victim's future and cause them to suffer from prolonged trauma. Rape can also trigger excessive reactions from victims, such as feelings of shame and loss of control over themselves. It is important to remember that the definition of rape is very broad and is not limited to the gender of the perpetrator, the age of the victim, or a particular form of violence (Fajri 2016).

Risk factors for child sexual abuse are reviewed from 3 aspects (Monica 2021): a. Community/Social Factors Factors such as high crime rates, lack of social services, high poverty rates, high unemployment, unhealthy parenting patterns in society, cultural shifts, tendencies to physically punish children, and the influence of mass media all contribute to the risk of child sexual abuse. b. Parental Factors or Family Situations Factors that can increase the risk of child sexual abuse include a history of physical or sexual abuse in childhood by parents, parents who are still teenagers or emotionally immature, lack of ability to care for children, low self-confidence, inadequate social support, social isolation, poverty, housing density, problems interacting with the environment, domestic violence, history of depression or other mental health disorders, unwanted pregnancy, use of drugs or alcohol, and lack of social support for the family. c. Child Factors Risk factors for sexual violence against children include children with physical or mental disabilities, children who receive little affection or are considered unwanted by their families, children who have been victims of sexual violence before, children with single parents, children who use illegal drugs, and children who lack self-confidence (Bayu 2018).

Article 1 number 15 of the Child Protection Law Number 35 of 2014 states that children need special protection to ensure their safety and well-being in certain situations and conditions (Priabudi 2023). This includes actions and policies aimed at providing a sense of security to children from threats that could endanger their physical and mental health, so that they can grow and develop optimally. Thus, this special protection is important for children as the next generation of the nation so that they are protected from all types of threats that also include sexual crimes.

Sexual violence is a sensitive issue and often occurs especially in children. People who have minimal legal literacy are often confused in dealing with problems when cases of child sexual violence occur in people closest to us. Therefore, the program of socialization or counseling of legal aid in handling cases of sexual violence can hopefully be a solution to the confusion that occurs in society.

METHODS

This community service was carried out for ten days in each village, including Kanci Kulon Village, Cirebon, Rejomulyo Metro Village, and Sabiyan Village, Bangkalan, Madura, with the formulation of problem findings and solutions below:

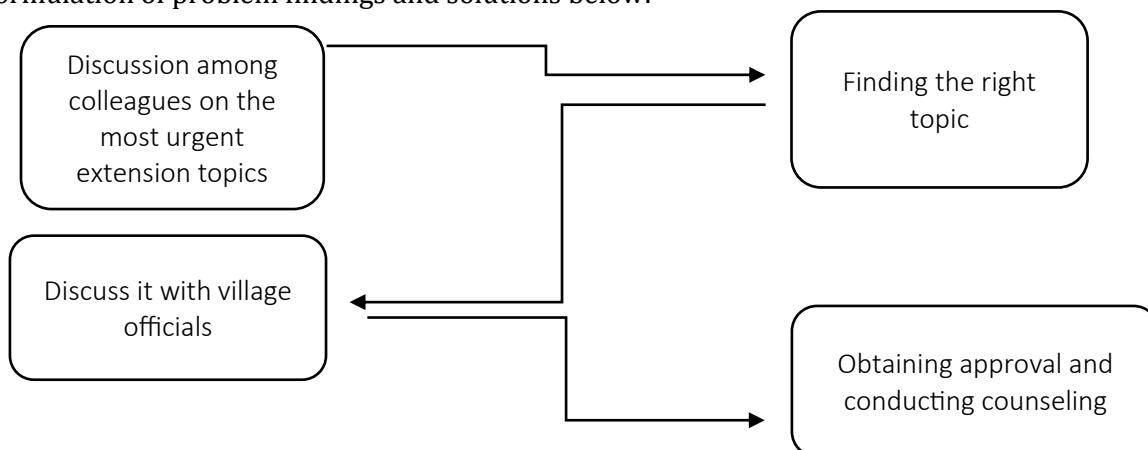


Figure 1. Finding The Problem and Solution

RESULT

Sexual Violence Against Children

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In conducting counseling regarding handling for ten days, the community service workers separated the handling of cases of sexual violence against children in two ways, namely extreme cases of sexual violence and those that can still be tolerated. There are two cases of sexual violence in the village according to the community service workers with two different levels.

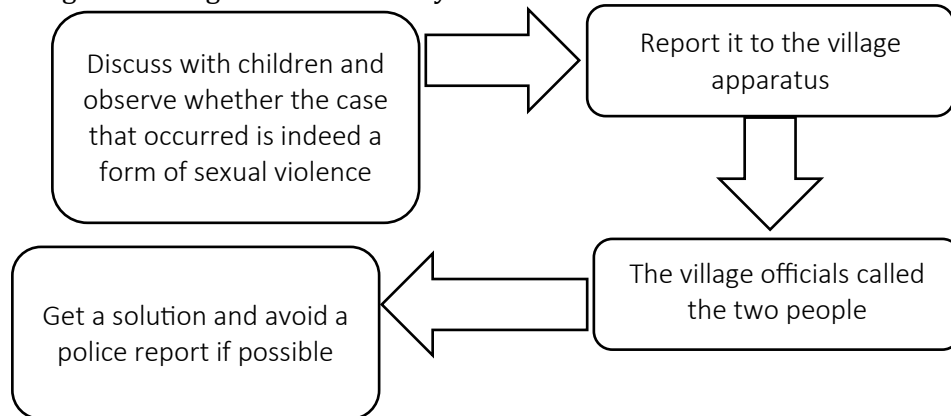


Figure 1. How to Handle Cases of Sexual Violence Against Children

Based on the explanation above, the devotee has a formulation or summary in overcoming the problem of sexual violence against children that occurs in the village in stages, namely observing first whether the case that occurs is included in the category of sexual violence and is included in the category of sexual violence at what level, if it is true regardless of the level, it should be immediately reported to the village apparatus or other community leaders in order to get a solution immediately, the next stage is that both parents or guardians are called, and if no solution is found, the last solution is to report to the police. The author places reporting to the police at the last stage because the author understands that the legal solution is the ultimum remidium or the last weapon if other methods of resolution are no longer available. This stage is also intended to avoid unilateral mass judges.

CONCLUSION

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