The Phenomenon of Sexual Violence among Adolescents in the Jurisdiction of the West Jakarta National Police Resort and Its Prevention Efforts

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Abstract

The writing of this scientific paper examines the lack of legal awareness of the community about sexual violence. This scientific work arose because the author saw that there were still many cases of sexual violence, even though rules were governing the acts of sexual violence. And this scientific work aims to tell the public what factors influence the act of sexual violence still arise and what efforts can be made by the community and law enforcement officials such as the police for this problem and is expected to eliminate the emergence of new sexual violence. The study sample was victims of sexual violence or sexual harassment in the Jakarta Bara police station. Data collection is carried out by interviewing 15 West Jakarta District Police Polres. And also conduct literature studies by looking for sources related to sexual violence. The results of this study suggest that the factors that often underlie the occurrence of sexual violence are a love factor where if the victim refuses to serve the perpetrators things will arise that are undesirable, and there are false facts from the recognition of the average perpetrator who was interrogated by the police

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A. Introduction

Indeed, the state of Indonesia is a country that has been independent since 1945. The reading of the proclamation marks it. And the values of the proclamation continue to flow and shape. What are people want are prosperity and peace? And all have been done by the existence of a rule and a goal of forming our country. And if viewed from the viewpoint of the founding fathers, in truth, they want the Indonesian nation to become a great nation. And the state must make it happen by protecting all those who fill and move a country so that later it does not die. And the purpose of our nation is, in fact already there. And until now it has always been echoed on Mondays in schools in Indonesia. One of the objectives of the Indonesian nation has been stated in the opening of the 1945 Constitution of the Republic of Indonesia, which is to protect the entire Indonesian nation and the entire Indonesian bloodshed, and promote public welfare, educate the life of the nation and participate in carrying out world order.

However, when viewed from the events that are in Indonesia, it seems that it cannot be said that it has reached or achieved rather than the values of our nation's goals. One of the norms that the Indonesian people uphold is the norm of decency. Sudikno Martokusumo has explained that the understanding of the principle of morality is a principle that relates to humans, which in this case is an individual because the rules of decency have involved the personal life of each.¹ As in the phenomenon of cases of sexual violence, which occur a lot in Indonesia, and this has violated the rules of morality. Not infrequently cases such as sexual violence occur in children. It has had a lot of impact from the events of sexual violence, one of which is eating the future of the Indonesian generation. According to the World Health Organization (WHO), juvenile violence is pursued among children and young adults aged 10-29 years; this happens most often in the realm of community acquaintance with new children including bullying or unarmed physical attacks and sexual abuse. Apart from the new community, sexual violence can also occur because of early marriage or ex-lover who

¹ Achmad Ali, *Menguak Tabir Hukum (Suatu Kajian Filosofis dan Sosiologis)*, Jakarta: Toko Gunung Agung Tbk, (2002), hlm. 39.

feels hurt.² Women's national commission also noted that in 2014 there were 4,475 cases of sexual violence against women and girls, in 2015 there were 6,499 cases, 2016 as many as 5,785 cases and in 2017 there were 2,979 cases of sexual violence in the realm of domestic violence or personal relations and 2,670 cases in the public or community.³

The Declaration of the Elimination of Violence against Women defines sexual violence as an act based on gender-based differences, this results in misery or suffering for women or adolescents physically, sexually or psychologically, even to the threat of arbitrary deprivation of liberty, whether that happens in the public sphere and one's personal life.

Furthermore, Sri Maslihah explained, more than 70% of the perpetrators of sexual violence against adolescents or children were the closest people to the victims. Only 10% were proven to be foreigners while committing acts of sexual violence.⁴

Examples of cases of sexual harassment or violence were carried out by a sports teacher with the initials AK at one of the Public Middle Schools in Pekayon, East Jakarta. AK is known as a teacher who has many abilities in the academic and non-academic fields. AK is an active person who can become a member of the Paskibraka at the Palace. AK is an honorary teacher who has become a gymnastics instructor and songwriter. According to reports, the perpetrators spread chain messages through the WhatsApp application on a chain basis and then connected by luring potential victims. Then, the perpetrator also often touches the body part of the student. It was immediately followed up by several victims' parents who reported to Pasar Rebo Police, Jakarta. Three students reportedly became victims, and there were still 35 other victims whose identities were unknown.⁵ In this case, public legal awareness is needed to improve the quality of Indonesia and later to criminalise sexual violence again, but if you look at the level of public awareness in Indonesia of cases of sexual violence in Indonesia, it is still low. The Indonesian Child Protection Commission (KPAI) explained that the community and law enforcement officials must be more sensitive to building awareness of protecting Indonesian children in terms of sexual violence. Public awareness here is a form of prevention of sexual crimes

² Reno Mardina, "*Kekerasan Terhadap Anak dan Remaja*" dalam Pusat Data dan Informasi Kementerian Kesehatan RI.

³ <https://www.cnnindonesia.com/gaya-hidup/20181126110630-284-349231/menguak-data-jumlah-kekerasan-perempuan-tahun-ke-tahun>, accessed on April 3, 2019, At 15.13 GMT.

⁴ Sri Maslihah, "Play Therapy dalam Identifikasi Kasus Kekerasan Seksual terhadap Anak", *Jurnal Penelitian Psikologi*, 4 (1), (2013), p. 24.

⁵ Berita Kota Jakarta, Tiga Siswa Menjadi Korban Pelecehan Seksual oleh Guru Olahraga, dimuat dalam <https://www.cnnindonesia.com/nasional/20180112112952-12-268375/tiga-siswa-jadi-korban-pelecehan-seksual-guru-olahraga>, accessed on April 3, 2019. At 16:56 GMT.

against children, especially in the regions. Here not only the officials can prevent this but must be from all walks of life together. Because prevention efforts are no less important than law enforcement efforts.

Here the level of awareness is still low, and cases of sexual violence in children according to Putu experience a downward trend. Looking at the KPAI data as of August 2016, 2,733 cases of violence happened to children. However, the data decreased compared to the 2015 data. In this case, there were several obstacles in several regions, one of which was the reporting of cases where the evidence was not significant and there were still some remote areas that did not have KPAI offices to report acts of sexual violence.⁶ Then if we look at the factors why sexual violence still occurs frequently and every year experiences ups and downs in its development, it is because there is a sense of shame for the victims in telling them what happened to them and later it can trigger violence again because it is considered safe just because the victims did not dare to report. And later the perpetrators will not be afraid anymore in carrying out their actions against the new victims and admire it will not make bad implications that could harm him.

Because of that, we make a scientific study where the purpose or later results of our work can provide benefits to many audiences to be useful for the future, namely overcoming the problem of sexual violence that is still rampant and never goes away. And one of the objectives of doing our research is our sense of care for the future survival of the nation's future people who are expected to be able to carry out the ideals of our nation without any repeated treatment that can ruin their bright future and research. First, because we saw many children who were still out of school, and they were one of the people who were susceptible to sexual crimes, research was done like this. So, the problem in this research is, what are the causes of sexual violence in the jurisdiction of the West Jakarta police station?; and What are the efforts of the West Jakarta Police in dealing with sexual violence?

B. Research Methods

In the preparation of this journal, research was conducted by taking locations in West Jakarta. The author chose the research location in West Jakarta because the authors saw the condition of the city of West Jakarta itself in recent years. The reason for choosing the location in the West Jakarta police station because the West Jakarta police station has an agency responsible for receiving reports and can follow up on reports of cases of

⁶<https://www.republika.co.id/berita/nasional/umum/16/11/20/ogy1p6359-kpai-minta-masyarakat-peka-terhadap-kesadaran-perlindungan-anak> diakses pada tanggal 3 april 2019 pukul 17:09 WIB.

harassment or sexual violence so that data related to the case can be obtained from the West Jakarta police station. The types and data sources that I use in this research include: Primary Data, which is empirical research that is obtained directly at the location of the study through interview techniques with sources of information which in this case is part of West Jakarta Police PPA. Secondary Data, which is the data the author gets from sources of books, magazines, journals, or internet media that the author considers related to the issues being discussed.

To obtain relevant and correct data with the discussion of this paper, the authors carry out data collection techniques with a collection of library data obtained from various data relating to the things studied, in the form of books and literature related to this research. Besides that, the data taken by the author comes from important documents as well as from the applicable laws and regulations. Field research, in this case, the author conducts direct and open interviews in the form of questions and answers to sources or related parties related to the problems in this paper so that data is obtained relating to what he will write. Data obtained from primary data and secondary data will be processed and analysed qualitatively, and then the data is described. Qualitative analysis is a qualitative analysis of verbal data and numerical data descriptively by describing the real conditions of the object to be discussed with a formal juridical approach and referring to the doctrinal concept of law. Qualitative data is described by words or sentences separated according to categories to obtain conclusions.

C. Discussion

1. Definition of Sexual Violence

If we want to know the definition of sexual violence, we must first know what violence is and what sex is. The first is the definition of violence means persecution, torture, or mistreatment. Violence can be interpreted as a hard subject or the actions of someone or a group of people that cause injury or death to another person and cause physical damage to others.⁷ Then, after knowing the definition of understanding what violence is, what follows is the definition of sexual. Sexuality is an act that violates modesty in the sense of decency, shame associated with sexual desire such as having intercourse in public, feeling female breasts, showing female or male genitalia, kissing and so on.⁸

⁷ W.J.S Poerwadarminta, *Kamus Umum Bahasa Indonesia*, Jakarta: P.N Balai Pustaka, (1990), p.42.

⁸ R. Soesilo. *Kejahatan Seks dan Aspek Medikolegal Gangguan Psikoseksual*, Jakarta: Sinar Grafika, (2006).

Mr M.H Tirtaamidjaja, stated that every action carried out with the strength of the body has been expanded in Article 89 of the Criminal Code which contains the notion of 'violence' to cause or weaken someone who in this case includes an understanding of violence itself.⁹

So it can be interesting. Sexual violence is an act where it violates the norms and values contained in humanity. Where this is a form of crime because it is intensified rather than the rules and conditions of living in the community and causing direct losses in community life. And if we see from many cases that occur in many communities. One case of sexual violence which in fact really attracted the attention of the community was because this case was one of the incidents which in some cases belonged to cases of sexual violence which occurred lately like the iceberg phenomenon, since Yuyun's case began to emerge, a series of cases of sexual violence began to surface. Based on data released by the National Commission on Violence Against Women (Komnas Perempuan) in the 2016 Annual Note (Catahu), which is launched annually to commemorate International Women's Day every March 8, it records a variety of cases of violence against women that occurred in 2015.

And if you look at the response from the National Commission on Violence Against Women, it provides an important note and concludes that in 2015 violence against women showed a widespread pattern, so it was important for the state to be maximally involved in prevention, handling and strategic actions to ensure the security of women victims of violence.¹⁰ Then this sexual violence is, in fact, many motives which can be classified as sexual violence. The range of sexual abuse is very broad, which includes, actions such as flirting, naughty whistles, comments connoting sex or gender, pornographic humor, pinching, pokes, pats or touches on certain body parts, certain movements or sexual cues, invitation to date with lure or threat, an invitation to have sexual relations with the victim and eventually lead to coercive acts of sex or called rape.¹¹

If screened in the UN Declaration on the Elimination of Violence Against Women (Declaration of the Elimination of Violence against Women), sexual violence is part of the act of violence against women. Article 1 affirms that "the violence against women means that the physical, sexual and psychological consequences of harm to women, including acts, coercion or arbitrary deprivation" of liberty, whether it is occurring in public

⁹ Leden Marpaung, *Kejahatan Terhadap Kesusilaan*, Jakarta: Sinar Grafika, (1996), p. 52.

¹⁰ Witriyatul jauhariyah, "Akar kekerasan seksual terhadap perempuan," <https://www.jurnalperempuan.org/wacana-feminis/-akar-kekerasan-seksual-terhadap-perempuan>, Accessed on April 5, 2019. At 08.18 GMT.

¹¹ *Ibid.*

or private life.¹² There has not been a generally accepted definition of sexual violence. However, the WHO definition is generally used as stated in the World Report on Violence and Health 2002. A broader definition of sexual violence indicates that sexual violence is not only limited to rape as well as found in international law. In the Rome Statute of International Criminal Court, Article 7 paragraph (1) letter (g) 23 determined that "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or other forms of sexual violence of comparable gravity, constitutes a crime against humanity."¹³

2. Community Legal Awareness in terms of Sociology of Law

Referring to the "Max Weber" view that law is a rule that has potential support from the power of a country. This concept does not see the law as a command (comeand), but the law as an order (order). In this case, the legal sociology is not present at the level to examine the legal system but is in the context of understanding by assessing and expressing what is.¹⁴ The rise of cases of violence or sexual harassment in Indonesia often makes people worried, especially for teenagers or people who are young adults. This problem is very much needed by a community role, namely the creation of legal awareness. The root of the problem of rotating legal awareness is whether the legal requirements of the law are the control of the awareness of the community. Because in this case, several laws are not adhered to by the community itself, which later becomes an important aspect of measuring the effectiveness of applicable regulations. Legal awareness is a process that relies on a psychic that has been embedded in humans that can arise or even not arise. Therefore, every human being certainly has a sense of justice.¹⁵

Sudjono Dirdjosisworo explained that legal sociology is a legal science that examines the problem of reciprocal relations between laws with some social symptoms.¹⁶ Satjipto Rahardjo explained that the constraints contained in legal sociology are knowledge of the law itself to understand the form or pattern of behaviour in a social context.¹⁷ Here, the law must follow the flow of public awareness over time, meaning that the law is also created to listen to the will of the people. With laws that pay attention to

¹²Resolusi Majelis Umum PBB Nomor 48/104 (*Resolution adopted by the General Assembly 48/104*), Declaration on the Elimination of Violence against Women, 20 December 1993.

¹³ Rome Statute about International Criminal Court (*Rome Statute Of The International Criminal Court, 2187 U.N.T.S. 90*), entered into force July 1, 2002.

¹⁴ Leden Marpaung, *Kejahatan Terhadap Kesusilaan*, Jakarta: Sinar Grafika, (1996), hlm. 52.

¹⁵ Soerjono Soekanto dan Mustafa Abullah, *Sosiologi Hukum dalam Masyarakat*. Cet 2. Jakarta: Rajawali, (1982), pp. 210-211.

¹⁶ Sudjono Dirdjosisworo, *Sosiologi Hukum (Studi tentang perubahan Hukum & Sosial)*, Jakarta: Rajawali, 1983, p. XI.

¹⁷ Zainuddin Ali, *Sosiologi Hukum*, Jakarta: Sinar Grafika, (2005).

social aspects, it is hoped that people can be aware of all behaviours and attitudes. Sunaryati Hartono once explained that although legal awareness comes from the community, legal awareness is still a more rational attraction than those who have been living in society.

In another sense, legal awareness cannot be witnessed directly, but its existence can only be inferred from social life experiences through certain behaviours or thoughts.¹⁸ This problem of legal awareness will arise when the values that will be realised are new values. In this case, legal awareness acts as a logical consequence of the development of legal functions that record community behaviour. On the other hand, legal awareness is the mouthpiece of government legal policies so that the exposure to the possibility of new conditions to emerge has changed.¹⁹

3. Data on Cases of Sexual Violence that Occur in the West Jakarta Area.

Sexual violence has often occurred in the community, both in the big cities of Indonesia and in other parts of the city. It does not rule out the possibility that acts of violence or sexual abuse also occur in the West Jakarta area. Sexual violence that occurs shows the number of victims of sexual violence is many from teenagers or young adults. It is evidenced by some news in the media or an increase in cases reported to the authorities. To find out and review cases of violence or sexual harassment, the author has carried out research directly from the West Jakarta Metro Police, precisely at the PPA Unit (Protection of Women and Children).

Based on these locations, the author can explain the real results that happened in Indonesia, especially in the West Jakarta region. The author then managed to get data on reports of the number of cases of harassment or sexual violence that occurred in the area of West Jakarta and the results of interviews with the Women's and Children's Services unit (PPA). According to the West Jakarta Metro Police PPA unit, there were 15 out of 20 cases of sexual violence involving teenagers or young people. In this case, the majority of women have been victims. This refers to the destruction of future generations, in which this generation is full of optimism and has the desire to move forward with a mindset that is based on strong morals. The golden generation is a generation with a brilliant future vision and adequate competence.

¹⁸ Sunaryati Hartono, *Peranan Kesadaran Hukum Rakyat dalam Pembaharuan Hukum, Kertas Kerja pada Simposium Kesadaran Hukum Masyarakat dalam Masa Transisi*, Jakarta : BPHN-Bina Cipta, (1975), pp. 89-90.

¹⁹ Satjipto Rahardjo, *Hukum dan Perubahan Sosial*, Bandung: Alumni, (1979), p. 144.

4. Factors of Sexual Violence Against Adolescents

Several factors can trigger violence or sexual harassment, according to an investigator at the West Jakarta Metro Police in the PPA Unit on Tuesday, March 26, 2019, that these factors are:

a. Love factor

The West Jakarta Metro Police PPA Unit said that at least the majority of perpetrators committed acts of violence or sexual harassment because they had a special relationship (dating) with the victim. Then this incident can arise due to a refusal from the victim to the perpetrator to commit an intimate relationship.

b. Errors Factor

One factor in the emergence of violence or sexual harassment is the error of the recognition of the perpetrators of the West Jakarta Metro Police team. Often this reason is used as witness testimony. Perpetrators claim to be mistaken for lust or will from themselves, solely to satisfy themselves temporarily.

c. Social Media Factors

Along with the progress of the times in the modern era, social media also did not escape as the most influential role of this case. The spread of various pornographic videos on various platforms makes it possible for all people to witness it, even though it has been prevented by efforts to recognise age. It makes teenagers tend to imitate scenes that are not appropriate.²⁰

d. Social Factors

The social scope is a scope where everyone can interact and filter out negative and positive things. Not infrequently, the influence of association and environment can result in fatalities. Here, the social sphere plays a role as the community controller to sort out what will be done in the future. So, if the social scope is hard to increase legal awareness, then only the people themselves can lead a good life.

5. Obstacles to preventing sexual violence

Soerjono Soekanto explained that the legal effectiveness found in society is determined by several factors, namely: legal factors, law enforcement factors, supporting facilities factors, public awareness factors in the law, and cultural factors in the law.²¹ In practice, the act of sexual violence has precautions that are relatively difficult to realise. The various obstacles usually occur when going to commit sexual crimes. Where there

²⁰ http://repository.uma.ac.id/bitstream/123456789/1814/5/15183040_file%205.pdf, accessed on April 5, 2019. At 21.43 GMT.

²¹ Soerjono Soekanto, *Faktor-faktor yang Mempengaruhi Penegakan Hukum*, Jakarta : Raja Grafindo Persada, (2004), p.8.

are a lot of problems. And here are many ways to deal with an act of sexual crime so that later it aims to at least reduce and give fear to the perpetrators. Such as the holding of the PKDRT Law. Namely Law No. 23 of 2004 concerning the elimination of domestic violence. But back to the crew of the problem. Where you already know overcome when the problem has arisen is indeed many ways. However, the problem of prevention here is that there are still many problems in the efforts to commit sexual violence. Namely as follows:

a. Shame factor

Where one of the obstacles in the prevention of acts of violence is the shame factor where the victims who have not known and feel do not want to share experiences with the public about this sexual violence. What later the khalay would make is the assumption that sexual violence in illegal incidents is rarely encountered because there are rarely victims who report directly to the closest person because of the reason for being embarrassed.

b. Threat factor

Then it continues to the threat factor where the victims are threatened by the perpetrators later if he complains to the authorities. Action will be carried out, which can harm the victim and the victim's family. And because of the fear that was imagined. Then it will be very difficult to prevent being repeated because of being afraid to share experiences.

c. Cultural factor.

In our country, patriarchal power is the main trigger behind discrimination or violence against women. In a patriarchal culture, there is subordination and power disparity between men and women and domination. Patriarchal culture is strengthened through both social and political institutions. The state also took part in this cultural legalisation, as an example seen in the marriage law, which legalised polygamous marriage even with certain conditions.²² The things described above are the basic causes of why prevention of sexual violence is difficult to control or control seen from the view of the severe experts who mastered in their respective fields.

6. Efforts to Build Community Legal Awareness and Prevention of Sexual Violence.

In essence, law enforcement in Indonesia must be able to cover several important aspects that are universal, namely: (i) cultural culture of the people to be enforced, (ii) structure and ornament of law enforcement, and (iii) legal substance that will be enforced.²³ In terms of preventing sexual violence, the

²² *Ibid.*

²³ Sabian Utsman, *Dasar-dasar Sosiologi Hukum Makna Dialog antara Hukum dan masyarakat*, Yokyakarta : Pustaka Pelajar, (2009), hlm. 230.

police also play a role in that. Where in reality, there are efforts in preventing later from non-sexual violence as follows:

a. Realistic approach

Social Approach is a way in which law is present to carry out a social approach or community approach to broaden the community's perspective. It can also be done to schools to educate what should be done and not done. It can give a positive view to children who will grow up.

b. Preventive

Preventive or prevention of actions before there will be an action that is not desirable. And in addition to the normative juridical approach, the criminal policy also requires a factual liquidity approach that can be a sociological, psychological, historical, and comparative approach, even requiring an integrated approach to social policy and national development in general. Prevention will be accompanied by the provision of insights about the dangers of sexual crime which later the community will grow up in their hearts and minds about legal awareness of the community which will prevent the birth of sexual crimes due to the supervision of many audiences and shoulder to shoulder and guard each other keep.

c. Parental education

According to the West Jakarta police PPA unit, it was explained that the most important thing to prevent sexual violence from originating from the home environment was, in this case, the parents or the closest family at home. The role of the family or parental education is very influential in the development of every child who is heading towards the adult stage

D. Conclusion

Based on the results of research that has been completed by the author, it can be concluded that:

1. Factors that cause the offender to commit acts of harassment or sexual violence are love factors, that is when the perpetrator and the victim have a relationship which in this case is liking likes which can then cause hurt when the victim rejects the related request from the perpetrator, then there is an erroneous factor in which the perpetrator claims to be blind in doing his actions, then social media factors that are very influential on adolescents through indecent content that is disseminated through various sites, and there are social scope factors formed from their own families and formed by the surrounding environment both from the perpetrator and the victim.
2. Prevention efforts, according to the West Jakarta Metro Police are a social, preventive approach or an effort that comes from the family itself. The social approach taken is to educate the community, to schools to conduct education. Then preventive is prevention efforts carried out

by all people, such as reminding each other. And not spared the most influential effort is education from home, which is educated by the closest person who can provide education since the child was born.

Suggestions

1. All communities, both adolescents and adults, should be aware of the current law in Indonesia (positive law). The public is expected to understand that any applicable crime must have consequences. Everyone must take care of themselves so they can avoid acts of violence. And all those who have been made victims must dare to state statements against the authorities, they should not have fear because there are threats from the perpetrators and so on.
2. It is expected that all authorities must continue to educate the entire community and must remain consistent in enforcing applicable laws. The authorities here must be strict in upholding justice and participating in embracing victims of acts of sexual harassment or violence.
3. For judges, hope that judges can act more wisely and fairly in making their decisions by considering the elements contained injustice.
4. For the community to stay away from prohibited conditions that can harm others.
5. All teenagers are expected to be able to maintain their dignity so that they won't be harassed

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