

**THE ROLE OF MEDICOLEGAL ETHICS IN CASES OF  
SEXUAL ABUSE OF CHILDREN BY STEPFATHERS**

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**ABSTRACT:** As the nation's next generation, children should be cared for and protected so that their future can be guaranteed and can achieve their goals. Childhood or adolescence who should still enjoy the beauty of the world can be taken away as a result of blameless deeds. This unfortunate fate befell a 13 year old girl who was sexually abused by her stepfather. As a result, his life changed completely and his passion was no longer visible, due to the injuries he had suffered both physically and psychologically. In this study, the aim of this research is to look at the medicolegal aspect in cases of sexual abuse of children by their stepfather. In addition, he also wants to see law enforcement that can happen to his stepfather due to sexual harassment. The method used in this research is literature with descriptive research type. The results of this study are that in the medicolegal aspect, a visum et repertum will be carried out to strengthen evidence of law enforcement on victims. Furthermore, the strong evidence will continue to the law enforcement policies in effect in Indonesia. Law enforcement in cases of sexual abuse of children aged 13 years by stepfather, has been regulated in the Criminal Code (KUHP) of 1981, namely in article 284 paragraph (1), article 285, article 286, article 287 paragraph (1) , article 288 paragraph (1) and article 294 paragraph (1).

**Key words:** Medicolegal; Sexual Abuse; Child

## **INTRODUCTION**

Children are the most valuable treasure in every family. Every married couple will definitely yearn for the presence of children who can increase happiness in every family. And children can change a person's life, even the Javanese proverb often says that children will bring their own fortune. Every parent will definitely love their child because a mother has fought and even risked her life for the birth of her child on earth. So it can be said that every normal parent would not have the heart to see their child sick or hurt by others. So it can be said that the family is the safest sanctuary for a child.

The State of Indonesia has regulated child protection as stipulated in the Regulation of the State Minister for Women's Empowerment and Child Protection of the Republic of Indonesia Number 2 of 2010 concerning the National Action Plan for the Prevention and Management of

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Violence Against Children<sup>1</sup> but there are still many blameless acts committed against children. The Ministerial Regulation on Women's Empowerment and Child Protection of the Republic of Indonesia Number 2 of 2010 states that children under the age of 18 (eighteen) are still children in the womb. So that the protection of children, namely in the form of all activities aimed at guaranteeing and protecting children and their rights so that they can live, grow, develop and participate optimally in accordance with human dignity and protection from violence and discrimination. In addition, Law Number 23 Year 2004 also regulates the Elimination of Domestic Violence. And what is meant by domestic violence is any act that occurs to a person, especially women, which results in physical, sexual, psychological, and / or neglect of misery or suffering, including acts of threatening to commit acts, coercion or deprivation of liberty. against the law within the scope of the household.<sup>2</sup>

This is very different from what is experienced by a 13 year old girl who lives with her mother and stepfather. The unfortunate fate that befell this 13 year old girl will be remembered for the rest of her life. The reason is that this girl has received indecent acts or has experienced sexual harassment by her own stepfather. Young women whose age should still be happy to know the beauty of the world, but she must swallow the bitter pill in her life. The reason is that this poor young woman experienced sexual harassment by having her stepfather repeatedly intercourse with her. The despicable act committed by his stepfather caused mental and psychological trauma that will not be forgotten in his lifetime. In fact, at the age of only 13 years old, his family should be the most comfortable environment and will always protect him from any dishonorable act.

The role of medicochromial ethics is very much needed to prove inappropriate acts committed by the stepfather. This is supported by Pasa 184 of the Criminal Procedure Code (KUHP), which states that the court's decision can be influenced by five pieces of evidence, namely in the form of witness statements, expert statements, letters, instructions and statements of the defendant.<sup>3</sup> So to reinforce the suspicion against the suspect, the police and the victim will search for evidence through visum et repertum to doctors or medical experts.

Doctors here have a very important role, apart from being the examining doctor, the doctor also has a role to make a visum et repertum which is one of the valid evidence. After a visum et repertum is made if a judge, prosecutor or lawyer needs other evidence to strengthen a case, the

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<sup>1</sup> PERMENPPPA, R. (2010). Rencana Aksi Nasional Pencegahan dan Penanganan Kekerasan Terhadap Anak . Jakarta: Menteri Negara Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia

<sup>2</sup> Sekretaris Negara, R. I. (2004). UU RI Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga. Jakarta: Deputi Sekretaris Kabinet Bidang Hukum dan Perundang-Undangan

<sup>3</sup> Presiden, R. (1981). Undang-Undang No.8 Tahun 1981 tentang Kitab Undang-Undang Hukum Acara Pidana. Jakarta: Kementerian Hukum Republik Indonesia.

examining doctor can be brought to court, before giving the doctor's testimony in oath first so that it can be used as an expert witness.

Based on the background of this problem, the following problems can be formulated in this study (1) What is the concept and role of medicolegal ethics in cases of sexual abuse of children aged 13 years by stepfather? (2) How is the law enforced in cases of sexual abuse of a 13 year old child by stepfather?

## **RESEARCH METHOD**

The method used in this research is through the literature method that sees cases from a medicolegal perspective (medical aspects and legal aspects). And this type of research is descriptive research, by describing cases of sexual abuse of children aged 13 years by stepfather from a medicolegal aspect. Sources of research data used are primary and secondary data sources.

## **DISCUSSION**

### **1. Concept and Role of Medicolegal Ethics in Cases of Sexual Violence in Children aged 13 Years by Stepfather**

Sexual violence against children is the involvement of a child in sexual activity that he or she does not fully understand, cannot provide informed consent to, or for which the child is developmentally unprepared and unable to give consent, or that violates laws or social Public.<sup>4</sup>

In English, sexual violence has many terms, including “rape” (rape), “sexual assault” (sexual assault), “sexual abuse” and “sexual violence” are generally considered the same and are often used. consecutively.

Legal definitions of certain types of sexual violence may differ from medical and social definitions, and can vary between countries and even within countries. Sexual Abuse<sup>5</sup> is defined as, “any sexual act, attempts to obtain sexual acts, sexual comments or advances that are unwanted, or acts to trade in women's sexuality, using force, threats of harm or physical violence, by anyone regardless of the relationship. with victims, under any circumstances, including households but not limited to households and offices. “

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<sup>4</sup> World Health Organization. Report of the Consultation on Child Abuse Prevention Document WHO/HSC/PVI/99.129–31 March 1999. World Health Organization .Geneva. 1999

<sup>5</sup> Jewkes R, Garcia-Moren C, Sen P. Sexual violence. In: World report on violence and health. World Health Organization. Geneva. 2002.

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Rape<sup>6</sup> is defined as “contact between the penis and vulva or penis and anus that involves penetration, however small; contact between the mouth and penis, vulva, or anus; or penetration of the rectum or genitals of another person with your hand, finger or other object”. In article 285 of the Criminal Code, it can be concluded that rape is defined as an act of violence or by threat of forcing a woman who is not her wife to have sex with the perpetrator.

Sexual harassment (sexual abuse)<sup>7</sup> is an act that is extremely dishonourable and inappropriate to do. In Indonesia, there are still frequent cases of sexual harassment, especially for women. Sexual harassment can be divided into several groups, namely:

(a) Verbal sexual harassment

Verbal sexual harassment can be in the form of words aimed at other people but has a relationship with a sexual context, examples of this harassment are as follows:

- 1) Jokes, done by flirting with the opposite sex or the same sex, talk about the sexual context in the discussion and are not appropriate.
- 2) Whistling that means sexual things
- 3) Notifying other people about their sexual desires or telling others about sexual activities that have made other people uncomfortable.
- 4) Criticizing the physical form of others with the aim of being part of sexuality

(b) Non-verbal sexual harassment

In non-verbal harassment, this means that sexual harassment activities do not make direct contact between the perpetrator and the victim. An example is the following.

- 1) Displaying his genitals to the public without shame;
- 2) Looking at other people's sexual parts with a seductive gaze;
- 3) Rubbing genitals against other people.

(c) Physical sexual harassment

In this case, physical sexual harassment is an act of sexual harassment between the perpetrator and the victim through physical contact, the examples are as follows.

- 1) Grabbing a part of a person's body that the victim does not want;
- 2) Sexual coercion or rape;
- 3) Hugging, kissing and even touching someone with a sexual orientation.

Based on the above understanding, the forms of abuse that occur to children are classified as follows<sup>8</sup>:

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<sup>6</sup> World Health Organization. Strengthening The Medico-Legal Response to Sexual Violence. Department of Reproductive Health and Research. World Health Organization

<sup>7</sup> Ocviyanti, D., B, Y., Khusein, D., & D, M. (2019). Peran Dokter Dalam Menangani Pelecehan Seksual Pada Anak Di Indonesia. *J Indon Med Assoc*, Volume 69 Nomor 2 Hal. 89-96.

<sup>8</sup> Ibid

(a) Inces

Inces are deviant sexual activities carried out by close relatives where marital relations are not permitted, for example father and child, mother with child, sibling, grandfather or grandmother with grandchildren, even nephews with uncles or aunts. Apart from family relations due to blood ties, it also applies to marital relationships, for example children with stepfathers or stepmothers. Incestuous behavior can leave traumatic scars that can interfere with the child's development because it is not the time for the child to engage in sexual activity and will result in severe mental and psychological damage if the victim becomes pregnant.

In the case of sexual abuse of a 13 year old child by her stepfather in this study, the inces data was entered. And it can be seen that this dishonorable act can cause psychological and mental injury to the victim because his future has been damaged.

(b) Pedophilia

Pedophilia is a sexual activity characterized by a feeling of attraction towards people who are not yet classified as adults, even children. This occurs as a result of childhood experiences that are not supported by their level of development or someone's experience in their childhood being sexually harassed by pedophiles.

(c) Child Pornography

Pornography for children is a child-centered pornography activity, for example children viewing pornographic images, watching pornographic videos, or even sexual acts or pronounced writings because children are not supposed to get this sexual information. In Law Number 44 of 2008 concerning pornography in article 1 states that "Pornography is images, sketches, illustrations, photos, writings, voices, sounds, moving pictures, animations, cartoons, conversations, gestures, or other messages on communication media. or performed publicly with the intention of being obscene or sexually exploiting and violating the moral norms of society".<sup>9</sup>

(d) Extrafamilial sexual abuse

Extrafamilial sexual abuse is a crime that is committed not in the family environment but in the school environment, child care, or children's play area. This sexual harassment will cause the family or parents to become afraid or insecure about the environment. And this action can result in deep trauma physically and psychologically.

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<sup>9</sup> Presiden, R. I. (2008). Undang-undang Nomor 44 Tahun 2008 tentang Pornografi. Jakarta: Menteri Hukum dan Hak Asasi Manusia Republik Indonesia.

The world of medicine has professional ethics in carrying out its duties. Physician professional ethics is needed because it can avoid abuse and ensure professional power that can function according to moral guidelines and avoids distortion and ensures professional values to conform to moral guidelines. Professional ethics is a set of ideal norms expected from a doctor.<sup>10</sup> So that if professional ethics is formulated into a written document it can be called a code of ethics. Professional ethics is carried out to regulate how doctors should take a stand, and are described in the form of obligations in the code of ethics.

In health care facilities, if there is a doctor who is facing a certain medical condition or case, a standard medical service is required. The standard must contain service and normal conditions so that it must be adjusted to the conditions that occur. Medical service standards must contain the obligation to make a strong medical record, must obtain consent after providing information, and the obligation to refer if unable and others. Medical records have a role and function as stated in the Minister of Health of the Republic of Indonesia Number 269 of 2008, namely medical records play a role as the basis for health care and treatment of patients, material for evidence in legal cases, materials for research and education purposes, basic payment of health service fees, and as materials for prepare health statistics. The medical record in ownership has two sources, namely the contents of the medical record belong to the patient concerned while the physical medical record belongs to the health facility.<sup>11</sup>

In the development of medicolegal ethics, initially based on 3 pillars, namely medical secrets, medical records and informed consent. At this time it has come a long way so that it can create clinical practice guides, standard operating procedures and others. Several supporting examinations in the medicolegal ethical concept were developed to assess the suitability of measures and standards. That matter<sup>12</sup> are 1) Bolam tests / substandard care, namely those carried out by a "responsible body of responsible practitioner"; 2) Bolitho test / illogical care is a treatment that has a logical basis and can be accepted defisibly; 3) Montgomery test is information that must be understood by patients and; 4) Chester test / but for test: if it wasn't for action there would be no damage. In addition there are also several concepts, namely 1) the concept of at least 3T (3 questions) as a measure of "adequate information" in the process of providing information from informed consent, namely a declaration (stating that we have provided information), confirmation (do you want to be asked again), recall (asking again what has been explained), and 2) the second button concept in the consent process of informed

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<sup>10</sup> Prof.Dr.dr.Dedi Afandi, D. (2019). Peran Etik Medikolegal dalam Mewujudkan Dokter Paripurna. Pidato Pengukuhan Guru Besar dalam Bidang Ilmu Kedokteran Forensik . Pekanbaru: Universitas Riau.

<sup>11</sup> Menteri Kesehatan, R. I. (2008). Peraturan Menteri Kesehatan Republik Indonesia Nomor 269 tentang Rekam Medis. Jakarta: Menteri Kesehatan Republik Indonesia.

<sup>12</sup> Prof.Dr.dr.Dedi Afandi, D. (2019). Peran Etik Medikolegal dalam Mewujudkan Dokter Paripurna. Pidato Pengukuhan Guru Besar dalam Bidang Ilmu Kedokteran Forensik . Pekanbaru: Universitas Riau.

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consent, namely the effort to ensure that the patient is aware of what is implied, allowing the patient consciously to unbutton the first shirt, and start offering assistance to unbutton the second shirt. , so that all the doctor's actions have been approved by the patient.

According to WHO rules, handling cases of sexual crimes must be carried out holistically so that it requires the involvement of many parties. In certain cases, sexual crimes do not only involve handling within a country but require international cooperation.<sup>13</sup> Chronological history is important because the purpose of this activity is to obtain information about the chronological background in a chronological order. In this process, the doctor will allow the patient to tell stories according to the victim's own vocabulary and point of view. The doctor will avoid using words that are suggestive and accusing so that the patient will be more comfortable and more open so that he will want to tell in detail about the chronology of the activities that occur. This chronology can also be used as evidence in law.<sup>14</sup> The things that the doctor asks the victim in the history include when the incident occurred, when did he first experience sexual violence, was there any threat he received, the nature of sexual violence, was there any injury or pain in the body, there was pain / difficulty urinating or defecating, when was the last day of the last menstrual period, previous sexual activity, history of bathing / cleaning after sexual violence. This chronological history will be an important feature used by the examining doctor to carry out his examination.

Article 50 of the Criminal Code (KUHP) states that a person will not be convicted of committing an act to enforce the law. So that a doctor and health administration staff have the freedom to make a *visum et repertum* and submit reports on health statistics, epidemics and quarantine.<sup>15</sup> *Visum et repertum* is a written statement made by a doctor at the request of an official written from an investigator who has the authority regarding the facts of the results of medical examinations and opinions of humans, both living victims or dead victims or suspected parts of the human body, based on their knowledge and under oath in the interests of the judiciary.

The types of *post mortem et repertum* are divided based on the victims, namely as follows<sup>16</sup>:

- a) *visum et repertum* of the deceased
- b) *post mortem et repertum*, consisting of

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<sup>13</sup> World Health Organization. Guidelines for Medico-legal Care of Victims of Sexual Violence. WHO Library Cataloging-in-Publication Data. World Health Organization. 2003.

<sup>14</sup> Aspek Medis Pada Kasus Kejahatan Seksual. Sie Ariawan, Samantha, Dhanardhono, Tuntas dan Bhima, dan Sigid Kirana Lintang. e-ISSN: 2540-8844, Semarang : Jurnal Kedokteran Diponegoro, 2018, Vol. 7

<sup>15</sup> Ibid.

<sup>16</sup> Tim Penyusun Modul. (2019). Modul Kedokteran Forensik. Jakarta: Badan Pendidikan dan Pelatihan Kejaksaan Republik Indonesia.

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- 1) post mortem et repertum
- 2) post mortem et repertum of abuse or injury
- 3) psychiatric post mortem et repertum

Meanwhile, based on the time, post mortem et repertum are divided into:

- a) temporary visum et repertum
- b) definitive visum et repertum

In this study, there were cases of sexual abuse that occurred in children aged 13 years, so it is necessary to do visum et repertum of living victims, which is included in the visum et repertum of immoral crimes. In this case, the procedure for requesting a visum et repertum for a living victim can be done with the following details<sup>17</sup>:

- a. Victims with injuries will generally seek help first from the medical personnel or the new hospital to the police station. In this case the police will escort the victim and remind the victim's status as evidence as well as confirm the identity of the victim.
- b. In principle, the SPV writing method states the alleged criminal act in question;
- c. Because visum et repertum is a certificate, it can be made based on medical records that have become evidence since the arrival of SPV;
- d. In making a visum et repertum does not require permission from the patient because it has been requested by law. And it will be different from a medical certificate which does require prior consent from the patient.

The action of visum et repertum in this sexual harassment case has a legal basis for doctors, which is regulated in the Criminal Procedure Code (KUHAP) Article 133 paragraphs 1 and 2, namely as follows:

- (a) In the case of an investigator for the purposes of justice dealing with victims, whether they are injured, poisoned or dead, suspected of being a criminal act, he is authorized to submit requests for information from the judicial medical expert or other medical expert.
- (b) The request for expert information as meant in paragraph (1) shall be made in writing which is used for examination of wounds.

In making a visum et repertum, the meal will contain objective data or findings on the victim in the history, physical examination, supporting examinations and a history of treatment that has objective data. The conclusion section will contain a brief summary of the case with the interpretation of signs of sexual intercourse in the victim. The history that is carried out is about details of incidents of sexual harassment experienced by the victim, previous history of sexual harassment, symptoms of complications that may arise and menstrual history in victims who are in the puberty age range. If a patient is handled by several doctors, ideally the signatory for the post-mortem is all the doctors involved in handling the victim so that the conclusions made

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<sup>17</sup>Ibid.

will be more valid.<sup>18</sup> In cases of sexual harassment it is also necessary to have a vital sign checked. This vital sign in the case of sexual crimes against children is important because:

- 1) Can assist in identifying or characterizing a medical or health problem that has an acute nature.
- 2) Examination of vital signs is also the fastest method in detecting the magnitude of the disease and the physiological condition of the patient or victim's body or body. If the vital signs are getting worse, the disease will be worse for the victim.
- 3) This examination of vital signs is a sign of a severe or chronic disease.

Physical examination is also carried out for localist examinations that occur to the victim. Commonly seen sores are bruises, abrasions, superficial lacerations, and tearing of the hymen. In the event that the sign of violence is located in a deeper "deeper" area such as the hymen or vagina, it can be concluded that it is likely or almost certain that penetration has occurred (on the understanding that the penetration does not have to be complete penetration, and does not have to be by the penis ). After a physical examination is carried out, it is followed by a supporting examination.

Investigations are not always carried out in cases of sexual crimes. Investigations are carried out at certain times and are needed by the doctor. An example of a supporting examination performed is a vaginal swab examination by rubbing a cotton swab on the area where sperm is suspected to be removed and then viewed under a microscope. It is said to be positive if it is found that sperm is either alive or dead. You can also check the Acid Phosphatase Test, Yju Crystals, Test Zn levels, even DNA testing. It all depends on the conditions and needs of each case.

This case of sexual abuse on children will have psychological and physical consequences which, if not resolved, will have an impact until he is an adult. These effects can cause the child to abuse his life on alcohol, drugs, sexually transmitted diseases, vaginismus, dyspareunia, gynecological problems and other interpersonal problems. So that there is a need for assistance in a holistic, comprehensive and sustainable manner to minimize the impact of sexual abuse on children. Furthermore, pregnancy checks can also be carried out in the process of checking sexual crimes against children. This examination can be done using the  $\beta$ -HCG method. This is done to prove whether the victim of a sexual crime was pregnant or not so that the doctor can properly carry out the protocol according to regulatory procedures. If the victim of this sexual crime is pregnant, a DNA test can be done using samples from the pregnancy and fetuses of the

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<sup>18</sup> Refleksi Aspek Medikolegal visum Et Repertum Dalam Perkara Pidana Kasus Perlukaan Dari Perspektif Penyidik Sebagai Penegak Hukum Di Kota Mataram. Nurekayani, Rahayuningrum dan Rohadi, Arfi Syamsum dan. 2020, Jurnal Kedokteran , hal. 136-156.

victim of a sexual crime. So that later this evidence can be used in trials of cases of sexual crimes.<sup>19</sup>

## **2. Law enforcement in cases of sexual harassment of 13 year olds by stepfather**

It is written in article 15 of law number 35 of 2014 concerning amendments to law number 23 of 2002 concerning child protection which discusses that every child has the right to personal protection from:

- a. Abuse of political activities,
- b. Activities in armed disputes,
- c. Social unrest activities,
- d. Activities related to violence,
- e. War activities, and
- f. Sexual crimes

Sexual crime is a crime that must be completely avoided and get more attention in the issue of child protection. This happens because in Indonesia there are more and more cases circulating about sexual crimes against children. So that it will be of particular concern to the government to take more firm action against perpetrators of sexual crimes against children and to provide extra protection in cases of sexual crimes against children. Criminals tend to make children victims because they are easy to threaten or fear, even to the point of being injured because children will not have more energy to defend themselves or fight against perpetrators of sexual crimes.

According to the Regulation of the State Minister for Women's Empowerment and Child Protection of the Republic of Indonesia Number 2 of 2011 concerning Guidelines for the Handling of Children Victims of Violence states that 'Child protection is all activities that aim to guarantee and protect children and their rights to be able to live, grow, develop and participate optimally in accordance with human dignity and protection from violence and discrimination.<sup>20</sup> Violence against children is an act against a child that results in suffering or suffering physically, mentally, sexually, psychologically, including neglect and ill-treatment that threatens the integrity of the body and degrades the child's dignity by parties who should be responsible for the child. In this study, the case taken is the existence of sexual violence or abuse committed by the party who is supposed to be responsible for the child or has power over the child, namely a stepfather, but the stepfather has forced sexual intercourse or raped his stepson who is still aged. 13 years old.

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<sup>19</sup> Ward, Collen A. *Victims of Sexual Violence: A Handbook for Helpers*. <https://books.google.co.id/books?id=GvQB0CljHMEC>. [Online] 1990.

<sup>20</sup> Ketua P2TP2A. (2011). *Peraturan Menteri Negara Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia Nomor 2 Tahun 2011 tentang Pedoman Penanganan Anak Korban Kekerasan*. Jakarta: Menteri Negara Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia

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In the Regulation of the State Minister for Women's Empowerment and Child Protection of the Republic of Indonesia Number 2 of 2011 concerning Guidelines for Handling Child Victims of Violence, it also reveals that the impact of violence against children is that it can affect children's development, namely<sup>21</sup>:

a) Physically

In children who experience physical violence it will cause physical changes such as bruises, wounds, fractures, which can result in disability or loss of bodily function.

b) Psychologically

In children who experience psychological violence, it can result in mental disorders from mild to severe, which makes the child have no confidence in socializing or socializing, fear, stress, even social neglect.

c) Sexually

Children can be infected with sexually transmitted diseases and even HIV / AIDS and cause malfunctioning of their reproductive organs. Besides, the psychological impact of the child will affect him until he grows up. The subsequent impact of sexual violence or abuse is the inability of children to enjoy their sexual life due to trauma from childhood until they become adults and even marry later. As a result, these children will be depressed, not confident because they have lost their chastity, prolonged fear, emotional disturbances, anxiety about their future and even want to end their lives because they feel in vain and have no hope for the future.

d) Abandoned

This will occur due to parents who cannot provide for their children so that the children will be neglected so that their growth and development cannot be maximized.

e) Social

Children who experience violence will tend to have deviant behavior. Children will not have interpersonal and intra personal intelligence.

Sexual harassment that occurred in this study is a crime without witnesses, and the victim is a child aged 13 years and he is the only one who can provide information about what happened to him. In this case, the legal grounds that could affect the victim's stepfather who had committed sexual violence against him were as follows<sup>22</sup>:

(1) Article 284 of the Criminal Code, paragraph 1, namely that a man who has a wife who commits adultery is being known that Article 27 of the Civil Code also applies to him.

(2) Article 285 of the Criminal Code, namely anyone who by force or threat of violence forces a woman to have intercourse outside of marriage with him, because he is guilty of rape, is punished with a maximum imprisonment of 12 years.

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<sup>21</sup> Ketua P2TP2A. (2011). Peraturan Menteri Negara Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia Nomor 2 Tahun 2011 tentang Pedoman Penanganan Anak Korban Kekerasan. Jakarta: Menteri Negara Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia.

<sup>22</sup> Presiden, R. (1981). Undang-Undang No.8 Tahun 1981 tentang Kitab Undang-Undang Hukum Acara Pidana. Jakarta: Kementerian Hukum Republik Indonesia.

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- (3) Article 286 of the Criminal Code, which is that anyone who has intercourse outside of marriage with a woman who knows that the woman is helpless, shall be punished with a maximum imprisonment of 9 years.
- (4) Article 287 of the Criminal Code (KUHP) paragraph (1), which is that anyone who has intercourse outside of marriage with a woman who is not yet 15 years old is punished with a maximum imprisonment of 9 years.
- (5) Article 288 of the Criminal Code (KUHP) paragraph (1), that is, whoever has intercourse with a woman who is not yet fit for marriage, the maximum imprisonment is 4 years, if the act results in the woman getting injured.
- (6) Article 294 of the Criminal Code (KUHP) paragraph (1), namely anyone who commits obscene acts with his child, stepson, adopted child, children under his supervision who have not been carried away, or with an immature person who has been handed over to him to be cared for, educated or guarded, or with a singer or a minor who is underage, shall be punished by a maximum imprisonment of seven years.

So that the form of protection from the Criminal Code for children against sexual violence is a criminal responsibility against the perpetrator, and not criminal responsibility for the direct and real loss or suffering of the victim, but rather an independent or personal accountability.<sup>23</sup> Children who experience victims of sexual crimes receive protection from the government through the existence of Law Number 35 of 2014 concerning amendments to Law No. 23 of 2002 concerning child protection which provides extra or special protection during the recovery period. This is regulated in article 64A in the protection of children who are victims of sexual crimes and can apply for compensation or restitution to perpetrators of sexual crimes which are directly regulated in article 71-D. Thus, it is hoped that the perpetrators of sexual crimes will receive a maximum and appropriate criminal sanction or punishment for their crimes as responsibility for their actions. And the hope is that the severe criminal penalties imposed by the Indonesian government for perpetrators of sexual crimes can prevent the occurrence of sexual crimes against children again, so that no more children will be damaged by their future simply because the perpetrators have not channeled their desires properly. And it is also hoped that parents will be more careful in looking after their children and trust the new people around them.

## CONCLUSION

The conclusions that can be drawn from this study are as follows.

1. There are still too many cases of sexual harassment in Indonesia, so there is a need for an understanding of sexuality at an early age. The concept and role of medicolegal ethics in

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<sup>23</sup>Kajian Hukum Tentang Tindak Kekerasan Seksual Terhadap Anak Di Indonesia. Ananstasia, Hana Sitompul. 1, s.l. : Lex Crimen, 2015, Vol. IV.

cases of sexual abuse of a 13 year old child by stepfather is from a medical perspective, the doctor will assist in investigating the victim through visum et repertum to strengthen evidence for law enforcement against the victim. Furthermore, the strong evidence will continue to the law enforcement policies in effect in Indonesia.

2. Law enforcement in cases of sexual abuse of children aged 13 years by stepfather, has been regulated in the Criminal Code (KUHP) of 1981, namely in article 284 paragraph (1), article 285, article 286, article 287 paragraph (1), and Article 288 paragraph (1).

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