

IMPLEMENTATION OF ACTIONING CHILDREN AS VICTIMS OF SEXUAL VIOLENCE IN PANDEMIC SITUATIONS CORONAVIRUS DISEASE 2019 (COVID-19)

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Abstract

Sexual violence in the context of the COVID-19 pandemic has greatly increased. This is certainly very threatening the existence of the child. The purpose of this study was to determine the factors that cause children to become victims of sexual violence and to take action against children as victims of sexual violence in the COVID-19 pandemic situation. This research method uses empirical juridical. Data collection is done by literature study and interviews. Data analysis used descriptive analytical method with a qualitative approach. The results of this study indicate that the cause of the increase in children as victims of sexual violence in the Covid-19 pandemic situation is because the implementation of the action still does not provide preventive and repressive protection. Victims and families of victims of sexual violence who are unable to report and do not know how to report the procedure for sexual violence experienced by the child, victims of sexual violence against children who often do not provide information openly, lack of facilities and infrastructure as well as human resources in regional institutions, are the obstacles found. Thus, there is a need for socialization and new innovations to the community, as well as the allocation of funds to regional institutions to maximize prevention and prosecution of children as victims of sexual violence in the COVID-19 pandemic situation.

Keywords: *Sexual Violence, Covid-19, Victim Protection*

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1. INTRODUCTION

Covid-19 initially triggered a pandemic in Wuhan City, China, in December 2019, which then spread to various countries around the world. The World Health Organization (WHO) declared Covid-19 on the 11th, March, 2020. In health terms, a pandemic is a disease that attacks many victims in various countries. According to the Big Indonesian Dictionary (KBBI), a pandemic is defined as an epidemic that spreads at any time, covering a wide geographic area. Covid-19 is a natural disaster that not only affects the health aspect, but also the economic aspect, for example, weakening the family economy. This can be seen from the low purchasing power capacity of the people, both in rural and urban areas.

The low family economy can worsen or weaken the psychological condition in the family. This can cause stress and excessive emotions in husbands and wives, so that children are used as an outlet. The position of the child is in a position that is vulnerable to violence, including sexual violence, while the child is not in a position to fight back. Access to informal assistance such as relatives, friends, neighbors or teachers and formal assistance such as protection assistance or social assistance is limited. The form of protection of children as victims of sexual violence in Indonesia, in fact the legislators through positive law have been regulated. the Criminal Code (KUHP), Law no. 23 of 2002 as amended by Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (UUPA), Law No. 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT) which absolutely provide various forms of legal protection related to the issue of child protection against acts of sexual violence. The rules in the UUPA and the PKDRT Law regarding forms of child protection are adoptions, collections, or reformulations that have been regulated in the Criminal Code.

The Criminal Code regulates criminal penalties or sanctions for perpetrators of sexual violence. This is written in Article 287, Article 288, Article 291 related to sexual intercourse and Article 289, Article 292, Article 293, Article 294, Article 295, Article 298 which regulates obscene acts. The form of punishment or criminal sanctions given in the Criminal Code for children as victims of sexual violence is a form of criminal responsibility for the perpetrator, not direct and concrete responsibility for the suffering/loss of the victim, but more focused on personal/individual responsibility.

The UUPA serves to provide special protection for children from various kinds of sexual violence. Article 15 explains that every child has the right to get protection from involvement in

sexual violence. This is clearly seen in the article which states that if a child is affected by sexual violence, the child is entitled to protection, given the increasing number of cases of children as victims of sexual violence in Indonesia. Children are easily intimidated and hurt by perpetrators to commit acts of sexual violence, seen from the children not trying to fight or protect themselves from the dangers that will befall them.

According to Soedarsono, a child as a victim of sexual violence is an act or intimidation related to intimacy or sexual relations carried out by the perpetrator against the victim by means of coercion, which ends up in the sufferer physically, materially, mentally and psychologically. Sexual violence in general is an act that violates decency which is done intentionally to damage public decency or in other words is no longer desired by the victim through threats of violence. Cases of children as victims of sexual violence in the Covid-19 pandemic situation are increasing.

The implementation of taking action against children as victims of sexual violence in the Covid-19 pandemic situation certainly needs to be considered in order to stop the rate of increase in these cases. Nurdin Usman argues that implementation boils down to activities, behavior, actions or the existence of a method of a system. Implementation is not just an activity, but is an activity that is planned and to achieve the objectives of the activity. The existence of cases of children as victims of sexual violence is increasing in this COVID-19 pandemic situation, it is worth asking what are the factors that cause cases of sexual violence to increase during the COVID-19 pandemic and how to implement prosecutions for cases of sexual violence during the COVID-19 pandemic.

2. RESEARCH METHODS

The type of research used is juridical empirical. This study uses data derived from primary data and secondary data obtained from direct study and analysis of literature review materials in the form of literature, documents, books, papers, articles, laws and regulations and other written materials. The research approach used in this study is a qualitative approach to primary and secondary data. This qualitative approach itself is an approach that aims to describe the nature of something that is ongoing at the time of the study. Descriptive includes the content and structure of positive law, which is an activity carried out to determine the content or meaning of the rule of law that is used as a reference in solving legal problems that are the object of study.

The method of data collection is carried out by literature study which is carried out through browsing library materials, by studying and quoting from existing data sources. Interviews in this case were conducted by conducting direct communication to informants using an interview guide at the Office of Women's Empowerment, Child Protection and Population (DP3AK) of East Java Province in order to seek accurate information from directly related sources. Methods Data analysis used descriptive analytical, with a qualitative approach to primary data and secondary data.

3. RESULTS AND DISCUSSION

1) Factors Causing the Occurrence of Children as Victims of Sexual Violence in the Covid-19 Pandemic Situation

Sexual violence behavior has a fairly high quantity level in Indonesia. Victims of sexual violence is quite high when it occurs in children. The child in this case is certainly not yet 18 (eighteen) years old. Factors causing sexual violence from a psychological perspective are because the perpetrator is very vulnerable in his mental or psychological condition, so that the perpetrator cannot control himself, such as feeling angry. The influence of liquor makes the perpetrator unconscious, this also causes the perpetrator to be easily provoked and also affects the emotions of the perpetrator. Sexual violence perpetrated by perpetrators apart from psychological factors, is also influenced by biological factors. The perpetrator in this case can take the form of taking revenge against his wife who does not provide her sexual needs or biological conditions, so that it can cause an outlet for her sexual needs to her biological child to coincide with the Covid-19 pandemic condition which requires the child to be at home often.

The economic factor, in this case, that causes children to become victims of sexual violence in the COVID-19 pandemic situation is when the perpetrator does not have a fixed income, then the perpetrator cannot accept what has happened to him. Perpetrators feel the need to take revenge on their biological children to be able to achieve what they want in the household, including in terms of sexual violence against children. This condition occurs because the economy is a determining aspect in family life. All needs can be met because of income, but this situation becomes worse when the economy in the family is unstable in the conditions of the COVID-19 pandemic.

Perpetrators of sexual violence against children tend to refer to people who do not have a steady income. A profession with an irregular income is like someone who works in a workshop, works as a pick-up for school children, there are even perpetrators who depend on

gambling for their lives, and the victim's parents can only provide for the basic needs of their family members. The Covid-19 condition has also greatly impacted the company, causing many of its employees to experience layoffs. As a result of this, it causes poverty, which can cause parents to be busy working and children to be neglected due to lack of attention or communication between parents and children. Children in this situation to seek shelter more often seek attention from others. One example of a case that occurred was a mother who asked someone else to take and pick up her child from school who turned out to be a perpetrator of sexual violence. This opportunity is used by the perpetrators to carry out their actions.

Factors causing children to become victims of sexual violence in the Covid-19 pandemic situation, apart from psychological factors, can also occur due to environmental factors. Environmental factors can cause sexual violence because of the surrounding lifestyle such as certain groups that foster the character or behavior of a person doing an action in accordance with what is achieved from the group. The moral factor of the actor is an important instrument in which he teaches about virtue and is something that is highly targeted for determining behavior. Someone who does not have good morals or morals, then that person has thoughts that want to do something bad. Likewise with cases of children as victims of sexual violence in the family, this happens because the character or morals of the perpetrator are no longer in him

Social media factors can also be an issue of the prevalence of children as victims of sexual violence in the COVID-19 pandemic. In line with technological developments in the current era of globalization, access to pornographic content via the internet is getting easier. This can be terrible because the stimulation and impact of pornographic content can trigger addiction for those who view it, including for child perpetrators as victims of sexual violence. Addiction to sexual scenes obtained through the brain is similar to consuming cocaine contained in drugs.

Educational factors are very influential on the development of a person's attitudes and behavior, both in the family environment and social environment. Low formal education factors also affect a person's behavior to distinguish between things that are prohibited and things that are allowed to be done. This is because in formal education there are lessons that cannot be obtained outside formal education. Factors of low education / less certainly affect someone to become a perpetrator of sexual violence.

The factors that cause children to become victims of sexual violence in a COVID-19 pandemic situation that is the focus is that the government in a COVID-19 pandemic situation has made policies set by the government and the community that implement these policies related to the COVID-19 pandemic which has a direct impact on the family economy. This

causes stress that triggers tension in the family. Stress is often experienced by husbands because husbands think about the needs of the burden of daily living expenses. As an outlet for this stress, husbands generally commit more acts of sexual violence against children. Increased stress that occurs among parents, ends with sexual harassment.

Another effect of the rules set by the government regarding the handling of the COVID-19 pandemic is the frequent interaction of children and parents directly every day, especially by setting policies at home. This can cause an imbalance in the relationship between father, mother and child, due to the low knowledge of father and mother about child care. The imbalance in the relationship between father and mother with children in the Covid-19 pandemic situation can also be caused by mental disorders of fathers and mothers due to working from home during the COVID-19 pandemic.

The government has also implemented a policy that children must study at home. This requires parents to become teachers while children study at home, in fact there are still many parents who do not understand the science of becoming a teacher (pedagogic). This has the potential to place parents in an emotionally vulnerable condition. Helpless children often become victims of sexual violence from their parents.

Based on the results of research in the field, the factors causing the increase in children as victims of sexual violence in the COVID-19 pandemic situation when associated with existing theories, psychological conditions are the main factors causing sexual violence. These factors can then affect biological conditions and economic conditions. This is certainly different from the existing theory, where there is no main focus on psychological factors as the cause of sexual violence. Environmental factors if in this case are related, then what happens in the field is the second factor after the main factor, namely psychological factors. Environmental factors can influence educational and moral factors. Environmental factors as the cause of the increase in children as victims of sexual violence in the Covid-19 pandemic situation in this case are in accordance with social control theory, which should focus on strategies to regulate human behavior to bring it into adjustment or obedience to the rules in community groups.

Differential Association theory from Edwin Sutherland states that deviant behavior is an act that is obtained through the learning process. The learning process in question is learning and understanding the norms that deviate from the subculture. The factors that cause an increase in cases of children as victims of sexual violence in the Covid-19 pandemic situation, in this case, are that the perpetrators have committed behavioral deviations and phenomena that have actually been studied by the perpetrators. It certainly comes from other people or groups. Deviant behavior in this case is also obtained from the social environment or external factors,

meaning that all behavior can be studied in various ways and from various directions. Based on this description, the deviant actions of the perpetrators of this sexual violence crime are the result of a wrong learning process and not in accordance with the correct corridor.

2) Implementation of Enforcement of Child Victims of Sexual Violence in the Covid- 19 Situation.

The prosecution of cases of children as victims of sexual violence is basically the existence of a regional regulation that has regulated this matter. Prosecution of children as victims of sexual violence includes the fulfillment of children's rights as victims. This is done through the Integrated Service Center (PPT) or service management agency and referral services in the prosecution of cases of sexual violence, rehabilitation (recovery), social reintegration, family reunification and reunification into the community and family based on the needs and best wishes of children. Its roles include monitoring the progress of prosecution of children, providing family support services, building a positive or pro-victim perspective in the community as well as victims, strengthening capacity in serving victims, maintaining the welfare of victims and their families, implementing rehabilitation and social reintegration services for victims at the same time. their families, carry out rehabilitative assistance for children as victims of sexual violence and carry out reintegrative efforts, providing special assistance units including safe houses or shelters that can be handled in each province. The safe house is intended so that children can live in prosperity and are free from the crime of sexual violence.

The technical level in taking action against children as victims of sexual violence in a COVID-19 situation is to use the Protocol for Enforcement of Children as Victims of Violence in a Covid-19 Pandemic Situation set by the Task Force for the Acceleration of Covid-19 Enforcement. The steps taken in the prosecution of sexual violence against children are to provide protection in the form of interpretation and organization as well as practice. The existing rules and steps in their implementation are actually aligned. This is certainly good news and the number of sexual violence against children should be low. The big problem is when it turns out that sexual violence against children has actually increased in the context of the COVID-19 pandemic.

Children as victims of sexual violence when experiencing an increase, of course, are influenced by the implementation of prosecution of children as victims of sexual violence in the Covid-19 pandemic situation which should require extra things. Implementation certainly has an impact on the effectiveness of the realization of a governing rule. A careful and detailed plan for taking action against children as victims of sexual violence is carried out using a preventive and

repressive protection system. This is so that the action can be more complex. The following is the implementation of sexual violence against children with preventive and repressive protection:

a. Preventive Legal Protection

Preventive legal protection is protection provided by the authorities or the government to avoid something before a crime occurs. This is stated in the laws and regulations to avoid violations and as a precaution or prohibition. Taking action against the increasing cases of children as victims of sexual violence in the Covid-19 pandemic situation, in this case, the following efforts were made:

a) Socialization

Socialization related to sexual violence, in this case, was carried out in urban villages and schools, with material such as bullying behavior in schools as well as prohibitions against sexual violence. The COVID-19 pandemic causes socialization to be often carried out using the webinar method or through online media. The form of prevention. Socialization is carried out 2 (two) times a month, which is sometimes also presented by resource persons in community institutions in child protection. The facilitator also provides direction in the form of socialization related to the Laws and Regional Regulations that regulate child protection.

b) Communication, Information, and Education (IEC)

Prevention of cases of children as victims of sexual violence in the Covid-19 pandemic situation is carried out by means of IEC media. This aims to make it easier for Community-Based Integrated Child Protection activists to choose, develop, and deliver IEC materials according to the wishes of the local community, and most importantly can use these IEC materials effectively for efforts to teach lessons and instill values of change that are more responsive. against children in each target network or location. The forms of media that can be used to deliver the IEC delivery of child protection are books, modules, and posters that attract attention, persuade, motivate or remind the importance of preventing sexual violence against children.

b. Repressive Legal Protection

Repressive legal protection is designed to resolve disputes. The process of legal protection by ordinary courts and state administrative courts in Indonesia is included in the legal protection. Taking action after a child becomes a victim of sexual violence is carried out in various ways to be carried out in accordance with the following steps:

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Efforts to restore an environment that is prone to sexual violence by carrying out environmental rehabilitation, in this case, are carried out so that the lifestyle in the surrounding environment does not make the sufferer continuously depressed as a result of the sexual violence they experience. Efforts made with the assistance of the government are being fully developed, considering the fact that there are still many young people who are victims of sexual violence. Sensitivity to these conditions must be realized through concrete and anticipatory steps.

c) Practice Steps

This step can be found in a real and appropriate way in dealing with sufferers of sexual violence against children by providing assistance until they improve psychologically and physically as well as offering economic protection for children as victims of sexual violence. Realistic steps that are applied as a method, as a result show readiness to help children as victims of sexual violence, so that sufferers who are oppressed by the problem can feel awake and safe. This step, among others, is a form of protection for children as victims of sexual violence in the form of physical and mental health, forensic medicine, and economic recovery. This step also provides legal assistance when completing legal and judicial procedures against children as victims of sexual violence in an effort to provide legal protection. Efforts or economic protection efforts are carried out for children who are victims of sexual violence, among others, in the form of talent education services and economic assistance to gain access so that sufferers can improve and become independent. The form of mental protection for children who are victims of sexual violence is in the form of assistance in order to overcome traumatic conditions. The facility in the form of a safe house is provided as a place of protection for sufferers from threats as well as a discussion forum for victims to solve problems, especially to improve their mental situation.

Taking action against children as victims of sexual violence in the COVID-19 pandemic situation is carried out through long-distance and face-to-face service action. Things that need to be considered when taking action, include:

a) Providing Remote Service

Remote Service Provision is the use of communication media to provide processing by telephone, text/chat messages and video calls. It is necessary to prioritize the provision of telemedicine during the covid-19 pandemic to help the government in preventing or saving from the spread of covid-19. Make sure all equipment is available, such as chargers, audio systems, laptops, telephones, and various other necessary equipment. After that, approve the communication media for use, either via text/chat only, phone calls or via video calls and/or conference calls. Remotely in this case can be done with:

i. SMS/Chat

- Prepare template/SMS/Chat format for processing.
- Communicating to children/families that there is a risk of misunderstanding in communicating via sms/chat. In addition to people with speech impairments or disabilities, using short messages/chats will be a better choice.
- Use of special numbers and cell phones that are not used for personal purposes.

- Make sure the smartphone is not being used by other people, use passwords, copy conversations or recordings to a computer or laptop, and delete conversations or recordings when they are copied, if using a personal or cell phone number to contact children..

ii. Phone

- Make sure the room used is free from noise and has sufficient signal.
- Limit processing time to 1 hour per contact with the child. If the child has limited credit, but wants to communicate by telephone, it is necessary to ask whether the competent authority should contact the child.
- Using special numbers and mobile phones not for personal use.
- Make sure that the cell phone is not always used by other people, use passwords, reproduce conversations and recordings to a laptop or computer, and delete conversations and/or recordings after they are copied, if using a personal mobile phone number to contact children.
- Call the child at most K3 (three) times and send a message, if the child cannot be contacted. The message contains information that the authorized institution has contacted the child 3 (three) times and has invited the child to contact the competent institution if it still requires action.

iii. Video Call

- Make sure the room used for video calls is quiet, the connection is stable, and there is sufficient lighting.
- Appreciate the child in a neat dress.
- Make sure the app is official and safe during video calls.
- Limit the use of video calls to a maximum of 1 (one) hour when contacting children.
- Contact the child at least 3 (three) times and send a message, if the child cannot be contacted, the message contains an explanation that the authorized institution has contacted the child 3 (three) times, and invites the child to contact the authorized institution, if they still need it care.
- Observe the child's surroundings and body language to understand the dangers to the welfare of the child and family members.
- Coordinate with workers who carry out socialization or shelter activities to ensure the welfare of children and families through home visits and observing protocols for providing face-to-face action.

b) Provision of Direct Face-to-face Enforcement

Direct face-to-face action is given to children suffering from sexual violence with a high risk, including being in alternative care that is separate from their main parents/caregivers, including children who are referred from hospitals, social institutions, and/or other alternative care. High risk of experiencing mental health problems. Living with family who experience regional restrictions or experience obstacles in accessing services, victims who experience physical conditions or who are restricted in severe movement or are seriously ill and have a history of contact with patients affected by COVID-19 or one or both of their parents or caregivers or people around them are included in the The category that is confirmed positive for COVID-19 or Patients under Supervision and experiences stigma/rejection from family and/or society is certainly a risk

Direct face-to-face actions are carried out in areas that no longer apply Large-Scale Social Restrictions (PSBB) and do not provide face-to-face action if the sufferer has a congenital disease or is feeling unwell. The health situation must be periodically communicated to the supervisor/supervisor. Washing hands with soap or hand sanitizer and using clean clothes is a must for officers and reporters. Screening for potential risks of covid-19 to ensure the child's health condition. It is necessary to ensure that children and their companions are required to wear masks and follow all these rules. Masks are always provided to anticipate children and their companions, if they don't use masks, they must continue to be used. Keep the distance in this case at least 2 (two) meters. Must avoid shaking hands or other physical contact. If it is very difficult to refer to sexual violence through face-to- face action, then forced efforts are made to comply with the protocol that is recommended by the government.

Based on the prosecution of children as victims of sexual violence that has been carried out in a COVID-19 pandemic situation, it is in accordance with the rules that should only be used when not in a COVID-19 pandemic situation. The action taken during the pandemic is certainly not very appropriate when carried out in a COVID-19 pandemic situation, so it also affects the impact of the action. The action in this case is difficult to provide protection and needs to provide extra protection. The provision of protection for children as victims of sexual violence must also comply with existing health protocols and use protocols for dealing with children as victims of sexual violence in the Covid-19 pandemic situation, so that this is an obstacle to its implementation. One of the causes of ineffectiveness in providing enforcement is the protection of children in safe houses or shelters that are difficult to reach. Thus, it has shown that the implementation of the enforcement of sexual violence against children is still

ineffective, especially during the Covid-19 pandemic situation, so this is what causes cases of sexual violence against children to increase.

Based on the field results obtained by the author using the theory of legal culture (legal culture) from Lawrence M. Friedman, which explains that legal culture is a human attitude that also applies to law enforcement officials, the law itself and the legal system. No matter how good and good the arrangement of the legal structure is in carrying out the legal system that is set and as good and as good as any capacity of legal substance is done, without the support of a good legal culture by the people involved in the system and society, law enforcement will not run effectively. The operation of the law is thus not only a function of the legislation alone, but rather from the activities of the implementing bureaucracy. Based on this description, the author can conclude that if it is associated with field results that it is not only legislation that can be carried out according to its function, but if it is not supported by people involved in the system and society, then taking action against child victims of sexual violence in a pandemic situation Covid-19 cannot run effectively because people still do not know about child protection.

4. CONCLUSION

1) The main factor causing the increase in children as victims of sexual violence in the COVID-19 pandemic is psychological factors that are influenced by economic conditions. The main factors besides psychology are environmental factors, social media, and education which affect the moral side of the perpetrator.

2) The implementation of prosecution of children as victims of sexual violence in the Covid- 19 pandemic situation can be carried out through remote and/or face-to-face assistance. Preventive (prevention) and repressive (countermeasures) protection, in this case, is used in cracking down on sexual violence against children in situations of the COVID-19 pandemic. Preventive protection is carried out through socialization using online methods, including webinars and communication, information and education (KIE). Repressive protection is carried out with three steps of action, namely the steps of interpretation, organization and practice. The three steps are in the form of health checks, solving problems, accompanied by law enforcement officers to monitoring or monitoring.

5. SUGGESTION .

1) For the government, there is a need for maximum socialization so that the public can understand the prevention and prosecution of children as victims of sexual violence in a

COVID-19 pandemic situation like this, as well as creating new innovations regarding programs for preventing sexual violence against children, such as module books, posters. and banners uploaded on social media. The government must immediately establish safe houses or shelters in districts or cities for children as victims of sexual violence to be able to provide rehabilitative services for victims as well as to allocate sufficient funds to maximize the implementation of measures to protect sexual violence against children.

2) For the community, they must participate in tackling acts of sexual violence against children in order to create a child-friendly area and be open and willing to report if a child becomes a victim of sexual violence in a COVID-19 pandemic situation like this.

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