

Juridic Review of Criminal Actions of Sexual Violence Against Women (Case Study in the Women and Children Service Unit of the Tangerang Police)

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ABSTRAK

Violence against women in recent years has increased. Violence occurs anywhere, anytime and to anyone. Sexual violence against women often occurs because of the value system that places women as weak and inferior beings compared to men. Likewise with the view that the female body is a medium or a tool to satisfy male lust. With the large number of sexual violence that occurred, the Women and Children Service Unit of the Tangerang Police tried to resolve all cases without any case arrears. This study aims to determine the handling of cases of Sexual Violence Against Women in the Women and Children Service Unit of the Tangerang Police. To find out the obstacles in the process of handling Sexual Violence Against Women in the Women and Children Service Unit of the Tangerang Police. Researchers use the Juridical Empirical method which is also called field research. That is the main source of data obtained from the field. The results of the study revealed that the Women and Children Service Unit had carried out the handling in accordance with Articles 20 and 21 of the Regulation of the National Police Chief Number. 14 of 2012 concerning Management of Criminal Investigations.

Keywords: Handling, Sexual Violence, Women

ABSTRAK

Kekerasan terhadap perempuan dalam beberapa tahun terakhir meningkat. Kekerasan terjadi di mana saja, kapan saja, dan kepada siapa saja. Kekerasan seksual terhadap perempuan sering terjadi karena sistem nilai yang menempatkan perempuan sebagai makhluk yang lemah dan inferior dibandingkan laki-laki. Begitu juga dengan pandangan bahwa tubuh perempuan adalah media atau alat untuk memuaskan nafsu laki-laki. Dengan banyaknya kasus kekerasan seksual yang terjadi, Satuan Pelayanan Perempuan dan Anak Polres Tangerang berusaha menyelesaikan semua kasus tanpa ada tunggakan kasus. Penelitian ini bertujuan untuk mengetahui penanganan kasus Kekerasan Seksual Terhadap Perempuan di Unit Pelayanan Perempuan dan Anak Polres Tangerang. Untuk mengetahui kendala dalam proses penanganan Kekerasan Seksual Terhadap Perempuan di Unit Pelayanan Perempuan dan Anak Polres Tangerang. Peneliti menggunakan metode Yuridis Empiris yang disebut juga penelitian lapangan. Itulah sumber utama data yang diperoleh dari lapangan. Hasil penelitian mengungkapkan bahwa Unit Pelayanan Perempuan dan Anak telah melakukan penanganan sesuai Pasal 20 dan 21 Perkapolri Nomor. 14 Tahun 2012 tentang Manajemen Reserse Kriminal.

Kata Kunci: *Penanganan, Kekerasan Seksual, Perempuan*

Preliminary

Sexual violence against women is not only a domestic or personal problem, but has become a societal problem. Currently, sexual violence against women can happen anywhere, in the form of sexual harassment, rape accompanied by torture and murder and so on.¹ Although the issue of sexual violence against women has been revealed as a serious social problem, it still does not receive an adequate response, both from the government, law enforcement officials and the community in general. Law enforcement efforts carried out by the government cannot be separated from the police in accordance with the main tasks of the Indonesian National Police which are regulated in Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police, namely maintaining public security and order, upholding the law and providing protection, protection and protection.

service to the community. The program mentioned above has been followed up by Stuan Reskrim Poresta Tangerang and his staff, but the journey to success does not always go in a straight line with the intended goal. The fact is that the crime rate of sexual violence against women continues to increase. The high crime rate is suspected to be constrained by economic problems and social problems of the community. In addition to the economic problem of sexual crimes against women, it is also suspected that the lack of public attention has resulted in the intention of the perpetrators to commit these crimes. The fact is that the crime rate of sexual violence against women continues to increase. The high crime rate is suspected to be constrained by economic problems

and social problems of the community. In addition to the economic problem of sexual crimes against women, it is also suspected that the lack of public attention has resulted in the intention of the perpetrators to commit these crimes. The level of sexual violence against women can also be caused by economic and social problems that have a very large impact on these crimes. As regulated in Articles 287 and 292 of the Criminal Code which reads, among others:

Article 287

1. Anyone who has sexual intercourse with a woman outside of marriage, even though she knows or should reasonably suspect that she is generally not yet fifteen years old, or if her age is not clear, that it is not yet time for marriage, shall be punished by a maximum imprisonment of nine years.
2. prosecution is only carried out on a complaint, except if the woman is not yet twelve years old or if there is one of the things based on article 291 and article 294

Article 292

“An adult who commits an obscene act with another person of the same sex, which he knows or should reasonably suspect is a minor, is threatened with a maximum imprisonment of five years”.

The existence of regulations governing sexual violence against women does not necessarily reduce the number of sexual violence against women that occurs, especially in the jurisdiction of the Tangerang Police. even more and more day by day sexual violence against women continues to increase. This incident cannot be ignored and is considered as ordinary cases that are easy to handle. Based on the results of an interview with the head of the Agency for Community Empowerment, Women's Empowerment, Child Protection and Family Planning,

¹ Tenripadang Chairan, “Tentripadang, Analisis Yuridis Tindak Kekerasan Seksual Terhadap Perempuan,” *jurnal legalitas* 8, no. 2 (2010): 2.

Tangerang City revealed that "Based on data, from early 2019 to mid 2021 there were 71 cases of sexual violence against women. Observing this, the police officers do not remain silent and passively receive reports of cases of violence against women, the police are ready to take preventive and proportional actions in overcoming violence against women. Overcoming obstacles and growing self-confidence and improving services to the community, became the strategic policy discourse of the National Police Chief which was actualized with the issuance of the National Police Chief Regulation No. 10 of 2007 concerning the Organs and Work Structures of the Women and Children Service Unit within the Police, and the UPPA Polres is a place to report and deal with criminal acts of violence against women which was previously called the Special Service Room, where women and children victims of violence can report the case safely to an empathetic, caring and proportionate police officer.

Research methods

Legal research as sociological (empirical) research can be realized in research on the effectiveness of the law that is currently in effect or research on legal identification.² This research is also often referred to as research on the work of law (law in action) in society.³ The approach in this empirical legal research is a socio-legal approach. This approach requires various social and legal disciplines to examine the existence of positive law (state). The socio-legal

² Rani Sri Agustina, "THE CREDIT RESTRUCTURING AS A FORM OF PROTECTION AGAINST CUSTOMERS DURING THE COVID-19 PANDEMIC," *International Journal of Law Reconstruction* 5, no. 2 (2021): 231, <https://doi.org/http://dx.doi.org/10.26532/ijlr.v5i2.17528>.

³ Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum Normatif dan Empiris* (Depok: Prenada Media Group, 2018). P. 149.

approach is important because it is able to provide a more holistic view of legal phenomena in society.⁴

Handling cases of Sexual Violence Against Women in the Child and Women Protection Unit of the Tangerang Police

The case of sexual violence against women that occurred in the jurisdiction of the Tangerang Police was handled by the Women and Children Service Unit of the Tangerang Police Criminal Investigation Unit. As explained in the National Police Chief Regulation No. 10 of 2007 that there are women and children who are victims of crime and law enforcement against the perpetrators. The scope of duties of the Women and Children Protection Unit has also been determined through the National Police Chief Regulation Number 10 of 2007 are:

1. Trafficking in persons
2. People smuggling
3. Violence
4. Moral
5. Vice (Gambling and Prostitution)
6. Illegal Adoption
7. Pornography and porno-action
8. Money Laundering from the proceeds of crimes against women and children
9. Child protection issues
10. Protection of victims, witnesses, families and themes
11. Cases where the perpetrators are women and children.

Cases of sexual violence against women which are the scope of the Women and Children Service Unit, especially the Women and Children Protection Unit of the Tangerang Police Criminal Investigation Unit as described in the article above, namely immorality which is the task of the Women and Children Protection Unit of the

⁴ Jonaedi Efendi and Johnny Ibrahim. P. 153.

Tangerang Police Criminal Investigation Unit in handling and resolving all criminal cases that exist and occur in the jurisdiction of the Tangerang Police. like the theory taken by the author in analyzing the problems that exist in this thesis the author uses the Management Theory of Criminal Acts as regulated in the Chief of Police Regulation No. 14 of 2012 which consists of planning, organizing, implementing and controlling control. With the selected theory then the author describes as follows:

1. Planning

In carrying out their duties, all reports that are filed from the community that enter the Women and Children Service Unit of the Criminal Investigation Unit will require an *Lidik Sprin* (Investigation Warrant) and *Sidik Sprin* (Investigation Order). After the *Sprint Lidik* and *Sprin Sidik* are required, it will be continued with the making of an investigation plan in order to determine the next steps and goals. The Women's and Children's Service Unit of the Tangerang Polresta stated that: Every report that comes in, we will definitely make an Internal Examination and Investigation so that the case can be handled and resolved quickly, but we must also always make an investigation plan so that our activities are directed and every steps we take. do according to the rules.⁵ So every activity of the function of the Women and Children Service of the Tangerang Criminal Investigation Unit, in this case the Women and Children Service Unit, in carrying out activities does not come out of the specified steps so that it does not make the Head of Sub-unit, as well as members, pre-trial by the community. Each activity plan is delivered both verbally and in writing as an example of

verbal delivery, namely during the morning assembly of the function union or Leadership Direction Event when carrying out activities. In addition to verbal delivery, orders and plans are also delivered in writing by pouring them into the operational activity tabulation data panel. In carrying out every activity carried out by the Women and Children Service Unit above, the author concludes that it is in accordance with the Planning Activities contained in the Regulation of the National Police Chief Number 14 of 2012 concerning the management of criminal investigations, namely: making an investigation plan and making an investigation plan.

2. Organizing

For organizing every 5 (five) days, a member of the Women and Children Service Unit carries out a joint picket with another function picket, both the General Crimes, Special Crimes, Corruption Crimes and Crim. Reports that come in through the Integrated Police Service Centerguard are then given to the respective unit functions in accordance with the existing functional areas. After entering the respective functions, such as entering the Women and Children Service Unit, the picket function at that time was responsible for handling the case until it was in the status of p21. The Women's and Children's Service Unit of the Tangerang Police stated that: Usually the division of tasks assigned by the Head of the Sub-unit for an incoming case is charged to the picket at that time, so that the member who receives the case really understands what happened, making it easier to resolve the case. However, policewomen are usually prioritized to accompany and examine child and female victims. For now, there is a shortage of 1 Polki, so at the time of

⁵ "Interview with the KANIT for Women and Children Services at the Tangerang Police, IPTU Suharjo, SH., M.Si.," n.d.

arrest, they asked for help from members of Unit 1 (1).⁶

The organization carried out by the Head of the Sub-unit for Women and Children Services at the Tangerang Police Criminal Investigation Unit in organizing members to carry out investigations and investigations is in accordance with Articles 20 and 21 of the Regulation of the National Police Chief No. 14 of 2012 concerning Management of Criminal Investigations which stipulates that organizing activities are carried out by superiors. In the Women and Children Service Unit of the Tangerang Police, in organizing the handling of each incoming case based on picket plots. According to the author, such an organization is not in accordance with Article 21 of the National Police Chief Regulation No. 14 of 2012 which stipulates that plotting must be based on the ability and competence of investigators. If the plotting per picket does not produce maximum results because it is not necessarily the implementer of the picket on that day has the competence to resolve the cases that come in on that day.

3. Implementation

The handling of cases of sexual violence against women will be carried out when a report is submitted to the Women's and Children's Service Unit, both from victims who have experienced criminal acts or from family members who are victims of sexual violence against women. The Service Unit for Women and Children of the Tangerang Police stated that: We handle every case that comes in, especially cases of sexual violence against women when we get reports from families or victims who experience acts of sexual violence. In order to obtain complete and maximum information without any cover-up, we

⁶ "Interview with a member of the PPA Polresta Tangerang IPTU Maskuri at the PPA Office," n.d.

place policewomen in the examination of child and female victims.⁷ By being given a policewoman member with a case, especially in the case of sexual violence against women, the leadership hopes that in giving testimony it is open and not awkward to tell everything that has happened even though it is a disgrace in order to expedite the process of resolving existing cases. A member of the Women's and Children's Service Unit of the Tangerang Police Criminal Investigation Unit stated: In handling cases of sexual violence against women, the complainant, both the victim and the victim's family, will be served by members of the Women and Children Service Unit who receive the complaint. After collecting complete testimonies and evidence, then proceed with the arrest of the suspect. ⁸From the results of interviews conducted with the Tangerang Police Criminal Investigation Unit, IPTU Suharjo, S, H., M. S, i and members of the Women and Children Service Unit of the Tangerang Police IPTU Maskuri above that the implementation of the settlement of cases that occurred began with receiving reports from the Integrated Police Service Center, investigation of cases to determine whether or not the case occurred, preparing investigators, making Sprin (Warrant), examination of victims, delivery of visas, summoning witnesses, arresting suspects, case titles, filing and sending files to the Public Prosecutor. In addition to the above procedure, the Women and Children Service Unit will also make a Notification Letter on the Progress of Investigation Results which is sent to the victim and the victim's family who reports it. The Women's and Children's

⁷ "Interview with the KANIT for Women and Children Services at the Tangerang Police, IPTU Suharjo, SH., M.Si."

⁸ "Interview with a member of the PPA Polresta Tangerang IPTU Maskuri at the PPA Office."

Service Unit of the Tangerang Polresta stated: Every time we conduct an investigation, we from the police will provide to the victim so that the victim feels that the case they report is continuing to be resolved.⁹

4. Supervision and Control

Supervision and control, usually many people call it Wasdal, which is an analysis and evaluation of the leadership on the duties of members. The supervision and control carried out by the Criminal Investigation Unit is a form of participation and a form of control carried out by superiors on the implementation of tasks that are accountable for the results of the implementation of members in handling cases of sexual violence against women. The Criminal Investigation Unit performs analysis and evaluation of the results of the members' implementation twice a week.¹⁰

The results of the above writing did not find any violations committed by members of the Women's and Children's Service Unit of the Tangerang Police Criminal Investigation Unit in handling cases of sexual violence against women. From all these explanations regarding the management of case investigations on cases of sexual violence against children by the Women and Children Service Unit of the Tangerang Police, which consists of Planning, Organizing, Implementing and Supervising the Control, it is in accordance with the investigation management guidelines contained in the National Police Chief Regulation No. 14 of 2012 concerning Management of Criminal Investigations.

Barriers Faced in Handling Sexual Violence Against Women in the

⁹ "Interview with the KANIT for Women and Children Services at the Tangerang Police, IPTU Suharjo, SH., M.Si."

¹⁰ "Interview with the KANIT for Women and Children Services at the Tangerang Police, IPTU Suharjo, SH., M.Si."

Women and Children Service Unit of the Tangerang Police

In handling cases of sexual violence against women carried out by the Women's Protection Unit of the Tangerang Police Criminal Investigation Unit, it is not always smooth, of course there are obstacles during the investigation process. Obstacles experienced by the Women's and Children's Service Sub Unit Polresta. Based on the results of interviews conducted by the author with investigators at the Women and Children Protection Unit of the Tangerang Police, the authors found several obstacles faced by investigators in uncovering criminal acts of sexual violence against women, namely:

The first obstacle is the perpetrator of the crime of sexual violence against women knowing that he has been reported by the victim to the police. The perpetrators who have been reported will usually run away and hide in certain areas/cities before being caught by investigators. Based on the results of interviews, investigators experienced problems when the perpetrators of the crime of sexual violence against women fled to a city.

The second obstacle is that the lack of information about the perpetrator also makes it more difficult for investigators to find the perpetrator. Investigators have difficulty tracking the whereabouts of the perpetrators who fled without knowing the face and signal of an inactive cell phone. The information obtained by the investigators is only information about his physical characteristics, home address, telephone number, temporary whereabouts of the perpetrator so that investigators find it difficult to know clearly. with the results of the investigation by the investigators in the field.

In the summary of data from early January, there were 21 cases of

violence. The evidence used for the crime of sexual violence against women is the clothes worn by the victim at the time of the crime

the crime of sexual violence occurred, the post-mortem was carried out by the victim and the confiscation of evidence from the victim.

At the Tangerang Police, investigators from the Women's and Children's Protection Unit often encounter some of the obstacles listed in the discussion above from the first problem. The following will explain the efforts of investigators to uncover criminal acts of sexual violence against children. The efforts made are:

The first attempt, the investigators took steps to cooperate with the police from various regions to find the whereabouts and secure the perpetrators. If the perpetrator is in a location that is quite dangerous, the investigator brings sufficient troops to help secure the area when the perpetrator is arrested. The next effort is for women who are victims of criminal acts of sexual violence against women, especially for cases of rape and have experienced severe physical and psychological trauma, the investigator provides assistance from a psychologist. Assistance by a psychologist, the victim's family, a lawyer or someone trusted by the victim is very helpful for the victim in the ongoing investigation process so as not to cause fear.

The second prevention effort carried out by the Tangerang Police investigators is to carry out a movement or socialization activity carried out in collaboration with various urban villages, sub-districts, various villages, various universities and institutions.

Non-governmental organizations in the city of Tangerang. The purpose of socialization about sexual violence against women is so that the public understands and knows information about these crimes and to increase

community participation, public legal awareness of the dangers of criminal acts of sexual violence against women that have occurred a lot by providing counseling, sticking posters in public places such as malls, train stations, terminals and cooperate with the mass media.

The third effort, the investigators also carry out search activities by visiting places in certain areas where the crime can occur. This location becomes a vulnerable point because starting from a location like that, the crime of sexual violence against women can also occur according to the environment. The search activity is also routinely carried out.¹¹

Closing

Based on the description of the results and discussion, conclusions are drawn, including:

1. The handling of cases of sexual violence against women in the Women and Children Service Unit of the Tangerang Police is in accordance with the investigation management guidelines contained in the National Police Chief Regulation No. 14 of 2013 concerning the Management of Criminal Investigations (Das Sollen). However, in the handling process there are several factors that are not in accordance with the management, namely the difficulty of the perpetrators and witnesses in questioning so that it is difficult for investigators to obtain information. And making investigators have difficulty in completing the criminal case file (Das Sein).
2. Obstacles faced by investigators in handling criminal acts of sexual violence against women are the difficulty of extracting information

¹¹ "Interview with the KANIT for Women and Children Services at the Tangerang Police, IPTU Suharjo, SH., M.Si."

from victims, and the perpetrators often run away when reported.

Suggestions

Based on the findings and analysis that have been formulated, the authors propose several suggestions that can be applied to reduce cases of sexual violence, as follows:

1. Build mutual respect between men and women so as to avoid behavior that leads to sexual violence because they assume that everyone has the right to be protected and respected.
2. The Women and Children Service Unit of the Tangerang Police Sat Reskrim is expected to conduct intensive coordination and supervision with relevant agencies in sexual violence against children

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