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Legal Analysis of Legal Protection for Children as Victims of Incest Criminal Act

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Abstract: Background: In society, children have a highly vulnerable position, as their physical and mental condition is not yet strong and mature. There have lately been many cases of crimes against morality which involve children, especially the crime of sexual violence, including incest. **Objective:** This paper aims to analyze: (1) the law on child victims of incest applied at the Ternate City Police Force and (2) the obstacles in applying the law to protect child victims of incest at the Ternate City Police Force. **Methods:** This research was classic doctrinal research which employed a statute approach and a library approach. To collect data in this study, the researchers employed literature and legislation studies. **Results:** It was found that efforts provided for victims of underage sexual intercourse and rape in the criminal justice system are implemented through preventive and repressive approaches carried out by both the community and the government. Perpetrators of incest rape are charged with 3 legal regulations, namely the Sexual Violence Crime Law, the Criminal Code, and the Child Protection Law. The existing obstacle is that not many people understand the process of handling incest cases which should be punished more severely than ordinary rape.

Keywords: legal protection, children, victims, incest.

INTRODUCTION

In society, children have a highly vulnerable position, as their physical and mental condition is not yet strong and mature. There have lately been many cases of crimes against morality which involve children, both as perpetrators and victims. There is clearly a need for a proper understanding of children's rights considering that all the hopes of the Indonesian nation lie in children. Thus, it can be understood that children are a form of investment that is an indicator of a nation's success in implementing development (Tjahjanto, 2008).

The success of a child's development will determine the quality of human resources in the future. In Article 28 B clause (2) of the Republic of Indonesia's 1945 Constitution reads

(Setiawan & Sumaryoto, 2022): Children have a strategic role and the state guarantees the rights of every child. This protection encompasses their survival, growth, and development of child protection against violence and discrimination. Therefore, the best interests of the child should be considered as the best interest for the survival of human beings.

Law No. 35 of 2014 on Child Protection has provided the widest possible opportunity for a child to grow and develop optimally both physically and mentally to create an ideal generation. Therefore, if sexual violence occurs against a child, it is a form of abuse against a child (Lubis, 2024): If a child becomes a victim of a crime, there must be greater attention to legal protection as children are the next generation of the nation. Sexual violence that child victims experience will certainly leave them to suffer from deep trauma. This bad memory affects the child's behavior and lifestyle in the future. Thus, the increasing cases of sexual violence against children prove that this problem is not just an ordinary problem. However, it is a serious problem that the government must handle (Rohmah & Novitasari, 2015).

Indonesia's Commission on Child Protection found that there were 1,478 cases of violence against children (Pusdatin KPAI, October 2023). It was found that in most of these, children became victims of sexual crimes (615 cases). There were 303 cases where children became victims of physical/psychological violence; 126 cases of children in conflict with the law; and 55 cases of children becoming victims of economic/sexual exploitation. Meanwhile, from January to December 2022, the Republic of Indonesia's Ministry of Women's Empowerment and Child Protection recorded the number of female violence victims who reported their cases and were handled were 32,687, with 25,053 victims ("Rakornas Dan Ekspose KPAI 2023: Membangun Indonesia Bebas Kekerasan Terhadap Anak (KPAI National Coordination Meeting and Expose 2023: Building an Indonesia Free of Violence Against Children)," 2023).

The highest number of complaints of sexual crimes against children regarded cases of child molestation, with 536 cases (62%); cases of children as sexual violence/rape/intercourse, reaching 285 complaints (33%); cases of children becoming victims of same-sex molestation, with 29 cases (3%); and children as victims of same-sex sexual violence/rape/intercourse, with 9 cases (1%) (Fairuzzen, Hosnah, & Putra, n.d.). Viewed from the perpetrator's perspective, in these cases, perpetrators committed physical and /or psychological violence against victims.

Based on the data description above, it is indicated that children are a group that is very vulnerable to the crime of sexual violence as they are always positioned as weak figures. They are rather helpless figures that have a high level of dependency on the adults around them. Thus, children are powerless when threatened with violence if they try to report what they experienced. In almost every revealed case, the perpetrator is a person who the victim knows (Sampurna & Suteki, 2016).

One of the most extreme forms of childhood abuse which often leads to serious and prolonged psychological trauma, is the cases of incest committed by parents. The crime of incest is an immoral act. It is a threat to children which happens when a child becomes a victim of his/her own family's sexual abuse. Incest cases are not ordinary rape cases. Rather, they involve trust, the continuity of a family, the future of the child, and the formed psychological conditions (Adiningrum, Retnaningrum, & Hendriana, 2022).

Incest brings extraordinarily negative effects that are most feared when children become victims. The existence of incest in the midst of society is increasingly rampant along with the decline in parental morals. It may also be motivated by the relationship between two parents which is falling apart. This results in the child becoming a victim of violence (Afifah, Wardhani, & Salsabila, 2021). When the relationship between the two parents is normal, then incest will not occur.

This opinion is true, considering that the cases that were mentioned above occurred because there was a rift in the relationship between the two parents. There were cases where fathers committed incest with their underage daughters because the fathers had separated from the mothers. On the contrary, there were also cases where mothers committed incest with their underage sons, leading to the mother falling pregnant. Then, there was also incest between stepbrothers and stepsisters. In such cases, they felt that the victims were not their biological siblings (Dimiyati & Angkasa, 2018).

The position of girls in the family becomes vulnerable in conditions of family disorganization. This is because their relationships with their biological father, stepfather, or stepbrother will not run smoothly. In this case, girls are in a passive position and they become victims of violence. Cases of incest that occur in such family conditions will result in a dark history for the child which will cause mental and physical disorders (Santosa, 2020).

Child protection provided by the state must be able to guarantee the optimum fulfillment of children's rights in order to realize justice and welfare for children. However, the protection provided must not violate the rights of others. Likewise, it must not violate religious norms because religious followers must uphold the purity of their religion's teachings. Child protection aims to guarantee the fulfillment of children's rights so that they can live, grow, and participate optimally in accordance with human dignity (Konoras, 2023).

From the explanation of the background above, the two research problems that will be answered in this paper are: (1) How is the law on child victims of incest applied at the Ternate City Police Force? and (2) What are the obstacles in applying the law to protect child victims of incest at the Ternate City Police Force?

METHOD

This research was classic doctrinal research which employed a statute approach and a library approach. To collect data in this study, the researchers employed literature and legislation studies (Wardiono, 2019). There were two types of data collected, namely primary data and secondary data. The primary data were obtained through statute studies, while the secondary data originated from literature studies (Subroto, Sari, Anggraini, & Muhammadi, 2024).

The results of the data inventory were analyzed to obtain conclusions. Then, they were analyzed using the integrative and conceptual analysis methods that were directed at finding, identifying, processing, and analyzing legal materials to understand their meaning, significance, and relevance (Sonata, 2014). The data obtained were systematically arranged after being selected based on the problems. It was carried out after seeing their suitability with applicable provisions and then discussed theoretically. These results were combined to produce conclusions.

RESULTS AND DISCUSSION

1. How the law on child victims of incest is applied at the Ternate City Police Force

The amount of violence against children is increasing day by day, especially sexual violence against children which has recently become the most common case in Indonesia, especially in Ternate City, North Maluku Province. This is as shown in the number of cases of sexual intercourse with minors at the Ternate Police Resort, as follows:

Table 1. The Number of Sexual Intercourse Cases Against Minors at the Ternate Police Resort

No	Year	Frequency	Percentage (100%)
1	2019	2	8.33

2	2020	13	54.17
3	2021	5	20.83
4	2022	4	16.67
Total		24	100

Source: Women and Child Protection of Ternate Police Station (2024)

The table above presents data on the number of sexual intercourse crimes against children from 2019 to 2022 in Ternate City. It was shown that in these four years, there were 24 (twenty-four) cases of sexual intercourse crimes against minors, amounting to 2 cases (8.33%) in 2019. Meanwhile, in 2020, there was an increase in the number of cases reported to 13 cases (54.17%). Next, in 2021, the number of cases fell again to 5 cases (20.83%) and again decreased from 5 cases to 4 cases (16.67%) in August 2023 (Women and Child Protection of Ternate Police Station, 2024).

There was an annual fluctuation in the number of rape cases reported to the Ternate Resort Police. Its rate was not fixed, as sometimes it increased and it also decreased. Seeing the trend of these cases, it is very concerning for law enforcement and the community in Ternate City. This was because children are vulnerable to becoming victims of sexual intercourse, especially incest. Several factors cause the occurrence of sexual violence against children, namely as follows:

a) Environmental Factors

Sexual harassment and violence against children have become a phenomenon which is no longer foreign to society. These cases make people feel afraid and worried about the growth and development of children. Sometimes, parents feel that their children are already good-mannered. They have received good guidance and understand what parents advise, but sometimes, outside of the home, some things occur that are contrary to parents' hopes. When children have started to get to know the outside world, socialize, and play together with their friends, it is advised that it is better to have them accompanied. Children must not socialize too much because the environment in which a child lives greatly influences his behavior (Nazmi & Syofyan, 2023).

Poor environmental factors are also the cause of sexual harassment. Moreover, it can often be seen that many children are in the wrong company. Thus, they go down the wrong path and dare to do something beyond their control. It could also be because of encouragement from friends around them. Therefore, one must be careful in socializing with others choose a good environment, choose good friends, and hang out with good relatives (Lewoleba & Fahrozi, 2020).

There was an example of a case that occurred in 2021, where a minor became a victim of rape. She was a grade eight student of a junior high school who often went out at night to hang out with her friends. She did not only hang out with friends from her school, but she also had many friends from outside. At that time, it was already late at night when the kids left their hangout place. Then, the perpetrator offered to take her home. This child trusted the perpetrator even though it was the first time they had met. The child was taken home, but in the middle of the journey, the perpetrator stopped and forced this child to come with the perpetrator. Then, the perpetrator committed rape against this child (Parengrengi, Limatahu, & Faisal, 2021).

From the case above, it can be seen that choosing a good socialization environment is very important. Parents have the role of supervising their children and paying attention to who their children associate with, as children are still not able to think long-term about their

actions. Therefore, children have a high need for guidance and direction from parents or other people who are close to them (Sabri, Zahara, & Tasman, 2023).

b) Law Enforcement Factors

Law enforcement is an effort to realize the idea of justice, legal certainty and social benefit. So, law enforcement is essentially a process of realizing ideas. Law enforcement is an effort to rationally overcome crime. It aims to fulfill people's sense of justice. It must be effective in order to overcome crime with various means. Law enforcement is a reaction that can be given to perpetrators of crime in the form of penal and non-penal facilities based on the law which can be integrated with one another (Griffin, Pelletier, Griffin, & Sloan, 2017).

Law enforcement is a means to tackle crime, meaning that criminal law policy will be implemented. It is carried out by organizing elections to achieve results on criminal legislation that is appropriate to the circumstances and situations at a certain time and for the future (Ariyanti, 2019).

According to Soerjono Soekanto as quoted by Nurisman, law enforcement is an activity to harmonize the relationship of values that are outlined in the rules/value views that are solid and manifested. It is an attitude of action which is a series of final stage value descriptions which aims to create, maintain, and defend peace in social relations. Law enforcement is essentially the application of discretion when making decisions that are not strictly regulated by legal rules (Nurisman, 2022).

Based on the above descriptions, it can be said that disruption to law enforcement may occur if there is a mismatch between values, rules, and behavioral patterns. This disruption occurs if there is a mismatch between paired values that are embodied in conflicting rules and undirected behavioral patterns that disrupt the peace of social life (Rofiq, Disemadi, & Jaya, 2019).

Therefore, conceptually, the core and meaning of law enforcement lies in the activity of harmonizing the relationship between values that are outlined in solid rules and attitudes as a series of final stage value explanations to create, maintain, and defend peaceful social interactions. Another aspect that needs to be considered is that law enforcement is a system. This means that law enforcement is a series of processes carried out by several components as subsystems. The series of processes are closely related to each other and they are inseparable (Haris & Tantimin, 2022).

The components of this subsystem include investigators (police officers/state civil servant investigators), attorneys (general prosecutors), the legal advisors of victims or perpetrators (lawyers), the court (judges), and other parties (witnesses, experts, and observers). Each of these components has the same obligations and responsibilities to uphold justice.

In essence, law enforcement embodies values or rules that contain justice and truth. Law enforcement is not only the task of law enforcers that is already conventionally known. However, it is also the task of every person. However, in relation to the public law, the government is responsible for the law enforcement (Dellyana, 1988):

After the Law on Sexual Violence Crime was issued, there was a stipulation on the nine types of sexual violence crimes, consisting of non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence. In addition to these nine types, sexual violence crimes also include rape; indecent acts; sexual intercourse with a child; indecent acts against a child; sexual exploitation of a child; acts that violate morality against the will of the victim; pornography involving children or pornography that explicitly contains violence and sexual exploitation; forced prostitution; human trafficking crimes intended for sexual exploitation; sexual violence within the scope of the household; and money laundering crimes whose predicate crime is a sexual violence crime.

The Law on Sexual Violence Crime Meanwhile is the main and the first special regulation in overcoming sexual violence crimes. It also functioned to complement previous laws and regulations that have regulated the substance of sexual violence crimes, such as several regulations that will be explained below, which are related to acts of sexual violence. As long as sexual violence has not been regulated in a special law, the criminal law procedure for enforcing the law against sexual violence remains based on the Criminal Procedural Code. The exception to this is based on the Republic of Indonesia's Law of No. 11 of 2012 on the Juvenile Criminal Justice System which only applies to perpetrators or victims who are children. According to the National Commission on Violence Against Women, even then, certain cases are not specifically regulated in the Criminal Procedural Code, such as the procedure for examining children as perpetrators and children as victims in court.

In the Indonesian Criminal Code, sexual violence is normalized in the form of rape and indecent acts (fornication). The Criminal Code formulates them both as crimes against morality. This is what then becomes one of the weaknesses or shortcomings of the Criminal Code in terms of adequate legal substance.

This means that law enforcement at the Ternate Police regarding incest rape cases is resolved with the Law on Sexual Violence Crime and the Criminal Code and the Child Protection Law. Three rules are implemented to arrest perpetrators of rape and incest sexual harassment to ensure that the perpetrators of this crime are punished for their actions.

2. The Obstacles in Applying the Law to Protect Child Victims of Incest at the Ternate City Police Force

a) Legal Protection for Children as Victims of Underage Sexual Intercourse

As creatures of God Almighty, children have basic human rights like other human beings. Thus, no humans or other parties may usurp these rights. In the life of the nation and state, children are the future of the nation and the next generation of the nation's ideals. Thus, every child has the right to survive, to grow, and to develop. They have the right to participate in stately life and obtain protection from violence and discrimination. Apart from that, they also have civil rights and freedoms (Tjahjanto, 2008). The position of children in society is very vulnerable, considering that they have weak physical condition and mental conditions and that they are not yet mature. The recent phenomena of crime cases against morality often involve children as perpetrators or victims.

A proper understanding of children's rights is clearly crucial and essential, considering that the Indonesian nation has high hopes for children. Thus, it can be understood that children are a form of investment that becomes an indicator of a nation's success in implementing development. The success of a child's development will determine the quality of human resources in the future (Mannika, 2018). In Article 28 B clause (2) of the Republic of Indonesia's 1945 Constitution states: "Every child has the right to survive, grow, and develop. They have the right to protection from violence and discrimination."

Law No. 17 of 2016 on the Stipulation of Government Regulation in Lieu of Law No. 1 of 2016 on the Second Amendment to Law No. 23 of 2002 on Child Protection into Law (Hereinafter referred to as the Child Protection Law), provisions of Article 1 number (1) qualifies that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb (Rizqian, 2021). The Child Protection Law's enactment has provided the widest possible opportunity for a child to grow and develop optimally both physically and mentally to create an ideal generation. Therefore, if sexual violence occurs against a child, this action is certainly a form of child abuse.

If a child becomes a victim of a crime, there must be greater attention to their legal protection because children are the next generation of the nation. Rape experienced by child victims certainly leads to them experiencing a deep trauma. This may affect the child's

behavior and lifestyle in the future. Thus, the increasing cases of rape against children prove that this problem is not just an ordinary problem. However, it is a serious problem that must be handled by the government (Savitri, 2020).

People are often confused with the meaning of sexual violence in the context of rape. The question of whether or not there was an element of physical violence is still often used as a criterion for categorizing whether or not an act of sexual abuse against children can be deemed as a crime. There is a tendency to define sexual abuse against one's own child using a narrow meaning, as it is limited to forms of sexual contact. However, this definition denies forms of non-contact sexual harassment such as pornography exposure. Whether or not there is an element of coercion is actually insignificant in cases of sexual crimes against children because adults and children have different ways of understanding sex.

Sexual intercourse with minors is considered a crime with a fairly high level of cruelty and is considered very degrading to human dignity. Punishing perpetrators of sexual violence does not eliminate the trauma suffered by the child. Children are the mainstay of the family and the successors of the nation. Therefore, they must be protected. However, the fact is that the rampant cases of sexual violence seem to be a warning to all elements of society that children need to be protected. It is unfortunate that many children experience this tragic event and become victims of their families in today's society (Sibarani, 2019).

Physical abuse against children can be seen in particular signs or wounds on their bodies. If violence against children in the household is carried out by parents, then it can be called domestic violence. Domestic violence includes causing other people in the same house both physical and mental to suffer beyond certain limits. It may happen to a spouse, child, or parent. Apart from that, violence is carried out in the house (Suryandi, Hutabarat, & Pamungkas, 2020).

There is no single specific characteristic or personality type that can be identified from a perpetrator of sexual violence against children. In other words, anyone can be a perpetrator of sexual violence against children. Perpetrators have the ability to control victims, either by trickery or threats of violence, causing this crime to be difficult to avoid.

Data from the Indonesian Child Protection Commission found that the number of sexual violence cases that were reported to their institutions continues to increase. In 2021, various violations of children's rights occurred, both violations related to the fulfillment of children's rights and special protection for children. Based on data on public complaints, it was shown that the number of public complaints fluctuated. In 2019, there were 4,369 cases; in 2020, there were 4,116 cases; and in 2021, it reached 5,953 cases. There were 2971 cases of fulfillment of children's rights and 2982 cases of special protection for children. In 2021, the number of public complaints related to special protection cases for children was 2,982 cases.

The trend of cases in the special child protection cluster in 2021 was dominated by 6 highest cases. *First*, there were 1,138 cases of children who became victims of physical and/or psychological violence; *second*, there were 859 cases of children who were victims of sexual crimes; *third*, there were 345 cases of children who became victims of pornography and cybercrime; *fourth*, there were 175 cases of children who became victims of mistreatment and neglect; *fifth*, there were 147 cases of children who were economically and/or sexually exploited; and *sixth*, there were 126 cases of children in conflict with the law as perpetrators (Komisi Perlindungan Anak Indonesia (KPAI/ Indonesian Child Protection Commission), 2022).

Cases of physical and psychological violence, children who were victims of abuse reached 574 cases, children who were victims of psychological violence 515 cases, children who were victims of murder 35 cases, and children who were victims of brawls 14 cases. Meanwhile, the highest complaints of sexual crimes against children came from the type of

children who became victims of molestation with 536 cases (62%), children who became victims of intercourse with 285 cases (33%), and children who became victims of homosexual molestation with 29 cases (3%) (Komisi Perlindungan Anak Indonesia (KPAI/ Indonesian Child Protection Commission), 2022). Viewed from the perpetrator's perspective, the perpetrators who commit physical and/or psychological violence against victims are generally people whom the victim knows. Only a small number of cases happened where victims and perpetrators do not know each other. The relationship between victims and perpetrators varies, as perpetrators can be the friends, neighbors, acquaintances, parents, and educators of the victim. They can also be education personnel in educational units and officials (Yusyanti, 2020).

The data description above indicates that children are a group that is very vulnerable to sexual violence crimes. This is because children are always positioned as weak or helpless figures. Apart from that, they have a high level of dependency on the adults around them. This makes children powerless when threatened not to report the crime that they experienced. In almost every revealed case, the perpetrator is a person who is near to or known by the victim.

Child protection provided by the state must be able to optimally guarantee the fulfillment of children's rights in order to realize justice and welfare for children. However, the protection provided must not violate the rights of others or violate religious norms. This is because religious followers must uphold the purity of the religion's teachings. Child protection aims to guarantee the fulfillment of children's rights so that they can live, grow, and participate optimally in accordance with human dignity.

Children who are victims of criminal acts, hereinafter referred to as child victims in Article 1 clause (4) of Law No. 11 of 2012 on the Juvenile Criminal Justice System, are children under 18 (eighteen) years of age who experienced physical, mental, and/or economic suffering caused by criminal acts (Antari, 2021). According to Article 89 of Law Number 11 of 2012 on the Juvenile Justice System, child victims and child witnesses are entitled to all protection and rights regulated in the provisions of laws and regulations. Article 90 states that in addition to the rights regulated in the provisions of laws and regulations, child victims are entitled to: 1. Efforts for medical rehabilitation and social rehabilitation, both within and outside institutions; 2. Guarantee of safety, including physical, mental, and social safety; and 3. Ease of obtaining information regarding case developments (Handayani, 2018).

The factor of the victim plays an important role in overcoming or resolving this rape case. The victim's courage to report the incident to the police force is required. This is because in general, the victim experiences physical violence and psychological pressure from the perpetrator of rape, making them feel afraid and traumatized. The form of sexual violence due to rape can be categorized into two, namely:

b) Verbal Sexual Violence

Verbal forms of sexual violence are more often carried out in the form of invitations or words directed at other people related to sex, for example (Harahap, 2016): 1. Joking, teasing the opposite sex, or asking sexual questions in discussions or chats that are not specifically about sexual matters; 2. Telling or asking another person about sexual desires that the person has had, which makes the person uncomfortable; and 3. Forced sexual intercourse such as that carried out by a husband and wife but outside of a legal marriage or such an action that is not desired, without consent, and the act is accompanied by physical or mental coercion.

c) Non-Verbal Sexual Violence

Non-verbal forms of sexual violence are acts in the form of invitations using writing or actions that do not directly touch the perpetrator and the victim. Verbal sexual violence and

non-verbal sexual violence can be carried out by men and women. Likewise, the objects or victims can be men and women (Junaidi, 2022).

Women experience double suffering from rape committed by men. This suffering is not only in the form of coercion during sexual intercourse but also the risk of pregnancy, bearing a fairly heavy mental burden after the rape and during pregnancy. Such victims experience heavy social pressure from the surrounding environment. Moreover, the child she gives birth to does not have a legal father. Although the convict of rape can be determined as the father of the baby in court, the perpetrator of rape often shirks responsibility (Ermana, 2017).

Moreover, the most difficult situation happens when there is more than one rapist. This makes it even more difficult to find the biological father of the baby conceived by the woman who was raped. Cases of sexual violence can be proven. Based on data from the National Commission on Violence Against Women Annual Notes on March 5th, 2022, it was stated that complaints to the National Commission on Violence Against Women experienced a drastic increase, namely 60% from 1,413 cases in 2019 to 2,389 cases in 2020. In the period January-July 2021, the escalation of violence against women was recorded at 2,500, with 229 cases of rape (Komnas Perlindungan Perempuan dan Anak (National Commission for the Protection of Women and Children), 2023).

Perpetrators of rape crimes must be punished with severe sanctions to create a deterrent effect. Criminal sanctions that can be applied to the perpetrator are in accordance with his actions, as stipulated in Article 285 of the Criminal Code which has the following elements (Paradias & Sopyono, 2022):

1. *Whoever*: the term 'whoever' refers to anyone who can be subject to this element, what is meant by anyone is a man or a boy who has sex with her.
2. *With violence or threats of violence*: which means someone commits violence, namely having the ability to make people helpless or faint, then a woman can only say to be raped when against a woman's body there are scars or clothing worn by the woman was torn.
3. *Coerce*: coercive actions can be done by deeds and can also be done with words or speech.
4. *A woman who is not his wife*: the fourth element in the crime of rape is a woman who is not his wife, so if it is carried out against his own wife, this article will not apply.
5. *Have sex*: this element means that the male genitalia must have entered the woman's vagina so much so, that the man has ejaculated.
6. *With him*: this element means the person who committed violence or threats of violence by forcing a woman who is not his wife to have sex with him.

The elements of the Article above can be proven in court. Meanwhile, the protection against rape victims during the trial process is described as follows (Purwanti & Hardiyanti, 2018):

1. Before the court hearing:
Legal protection is provided to victims of rape. It is first given by the police force when the victim reports the case. The victim is placed in the Special Services Room. In this room, victims of violence or sexual abuse who are children and women can report their cases.
2. During the court hearing
During the court hearing, the victim is accompanied by a witness in giving testimonies by legal assistance institutions or non-governmental institution members so that victims can be calmer and not feel afraid in the trial. Considering that the victim is still mentally unstable and feels pressured after undergoing an examination during the trial process, assistance efforts are very important.

3. After the court hearing

After the perpetrator is sentenced by the judge, in accordance with Article 5 clause (1) letter h of Law No. 13 of 2006, the victim has the right to receive protection, which includes the following: knowing in the case that the convict is released, obtain a new identity, obtain a new residence; obtain reimbursement for transportation costs according to their needs; obtain legal advice; and/or obtain temporary living costs assistance until the end of the protection period.

CONCLUSION

Efforts provided for victims of underage sexual intercourse and rape in the criminal justice system are implemented through preventive and repressive approaches carried out by both the community and the government (through law enforcement officers). It includes providing protection/supervision from various threats that can endanger the victim's life as well as providing adequate medical and legal assistance during the examination and trial processes. Perpetrators of incest rape are charged with 3 legal regulations, namely the Sexual Violence Crime Law, the Criminal Code, and the Child Protection Law.

The existing obstacle is that not many people understand the process of handling incest cases which should be punished more severely than ordinary rape. Thus, it is only charged with the Criminal Code. Incest cases should be handled using several rules that guarantee that the perpetrator cannot escape.

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