



Implementation of Psychological Rehabilitation for Child Performers of Crime of Sexual Violence

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Abstract. This study aims to examine the implementation of psychological rehabilitation for child perpetrators of criminal acts of sexual violence and to analyze the obstacles in the implementation of rehabilitation for criminal acts of sexual violence. This research is normative or doctrinal legal research that is prescriptive and applied with a *statute approach*. The results of the study indicate that the implementation of psychological rehabilitation is still general in nature, there is no specialization for Child Perpetrators of criminal acts of sexual violence. The forms of rehabilitation provided to Child Perpetrators of Sexual Violence include individual counseling, group counseling, and mentoring of the child's potential. Then, along the way, some obstacles occur in efforts to psychologically rehabilitate Child Perpetrators of sexual violence, such as a lack of human resources, limited sources of funds, and a lack of facilities to support the needs of victims.

Keywords: Child Perpetrators · Sexual Violence · Psychological Rehabilitation

1 Introduction

Based on data from the Indonesian Child Protection Commission (KPAI) from 2016 to 2020, shows that the most crimes committed by children, namely sexual violence, amounted to 713 cases. Compared to other criminal cases, such as children as perpetrators of physical violence (506 cases), health and drug cases (339 cases), theft (252 cases), and murder (11 cases) [1] Unpreparedness in accepting the current globalization has resulted in an increasing number of children being entangled in various criminal cases. The rise of cases of sexual violence committed by children is the impact of increasingly rapid technological developments but is not accompanied by control and supervision from parents, the community, and the government so that children can easily reach pornographic sites. Pornography sites are presented with a view as attractive as possible to look at, make a child's curiosity increase, and can easily be disseminated to their peers. Children who are addicted to watching pornographic content can lead to increased their sexual needs so that they tend to imitate the sexual behavior they have seen and in the end practice it on their peers, this is what causes children to become perpetrators of sexual crimes. Even adult scenes are now often found in television shows, movies, and

video games. Control and supervision of children from technological facilities are very important, where children do not yet have the ability and power to be responsible like adults [2].

The settlement of criminal acts of sexual violence committed by children through the formal criminal justice system which in the end the child is sentenced to prison and has the status of a prisoner certainly brings considerable consequences in terms of child growth and development. The fact is that putting children in prison does not necessarily succeed in creating a deterrent effect, it often makes children more professional in committing crimes [3] This is in line with research conducted by Elita Perwira in 2016 that the criminal justice system that imprisons children has negative impacts such as psychological disturbances in children, children are at risk of experiencing violence, children's basic needs are not met, and children are at risk of becoming recidivist. The root of the problem from the emergence of these negative impacts lies in government policies and related institutions that still do not prioritize a restorative approach and the best interests of children in the process of handling ABH [4] As research conducted by Ani Triwati in 2021 that the cause of the increase in cases of children committing criminal acts and leading to the repetition of criminal acts is that the juvenile criminal justice system does not provide a deterrent effect even punishment for children is only suffering, therefore more handling is needed. Humanist so that in the future children will not repeat criminal acts [5].

Recovery for Children Perpetrators of sexual violence with special *treatment* that is suitable and appropriate for the child is very important so that the child is ready to socialize again with the community as a responsible teenager amid society's negative view of him and reduce the risk of repeating sexual violence in the future. Considering the structure of the child's brain has been damaged due to pornography addiction. The process of punishing children greatly affects their future as the nation's next generation and recidivism is one of the consequences of criminalizing perpetrators of sexual violence without any recovery. The formulation of the problem discussed in this study, namely How is the implementation of psychological rehabilitation for Child Perpetrators of sexual violence? and What are the obstacles in the implementation of rehabilitation for criminal acts of sexual violence?

2 Research Methods

The type of research used by the author is normative or doctrinal legal research that is prescriptive and applied. This research approach is carried out with a *statute approach*. The legal materials used are primary legal materials and secondary legal materials. Primary legal materials consist of statutory regulations and secondary legal materials consist of literature study materials. The data analysis technique uses deductive logic.

3 Discussion

3.1 Implementation of Psychological Rehabilitation for Child Perpetrators of Sexual Violence

Children as the next generation of the ideals of the nation's struggle, have a strategic role and have special characteristics and characteristics that ensure the continuity of

the existence of the nation and state in the future, therefore every child has the right to get protection from the family, society, and government and has the right to receive protection. The widest possible opportunity to grow and develop optimally, physically, mentally, socially, and morally. However, the fact is that there are still many children who are still in their growing period and faced with special situations, where children are forced to face the law because they have committed a crime. The emergence of criminal acts committed by children is not only a disturbance to public order, but is also a problem that can threaten the future of a nation and state. Therefore, children need to be protected from all actions that can harm, them so that children who are the basis of the successor of this nation are maintained [6].

The SPPA Law is the formation of a new Law of the Criminal Justice System for children that is very concerned about their interests and provides protection that has not existed before debates on children's problems continue to be discussed and debated to find the best solution and can apply the principle of protection for children without must infringe on the rights of the child. The existence of diversion arrangements is seen as the most effective way in solving problems regarding children who commit crimes. Legal experts are looking for ways to protect children and prevent children from formal legal processes. The thought of this diversion arose at first because the child who committed this crime was influenced by several factors why he committed a crime, which factor was another factor outside of the child himself such as social factors, educational factors, and environmental factors, and also the implementation of this diversion aims to avoid negative effects on the psyche and development of children due to their involvement in the formal criminal justice system.

The imposition of imprisonment on a child without being followed up with coaching/rehabilitation will not help solve the problem, it cannot even change the behavior of the child to become a better child. Rehabilitating Children Perpetrators of sexual violence can prevent the child from committing sexual offenses in the future or as an adult. Putri Kusuma's research reveals that 50% (fifty percent) of adult sexual offenders have committed sexual offenses as teenagers [7] The United States to reduce cases of sexual violence provides special treatment for juvenile sex offenders. The special treatment varies and is adjusted to the seriousness of the violation, the level of development of the child perpetrator, the number of victims involved, and the relationship between the perpetrator and the victim. There are several treatment models to control children's sexual desires healthily so that they will never engage in aggressive sexual behavior, including the following.

- 1) Cognitive behavioral treatment is an effective framework for dealing with various psychological disorders. This method model sees that children need to learn other skills and behaviors to reduce their tendency to reenact their sexual behavior.
- 2) *Relapse prevention* is a *treatment* that was originally designed for addictive substance abusers, although sexual offenses are not considered an addiction, this method is also appropriate for sexual offenders as a long-term behavior management strategy. This model helps offenders to control their emotions by teaching them to identify problematic situations and then resolve them.

- 3) *The Good Lives Model* is a method that requires children with sexual behavior problems to learn adaptive skills and develop a healthy lifestyle to prevent re-offending.
- 4) Another method is to utilize restorative justice during the treatment process that emphasizes concern for the development of victim empathy, restitution, and the development of personal responsibility.
- 5) *Multisystemic Therapy (MST)*, the researchers also highlighted the promise of Multisystem Therapy (MST) with adolescents who were sexually abused because the outcomes of juvenile sex offenders who received MST revealed much better than those who received individual therapy. In contrast to adolescents in individual therapy, those who received MST showed fewer behavioral problems, improved family and peer relationships, better academic performance, and decreased recidivism rates for both sexual and non-sexual crimes. In addition, family ward care also includes a kind of family therapy. Many of the offender's beliefs and thought constructions regarding sexuality, aggression, and gender generally have developed in the home environment. Family therapy provides an opportunity to understand the child better and correct these distortions.

The implementation of rehabilitation at the Child Special Guidance Institute (LPKA) is carried out through mental development and skills development. As regulated in Law Number 22 of 2022 concerning Corrections. The form of mental development for Child Perpetrators of criminal acts of sexual violence consists of:

- 1) Religious awareness building

This effort is made so that the perpetrators of the crime of sexual violence against children with guidance can have their faith confirmed, especially by providing understanding so that children can realize the consequences of right actions and wrong actions. The implementation of the guidance is carried out in ways that include: For Muslim guidance children, namely by holding recitations and spiritual showers. The schedule of activities is every Monday to Friday.

- 2) National and state development

This effort is carried out through Pancasila education, including making children aware of guidance so that they can become good citizens who can serve their nation and country. The need for awareness to serve the nation and country. The implementation of the guidance is carried out in ways, among others: By holding apples every day, flag ceremonies every Monday, and every major national day such as Independence Day of the Republic of Indonesia every August 17th. Then counseling was held on Citizenship by the local district/city Education and Culture Office.

- 3) Development of intellectual abilities (intelligence)

This effort is needed so that the knowledge and thinking ability of the guidance child is increasing so that it is expected to support the positive activities needed during the coaching period. Intellectual development (intelligence) can be done

either through formal education or through non-formal education. Formal education is held by existing provisions set by the government to improve the quality of children under guidance. Meanwhile, non-formal education is organized according to needs and abilities through courses, skills training, and so on. The easiest and cheapest forms of non-formal education are public lectures and open the widest possible opportunities to obtain information from outside, for example by reading newspapers/magazines, books in the library, watching TV, listening to the radio, and so on. To catch up in the field of education, both formal and non-formal, by trying through learning the Kejar Package A program and business work that is nurtured by outsiders.

4) Coaching to integrate yourself with the community

Guidance in this field can also be said for the development of social life, which has the main aim that the guidance child is easily accepted by the community in his environment. To achieve this, Child Perpetrators of the crime of sexual violence are continuously fostered to obey worship and be able to carry out social efforts in cooperation, so that when they return to society they already have positive characteristics to be able to participate in community development in their environment. . Self-integration programs with the community are usually like the Assimilation program which is supervised by the District Attorney's Office, the Police, the District Court and the Ministry of Law and Human Rights conducted by the Penitentiary.

Furthermore, another form of coaching and mentoring is Legal Counseling. Guidance for legal counseling for children under guidance is carried out by providing legal counseling aimed at achieving a high level of legal awareness so that as members of the community, children under guidance are aware of their rights and obligations to participate in upholding law and justice, protection of human dignity, order, peace, legal certainty and the formation of the behavior of every Indonesian citizen who obeys the law.

The implementation of psychological rehabilitation for Child Perpetrators of Sexual Violence is still general in nature, there is no specialization for Child Perpetrators of Sexual Violence, but also Child Perpetrators of other Crimes. The forms of rehabilitation provided to Child Perpetrators of Sexual Violence include individual counseling, group counseling, and mentoring of the child's potential. Based on the guidelines for treating children at the Child Special Guidance Institute (LPKA), psychological/rehabilitation counseling is divided into 2 (two) types, namely individual counseling, and group counseling. The implementation of counseling is divided into several stages, namely:

1) Individual counseling

Individual counseling consists of the initial stage, the work stage (core), and the action stage (final).

2) Group counseling

Group counseling consists of the formation stage, the transition stage, the activity stage, and the termination stage.

Children should not receive sanctions for deprivation of liberty, especially imprisonment because imprisonment will give a stigma and labeling attached to the child so the hope of mental and moral recovery of the child is difficult to achieve. Indonesia as a state of law should pay special attention to the protection of children by the provisions of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the Constitution of the Republic of Indonesia), which is formulated in Article 28 B paragraph (2) which states that “Every child the right to survival, growth, and development, and the right to protection from violence and discrimination”.

Furthermore, as a manifestation of its commitment to providing protection for children and upholding children’s rights, Indonesia has become one of the countries that participated in ratifying the Convention on the Rights of the Child (hereinafter referred to as CRC) or the *Convention On The Right of the Child* (hereinafter referred to as CRC) is dated November 20, 1989, with the issuance of Presidential Decree No. 36/1996. As a country that has ratified CRC, CRC should be placed as a source of law in the formation of laws and regulations relating to children, this means that all children in Indonesia without except for having the right to obtain protection from the State, including children who conflict with the law either in the position of perpetrators, victims, or witnesses.

Indonesia in implementing the Juvenile Criminal Justice System has used Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (hereinafter referred to as SPPA), as a form of renewal of the Juvenile Court Law, this is because, in the Juvenile Court, it uses a formal juridical approach. by prioritizing *retributive* criticisms of the implementation of the juvenile criminal justice system, many people state that the implementation of this justice system in its implementation is still far from what is expected to be able to realize the goals of child welfare and the best interests of the child.

Recovery of conditions and rehabilitation specifically for Children Perpetrators of sexual violence is very important considering that the occurrence of deviations in sexual behavior in children indicates a disturbance in the child’s brain system that can be at risk of repeating the act [8].

3.2 Obstacles in the Implementation of Sexual Violence Rehabilitation

The obstacles that exist in the implementation of the psychological rehabilitation process include the lack of budget or funds in assisting; lack of human resources to guide the rehabilitation program for child offenders; inadequate facilities.

1) Lack of budget or funds in providing assistance

In the implementation of rehabilitation for Child Perpetrators of Sexual Violence, the available funds must be sufficient to guide clients who receive action sanctions so that all existing mentoring programs can run as expected. However, in its implementation, there is a lack of budget or funds so if there is a specific need in handling clients, they must coordinate with other agencies, sometimes even using the personal funds of social workers first.

2) Lack of human resources in guiding the rehabilitation program for Child Offenders

Human Resources (HR) who have the ability in the field of psychology the implementation of rehabilitation for Child Perpetrators of Sexual Violence are still relatively lacking. The rehabilitation process requires the presence of a psychologist. The unavailability of psychologists in coaching at LPKA is a serious problem for children, especially in mental assistance. I deal in There are 1 (one) Child Special Development Institution (LPKA) psychologists, doctors, and nurses.

3) Inadequate facilities

In carrying out the rehabilitation of Child Perpetrators of Sexual Violence, there are obstacles in terms of infrastructure. Infrastructure is one of the important factors in the implementation of a program. The success of a program is closely related to the availability of supporting infrastructure. Some of the obstacles experienced include:

- a) A place to carry out counseling and logical psycho rehabilitation yet maximum. Carrying out psychological and psychological rehabilitation requires a comfortable place so that children can feel relaxed during activities.
- b) Camera. In carrying out counseling through *video call*, of course, adequate facilities are needed so that the picture during the *video call* is clear to support that communication between counselors and children running well and smoothly.
- c) Computer. In carrying out *online counseling*, of course, the most necessary means to support the continuity of activities are computers. So far, the fulfillment of computer facilities and infrastructure has not been fully fulfilled.

4 Conclusion

Children should not receive sanctions for deprivation of liberty, especially imprisonment because imprisonment will give a stigma and labeling attached to the child so the hope of mental and moral recovery of the child is difficult to achieve. Psychological rehabilitation for children who are perpetrators of crimes of sexual violence needs to be carried out, but in practice, it is still general in nature, there is no specialization for children who are perpetrators of crimes of sexual violence. The forms of rehabilitation provided to Child Perpetrators of Sexual Violence include individual counseling, group counseling, and mentoring of the child's potential. Along the way, some obstacles occur in efforts to psychologically rehabilitate Child Perpetrators of sexual violence, including a lack of human resources, limited sources of funds, and a lack of facilities to support the needs of victims.

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