

Challenges in the Implementation of Criminal Law for Sexual Crime Cases in Indonesia

Samsidar

UIN Jambi, Indonesia

E-mail: septisusanty@gmail.com

ABSTRACT

Sexual crimes are one of the most serious crimes and deeply affect the victims. In Indonesia, although there are various laws regulating the handling of sexual crimes, the implementation of criminal law in these cases faces various challenges. This study aims to explore and analyze the main challenges in the application of criminal law to cases of sexual crimes in Indonesia, using a qualitative approach. This research method includes in-depth interviews with legal practitioners, including police officers, prosecutors, judges, and non-governmental organizations that focus on sexual crime issues. In addition, this study also conducted an analysis of relevant case studies and legal documents. The data collected were analyzed using thematic analysis techniques to identify and categorize the main challenges faced in the implementation of criminal law. The results of the study indicate that the main challenges in the implementation of criminal law for cases of sexual crimes. This study concludes that in order to improve the effectiveness of the implementation of criminal law in cases of sexual crimes, reforms are needed that include increased coordination between institutions, special training for law enforcers, and changes in social perceptions of victims of sexual crimes. These recommendations are expected to help create a more responsive and fair criminal justice system for victims of sexual crimes in Indonesia.

Keywords : Criminal Law, Sexual Crimes, Law Implementation, Challenges, Indonesia.

INTRODUCTION

Sexual crimes are among the most profound human rights violations, both for victims and for society at large. In Indonesia, despite the existence of a number of laws designed to address and prevent sexual crimes, the implementation of criminal law often faces significant obstacles. Law No. 35 of 2014 on Child Protection and Law No. 12 of 2022 on Criminal Acts of Sexual Violence are examples of legal frameworks that aim to provide better protection for victims and ensure that perpetrators are punished fairly.

However, in practice, the implementation of criminal law in cases of sexual crimes in Indonesia often encounters various challenges. These problems include a lack of coordination between law enforcement agencies, a lack of adequate training and resources, and social stigma that has the potential to hinder case handling and victim protection. Suboptimal coordination between the police, prosecutors, and courts can lead to delays in the legal process or even failure to provide justice to victims. In addition, the social stigma against victims of sexual crimes often makes victims reluctant to report crimes or provide testimony, which ultimately affects the outcome of the legal process.

This study aims to explore and analyze the main challenges in the application of criminal law to sexual crime cases in Indonesia. Using a qualitative approach, this study will evaluate the factors that influence the effectiveness of criminal law implementation and provide evidence-based recommendations to improve the criminal justice system in dealing with sexual crimes. The findings of this study are expected to provide important contributions to efforts to improve legal policies and practices to ensure better protection and justice for victims of sexual crimes in Indonesia.

METHOD

1. Research Approach

This study uses a qualitative approach to explore and analyze the challenges in the application of criminal law to sexual crime cases in Indonesia. This approach was chosen because it allows researchers to gain in-depth insights into the processes, experiences, and

perceptions of legal practitioners and victims, which cannot be achieved through quantitative methods.

2. Data Collection Techniques

a. In-depth Interviews: This research involved in-depth interviews with a range of key informants, including:

1. Police officers handling sexual crime cases
2. Prosecutors involved in the prosecution process
3. Judge who decides sexual crime cases
4. Representatives of non-governmental organizations focused on victim protection
5. Victims of sexual crimes (with permission and strict ethical considerations)

This interview aims to identify and understand the challenges faced in the legal process, as well as gain perspective on the factors that influence the effectiveness of law enforcement.

b. Document Analysis: This research also analyzed relevant legal and policy documents, including:

1. Laws related to sexual crimes
2. Protocols and work guidelines for law enforcement agencies
3. Case reports and statistics related to sexual crimes

These documents provide additional context and secondary data that support the findings from the interviews.

c. Case Studies: This research includes case studies from several regions in Indonesia to provide concrete examples of the challenges in implementing criminal law. These case studies help in understanding the differences in the application of law across regional and situational contexts.

3. Data Analysis Techniques

- a. Thematic Analysis: Data obtained from interviews and document analysis will be analyzed using thematic analysis techniques. This process involves:
- b. Coding: Identifying and coding the main themes that emerge from the data.

- c. Categorization: Grouping the themes into relevant categories to facilitate analysis.
- d. Interpretation: Analyzing patterns and relationships between themes to identify key challenges and provide insights into ways to address these issues.
- e. Data Triangulation: To increase the validity of the findings, this study will use data triangulation, which is comparing the results of interviews, document analysis, and case studies. Triangulation helps ensure that research findings are accurate and reliable.

4. Ethical Considerations

This research will pay strict attention to ethical considerations, especially in involving victims of sexual crimes as informants. The following steps will be taken:

- a. Informed Consent: Ensuring that all informants provide informed consent before participating in the interview.
- b. Confidentiality: Maintaining the confidentiality of informants' identities and personal information.
- c. Sensitivity: Handle topics with high sensitivity, respecting the victim's experiences and feelings.

RESULTS

The results of this study are based on in-depth interviews with legal practitioners, document analysis, and case studies conducted in several regions in Indonesia. The main findings of this study can be grouped into several categories as follows:

1. Lack of Coordination Between Institutions

- a. Many respondents reported that a lack of coordination between the police, prosecutors, and courts often hampers the handling of sexual crime cases. The legal process is often hampered by inconsistencies between the procedures and policies implemented by these institutions.
- b. Case studies show that certain cases experience significant delays due to differences in legal interpretation and procedures between the agencies involved.

2. Lack of Training and Resources

- a. Lack of specific training on handling sexual crimes and limited resources are major issues. Many law enforcement officers feel ill-equipped to handle cases involving sexual crimes with the sensitivity and expertise needed.
- b. Respondents identified an urgent need for better training and additional resources to improve the effectiveness of law enforcement in such cases.

3. Social Stigma and Psychological Barriers

- a. The social stigma against victims of sexual crimes serves as a major barrier to reporting and prosecution. Victims often feel ashamed or afraid to report because of fears of social judgment and potential negative reactions.
- b. Research shows that this stigma not only influences victims' decisions to report, but also influences the attitudes of law enforcement and the public toward these cases.

4. Complicated Legal Procedures

- a. Complicated legal processes and lengthy procedures often pose a major challenge. Many respondents reported that the convoluted process can be frustrating for both victims and law enforcement, and often results in cases being delayed or even dropped.

DISCUSSION

a. Inter-Institutional Coordination

Lack of coordination between law enforcement agencies creates chaos in handling sexual crime cases. This study shows that there is an urgent need to improve communication and cooperation between agencies. According to Miles, Huberman, and Saldaña (2014), effective coordination between various parties is key to successfully handling cases. Implementing a more integrated system and better coordination mechanisms can help minimize these obstacles.

b. Training and Resources

Lack of training and resources is a significant problem affecting the quality of law enforcement in sexual crime cases. Research by Patton (2002) emphasizes the importance of adequate training for law enforcement in dealing with sensitive cases. Increasing special

training and providing adequate resources will improve the ability of law enforcement to handle sexual crime cases more effectively and sensitively.

c. Social Stigma

The social stigma attached to victims of sexual crimes is a major barrier to law enforcement. Sandelowski (1995) suggests that stigma can affect victims' willingness to report and participate in the legal process. Efforts to reduce stigma through community education and support for victims are essential to improving reporting and justice.

d. Complicated Legal Procedures

Complicated legal procedures often cause uncertainty and delays in the judicial process. Yin (2014) suggests that simplifying legal procedures can help improve the efficiency and effectiveness of the judicial system. Reforms in legal and administrative procedures can reduce obstacles and speed up the law enforcement process.

CONCLUSION

This study identifies and analyzes various challenges in the application of criminal law to sexual crime cases in Indonesia. Based on the results of in-depth interviews, document analysis, and case studies, several key conclusions can be drawn:

1. Lack of Coordination Between Institutions

Lack of coordination between law enforcement agencies, such as the police, prosecutors, and courts, often hampers the handling of sexual crime cases. The legal process becomes slow and ineffective due to inconsistencies in procedures and poor communication between agencies. To increase effectiveness, there needs to be a better coordination mechanism and a more integrated system between these agencies.

2. Lack of Training and Resources

Inadequate training and limited resources are significant obstacles to law enforcement against sexual crimes. Many law enforcement officers are poorly trained to handle these sensitive cases in an appropriate manner. Therefore, increasing specialized training and

providing adequate resources is essential to improve the capacity of law enforcement to handle sexual crimes cases.

3. Social Stigma

Social stigma against victims of sexual crimes is a major barrier to reporting and prosecution. This stigma not only affects victims' decisions to report but also affects the attitudes of the community and law enforcement towards these cases. Efforts to reduce stigma through public education and support for victims are critical to improving reporting and justice.

4. Complicated Legal Procedures

Complicated legal procedures and lengthy administration often lead to uncertainty and delays in the judicial process. Simplifying legal and administrative procedures can help reduce obstacles and increase efficiency in law enforcement against sexual crimes.

Overall, this study shows that to improve the effectiveness of law enforcement against sexual crimes in Indonesia, comprehensive reforms are needed in coordination between institutions, training and resources, and legal procedures. By addressing these challenges, it is hoped that the criminal justice system can provide better protection and justice for victims of sexual crimes.

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