

**FULFILLMENT OF MENTAL REHABILITATION RIGHTS  
OF CHILD VICTIMS OF SEXUAL VIOLENCE****Fachria Muntihani<sup>1</sup>, Syamsuddin Muchtar<sup>2</sup>, Haeranah<sup>3</sup>**<sup>1</sup>Hasanuddin UniversityJL. Perintis Kemerdekaan KM. 10, Tamalanrea, Makassar, Sulawesi Selatan, 90245, Indonesia  
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**Abstract**

*This study aims to analyze the implementation of the fulfillment of the mental rehabilitation rights of children victims of criminal acts, and the factors that influence the fulfillment of the mental rehabilitation rights of children victims of sexual violence.*

*The research was conducted in Gowa Regency, namely the Gowa Police, the Social Service, and the Women's Empowerment and Child Protection Office. This research is empirical research. The approach used is the legal approach and the case approach. Data collection techniques used are document studies and interviews. The data analysis used is qualitative analysis. The results of the study indicate that the implementation of the fulfillment of the mental rehabilitation rights of children victims of sexual violence has not been carried out optimally. At this stage of implementation, there are rights of children who are victims of sexual violence that are not fulfilled, namely the rights of children to a visum et psychiatric examination. However, although the right to a post-mortem et psychiatric examination is not fulfilled, other children's rights, both in terms of holding identification, providing services, and legal assistance have been fulfilled in accordance with the conditions and needs of children who are victims of sexual violence. Factors that affect the fulfillment of mental rehabilitation rights for children who are victims of sexual violence, namely law enforcement factors due to the lack of officers at the Women's Empowerment and Child Protection service and the absence of investigators' initiative in fulfilling the psychiatric post-mortem examination. Factors of Facilities and Facilities, namely the absence of a counseling room at the Social Service, and the absence of funds provided by the Office of Women's Empowerment and Child Protection for a psychiatric post-mortem examination. The community factor is caused by the lack of information and public knowledge about Rehabilitation for children who are victims of sexual violence. Cultural factors are caused by a culture of siri' or shame which causes people not to report sexual violence that occurs to children because they think that sexual violence against children is a disgrace that must be covered up.*

**Keywords:** Child; Mentally; Rehabilitation; Sexual Violence; Victim

## INTRODUCTION

The world of children is a world that children can enjoy without fear, violence and discrimination. Protection of children has been mandated in Law Number 35 of 2014 concerning Child Protection. In the law there are rules that immunize children's rights. The law not only emphasizes the weighting of sanctions on perpetrators of violence but also encourages concrete steps to restore the physical, psychological and social conditions of child victims.

Today, violence against children is a crime that is rampant. The violence can be in the form of physical violence, psychological violence, sexual violence, economic violence, and social violence.<sup>1</sup> Based on data from the National Commission for Child Protection (Komnas Anak) from January 1 to June 19, 2020 there have been 3,087 cases of violence against children, including 852 physical violence, 768 psychological, and 1,848 cases of sexual violence.<sup>2</sup> Based on this, sexual violence is a type of violence that often occurs in children.

<sup>1</sup>Suyanto Bagong. (2010). *Masalah Sosial Anak*. Jakarta: Kencana, p. 29.

<sup>2</sup><https://www.kemenpppa.go.id/index.php/page/read/29/2738/angka-kekerasan-terhadap-anak-tinggi-di-masa-pandemi-kemen-pppa-sosialisasikan-protokol-perlindungan-anak>, [accessed Juli 10, 2020].

Sexual violence is defined as the involvement of children in all forms of sexual activity that occurs to them. Sexual violence committed against children will result in physical and psychological damage.<sup>3</sup> The impact can be in the form of post-traumatic stress, infanticide and abandonment, abortion, mental disorders and venereal disease.<sup>4</sup>

Children who suffer losses due to the violence they experience may become victims for the second time.<sup>5</sup> In addition, children who are victims of sexual violence in the most severe levels can also become new criminals because they imitate what they experienced as children.<sup>6</sup>

One example of a case concerning a child who is a victim of sexual violence who later becomes a perpetrator is the case of the Slenderman boy. This case is a murder case committed by a teenage girl NF against her neighbor who was 5 years old by drowning in a bathtub. During the examination of the case, it was discovered

<sup>3</sup>Ende Hasbi Nassaruddin. (2016). *Kriminologi*. Bandung: Pustaka Setia, p. 130.

<sup>4</sup>Dadang Hawari. (2013). *Kekerasan Seksual pada Anak*. Jakarta: UI-Press, p. 95.

<sup>5</sup>Muhadar. (2009). *Perlindungan Saksi dan Korban Dalam Sistem Peradilan Pidana*. Surabaya: ITS Press, p. 175.

<sup>6</sup>Mark Reese Weber dan Dana M Smith. (2010) "Outcome of Child Sexual Victimization". *Jurnal Of International Violence*: 45.

that the child perpetrator (NF) was a victim of sexual violence by 3 adults which even caused NF to become pregnant.<sup>7</sup>

Cases of sexual violence against children are not only in big cities, but also in small towns and even villages.<sup>8</sup> In cases of sexual violence against children that occur in small towns and rural areas, punishment for perpetrators is often considered a form of protection. In addition, in the criminal justice system in general, the interests of victims are often neglected and even though there are these, it is only a fulfillment of the administrative system.<sup>9</sup> This causes children's rights are not given optimally or even sidelined. Whereas protection for child victims should not only be about giving punishment to perpetrators.

Child victims who suffer physically, mentally and materially must receive protection in accordance with the losses they have suffered. It is very unfair if the child victims of rape who suffer physical

and mental injuries are only given protection in the form of a sense of security because the perpetrators of the crime have been given punishment. While the psychological impact that must be borne by the victim is being burdened by the bad events that happened to him which he will remember for life.

Article 59A letter (a) of Law 35 of 2014 explains that children are entitled to special protection in the form of prompt treatment, including physical, psychological and social treatment and/or rehabilitation. Then Article 69A letter (b) explains that, victims of sexual crimes must receive special protection which can be done through efforts, one of which is social rehabilitation.

Furthermore, based on Article 90 paragraph (1) letter (a) of Law no. 11 of 2012 concerning the Juvenile Criminal Justice System, explains that one of the rights of Child Victims and Witness Children is in the form of medical rehabilitation and social rehabilitation. Furthermore, in the general provisions of the Presidential Regulation of the Republic of Indonesia No. 75 of 2020 concerning the Implementation of the Rights of Child Victims and Witness Children, explains that children have the right to two types of rehabilitation,

<sup>7</sup><http://news.detik.com/berita/d-5014605/jadi-korban-kekerasan-seks-abg-slenderman-pembunuh-bocah-hamil-14-minggu>, [accessed Agustus 5, 2020].

<sup>8</sup>Meilin Betah. (2020). "Strategi Penanganan Anak Korban Kekerasan Seksual (Studi Dinas Pemberdayaan Perempuan dan Perlindungan Anak di Kota Manado)". *Jurnal Eksekutif*, 4 (4) : 2..

<sup>9</sup>Syukri Akub dan Sutiawati. (2018). *Keadilan Restoratif, Perkembangan, Program serta Prakteknnya diberbagai Negara*. Yogyakarta: Litera, p. 18.

namely medical rehabilitation and social rehabilitation.

However, the existence of regulations regarding the right to rehabilitation for child victims does not necessarily make every child who is a victim of sexual violence obtain the right to rehabilitation. One of the reasons for the non-fulfillment of the rehabilitation rights of child victims is when crimes against children are committed by people in the victim's family, which results in case reporting that is often blocked by shame to make a report to the police or other authorities. In addition, related parties often have not shown optimal synergy. In the case of elementary school children (14 years) in Makassar City, SN in Gowa Regency, and AR in Polman Regency, investigators did not have the sensitivity to encourage the provision of physical, psychological, and social rehabilitation by coordinating with local P2TP2A or other related parties.<sup>10</sup>

Based on the description above, the author realizes that the right to rehabilitation for child victims is something that needs to be considered. Moreover, regarding the right to mental rehabilitation of children who are victims

of sexual violence. For this reason, the author aims to conduct research on the fulfillment of mental rehabilitation rights for children who are victims of sexual violence.

The formulation of the problem that the author uses is first, how is the implementation of the fulfillment of mental rehabilitation rights for children who are victims of sexual violence? And second, what are the factors that hinder the fulfillment of the right to mental rehabilitation for children who are victims of sexual violence?

In accordance with the formulation of the problem, the objectives of this research are first, to analyze the implementation of the fulfillment of the right to mental rehabilitation for children who are victims of sexual violence and secondly, to describe the factors that hinder the fulfillment of the rights of mental rehabilitation to children who are victims of sexual violence.

## **METHOD**

### **Research Type**

The research that will be carried out by the researcher is an empirical juridical research, namely research that is not only based on normative aspects but also examines empirical aspects. Empirical studies are legal research that seeks to see

<sup>10</sup><https://makassar.tribunnews.com/2018/12/28/154-perempuan-dan-anak-alami-kekerasan-sepanjang-2018-di-gowa>, [accessed Oktober 15, 2020].

the law in a real sense or it can be said to see and examine how the law works in society.<sup>11</sup>

### **Research sites**

To obtain data and information that will be processed in this study, this study took place in Gowa Regency. More precisely, in three agencies that are related to the fulfillment of mental rehabilitation rights for children who are victims of crime, namely: at the Office of Women's Empowerment and Child Protection, the Social Service of Gowa Regency, and the Gowa Police.

### **Data Types and Sources**

The types and sources of data that will be used in this study are first, primary data, namely data obtained directly from the main source, namely from the results of interviews conducted with research informants. Second, Secondary Data is data collected through literature study and searches of official documents, books, research results and other literatures.

### **Data Collection Techniques**

The data collection techniques used are first, interviews or interviews, namely activities carried out to obtain information from respondents by asking questions

directly. Interview is also defined as a conversation with a specific purpose conducted by two parties, namely the interviewer and the interviewee.<sup>12</sup>

Interviews in this study will be used to obtain primary data or primary data. Second, Literature Study, which is an activity carried out by researchers to find and examine documents related to research. Literature study in this study was conducted to obtain secondary data.

### **Data Analysis**

The data analysis that will be used by the researcher is qualitative analysis. The data obtained, both primary and secondary data will be collected first and then processed qualitatively and will be described either by explaining, describing, or providing an overview in accordance with the problems that are closely related to the problem being studied. Finally, conclusions will be drawn based on the analysis that has been carried out.

## **ANALYSIS AND DISCUSSION**

### **Implementation of the Fulfillment of Mental Rehabilitation Rights for Children Victims of Sexual Violence**

#### ***Complaints/ Identification***

The complaint/identification service is the first activity carried out in the

<sup>11</sup>Jonaedi Efendi dan Jhonny Ibrahim. (2016). *Metode Penelitian Hukum Normatif dan Empiris*. Jakarta: Kencana, p. 150.

<sup>12</sup>Lexy J Moleong. (2018). *Metodologi Penelitian Kualitatif*. Bandung: Rosda Karya, p. 186.

process of handling child victims of sexual violence. This service aims to obtain information or dig up data needed in the context of providing assistance.

The complaint service or identification of child victims of sexual violence in Gowa district is carried out by filling out a complaint form as well as conducting an assessment of the child who will be provided with services. In the implementation of the fulfillment of the mental rehabilitation rights of children victims of sexual violence in Gowa district, identification of victim complaints is carried out by filling out a complaint form as a form of registration for complainants. The form that must be filled out by the complainant contains informant data, child's personal data, parental data and child's condition. This complaint form is filled out by child protection workers, social workers, or community workers.

After registering, the child victims of sexual violence will be carried out an initial assessment which aims to determine the type of violence against children and the risks faced by children after the occurrence of sexual violence. Furthermore, a follow-up assessment will be carried out by the appointed case worker after the identification of the data

or the initial assessment. The follow-up assessment process is carried out by the Social Work Service Unit by visiting the victim's child's home to collect and analyze the information obtained during the initial assessment. The information collected is in the form of risks faced by children and also related to strengths, resources and things that can protect children such as families and their environment. The information collected will then form the basis of the intervention plan that will be provided to the child. This intervention plan will be communicated together with relevant parties in charge of providing intervention to child victims of sexual violence.

The form of intervention given to child victims of sexual violence in Gowa district is based on the conditions and needs of the child. Interventions given to child victims of sexual violence are carried out by agencies such as RPSA, P2TP2A, PUSPAGA, Education, Health, CAPIL, DINSOS, etc. The implementation of interventions for child victims of sexual violence in Gowa district is not only given in one form of intervention. The interventions provided are based on the type of child's needs that do not only focus on physical and mental healing after the occurrence of sexual

violence. Services to children are also provided in the form of services in the fields of education and civil registration.

### *Services provided*

The second stage in the implementation of the fulfillment of the mental rehabilitation rights of children victims of sexual violence in Gowa district is the provision of services. These services include:

#### *1. Health rehabilitation*

Meilin Betah revealed that health rehabilitation is an activity or process to help victims of violence who need medical treatment to achieve maximum physical and psychological.<sup>13</sup>

In the implementation of health rehabilitation for children victims of sexual violence in Gowa district, services in the form of health rehabilitation are the shared responsibility of the P2TP2A Office of Women's Empowerment and Child Protection and the Puskesmas or Syech Yusuf Hospital. Health rehabilitation services in Gowa district are carried out by medical personnel on duty at the Health Center or Hospital.

Health rehabilitation provided to children victims of sexual violence in

Gowa district are provided in the form of: First, emergency services are provided as soon as possible in accordance with the health conditions of children victims of sexual violence to save children's lives and prevent disability. The provision of emergency services in Gowa district is determined based on the level of risk received by children after the occurrence of sexual violence, namely high risk, medium risk and low risk. If the victim's child suffers serious injuries or the condition of the victim's child can result in disability or loss of life due to sexual violence, the victim's child must be taken to the hospital for help. For children who are victims of sexual violence with moderate and low risk, an examination will be carried out by the Puskesmas.

For now, the cases recorded in Gowa district are only cases with low and moderate risk so that emergency services are more often carried out with the help of the Puskesmas. This emergency service is carried out by the Health Center visiting the victim's residence or shelter or safe house provided by the Office. The form of service provided can be in the form of treatment for physical injuries such as giving bruises and vitamins for children who are victims of sexual violence.

<sup>13</sup>Meilin Betah. (2020). "Strategi Penanganan Anak Korban Kekerasan Seksual (Studi Dinas Pemberdayaan Perempuan dan Perlindungan Anak di Kota Manado)". *Jurnal Eksekutif*, 4 (4) : 7.

Second, granting a Visa. The visum examination is in the form of visum et repertum or visum psychiatry. Visum et Repertum is an examination carried out on a person's physical condition, while a Psychiatric Visum is an examination of a person in the form of an examination of a person's mental condition.

In the implementation of the provision of post-mortem services at the Gowa Regency Women's Empowerment and Child Protection service, it was carried out based on a request from the victim's parents or family. The post-mortem examination at the Office of Women's Empowerment and Child Protection is mostly an examination in the form of a visum et repertum while services in the form of a Psychiatric Visum examination have never been carried out.

Based on the results of interviews with researchers, the Psychiatric Visum Service was not provided because the service required a fairly large fee, namely five hundred thousand rupiah, while the cost of post-mortem services at the Women's Empowerment and Child Protection service was still borne by the victim.

Third, follow-up services in the form of outpatient, inpatient according to

medical provisions. Follow-up services, whether outpatient or inpatient, are carried out based on the results of medical examinations carried out on child victims of sexual violence. The implementation of advanced services in Gowa district is based on the results of the examination by the Puskesmas or Syech Yusuf Hospital. As in one case of rape against a child with the initial A<sup>14</sup>, aged 12 years, who suffered a pregnancy due to rape. The victim's child underwent follow-up services in the form of antenatal care to follow-up services in the form of delivery services.

Fourth, provide further referrals according to the needs of the victim. Provision of further referrals is adjusted to the needs of child victims of sexual violence. In the implementation of the provision of further referrals in Gowa district this referral is based on the results of monitoring and evaluation of children's health conditions. Based on the results of the author's interview, it is known that further referrals are given to victims who need specialist treatment from specialist doctors. This also applies to children who are victims of sexual violence who require

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<sup>14</sup>These initials are not the actual initials of the child because the Women's Empowerment Service is not willing to provide information regarding the child's personal data except for the age of the victim's child.



treatment and medication from a psychiatrist.

## 2. *Social rehabilitation*

Social Rehabilitation is defined as the recovery of witnesses and/or victims carried out by psychosocial rehabilitation officers consisting of social workers, counselors, and psychologists who have received training in handling children victims of violence from disorders of psychosocial conditions by using psychological and social assistance aimed at helping relieve, protect and restore the physical, psychological, social and spiritual conditions of victims of violence so that they are able to carry out their social functions normally again.

The implementation of social rehabilitation for child victims of sexual violence in Gowa district is handled by the Gowa District Social Service. The forms of social rehabilitation include: First, acceptance and placement of child victims. Acceptance of child victims of sexual violence is carried out by recording the child's personal information and conducting an initial assessment. Furthermore, the Social Service will carry out identification related to the personal data of children who are victims of sexual violence. Then for the child victims of child sexual abuse, the placement of

children victims of sexual violence according to the condition of the child when undergoing social rehabilitation services.

In its implementation in Gowa Regency, children who are victims of sexual violence can be placed in the victim's house or residence if the victim's physical and psychological condition is not too worrying. In addition, children who are victims of sexual violence can also be placed in shelters or safe houses belonging to the Women's Empowerment and Protection Service if they are feared that they will receive a psychological burden if they are placed in their homes and neighborhoods.

Second, Disclosure and understanding the problem. Disclosure and understanding of the problem aims to determine the psychosocial condition of children who are victims of sexual violence. Disclosure of problems for child victims of sexual violence in Gowa Regency is carried out by means of preparation, data and information collection, analysis and case discussion. The preparatory activities carried out by social workers and social welfare workers from the Gowa district social service were carried out by approaching children in the form of child-friendly interviews. During

this period, both social workers and social welfare workers tried to familiarize themselves with the victim's child.

The next activity is the collection of data and information that aims to obtain data and information on child victims of sexual violence. At this stage, social workers and social welfare workers in Gowa Regency will collect data and information on child victims either through government agencies or through the environment where the child victims live. The data and information are usually in the form of personal data such as family cards, birth certificates, health insurance and others. Further analysis activities, At this stage of analysis, social workers and social welfare workers of Gowa Regency will also interpret the data and information they get to parties involved in fulfilling children's social rehabilitation rights and also to the parents or guardians of the victim's child.

The last activity was a case discussion meeting which was conducted to identify problems and find out the needs of child victims of sexual violence. At the Gowa District Social Service, case discussions were held together with all agencies that are members of the Gowa district PKSAI. This case discussion meeting will be held after the Social

Workers and Social Welfare Workers have received data and information about children and the problems they face. In the case discussion meeting, the needs of children in social rehabilitation were also discussed and the things that must be done to meet these needs.

Third, intervention plan. The intervention plan is an activity to determine a service plan for child victims of sexual violence. Based on the research that the author conducted on the implementation of social rehabilitation services for child victims of sexual violence in Gowa district, case planning was made on a short, medium and long term plan. This plan can also be given to children and families and will be reviewed every agreed period. The things planned include Priority of action, Problems to be solved, Type of action or service, Date of implementation, Responsible officer, Implementing Service, Estimated date of service completion, Expected results and follow-up.

Fourth, the implementation of the intervention. Intervention is the implementation of a problem-solving plan or for children who are victims of sexual violence. The interventions provided are in the form of meeting basic needs, psychosocial therapy, mental and spiritual

therapy, educational activities and/or vocational training. Fulfillment of basic needs such as care, food, clothing, shelter, facilitation of making birth certificates, population identification numbers, and/or child identity cards, access to basic education and health services; and health supplies. Meeting the basic needs of child victims of sexual violence in Gowa district is based on the results of data and information collection. Based on the data and information obtained by social workers or social welfare workers, they will check whether or not the basic needs of children are met. If there is one of the basic needs of the child that is not met, the social service office will immediately fulfill that basic need.

Psychosocial therapy is an individual or group counseling service for the development of cognitive, affective, conative, and social aspects that aim to change attitudes and behavior of children who are victims of sexual violence in an adaptive direction. Based on the research that the author did at the Gowa district social service, psychosocial therapy was carried out with the help of a psychologist. Psychological therapy services by psychologists on duty at the Gowa district social service are carried out at the victim's child's residence. In addition, for

child victims who are placed in safe houses, psychological therapy is carried out in safe houses belonging to the women's empowerment and child protection service.

Psychological therapy services are not only provided by social services. The women's empowerment and child protection service also has psychological therapy services carried out by psychologists from the women's empowerment and child protection service. This therapy is done by inviting children to communicate about the problems that befall them using language that is easy to understand with children and interspersed with games or other things that build children to be active.

Mental and spiritual therapy is an activity to understand basic religious knowledge, personality ethics, and discipline aimed at strengthening attitudes or character and spiritual values adopted by children who are victims of sexual violence. Mental and spiritual therapy is carried out in the form of religious lectures, religious guidance, worship, character building, understanding cultural values, and disciplines that are carried out individually or in groups.

Based on the author's research for child victims of sexual violence in Gowa

Regency, mental and spiritual therapy is rare. The fulfillment of this therapy is prioritized for children who are perpetrators of crimes or violations. However, according to Hatta Adam, it is possible for the victim's child to be given mental and spiritual therapy by giving religious lectures given in groups.

Vocational education and/or training activities are a form of training for channeling interests, talents, and preparing the independence of children who are victims of sexual violence after they become adults in the form of work skills or work internships. Based on the results of the researcher's interview with the Gowa district social service, the educational activities provided are usually in the form of training in the distribution of children's talents and interests. For example, the child victim of rape A was given training in the distribution of talents and interests in the form of drawing classes. Victim A's child was given equipment to channel his talent in the form of drawing. In addition, victim A's child was also included in vocational training in the form of sewing training.

### *3. Social reintegration*

The last process of service for child victims of sexual violence is the process of social reintegration, in which the victim

is reunited with a substitute family or family and efforts are made so that the victim can be accepted again by his family and community. This process includes economic and social empowerment as well as provision of skills so that they can produce economically, providing education for victims who are still in school and cut off due to being victims as well as further monitoring and guidance.

The process of social reintegration is carried out after health rehabilitation services and/or social rehabilitation services are carried out. During reintegration, various things can be done, such as follow-up counseling, follow-up treatment, skills training, education, entrepreneurial assistance, legal assistance, all of which are carried out in a substitute family or family.

In this process the victim is provided with several services, namely: Counseling is provided so that the victim's psychological healing process can be obtained, Lifeskills training according to the child's interests, Education, fulfillment of education is one of the basic rights of children that must be fulfilled, especially if the victim is a child and there are the education process is interrupted, then the child victims of violence are given formal and non-formal education in this case

carried out by the provincial, district/city education offices, legal assistance, and continued treatment.

### **Legal Assistance**

Legal services are a series of activities related to the handling and protection of child victims of violence in the legal field, starting from the level of investigation and investigation in the police, prosecution at the prosecutor's office, the examination process in court to legal certainty. Legal services are provided within the framework of fulfilling the human rights of victims and/or witnesses and are carried out in an integrated manner with other services.

This legal service is carried out by advocates, paralegals/legal assistants, police, prosecutors, judges, and other legal service providers. Regarding the legal assistance provided to child victims of sexual violence, the author focuses only on legal services to the Police. Implementation of Legal Services at the Police include: Placing child victims in special service rooms, Ensuring children are accompanied by parents, social workers, NGOs, or lawyers, Taking information from child victims as outlined in the Minutes of Examination (BAP), Collecting evidence that related to violence experienced by children, Issuing

a letter of request for a medical examination and visum et repertum or visum et Psychiatricum (VeP), Coordinate with prosecutors and issue a Notice of the Commencement of Investigation (SPDP), Issuing Notification of the Progress of Investigation Results (SP2HP) to the reporter/family / assistant and Submit case files to the prosecutor's office.

In the implementation of the fulfillment of the rights of children victims of sexual violence at the Gowa Police, the victim's children are placed in a special child service room. There is a special examination room for children that can only be accessed by police officers and people who have an interest and have been given permission to access the room.

In addition, the room is also equipped with attractive wall decorations so that children can feel comfortable in the room. The walls of the examination room for children are painted with cartoon images with the aim that the child is not stressed during the examination.

Before conducting an examination of a child, the police, especially child investigators, must first ensure that the child is accompanied by a parent, guardian, social worker, NGO, or lawyer. Based on the results of the author's interview, children who are victims of

sexual violence must at least be accompanied by their parents or guardians. In addition, police officers will coordinate with the social service to send social workers to accompany children during the legal process. For assistance by a lawyer, the victim's child's family can hire a lawyer, but if the victim's child's family cannot afford it, it can be accompanied by a state attorney.

Taking information from child victims of sexual violence is certainly different from taking information from adult victims. For this reason, the Gowa Police assigns investigators who conduct investigations of children to investigators who have followed the competence of child investigators. Information collection on children also uses language that is easily understood by child victims of sexual violence. In addition, investigators will also ask for information from the parents or guardians of children who are victims of sexual violence. In the end, the information given by the investigator will be included in the Minutes of Investigation.

After examining child victims of sexual violence, child investigators collect evidence related to sexual violence experienced by children. One of the evidences that must be collected is a post-

mortem examination. The post-mortem examination will be one of the strongest evidences that provide information that the child has been a victim of sexual violence.

There are two types of visum that can be obtained by child victims of sexual violence, visum et repertum or visum et psychiatricum. However, in the author's research at the Gowa Police, investigators only issued a letter requesting a visum et repertum which was carried out at the hospital. Bhayangkara Makassar. Meanwhile, the request letter for Psychiatric Visum was not given.

Based on the author's interview, a Psychiatric visa request was only granted when the investigator assessed that the victim's child had a mental disorder. In addition, the assessment for the request for a Psychiatric visa is also based on the results of the Social Worker assessment. The intended assessment results are assessment results that include changes in the behavior or attitude of the victim's child after experiencing sexual violence.

The last legal aid service carried out by the police is to coordinate with the prosecutor's office to issue a Notice of Investigation Commencement (SPDP). In the research that the author did, after the Gowa police child investigator completed

the case file, the file would be sent to the Prosecutor's Office. Gowa police child investigators then coordinated with the prosecutor's office to issue the SPDP. After the letter is issued, it will be submitted to the parents, guardians or lawyers of children victims of sexual violence.

### **Factors Inhibiting the Fulfillment of the Mental Rehabilitation Rights of Children Victims of Sexual Violence**

#### ***Law Enforcement Factor***

Law enforcement factors are one of the factors that hinder the fulfillment of the mental rehabilitation rights of children victims of sexual violence in Gowa Regency. This is in accordance with Achmad Ali's opinion that the factors that influence law enforcement also include professionals and the functions assigned to them.<sup>15</sup> In addition, those who are tasked with handling the issue of fulfilling the mental rehabilitation rights of child victims are of course expected to be people who are educated, skilled and have experience in dealing with the issue of fulfilling the rehabilitation rights of child victims of sexual violence.

In the research that the author conducted at the Gowa Police Station, the

author found that the provision of a referral for a visum et psychiatric examination for child victims of sexual violence had not been implemented. This is contrary to the rules contained in the Regulation of the Minister of Women's Empowerment and Child Protection No. 2 of 2011 which states that one of the rights of children is in the Visum et Psychiatric examination. In addition, child investigators also do not have the initiative to ask the Office of Women's Empowerment and Child Protection to give these rights to children who are victims of sexual violence.

Problems regarding law enforcement are also found in the Office of Women's Empowerment and Child Protection. In this service, skilled manpower is not sufficient. Based on the author's interview, it is known that only one person is in charge of conducting assessments for cases of child victims of violence. This becomes an obstacle in implementing the fulfillment of the mental rehabilitation rights of children victims of sexual violence because there are often several reports that come in while only one person is on duty.

#### ***Factors of Facilities and Facilities***

Facilities and facilities affect law enforcement because without them, law

<sup>15</sup>Achmad Ali. (2012). *Mengusik Teori Hukum dan Teori Peradilan*. Vol 1. Jakarta: Kencana, p. 375.

enforcers will experience obstacles in carrying out their functions and duties. Regarding the research conducted by the author, facilities and facilities are one of the factors that influence the fulfillment of the mental rehabilitation rights of children who are victims of sexual violence.

Based on the research that the author conducted at the Social Service that affects the fulfillment of mental rehabilitation rights for children who are victims of sexual violence, the absence of assessment rooms and counseling rooms. The assessment is carried out in the child rehabilitation sub-section, while counseling is carried out at the shelter belonging to the Women's Empowerment and Child Protection office or the victim's child's house.

Another problem that affects law enforcement in the facilities and facilities section is the issue of finances. This problem is experienced by the Office of Women's Empowerment and Child Protection. The financial problem experienced by the Office of Women's Empowerment and Child Protection is the visa fee. The high cost of mental post-mortem or Psychiatric Visum is an obstacle to the fulfillment of mental rehabilitation rights for children who are victims of sexual violence at the Office of

Women's Empowerment and Child Protection. This is because the cost for the mental visa is borne by the victim of Rp. 500,000. This makes it more or less difficult for the victim because they have to bear a large amount of money for a mental examination so that the victim ultimately does not carry out the examination.

The costs incurred by the victim for the Psychiatric post-mortem examination are contrary to the provisions in the Minister of Women's Empowerment and Child Protection Regulation no. 2 of 2011 concerning Guidelines for Handling Child Victims of Violence. Based on this regulation, the budget for handling child victims is borne by the APBD. This means that related to the fulfillment of children's rights in the form of a psychiatric visum should not be imposed on children who are victims of sexual violence.

### ***Community Factor***

In the community factor, the problem is the ignorance of the community. In the research that the author conducted in Gowa Regency regarding the fulfillment of mental rehabilitation rights for children who are victims of sexual violence, ignorance of the community is an obstacle in fulfilling these rights.



The ignorance of the community, especially the parents of the victims regarding the issue of sexual violence, has made one of the children who have been victims of sexual violence neglected by their families on the grounds that they have become a disgrace to the family. In addition, the ignorance of the community and families about the importance of rehabilitation for child victims of sexual violence makes them refuse to do rehabilitation. Most of them only ask for severe punishment to the perpetrators. Whereas children who are victims of sexual violence must be rehabilitated in order to restore the physical and mental condition of children who are victims of sexual violence.

Another thing that affects the community factor is the mindset of the people who always associate the law with the police and the provision of punishment. This is the reason people only demand severe punishment for perpetrators of sexual violence against children and ignore rehabilitation for child victims of sexual violence. People tend to be apathetic and don't care about the condition of the victim. Their assumption is that the arrest of the perpetrator by the police will solve the problem of child victims of sexual violence. Even though

there are many losses that children suffer when they are victims of sexual violence. Child victims will stand up physically and mentally especially if they get negative stigma from the community.

### ***Cultural Factor***

Cultural factors that hinder the fulfillment of these rights are concepts of morality and disgrace. This is because sexual violence is a sensitive issue that does not only concern the victim but also the family and the surrounding community. One of the cultures guided by the people of Gowa district is the siri' culture. Siri' culture is a culture of shame that is embraced by the Bugis and Makassar people. This culture is also rooted in the social life of Gowa Regency which is an obstacle in fulfilling the mental rehabilitation rights of children who are victims of sexual violence.

The siri' culture affects the fulfillment of the mental rehabilitation rights of children victims of sexual violence in Gowa district because the community considers sexual violence that occurs to children is a disgrace that must be hidden. Parents of child victims tend to cover up and not admit that their children are victims of sexual violence. Moreover, if the sexual violence case is obtained from an outreach, the parents will cover

up the problem so it takes time to provide education about the importance of rehabilitation for the child victim.

Another problem regarding the siri' culture adopted by the Gowa community is that the victim's family encourages the police to take punitive action against the perpetrators quickly. The victim's family also sometimes tries to judge the suspect and pushes for severe punishment for the perpetrator as soon as possible. However, this cannot be done according to the request of the victim's family. There are binding rules regarding the form of punishment for perpetrators. In addition, there is a legal system that must be passed in accordance with legal provisions.

## CONCLUSION

The implementation of the fulfillment of the mental rehabilitation rights of children victims of sexual violence has not been carried out optimally. At this stage of implementation, there are rights of children who are victims of sexual violence that are not fulfilled, namely the rights of children to a visum et psychiatric examination. However, although the right to a post-mortem et psychiatric examination is not fulfilled, other children's rights, both in terms of holding identification, providing services, and

legal assistance have been fulfilled in accordance with the conditions and needs of children who are victims of sexual violence.

Factors that affect the fulfillment of mental rehabilitation rights for children who are victims of sexual violence, namely law enforcement factors due to the lack of officers at the Women's Empowerment and Child Protection service and the absence of investigators' initiative in fulfilling the psychiatric post-mortem examination. Factors of Facilities and Facilities, namely the absence of a counseling room at the Social Service, and the absence of funds provided by the Office of Women's Empowerment and Child Protection for a psychiatric post-mortem examination. The community factor is caused by the lack of information and public knowledge about Rehabilitation for children who are victims of sexual violence. Cultural factors are caused by a culture of siri' or shame which causes people not to report sexual violence that occurs to children because they think that sexual violence against children is a disgrace that must be covered up.

Based on the results of this study, there are several things that need to be considered and implemented by the

government as policy makers, implementing laws, and the wider community. First, it is necessary to pay more attention to the fulfillment of the mental rehabilitation rights of children who are victims of sexual violence during a psychiatric post-mortem examination because it becomes the basis for assessing the mental condition of children who are victims of sexual violence. Second, the government needs to provide adequate facilities and facilities as well as budget to fulfill the mental rehabilitation rights of children victims of sexual violence to the fullest. In addition, considering the importance of mental rehabilitation for child victims of sexual violence, it is necessary to provide systematic and continuous socialization involving every element of society regarding the importance of mental rehabilitation for child victims of sexual violence.

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