

# **Punishment Of Chemical Numbation for Servants Who Perform Sexual Violence on Child Victims of Rape**

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## **Abstract**

Child assistance victims of sexual violence play a role in protecting and assisting victims in litigation and non-litigation, both physical, psychological, traumatic and social recovery of victims in fulfilling the rights of victims and restoring growth and development according to their age stages. However, there was a case where a man as a victim's companion from P2TP2A East Lampung, Indonesia, committed acts of sexual violence against the victim he was accompanying. Why does this happen and what are the legal aspects of it? This research uses a qualitative method, the data is extracted through in-depth interviews with victims, victims' companion teams, journalists, women's and children's activist NGOs. The results showed that the companion did not have an educational background as a companion, did not have a child rights perspective, did not have a gender perspective, the institution that recruited him, namely P2TP2A, East Lampung Regency did not have a Standard Operating Procedure (SOP) in mentoring, weak recruitment of assistants, weak capacity building, weak control of P2TP2A on the performance of assistants, did not have a safe house. In this case, the woman who is the Chief Judge of the Tanjung Karang District Court sentenced the perpetrator to 20 years in prison, a fine of 800 million subsidiary 3 (three) months in prison, chemical castration for 1 year after serving the main crime, paying restitution of Rp. 7,700,000. This verdict is an ultra petita due to the demands of the Public Prosecutor (JPU) which is 15 years in prison. However, this chemical castration was abolished in the appeals court of the Tanjungkarang High Court (PT). Whereas in Law No. 7 of 2016,

**Keywords:** Sexual Crime, Girls, Companion.

## **Introduction**

The international community has committed to eliminating acts of violence against women by ratifying the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979. Indonesia ratified CEDAW into Law no. 23 of 2004 concerning

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the Elimination of Domestic Violence (PKDRT). In 2000 the United Nations agreed on the Millennium Development Goals (MDGs) where the third goal is to promote gender equality and empower women. In 2015, the Sustainable Development Goals (SDGs) were agreed as a development goal for rich and poor countries, in which goal 5 is to achieve gender equality and empower all women and girls. The goals of the five SDGs are: ending discrimination against women and children, eliminate all forms of violence against women and children in public and private spaces, including human trafficking and sexual exploitation and other forms of exploitation. The SDGs agenda is based on the principle of "No One Left Behind: inclusiveness, beyond the categories of men-women, and other vulnerable groups that have been marginalized and forgotten in development.

Indonesia has been committed to protecting children, not only signing the Convention on the Rights of the Child in 1990 and ratifying it with Presidential Decree No. 36/1990. In fact, Indonesia made the second amendment to the 1945 Constitution by including Article 28B Paragraph (2) in 2000, "Every child has the right to survive, grow, and develop and has the right to protection from violence and discrimination". As the implementation of the amendment to the 1945 Constitution, Indonesia issued Law Number 23 of 2002 concerning Child Protection; Law Number 23 of 2003 concerning Elimination of Domestic Violence; Law Number 13 of 2006 concerning Protection of Witnesses/Victims; Law Number 23 of 2006 concerning Population Administration; Law Number 21 of 2007 concerning Eradication of the Crime of Trafficking in Persons; Law Number 44 of 2008 concerning Pornography; Law Number 11 of 2009 concerning Social Welfare; Law Number 36 Year 2009 concerning Health; Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. In addition, Indonesia issued Law Number 9 of 2012 as a continuation of the signing of the Optional Protocol to the Convention on the Rights of the Child concerning the Involvement of Children in Armed Conflict in 2001. Furthermore, after Indonesia signed the Optional Protocol to the Convention on the Rights of the Child concerning the Sale of Children, Child Prostitution, and Child Pornography in 2001, Law No. 10 of 2012. Law Number 11 of 2009 concerning Social Welfare; Law Number 36 Year 2009 concerning Health; Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. In addition, Indonesia issued Law Number 9 of 2012 as a continuation of the signing of the Optional Protocol to the Convention on the Rights of the Child concerning the Involvement of Children in Armed Conflict in 2001. Furthermore, after Indonesia signed the Optional Protocol to the Convention on the Rights of the Child concerning the Sale of Children, Child Prostitution, and Child Pornography in 2001, Law No. 10 of 2012. Law Number 11 of 2009 concerning Social Welfare; Law Number 36 Year 2009 concerning Health; Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. In addition, Indonesia issued Law Number 9 of 2012 as a continuation of the signing of the Optional Protocol to the Convention on the Rights of the Child concerning the Involvement of Children in Armed Conflict in 2001. Furthermore, after Indonesia signed the Optional Protocol to the Convention on the Rights of the Child concerning the Sale of Children, Child Prostitution, and Child Pornography in 2001, Law No. 10 of 2012.

However, acts of violence still occur frequently. In notes (UNICEF, 201 CE) Millions of children in the world are subjected to violence whether at home, in the family, at school, in institutions and on city streets experiencing beatings, intimidation, sexual violence or even murder. For many children, there is no safe place. In Indonesia, in 2018 there were 406,178 cases, in 2019 there were 431,471 cases (822 cases of incest whose perpetrators were biological/step/adoptive fathers, 564 cases of violent sexual violence; 489 sexual violence; 319 psychological violence, 147 economic violence). Acts of sexual violence were also perpetrated by officials, such as Saudi Arabian diplomatic officials against Nepalese citizens ((Dewi et al.,

2016); By Priests on children in the Archdiocese of Boston(Warsono, 2020); Ustaz, the owner of a boarding school, and a priest.(Cooperating with Religious Leaders to Eliminate Sexual Violence – CRCS UGM, nd); Pesantren leaders in Gayo Lues Regency towards their students who are still children(Iskandar, 2020); Leaders of Islamic boarding schools in Langkat, dozens of students(Ministry of Women's Empowerment and Child Protection, 2017).

The violent act of rape occurs because women and children are positioned as weak creatures and men as strong beings(Lutfia, 2019)(Lutfia 2019); Expression of power and deviant behavior of men who are dissatisfied with their wife's sexual services, thus demanding sexual services for their biological children(McDonald & Martinez, 2017); Disorganized family and violent and criminal environment(Karbeyaz et al., 2016); Narrow, shabby, isolated house(Amanda & Krisnani, 2019); online gender bias(Schokkenbroek M. et al., 2021); The spread of rape in the media(Van Ouytsel et al., 2017); rampant use of social media without control(Van Ouytsel et al., 2018); so that media literacy is needed for child safety as a legal and social obligation.(Savirimuthu, 2011)

The use of alcohol or drugs, drugs, child safety abuse is now turned into a legal and social obligation(Van Ouytsel et al., 2017); proximity of the perpetrator to the victim, the role of the perpetrator, the position of the victim, a quiet and closed environment(Subrahmaniam Satya, 2019); lack of communication and disharmony(Santoso, 2019). Apart from these things, there is no reduction in violence because the regulations have not provided a deterrent effect(Noviana, 2015);(Siregar & Pranjono, 2019);(Ayu & Arifin, 2019). Research result(Widyaswari et al., 2021)that commitments and strategies are needed to prevent the occurrence of victims of violence, namely supporting parents, caregivers and families, helping children and adolescents manage risk and challenges through psychosocial assistance; changing attitudes and social norms that encourage violence and discrimination through providing information to victims and their families; promoting and providing support services for children, implementing laws and policies that protect children and carrying out data collection and research.

Childhood sexual abuse (CSA) is a very common and serious stressor, associated with short- and long-term psychopathology and post-traumatic stress disorder (PTSD) in particular. It was disseminated on social media networks during 2019 and offered a platform for CSA survivors to share their personal experiences of living with CSA-related post-traumatic symptoms. Children who are sexually abused are prone to various sexual risk-taking behaviors (e.g., ineffective use of contraception, use of drugs and alcohol before sex, multiple partners) that can lead to teen pregnancy.(McNiss et al., 2021); result in physical injury, disability, unwanted pregnancy, early pregnancy; psychological disorders (psychiatric), loss of self-confidence, can not take care of themselves, trauma and the emergence of fear(Ayu & Arifin, 2019); dropouts and abnormal life(Badri, 2014); stress, permanent physical disability, impaired physical or mental health, reactive, overweight or obese, diabetes, smoking habits, excessive alcohol use, poor personal health, cancer, heart disease, and respiratory disease and other negative outcomes(Ferrara et al., 2019). Trauma due to sexual violence experienced by children, among others: loss of children's trust in adults (betrayal), sexual trauma (traumatic sexualization), feeling powerless (powerlessness); and stigma (stigmatization); Cause addiction, trauma, revenge.(Noviana, 2015). Victims of sexual violence are ostracized, ostracized, expelled because of the cause of disgrace in society(Tursilarini, 2016); victims are considered to lack education, lack of parental supervision, and weak faith.(Zalzabella, 2020).

For the recovery of victims, assistance is needed in the litigation and non-litigation processes, fostering courage in reporting cases, building networks with the media so that cases

are noticed by the public.(Fattah & Muthmainah, 2021); become an advocate, broker, facilitator, motivator, synergize with stakeholders, develop psychosocial assistance for the recovery and social functioning of children.(Tuwu et al., 2020); Facilitators need to understand their role in dealing with acts of violence, although their role is still limited.(Rusyidi & Raharjo, 2018). Even though it is hampered by funding sources, coordination with stakeholders will ease the operational burden.(Nuradhawati, 2018). In addition, mentors need to apply therapeutic communication in mentoring(Zahirah et al., 2019); professional(Tiara & Pratiwi, 2018)important for companions.

There are many studies on violence against children, its causes, consequences and services for handling victims. However, research on a male companion of a victim committing acts of sexual violence repeatedly on a victim being accompanied is something that has never happened. Therefore, it is very important to explore the causes of sexual violence, and what punishments can provide a deterrent effect on them?

## Literature Review

### 1. *General Understanding of Child Violence*

According to Wirjono Prodjodikoro (1990) in(Chaerunnisa, 2019), rape is intercourse outside of marriage); by force and coercion.(Poerwadarminta, 1984); where women fight and fear(Santoso, 2019); Even if women can't fight(Prodjodikoro, 2000); not with his wife, and secrete semen(Sugandhi, 1980). However, in Law Number 23 of 2004 concerning the Elimination of Domestic Violence, sexual violence can occur in a marital relationship that is carried out by a husband/wife against their partner, even though it tends to be carried out by a husband against his wife. As regulated in the Child Protection Law Number 35 of 2014 and its amendment Number 17 of 2016 that everyone is prohibited from committing violence or threats of violence to force children to have sexual relations. The definition of sexual violence in End Child Prostitution in Asia Tourism (ECPAT) International is a relationship that positions the child as a gratification of lust in the form of sexual violence or obscenity from parents or siblings or strangers. In this relationship the child experiences being bullied, coerced, by being lied to,

Although the protection of children's growth and development has become a political commitment, legal regulations in Indonesia still show bias in legal texts, in legal procedures, and legal actors have not taken sides with women and have not been able to understand women's subordination.(Abdullah et al., 2001). The legal process and decision are considered to have not met the expectations of the victim because the punishment is not commensurate with the suffering of the victim. Victims become objects and suffer in the search for justice that feels impartial. Female victims must go back and forth in fulfilling legal procedures, such as post-mortem at the hospital, BAP at the police station, with the behavior of officers who cornered women or blamed the victim (Victim Blaming). Officers exhibit gender-biased behavior in views, attitudes or behaviors that blame and corner the victim. These views and attitudes are reflected in the legal process, for example telling the victim that rape occurs because of clothes, behavior and other aspects.(Indonesian Judicial Monitoring Society, 2018). Gender bias is not limited to judges, police and prosecutors who have not taken sides with women and children victims of violence.(Maryam, 2017).

### 2. *Chemical castration for deterrent effect*

The legal sanctions regulated in the Child Protection Law Number 35 of 2014 do not reduce acts of violence, even cases of sexual violence committed by parents and families against girls are increasing. Therefore, it is necessary to protect children by providing sanctions

that provide a deterrent effect. In Law Number 17 of 2016 it is stated that sexual violence against children is carried out by families, parents, guardians, child caretakers, educators, education personnel, officers who handle child protection, or is carried out by more than one person together, the punishment is added 1/3 of the criminal penalty. What is meant by "family relations" includes blood relations in a lateral line up to the third degree. What is meant by "apparatus in charge of child protection" for example, police, prosecutors, judge, community advisor, or social worker. (Article 81 paragraph 3).

Additional penalties are given to perpetrators who have been convicted in the same case. Also, for perpetrators of sexual violence whose victims are more than 1 (one) person, as well as perpetrators whose victims are seriously injured, mentally disturbed, suffering from infectious diseases, impaired or lost reproductive function, and/or the victim dies, the perpetrator is sentenced to death, for life. What is meant by "infectious disease" is a disease that is transmitted through, among other things, sexual intercourse, blood, body fluids, and wounds, for example, HIV/Aids, gonorrhea, and syphilis (in the explanation of article 81 paragraph 5). Criminal offenders with victims whose condition is similar, shall be sentenced to a minimum imprisonment of 10 (ten) years and a maximum of 20 (twenty) years. Additional criminal penalties are given for perpetrators who are found guilty, namely the announcement of the identity of the perpetrators of sexual violence against children, additional punishment of chemical castration or electronic detection devices. This additional punishment is a sentence with imprisonment, but the implementation of additional punishment is after serving a prison sentence, for a maximum period of 2 (two) years. This additional punishment is a preventive effort in reducing the amount of violence against children, as a deterrent effect. This penalty is excluded if the perpetrator is a child. This additional punishment is a preventive effort in reducing the amount of violence against children, as a deterrent effect. This penalty is excluded if the perpetrator is a child. This additional punishment is a preventive effort in reducing the amount of violence against children, as a deterrent effect. This penalty is excluded if the perpetrator is a child.

Chemical castration is not physical castration in which a man's testicles are removed, which results in a deficiency of the hormone testosterone, resulting in loss of sexual desire. While chemical castration is inserting chemicals into the body by injecting or swallowing antiandrogen pills whose function is to weaken the hormone testosterone. In this way, the ability to get an erection and libido is much reduced or even no longer exists. The application of chemical castration has created controversy, some consider it a violation of human rights, because it is not in accordance with the Indonesian legal system; violates the Covenant on Civil and Political Rights (Covenant on Civil Rights/ICCPR), the Convention Against Torture (CAT), as well as the Convention on the Rights of the Child (CRC); corporal punishment is not torture and degrading human dignity, nor is it for revenge, let alone for reasons of deterrent effect. and third, The root of violence against children comes from the desire to control, control and dominate children, so the castration law does not solve the problem. In addition, the Indonesian Doctors Association (IDI) refused to be the executor of the castration sentence for perpetrators of sexual crimes against children because it was considered a violation of the Doctor's Oath and the Indonesian Medical Code of Ethics.(Mardiya, 2017)

In order to improve the protection of women (including girls) in the judiciary, Supreme Court Regulation (Perma) 3 of 2017 was issued regarding Guidelines for Prosecuting Women in Facing the Law (PBH), Judges were asked to identify court facts related to gender inequality and social status, power relations between the litigants; a history of violence from the perpetrator; psychological and physical impacts through a Psychological Certificate, Visum et Repertum Psychiatricum. If the female victim in the trial does not want or is not ready to meet

the perpetrator, the judge can order the perpetrator to leave the courtroom or conduct an examination through remote audio-visual examination or use other examinations (video recording, etc.) so that women victims can provide information without any pressure and avoid trauma. During the trial examination, the Judge should prevent and/or reprimand the parties, legal counsel, public prosecutor and/or legal counsel, who behave or make statements that demean, blame, intimidate, and/or use the experience or background of PBH's sexuality. The judge may suggest and/or grant PBH's request to present a companion. Judges should consider the condition of inequality in legal protection that has an impact on access to justice that has been happening to women in patriarchal societies. Thus, the judge can also use his decision as a space for justice for justice seekers, in this case for PBH,

So, with two regulations, namely Law No. 17 of 2016 and Perma No. 3 of 2017, ideally, it is sufficient to protect children both in prevention and in handling laws that favor the fulfillment of children's rights, as well as those of the female sex. However, there is still a problem where there is a delay in the trial so that the complainant is unable to report the incident in its entirety so the case ends in acquittal (Anderson et al., 2021)

### **3. Case Reporting Process**

Children who are victims of violence respond to the violence they experience by doing nothing (or crying), complaining about seeking help, avoiding, running away, leaving their employer, refusing to go to school, and boys retaliating to stop the violence. The response depends on the availability of the appropriate service.

Procedure The case service begins with the victim reporting to the relevant government institutions, the National Women's Commission, NGOs, WCC, or other parties who have been concerned about women and children. After that, the victim will get a companion/social worker to handle it as needed. In the Child-Centered Multidisciplinary Child Case Handling Guide, 2019, there are principles that are important in handling child cases, including: No impact on things that endanger children and their families; in the best interests of the child; Child friendly; non-discrimination; adhere to the ethics of their respective professions; keep information about the victim (Informed Consent) confidential so as not to harm the victim; for the "best interests of the child" both physically, psychologically, welfare and the fulfillment of children's rights; accountability; make the social capital of children and families to solve problems that occur; keeping secrecy; respecting children's rights to participate, having their opinions heard, including children's rights to be silent; taking into account the cultural context in providing case-handling services.

However, it is not easy to report cases of child abuse. According to (Mkonyi, Ever Mwakawanga, L. Dorkasi Rosser et al., 2021) a multi-disciplinary approach is required, including a proper history, physical assessment, treatment, and referral; disclosure of Children Sexual Abuse, because it is related to good relations with the perpetrator, privacy, and confidentiality; there is a fear of danger if the violence is reported, reporting harassment is seen as a "waste of time" for service providers, loss of evidence from victims, family resistance, poverty, corruption and cultural dynamics.

### **4. Gender Perspective in Child Violence**

Perpetrators of sexual violence are more common in girls and the perpetrators are men. From a gender perspective, this act of violence is caused by gender inequality which is implemented in the relationship between men and girls. This gender inequality occurs in a patriarchal culture that places women in a subordinated position to men where men are in the position of rulers and women are controlled. Men are given control roles while women receive

control over men in all segments of life. This inequality unwittingly causes unequal treatment and discriminates against women in 4 aspects, namely access, control, participation, benefits,

Men and women in the era of RA Kartini, differed in access to education and marriage where women were not allowed to go to school and since menstruation entered a period of seclusion. Women are not given access in determining husbands, as happened in RA. Kartini and as depicted in novels where girls are arranged to pay off their parents' debts. Although now women's access to education has been the same, women's control over education is still with their parents (fathers). Many cases of daughter marriages occur that children are the burden of their parents so that parents assume that their responsibilities have been completed when the daughter is married.

Various acts of domestic violence caused by women not obeying their husband's orders show that women are in the power of men. And girls and boys have seen and learned about gender inequality in society. This is a process of perpetuating a culture of violence against women, which is considered normal. Being a man often legitimizes violence for honor. Therefore, in the case of sexual violence, some people think it is not a mistake and it is understood as a male sexual need. Moreover, society believes that men have more economic potential, thus ignoring women.(UNICEF, 201 CE). Often, it is women who are blamed for going out at night, wearing "nice" clothes, not being able to take care of themselves, and so on. Then what about children who experience violence? Girls are increasingly vulnerable to acts of gender-based sexual violence because children and girls have a low status, they are considered to be treated as anything. In gender construction, girls are easier to accept violence because they have been trained to be obedient, accepting, in contrast to boys who are trained to regulate, refuse, and be aggressive.

The construction of gender inequality is implemented in the low access and control of women in politics. As a result, policy products do not provide equal benefits to men and women. Actually, the products of legislation related to the protection of women and children are sufficient to prove that there is a problem in the protection of women and children. This legal product was decided by the majority of men in the DPR on the basis of external or community encouragement, showing that gender sensitivity to the needs of women and men is different. For example, the Child Protection Law was only drafted and promulgated in 2002 even though Indonesia ratified the Convention on the Rights of the Child in 1990, observing the improvements and amendments to the Child Protection Law in 2014 and lastly in 2016.

The 2016 Child Protection Law specifically emphasizes the need to provide a deterrent effect on perpetrators of child abuse by chemical castration. This setting shows that acts of sexual violence are centered on uncontrolled sexuality in men. The cultural granting of power to men without equal control over girls has resulted in the abuse of men's power. Therefore, empowerment is needed, namely the ability to make decisions about sexual health and the ability to reject unwanted behavior and to advocate for one's sexual desires and interests. (Peterson, 2010; Zimmerman, 1995) in(Grose et al., 2021).

## **Research Methods**

Cases of sexual violence perpetrated by DA were selected for research from 360 cases of violence that occurred in Lampung Province in 2020. However, cases of sexual violence perpetrated by DA were the only ones carried out by a companion from an official institution established by the government, namely the Integrated Service Center for Women's Empowerment and Child (P2TP2A). The rest are acts of violence carried out by close people

or family, girlfriends, and other people who are not known. This study uses a qualitative method, the data is extracted through in-depth interviews with the victim, the victim's father, psychologist who accompanies the victim, the Legal Aid Institute that accompanies the litigation process, the manager of the safe house of the Social Service and the PPPA Service. Qualitative data from research results are grouped based on similar information,

## **Results and Discussion**

### ***Case Chronology***

Acts of sexual violence rape committed by uncle against nephew named Nf (age 12 years). Nf is the first child from a family whose mother has worked in Malaysia for 2 (two) years as a housemaid and her father works as a red brick maker. Nf has 1 (one) younger brother who is 3 years old. After graduating from elementary school, Nf was mostly at home taking care of his younger brother while his father was working. The house occupied by Nf (without rent) with an area of 6 x 9 m<sup>2</sup> with rough cement floors, brick walls, with 3 bedrooms is the house of Lk's uncle who lives not far from where NF lives. In early January 2020, LK (45 years old) came to Nf's house, who was greeted without suspicion, because they were still family. The quiet condition made LK suddenly commit sexual violence on Nf. This action is done repeatedly. Nf is helpless because he is always threatened. Nf once told his father his case, but his father was angry and thought he was lying. After Nf told his other uncles, then his father believed him and reported Lk to the police.

During the legal process, physical and psychological recovery, Nf was accompanied by a man from the Integrated Service Center for Women and Children Empowerment (P2TP2A)2020. Armed with a letter as a companion, DA conveyed to his father Nf that he was assigned to accompany the legal process and psychological recovery of Nf. The profile of DA who was dressed like a government employee (a brown shirt and pants in a local government uniform) made Nf's parents believe when DA said he would take Nf to a safe house. With full confidence, Nf's father released his son to get his rights. Moreover, the incident of sexual violence by Nf's uncle occurred when Nf's mother in Malaysia made Nf's father devastated and helpless so he surrendered to DA who would help with the legal process, physical and psychological recovery and promised to help send Nf to junior high school.

DA takes Nf to a house which Nf finds out is DA's house. In that house, there is his wife and two children whose daughters are already working so they are rarely at home, and who are still babies. For days Novi stays wondering when she will be taken to a safe house. It turned out that from the results of interviews with assistants from P2TP2A, the East Lampung Regional Government did not have a safe house. So, if there is a case that requires a safe house, then it is taken to a safe house in Lampung Province which is managed by the Social Service or the PPPA Service. However, without the knowledge of P2TP2A or DA's friends as companions, Nf was taken to DA's house.

At DA's home, Nf experienced sexual assault, rape and sexual harassment by DA. In DA's view, Nf had already felt that he was being fucked by a man, so he must be addicted. On the first night Nf stayed at DA's house, DA said "ndok... you don't want entertainment" Nf answered "you want it, sir". Nf. Nf interprets entertainment as entertainment like a 13-year-old child, such as traveling, not entertainment. DA suddenly forced Nf to have sexual relations. The sexual violence was carried out at night when his wife was asleep, at dawn, in the morning, at noon when his wife was not at home. Sexual violence acts are carried out with threats that they will kill their parents, chop them up, use witchcraft, when reporting their actions to their parents. As DA says, ' Watch out if you say don't chop you up, don't do witchcraft, then you



won't be jailed.” DA not only threatened, but he also showed pornographic videos, recorded rape incidents and threatened to distribute the videos if he refused to have sex and reported it to his father. (Results of interview with Nf)

In addition to threatening rape, DA sells (trafficking) to other men (Nf's confession to a psychologist, and the results of interviews with Posbakum Aisyiyah Lampung). Nf said that when contacted by DA by phone to send his photo. Then DA said that someone would pick him up to take Nf to the hospital. It turned out that someone in official clothes who picked up Nf did not take Nf to the hospital, but to the hotel. In the hotel room, Novi was forced to serve sexual relations several times. Then Nf was given 700 thousand of which 500 thousand was for Nf and 200 thousand for DA, then Nf was sent back to DA's house (results of an interview with Nf). DA's actions were finally revealed in July 2020. With the help of his uncle Nf and his father, they reported this case to the Online Journalists Association (IWO), then together with IWO and the Legal Aid Institute (LBH) Bandar Lampung,

##### 5. *Chemical castration for deterrent effect*

Nf and her father had the courage to report their case, because they couldn't stand the DA's treatment. The case, which eventually went viral in the media, was responded to by many parties, the Minister for Women's and Children's Empowerment stated that DA Fragrant was severely punished and fired as a companion; as well as KPAI's response. One resident of East Lampung said that Nf was indeed “naughty, flirtatious, likes to have sex”. The community where Nf lives, does not like Nf and his family to live in their original place, is considered libelous. Therefore, Nf and his father and sister were finally taken to a safe house. Nf received legal assistance from LBH Bandar Lampung, received assistance from safe house psychologists from the Social Service and PPPA Service, as well as from Posbakum Aisyiyah Lampung

In the trial process, DA was found guilty and sentenced to a panel of judges at the East Lampung Sukadana District Court on February 9, 2021, with a prison sentence of 20 years in prison and a fine of IDR 800,000,000, subsidiary of 3 months in prison, chemical castration for 1 year after serving the main crime, paying restitution amounting to Rp. 7,700,000 to the victim within 30 days after signing in/having permanent legal force. The verdict is higher than the demands of the Public Prosecutor (JPU), which is 15 years in prison. The verdict is ultra petita because it exceeds the demands of the public prosecutor (Chandra Muliawan, 2021). However, in an appeal to the Tanjungkarang High Court (PT), the additional criminal sentence of chemical castration was abolished but DA was still sentenced to 20 years in prison, fined Rp. 800 million, and paid Rp. 7.7 million in restitution (This article has been published on TribunLampung.co.<https://lampung.tribunnews.com/2021/04/23/pt-tanjungkarang-anlir-punishment-castration-chemistry-perpetrator-obscenity-in-lampung-east>). This article has been published on TribunLampung.co.id under the title PT Tanjungkarang annulled the Chemical Castration Sentence for Obscene Perpetrators in East Lampung.,<https://lampung.tribunnews.com/2021/04/23/pt-tanjungkarang-anlir-punishment-castration-chemistry-perpetrator-obscenity-in-lampung-east>.

DA's act of sexual violence is the latest version of the violence that has occurred in which a companion commits acts of violence against his assistant. Also, the only act of sexual violence where the perpetrator received chemical castration sanctions. This sanction is in accordance with Law Number 7 of 2016 as a rehabilitation function by providing a deterrent effect to perpetrators regulated by the Child Protection Law Number 35 of 2014 and its amendment Number 17 of 2016 that if the perpetrators of sexual violence against children ... officers who handle child protection. ..then the penalty is increased by 1/3 of the criminal

penalty. (Article 81 paragraph 3).

### ***SOPs That Don't Have a Gender Perspective***

Cases of violence by P2TP2A assistants occurred because there was no Standard Operational Procedure (SOP) in handling cases and in recruiting Human Resources as assistants. So, if there is a victim who reports, it will only be responded to in a non-formal manner and a companion will be determined. Then the companion provides assistance to the victim, without any control from P2TP2A and the institution that oversees it. DA's behavior in wearing the local government uniform when providing assistance was not reprimanded even though DA was not a local government employee but claimed to be the head of P2TP2A. With the uniforms worn, Nf's parents gave full trust to DA in providing assistance, which turned out to be repeated acts of violence against their children.

The recruitment of P2TP2A assistants in East Lampung is very weak, because it does not require the competence of facilitators to have training certificates on women and children. As regulated in Law NO 35 of 2014 concerning Child Protection, that companion is a social worker who has professional competence in his field. In addition, women and children's companions need to have a gender perspective so that they don't position women victims as the cause of acts of violence. Moreover, assistants who do not have a gender perspective will actually commit repeated acts of violence in the mentoring process even as DA did. DA in assisting Nf, positioned Nf as a sexual object for herself, exploited her sexuality to earn income and satisfy other people's sex. DA has violated children's rights as regulated in the Child Protection Law that children are victims of physical and/or psychological violence; Child victims of sexual crimes must be protected. Patriarchal culture places women (girls) as weak objects so that they are vulnerable to being ignored, marginalized, exploited, in any situation. This is reflected in DA's behavior towards Nf who has become a victim but is still treated badly and even exploited economically (trafficking). What DA has done shows that this gender-biased perspective is not easily erased by even a facilitator. Patriarchal culture places women (girls) as weak objects so that they are vulnerable to being ignored, marginalized, exploited, in any situation. This is reflected in DA's behavior towards Nf who has become a victim but is still treated badly and even exploited economically (trafficking). What DA has done shows that this gender-biased perspective is not easily erased by even a facilitator. Patriarchal culture places women (girls) as weak objects so that they are vulnerable to being ignored, marginalized, exploited, in any situation. This is reflected in DA's behavior towards Nf who has become a victim but is still treated badly and even exploited economically (trafficking). What DA has done shows that this gender-biased perspective is not easily erased by even a facilitator.

eliminating harmful practices namely early and forced marriage, female genital mutilation; recognize and value unpaid care and domestic work; ensure women's participation in leadership and decisions; ensure access to sexual health, reproduction and reproductive rights in accordance with the Beijing Platform for Action; gender-equal economic resource reform; increasing the use of communication and information technology to promote women's empowerment; adopt and strengthen regulations to promote gender equality and the empowerment of women and girls. ensure access to sexual health, reproduction and reproductive rights in accordance with the Beijing Platform for Action; gender-equal economic resource reform; increasing the use of communication and information technology to promote women's empowerment; adopt and strengthen regulations to promote gender equality and the empowerment of women and girls. ensure access to sexual health, reproduction and reproductive rights in accordance with the Beijing Platform for Action; gender-equal economic resource reform; increasing the use of communication and information technology to promote women's empowerment; adopt and strengthen regulations to promote gender equality and the

empowerment of women and girls.

## Conclusion

Specifically, if the gender perspective is not mainstreamed in mentoring, it will be increasingly difficult for girls to obtain their rights. This can be done through changes to Law Number 35 of 2014 concerning child protection, which not only uses the perspective of children's rights but also uses a gender perspective. This is important because although the tendency of victims of violence is girls, there are also boys as victims. Girls and boys have different specific needs. The use of a gender perspective cannot be interpreted as an achievement of gender inequality, but is actually a respect for special needs

each gender. Meeting these specific needs is very important to be implemented in SOPs at the mentoring level. Because it is not easy to entrust the assistance of girls who are victims of sexual violence to men who are not easy to let go of their gender bias, it is more appropriate to accompany women who are victims of sexual violence. With the consideration that women better understand the specific needs of female victims. In addition, in the SOP for mentoring, it is necessary to regulate the recruitment of assistants with professional qualifications indicated by the initial requirement to have a companion certificate.

The deterrent effect of chemical castration should be used as a rehabilitation sanction for perpetrators so that children's growth and development are more protected. This crime will guarantee the recurrence of acts of sexual violence for those who have done or will commit. In accordance with the principles for the best needs of children.

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