

# CHILD SEXUAL ABUSE

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## ABSTRACT

Child sexual abuse is any act that exploits a child or youth, whether they are aware of the act or not, for sexual gratification from the perpetrator, which can be an adult, child, or adolescent.<sup>2</sup> According to the UNICEF global database 2017, from 2005 to 2016 around the world, around 15 million teenage girls when they were less than 18 years of age experienced sexual violence in their lifetime.<sup>4</sup> Based on data from the Integrated Crisis Center (PKT) RSUPN Dr. Cipto Mangunkusumo Jakarta in 2014 recorded 328 cases, in 2015 there were 222 cases, in 2016 there were 168 cases, in 2017 there were 139 cases, in 2018 there were 178 cases and in 2019 until August 2019 there were 118 cases. This data is like an iceberg phenomenon because not all incidents are reported. The purpose of writing this case report is as discussion material to increase knowledge about cases of child abuse. In this case report, a 16-year-old woman admitted that she was raped by her boyfriend 4 times at different times. From the results of the examination, the victim found several old torn wounds on the hymen. Perpetrators may be subject to Child Protection Law No. 23 of 2002, Law Number 17 of 2016 concerning Child Protection, and Article 287 of the Criminal Code.

Keywords: child protection, obscenity, sexual abuse.

## 1. INTRODUCTION

Sexual violence is a sexual activity carried out by a perpetrator against one or more people or causes one or more people to engage in sexual acts by using force, or by threats of violence, or by force so that it can cause fear, psychological oppression by using coercion by the presence of abuse of power, or by taking advantage of someone unable to refuse sexual behavior. Sexual violence can be grouped into crimes involving sexual intercourse (rape) or non-sexual violence (obscenity).

Sexual violence against children is any action that exploits children or teenagers, whether they are aware of the action or not, for the sexual satisfaction of the perpetrator, who can be an adult, child, or teenager.

According to the 2017 UNICEF global database, from 2005 to 2016 throughout the world, around 15 million teenage girls under the age of 18 have experienced sexual violence in their lives. <sup>4</sup> Based on data from the Integrated Crisis Center (PKT) RSUPN Dr. Cipto Mangunkusumo Jakarta in 2014 recorded 328 cases, in 2015 there were 222 cases, in 2016 there were 168 cases, in 2017 there were 139 cases, in 2018 there were 178 cases and in 2019 until August 2019 there were 118 cases. This data is like an iceberg phenomenon because not all incidents are necessarily reported. LPSK/Institute for the Protection of Witnesses and Victims noted that perpetrators of sexual violence against children from 2016 to June 2019 increased based on the number of applicants and were dominated by people closest to them at 80.23 percent. Meanwhile, 19.77 percent were carried out by unknown people.

Sexual crimes against boys are now more common than in the past. In the USA, it is estimated that 90% of men are abused by someone who is not a family member. The risk factors for a child experiencing sexual crime are: living with a single parent, weak socio-economic status, being emotionally distant from parents, mental health problems in the family, and using alcohol and drugs.<sup>2</sup>

In many cases of sexual violence against boys, signs of physical violence are minimal or non-existent. This is due to delays in reporting cases and healing of injuries. Furthermore, some cases of sexual crimes against boys may not leave physical scars. This includes oral intercourse, finger penetration into the anus, fondling, and exhibitionism.

### Criminal provisions

Criminal law will threaten anyone (male) who, with violence or threats of violence, forces a child (female) to have sexual relations with him (article 285 of the Criminal Code) or commit obscene acts with him (article 289 of the Criminal Code). A person is also threatened with criminal charges if they have sexual relations without coercion with a girl who is less than 12 years old. Another article in the Criminal Code also threatens criminal penalties for people who commit obscene acts with children who are not yet 15 years old or persuade them to commit or allow them to commit obscene acts with other people (article 290 of the Criminal Code). This punishment is also given to people who commit obscene acts with members of the same sex who are not yet mature.

The Criminal Code also threatens people who traffic in girls or boys (article 297 of the Criminal Code), plus article Law 23/2002 concerning child protection also provides a heavier criminal threat for this.

## 2. CASE REPORT

Reported a 16-year-old girl, a student, came with her biological mother and father with SPV No: VER/101/V/2022/SPKT dated May 17th, 2022. At 10.20 WIB at Dr. RSUD. R.M. Djoelham Binjai.

### CHECK UP RESULT

According to the victim's statement, the victim admitted that she had committed rape by someone she knew, namely her boyfriend. The victim admitted to being sexually assaulted four times: first, it was done around February two thousand twenty-two, it done at the perpetrator's friend's boarding house, according to the victim's statement, sperm came out outside the victim's genitaly, second, it was done around February two thousand twenty-one, carried out at the perpetrator's friend's boarding house, according to the victim's statement, sperm fluid came out outside the victim's genitals, third, it carried out on the 6th March two thousand twenty-two, carried out at the perpetrator's friend's boarding house, according to the victim's statement sperm fluid came out outside the victim's genitals, fourth, it carried out March 21'th, two thousand and twenty-two, carried out at the perpetrator's friend's boarding house, according to the victim's testimony, sperm fluid came out outside the victim's genitals. The victim admitted that she persuaded that she would take responsibility and marry, accorded to the victim's statement, the victim's last menstruation was around the end of April 2022.

Height 151 cm, weight 41.5 kg. Menstrual History: first menstruation aged 12 years, irregular every month, with a frequency of 4-5 days. The first day of the last menstruation is May 10th, 2022.

Secondary sexual development: breasts have developed, and armpit and pubic hair have grown. Blood pressure 100/770 mmHg, pulse rate 70x/i, respiratory frequency 20x/i, body temperature 36.8 degrees Celsius. Teeth: 28 in totallly, the 8th tooth on each jaw has not yet grown

Wounds: no wounds found on other growing parts. On examination of the genitalia on the large and small lips of the genital: no wounds found, fives torn wounds found on the hymen: first torn wound at two o'clock, wound to the base, color resembles skin measuring approximately zero point one centimeter. The wound were torn both ways at four o'clock, wound to the base, with color similar to the surrounding skin, measuring zero point one centimeter. The thirds wound torn in a five o'clock directions, itwound did not reach the bottom, and the color resembled the surrounding skin, measuring zero point one centimeter. The fourth wound torn in a nine o'clock direction,its wound did not reach the bottom, and the color resembled the surrounding skin, measuring zero point one centimeter. The fifth wound torn in an eleven o'clock direction,its wound did not reach the bottom, and and the color resembled the surrounding skin, measuring zero point three centimeters. In the vaginal area: Vaginal discharge, thick white. The inside not checked. There are no visible wounds at the release holed, skin folds at the release hole are still good.

Victims consulting by the mental health department at Djoelham Binjai Regional Hospital, and and no psychopathology had found. , negative results, the victim was discharged well.

## 3. DISCUSSION

In this case, investigators from the Binjai Police came with an SPV and ask for an examination of the 16 year old girl victim who suspected of having experienced sexual violence in the form of sexual intercourse.

The basis for investigators requesting this information based on the Criminal Procedure Code article 133, paragraph:

- (1) In the event that an investigator, in the interests of justice, handles a victim of injury, poisoning or death which is suspected to have been caused by an incident which constitutes a criminal act, they have the authority to submit a request for expert information to a judicial medical expert or doctor or other expert.
- (2) Requests for expert information as intended in paragraph (1) are made in writing, which in the letter is stated explicitly for wound examination or post-mortem examinations and post-mortem examination.

The state protects children from various types of violence, one of which is through law. Laws relating to crimes of morality and their relation to children are in the Criminal Code and the Child Protection Law. In the Criminal Code, the article that regulates sexual violence against children is in Chapter XIV Crimes Against Morality:

Article 287 (1) "Any person who has sexual intercourse with a woman outside of marriage, even though he knows or should reasonably suspect that she is not yet fifteen years old, or if her age is not clear, that it is not yet the time for her to marry, is threatened with a maximum imprisonment of nine years. " (2) Prosecution is only carried out based on a complaints, unless the woman is less than twelve years old or if there is one of the cases under article 291 and article 294.

Article 288 (1) "Whoever during marriage has sexual intercourse with a woman whom he knows or should reasonably suspect that the person concerned is not yet ready to marry, if the act results in injury, he is threatened with imprisonment for a maximum of four years."

Article 290 (2) "Whoever commits an obscene act with a person even though he knows or should reasonably suspect that the person is not yet fifteen years old or, if the age is not clear, the person concerned is not yet ready to get married." (3) "Any person who persuades someone whom he knows or should reasonably suspect is not yet fifteen years of age or, if the age is not clear, the person concerned is not yet ready to be married, to commit

or allow obscene acts to be committed, or to have sexual intercourse outside of marriage with another person." The government has specifically created a Child Protection Law, namely Law no. 23 of 2002 which has undergone several changes to become Child Protection Law No. 35 of 2014, most recently Law no. 17 of 2016. In article 1 paragraph 2 of the Law, it states "Violence is any act against a child that results in misery or suffering, physical, psychological, sexual, and neglect, including threats to commit unlawful acts, coercion, or deprivation of liberty." Of the 4 sufferings, one of them is sexual violence who can take the form of sexual intercourse, namely in article 76D, "Everyone is prohibited from committing violence or threatening violence to force a child to have sexual intercourse with him or with another person" as well as obscene acts mentioned in article 76E "Everyone It is prohibited to use violence or threats of violence, force, use deceit, commit a series of lies, or persuade children to commit or allow obscene acts to be committed."<sup>17,18</sup>

Reflecting on the criminal acts experienced by the victim and the legal articles alleged against the perpetrator at SPV, by Law of the Republic of Indonesia 23 of 2002 which has undergone several amendments, the latest being Number 17 of 2016 concerning Child Protection, in article 1 paragraph 1 It is written that what is meant by a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb, so it is important for doctors to carry out appropriate examinations.

From the results of the examination of the genitals, it was found that the hymen appeared to have been torn at 2, 4, 5, 9, and 11 o'clock in a clockwise direction, indicating that penetration had occurred a long time ago.

After completing an integrated medical examination, it is necessary to provide special protection for child victims of sexual crimes by the Child Protection Law article 69A which was carried out through the following efforts: <sup>17</sup>

- a) Education about reproductive health, religious values, and moral values;
- b) Social rehabilitation;
- c) Protection assistance and assistance during every recovery; And
- d) Providing protection and assistance at every level of examination from investigations, and prosecutions, to examinations in court.

In this case, the victim was advised to return to control the examination completely to continue returning home because he had protection from parents and relatives who lived together in the house, however, it was still recommended for the victim's parents to take better care of the victim and increase security in the form of supervision. And attention to victims.



Pics 1 & 2 genital

#### 4. CONCLUSION

From the results of the examination above, the hymen found : it appeared to be torn reaching the base of clockwise 2, 4, 5, 9 and 11, the color of the surrounding skin, indicating that there had been a long penetration of the victim's genitals, this penetration was in accordance with the victim's statement. Bring the victim to repeated sexual intercourse with the perpetrator's friend.

The reference for this case is Republic of Indonesia Law Number 23 of 2002 which has undergone several changes, the latest being Law Number 17 of 2016 concerning Child Protection. And Criminal Code Article 287. Making post mortems and handling victims can involve various multidisciplinary specialties.

1. Cross-sectoral cooperation to prevent sexual violence against children.
2. Efforts to prove sexual crimes include determining signs of sexual intercourse, determining signs of violence, estimating age and determining whether or not the victim is suitable for marriage.

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