

Countermeasures Against The Criminal Act Of Runaway Underage Girls

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ABSTRACT

This study aims to determine the prevention of criminal acts of escaping underage girls. The method used in this research is empirical or sociological research methodology. This study uses a qualitative approach and sampling using purposive sampling and using descriptive analysis techniques. The results of this study show the efforts made by the police, namely, first, taking preventive measures by providing socialization to the community about the dangers of the child's environment if not supervised by parents, besides that other preventive forms invite the community to cooperate in supervising actions that can harm children. who are underage. Second, take repressive actions against perpetrators who run away underage children and cooperate with police agencies in certain areas, this can make it easier for the police to speed up the legal process, especially if the perpetrators run away. Third. Maximizing cooperation between the families of the victims in order to make it easier for investigators to collect evidence. So that related parties can maximize the socialization of negative impacts, both in general and specifically regarding the legal consequences, so that all levels of society can actively participate in general with the police in efforts to tackle the crime of escaping underage girls.

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1. Introduction

Running away from underage girls is a crime that often occurs in today's society. Many children become victims of criminal acts of escaping underage girls due to lack of attention from parents and the environmental conditions of children that support the occurrence of these crimes. The crime of escaping underage girls is not something that can be considered a small and unimportant problem, in fact this problem is very important because the victims are minors, where children as the nation's buds and the next generation of the nation's ideals must be considered , protected and guarded from all actions that can harm him.¹

The term liability in legal terminology is often replaced by liability. Responsibility can be interpreted as a basic willingness to carry out what is an obligation.² Local government is a subsystem of the government of the Unitary State of the Republic of Indonesia. Therefore, all the goals and ideals mandated by the opening of the 1945 Constitution of the Republic of Indonesia are also the ideals and goals of the regional government that must be achieved.³ Child welfare is a child's life system that can ensure normal growth and development. Children have a strategic role and have special characteristics and characteristics that ensure the continuity of the existence of the nation and state. The Unitary State of the Republic of Indonesia guarantees the welfare of each of its citizens, including the protection of human rights. The reason is that government policies as outlined in laws and regulations are always followed by criminal sanctions⁴ and the involvement of the State which is also one of the characters of the conflict phenomenon.⁵ Additionally, the form of the legal system also requires people to have a sense of love and affection, mutual respect, mutual respect, mutual help, loyalty, honesty, and adequate physical and spiritual support, so that the implementation of the legal system can run in accordance with people's lives in general.⁶ Furthermore, the important point in the preparation of every policy issued by the Government comes solely from the wishes of the people.⁷

¹ Sumiarni. *Perlindungan terhadap anak dibidang hukum*, (Yogyakarta : Universitas Atma Jaya, 2000), 24

² Tijow, Lusiana. (2010). *Perlindungan Hak Asasi Manusia Teriiadap Hak Hidup Anak Dalam Kandungan Di Luar Pbrkawinan Yang Sah*. *Jurnal Legalitas*. 3 (2), 88

³ Novendri M. Nggilu. (2020). *Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo*. *Lambung Mangkurat Law Journal*. 5 (2), 112

⁴ Hwian Christianto, Michelle Kristina. (2022). *Fulfilling the Right of Education during Covid- 19 Pandemic Period: A Comparative Study*. *Jurnal Law Review*. 4 (1), 1

⁵ Yudha Chandra Arwana. (2019). *Jalur Mediasi dalam Penyelesaian Sengketa Pertanahan Sebagai Dorongan Pemenuhan Hak Asasi Manusia*. *Jurnal Law Review*. 1 (2), 216

⁶ Dedi Sumanto, Titin Samsudin, Fikri Asnawi Amiruddin. (2021). *The Existence of the Religious Court in Handling Divorce Cases on the Reason of Domestic Violence*. *Jurnal Law Review*. 3(2), 228

⁷ Nurdin, Putri Handayani. (2019). *Politik Hukum Pengaturan Pendidikan Politik oleh Partai Politik*. *Jurnal Law Review*. 1 (2), 146

One form of crime that is categorized as a criminal act of escaping a girl who is not yet an adult, as regulated in the provisions of the Criminal Code Article 332 paragraph (1) that: a person can be found guilty of escaping a girl who is threatened with imprisonment:

- a. A maximum of seven years, whoever takes away a woman who is not yet an adult, without the will of her parents or guardians but with their consent, with the aim of ensuring control over the woman, both inside and outside of marriage.;
- b. A maximum of nine years, whoever takes away a woman by means of violence or threats of violence, with the intention of ensuring his control over that woman, both inside and outside of marriage.

In general, the crime of escaping is also contrary to religious norms, decency and morals. So this should be a concern for all of us. Like Law Number 17 of 2016 concerning the stipulation of government regulations in lieu of Law Number 1 of 2016 concerning the second amendment to Law Number 23 of 2002 concerning child protection, it is stated that children are buds, potentials and future generations of ideals. -the ideals of the nation that must be protected as children's rights in human rights. The protection of children's rights aims to ensure the fulfillment of children's rights so that they can live, grow, develop and participate more optimally in accordance with human dignity for the realization of quality, noble and prosperous Indonesian children. In addition, this protection is a legal effort against various freedoms that guarantee the welfare of children.⁸ This crime also basically will have a close relationship with the times, especially technological developments, it can be seen that currently minors are influenced by the development of gadgets, so it can be ascertained that this is one of the easier things for perpetrators to contact underage children by deceit. themselves. Today's children are basically addicted to gadgets which in fact will have a negative impact on their lifestyle, especially if it is not under parental supervision. So the rapidly growing development of internet technology has had a very big impact on the world community.⁹

Therefore, it is necessary to enforce the law in tackling crimes against anyone who violates the law. In general, law enforcement is an attempt to tackle crime rationally, fulfill a sense of justice and be efficient in tackling crime against various means as a reaction that can be given to criminals in the form of criminal and non-criminal means, which can be integrated with one another.¹⁰ As said by Prof. Fenty Puluhulawa in his writings that the Government through a law has provided a starting point for justice,

⁸ Law No. 35 of 2014 concerning Child Protection

⁹ Mohamad Rivaldi Moha. (2020). *Urgensi Pendaftaran Penyelenggara Sistem Elektronik Bagi Pelaku Usaha E-Commerce*. *Jurnal Law Review*. 2 (2), 115

¹⁰ Satjipto Rahardjo. *Penegakan Hukum : Suatu Tinjauan Sosiologis*. Yogyakarta Genta Publishing, 2009), 79

which is carried out for the sake of justice based on the One God.¹¹ To quote as said by Fence M. Wantu in his Journal that the essence of justice is an assessment from one person to another, which is generally seen from the party receiving the treatment only.¹² Quoting as said by Suwitno Yutye Imran that Justice serves as a guide to distinguish between fair and unfair actions, elements of the aspect of justice can be contained in the substance.¹³

Based on the data for the last 3 years obtained at the Gorontalo City Police, the attachments can be as follows:

Table 1.

Number of Data Cases for the Crime of Running Away With Girls

Year	Number Reports	of Completed Amount	Unfinished Amount
2019	5	1	4
2020	0	0	0
2021	1	0	1
Total	6	1	5

Source: Gorontalo City Police, 2021

It can be seen from the data table obtained by the author from the Gorontalo City Police that it is very clear that in 2019 of the 5 cases reported to the Gorontalo City Police that could not be resolved there were 4 cases, so it can provide an understanding that only 1 case has been resolved in 2015. 2019 itself. Furthermore, in 2021 with a total of 1 case until then it has not been resolved, so according to the author of law enforcement from the police in terms of overcoming criminal acts as part of the subsystem in the Indonesian criminal justice system, the Police have a fairly heavy task in preventing violations and crimes against both the function and function of the police. community service, protecting and nurturing, in the field of community development, protecting and preparing representative personnel in terms of building partnerships between the police and the community through binkamtibmas (guidance and community security

¹¹ Fenty Puluhulawa, Lusiana M, Tujow, Sutrisno. (2020). *Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim*. Jurnal Gorontalo Law Riview. 3, (2), 174

¹² Fence M. Wantu. (2013). *Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan, Dan Kemanfaatan Di Peradilan Perdata*. Jurnal Mimbar Hukum. 25 (2), 206

¹³ Suwitno Y. Imran. (2021). The Urgency of Regulation of the Ultra Qui Judicat Principle in Criminal Judgments. *Jurnal Law Review*. 3 (2), 398

and order) through the form of pamswakarsa and the application of community policing models (community policing), which The orientation is preventive or preventive measures, including in anticipating criminal acts, especially crimes related to the protection of women and children.

2. Method

The type of research used is empirical legal research, according to Mukhti Fajar that empirical research is legal research that will provide a complete understanding of the law in the context of norms and when applied in a social context.¹⁴ Where to examine the prevention of criminal acts of escaping underage girls obtained through interviews and real actions obtained through direct observation. While the sampling using purposive sampling and using a qualitative approach and data analysis techniques using descriptive research.

3. Countermeasure Against The Crime of Runaway Underage Girls

In essence, any crime or crime is the enemy of all groups, both the government in particular, and society in general. From the past until now, crime has always been seen as an anti-social act, because in addition to being very detrimental, it is also very disturbing to the community. Therefore, from the past until now, the community has always tried to overcome the emergence of criminal acts as a security and safety disturbance. Efforts to overcome crime have been and continue to be carried out by all parties, both the government in general, and law enforcement institutions themselves, because this task is part of efforts to prevent crime. creating a calm, peaceful and peaceful social life without being haunted by fear of disturbances in security and order.

In terms of preventing crime, specifically related to the duties and functions of the Women and Children Service Unit (will be referred to as PPA) of the Gorontalo Police, of course it cannot be separated from the general efforts of the Gorontalo Police in carrying out efforts to overcome or prevent crime/criminal acts in general, both repressive approaches and preventive approaches which are the core from preventing all forms of criminal acts or even just security disturbances which are a manifestation of the duties and functions of the State Police of the Republic of Indonesia. In particular, the prevention of certain crimes, of course, the police must first look for the causes that influence the incidence of crime, because by knowing the factors that cause these crimes, an adequate and appropriate crime prevention method can be made. Therefore, in particular, the intersection between the description above and the efforts made by the PPA Unit of the Gorontalo City Police in tackling the criminal act of kidnapping girls in

¹⁴ Mukti Fajar & Yulianto Achmad, *Dualisme Penelitian Hukum (Normatif dan Empiris)*, (Yogyakarta: Pustaka Pelajar, 2010), 153.

the PPA Unit of the Gorontalo City Police with the character of a crime that is different from other general crimes certainly has a form. special effort. Everyone else, including the government must heed it, by making laws on the basis of natural rights themselves.¹⁵ Because of this, one of the goals of the recognition and establishment of the rule of law is to protect human rights, meaning that individual rights and freedoms are recognized, respected and upheld.¹⁶ Considering that Indonesia is also one of the countries that puts forward the constitution in every aspect of the life of the nation and state.¹⁷ The efforts are based on the results of data collection and interviews as follows:

1. Socialization (Preventif Measures)

Conducting socialization regarding child protection, both in terms of preventing general crimes and specifically related to the importance of planning marriages without violating the law, this socialization is carried out not only to parents but as early as possible to students or teenagers.

From the data obtained in the study, outreach/socialization activities related to child protection of the PPA unit were greatly assisted by the collaborations in the socialization, so that the PPA Unit was not only limited to socialization independently but carried out jointly between the Women And Children Service Unit of the Gorontalo City Police and related elements, both government agencies and several legal aid institutions in Gorontalo City, and even most of the counseling activities are carried out in collaboration with inviting parties from Real Work Lecture Students (will be referred as KKN) from the Faculty of Law at several universities in Gorontalo City, although it must be admitted that internally at the PPA Unit, counseling or socialization related specifically to the crime of carrying and running children who are not yet adults is not so optimal and still needs to be improved.

Based on the results of an interview with Brigadier Alhidayat Abas as a member of the investigator for the Protection of Women and Children at the Gorontalo City Police said that.

“In particular, the attitude towards the obstacles that we experienced in the response must be seen not only technical obstacles such as the lack of human resources for investigators in the PPA unit, but also as a general obstacle that is closely related to the occurrence of any criminal act, so if we assume that all people understand the danger of taking other people's daughters away, whether with the aim of just wanting to gain control because it is done voluntarily or generally because of dating, moreover if the

¹⁵Bakung, Dolot Alhasni. (2020). *Determinasi Perlindungan Hukum Pemegang Hak Atas Neighboring Right*. *Jurnal Law Review*. 2 (1), 67

¹⁶Badu, Lisnawaty. (2012). *Euthanasia Dan Hak Asasi Manusia*. *Jurnal Legalitas*. 5 (1), 1-11

¹⁷Fakhris Lutfianto Hapsoro. (2020). *Interpretasi Konstitusi dalam Pengujian Konstitusionalitas untuk Mewujudkan The Living Constitution*. *Jurnal Law Review*. 2 (2), 145

taking of someone else's daughter is done by trickery, then the percentage of the number of these crimes will decrease doesn't even happen anymore. It must be admitted that the data in the PPA Unit of the Gorontalo City Police is not real data related to this crime, because there are also people who do not report the crime, sometimes when there are other crimes related to the crime of taking the child away, they are caught. So it is necessary to prepare specifically, in the form of cross-sectoral cooperation, because this crime is closely related to the government's efforts to prevent teenage marriage or known as (early marriage)".¹⁸

2. Police Coordination Between Legal Areas

In addition to departing from general issues, in the form of public understanding, especially teenagers who do not fully understand the act of carrying away women who are still categorized as children based on the laws and regulations in Indonesia, technically the efforts taken in the process of law enforcement against criminal acts are carrying out the role and function of the investigation. as possible. Investigating the crime of taking girls away is itself the task of PPA investigators as the delegation of duties and responsibilities of the Gorontalo City Police, in this case as law enforcers in the investigation and investigation stage. Therefore, law enforcers, especially police officers, must act decisively and seriously in dealing with crime to ensure social welfare for the community.¹⁹ The improvement of public welfare facilitated by this law is certainly synergistic with Subekti who has the thought that "the law is dedicated to the direction of the state which in essence is to produce glory and joy for the people."²⁰

n terms of carrying out the task of investigating the crime of taking girls away as regulated in Article 330 of the Criminal Code (will referred as KUHP), of course, PPA investigators have the right to take the necessary actions to resolve and overcome this crime based on the applicable laws and regulations. As has been explained in the obstacles faced by the PPA Unit investigators, that apart from this crime relating to children's problems and personal problems, this crime also has a different character from criminal acts in general, namely the perpetrators and even the victims themselves are difficult to find, or even difficult to ask for information during the examination, because this crime occurred because someone, in this case a man, both an adult and a minor, carried away an immature girl, either voluntarily or by deceit, especially with elements of violence or threats.

Against the existing facts related to the character of this crime, the investigators do not then only work independently but always coordinate with other parties, both internally

¹⁸Interview with Brigadir Alhidayat Abbas, Wednesday, April 06, 2022

¹⁹Ariefulloh, Abd Asis, Maskun. (2019). *Dilema Penerapan Sanksi Pelanggaran Lalu Lintas Terhadap Anak*. *Jurnal Law Review*. 1 (2), 198

²⁰Jufryanto Puluhulawa, Mellisa Towadi, dan Vifi Swarianata. (2020). *Perlindungan Hukum Situs Bawah Air Leato / Japanese Cargo Wreck*. *Jurnal Reformasi Hukum*, 24 (2), 201

between fellow police officers in other jurisdictions, as well as other government agencies that are concerned with the issue of women and children.

Met on the sidelines of carrying out his duties as an assistant investigator at the PPA Unit of the Gorontalo City Police, Brigadier Alhidayat Abas explained that "often in the investigation process by us investigators find the fact that the victim in this case is still under the control of the perpetrator, meaning that at the same time the perpetrator is still in the process of being investigated. his escape which of course was outside the city, or outside our jurisdiction. So that in the investigation process we are constrained by this, with the limited human resources we have in the PPA Unit, it is almost impossible for us to pursue the search process itself, and even if the complainant or complainant is the victim's parent and the victim is still under the control of the perpetrator, we tend to push for a settlement. in a familial manner. Seeing the fact that the perpetrator is still on the run, we of course coordinate with the local police, based on the suspicion that the whereabouts of the perpetrator is based on the information we have obtained.²¹ So when this does not cause problems and if the policy is not in accordance with the behavior patterns of the community, then the government must resolve a problem with the community itself.²²

3. Maximize the participation of the victim's family

Furthermore, it is related to the efforts of the PPA Unit in responding to the obstacles faced in the law enforcement process experienced by investigators in the form of difficulty in obtaining information on the case or case, both from the perpetrator because he is still in the process of running away, as well as difficulties in obtaining information from the victim who was arrested. sometimes have trauma due to pressure on the problems they are experiencing, the PPA Unit seeks to build good communication, in order to maximize the participation of the community, especially related parties in the case.

Considering that the crime of taking people away is a crime that is closely related to personal aspects, especially if the perpetrator and the victim are in a courtship (close relationship) then of course in the examination process by investigators it is obligatory to prioritize the role of the family in order to provide support to the victim himself so that in the midst of pressure mental illness that occurred, but it is hoped that the victim's condition can provide information, because the victim's testimony is very important as the substance of the examination and filing.

In an effort to maximize the equal role of the victim's family, if investigators experience difficulties when examining the perpetrator and the victim directly, information can be

²¹Interview with Brigadir Alhidayat Abbas, Wednesday, April 06, 2022

²²Fitriyadi, Ahmad Adi. (2020). Diferensiasi Pengungsi dan Pencari Suaka dalam Hukum Pengungsi Internasional dan Hubungannya dengan Prinsip Non-Refoulement. *Jurnal Law Review*. 2 (2), 127

obtained even from the testimony of the victim's family. On the other hand, this effort is also carried out so that the examination process can obtain maximum information amidst the internal limitations contained in the investigation of criminal acts of sexual abuse by children at the Women and Children Protection Unit of the Gorontalo City Police, namely the absence of a special room that meets the standards for examining children.

Based on the statement from Bripka Alhidayat Abas that in tackling the crime of escaping underage girls committed by children, investigators are required to work extra hard. Because evidence is difficult to find, because based on the many reports that came in as perpetrators and victims, their whereabouts are not known by the families of the victims who report to the police. Therefore, this makes it difficult for investigators to complete the examination because the victim and the perpetrator cannot be present during the examination and that is why it is also difficult for investigators to collect evidence. Characteristics of the crime of kidnapping girls who are not yet mature, causing every year many reports cannot be completed because there are several of the cases that occurred in the last three (3) years, cases that only reached the P21 stage only amounted to one (1) case. , and some other cases only up to stage P19".²³

Seeing the statements from the investigators above can provide an understanding that the cases that were not completed in 2019 and 2021 were due to the difficulty of finding evidence so that investigators were overwhelmed in taking action against the perpetrators. Because of this, there is a need for more effective law enforcement performance and strategies so that criminal acts related to escaping minors can be carried out properly. According to the author, at least the police must carry out various kinds of countermeasures that are more effective, especially in collaboration with other agencies or in collaboration with the community in general.

4. Conclusion

Efforts made by the police are, first, taking preventive measures in the form of providing socialization to the community about the dangers of the child's environment if not supervised by parents, in addition to other forms of prevention inviting the public to be able to cooperate in supervising actions that can harm children who are still underage. . Second, take repressive actions against perpetrators who run away underage children and cooperate with police agencies in certain areas, this can make it easier for the police to speed up the legal process, especially if the perpetrators run away. Third. Maximizing cooperation between the families of the victims in order to make it easier for investigators to collect evidence.

²³ Interview with the Police Brigadier Alhidayat Abas on January 26, 2022 at the PPA Unit of the Gorontalo City Police

So that related parties can maximize the socialization of negative impacts, both in general and specifically regarding the legal consequences, so that all levels of society can actively participate in general with the police in efforts to tackle the crime of escaping underage girls.

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