



Criminology Study of Sexual Violence in Children

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Abstract: The purpose of this study is to determine the factors that cause sexual violence that occurs in children and to determine the efforts to overcome cases of sexual violence against children in Gorontalo Regency. The research method used is empirical legal research using a case approach and a conceptual approach. The results of the study found that there were five factors that caused cases of sexual violence against children in Gorontalo Regency, including: the lack of family responsibility, the lack of social control from the community, the technology factor, the alcohol factor, the lack of understanding and the inculcation of norms in the order of life. The most dominant factors according to the percentage of cases of sexual violence against children in Gorontalo Regency are the lack of parental responsibility and technology (social media) factors. Efforts to prevent and overcome cases of sexual violence against children in Gorontalo Regency are carried out with preventive efforts, namely a form of prevention before the occurrence of cases of sexual violence against children. Preventive efforts are divided into five efforts, including: applying self-awareness, active communication with family, using technology as best as possible, choosing a good environment, socialization from related parties. The other efforts are repressive efforts, one of the forms of efforts to overcome when there have been cases of sexual violence against children. Repressive efforts are carried out by providing criminal sanctions for crimes that have been committed by the perpetrators. As well as repressive efforts to victims by providing psychological assistance and legal assistance.

Keywords: Children; Criminology Studies; Sexual Violence

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1. Introduction

Children are creatures of God Almighty, who need to maintain their dignity, rights to be human beings and all matters concerning themselves. Conversations about children and their forms of protection will never meet a stopping point throughout the history of life, because children are the generation that will become the nation's successor for the development of the country. namely the descendants who have been prepared to become the subject/executive actor who is also the holder of control over the sustainable development of a country. Protecting the children of this country means providing protection for the intact Indonesian nation's resources. to welcome a good order of community life (fair and prosperous, materially, spiritually based on Pancasila and the 1945 Constitution).¹

In Indonesia, the various forms of evil behavior that occur are regulated in the Criminal Code, where violence against children is also regulated in it. Of the many kinds of violations of criminal law in Indonesia, there is one law violation that has attracted the attention of many people, namely sexual violence against children. Sexual violence in question is sexual violence against children, namely all forms of unwanted sexual acts with intimidation and other treatments. Of course it gives harm to society such as the loss of harmony, welfare, and order in society.²

Sexual violence includes many things, including sexual abuse, rape, and so on. Sexual harassment or rape are two decency violations that can happen to anyone, anywhere, and at any time. Sexual violence is also a part of a crime that is condemned by all parties. Sexual violence has elements of threats, coercion and rape which can be grouped into verbal violence (threats), as well as violence that leads to concrete actions, namely coercion and rape as sexual assault. Sexual violence is the same as child abuse, where small humans are used as objects of sexual stimulation by the perpetrator.³

Sexual behavior towards children is mostly done by the closest people, it can be done by fathers, mothers, relatives and other people who are close to their environment. Thus, this creates fear in itself for children who in fact need guidance from people who are more mature than them. Perpetrators are adults who should be able to protect children from many forms of evil behavior. Sexual treatment that occurs in children has a very serious impact on the development and growth in their lives. The word perpetrator or maker in Dutch is *dader*, in

¹Nashriana. "Criminal Law Protection for Children in Indonesia". 2014. Jakarta: Rajawali Pers, p. 75

²Melati Ramadhani, "A Criminology Review of Children as Victims of Repeated Sexual Violence", Medan: UMSU, 2020, p. 2

³Nurul Febrianti et al, "Protection of Early Childhood Rights Against Sexual Violence", Indonesian Legal Service Journal, 3(1), November 2020, p. 2

this case it is defined as a person who commits or a person who commits a wrongdoing in a criminal event.⁴

Table 1.Data on Cases of Children as Victims of Sexual Violence in Gorontalo District

Source	Year	Number of Cases	Source	Year	Number of Cases
Gorontalo Police PPA Unit	2019	15	Gorontalo Regency PPA Service	2019	29
	2020	39		2020	40
	2021	32		2021	29

Source: Gorontalo Police PPA Unit and Gorontalo Regency PPA Service

Patterns of human behavior increasingly deviate and depart from the norms that grow in society and result in violations and even crimes that lead to violations of human rights.⁵There are three elements in sexual violence, including threats, coercion and rape, namely threats, coercion, and rape.⁶Cases of sexual violence against children in Gorontalo Regency that occur in large numbers are one of the facts that need to be given special handling.

Based on the description of the problems above, the authors formulate 2 (two) problem formulations, namely:

1. What are the factors that cause cases of sexual violence against children in Gorontalo Regency?.
2. What are the efforts to overcome cases of sexual violence against children in Gorontalo Regency?.

2. Method

The research method used is a type of empirical research method or commonly termed sociological legal research. Furthermore, in analyzing the results of the study, the researcher used a qualitative approach with the aim of describing, describing, and explaining the problem under study.

⁴Zainuddin and Ridho Darmawan, "Criminological Study on Sexual Harassment of Santri by Dayah Workers", Panca Budi Journal, 26 December 2020, p. 2

⁵Moh. Rusidyanto Puluhulawa, et al, "Policies in Combating the Crime of Abuse Using Wayer Arrows by Children in Gorontalo City", Juridical Journal, 6(2), December 2019 p. 95

⁶Ismantoro Dwi Yuwono, "The Application of the Law in Cases of Sexual Violence Against Children", 2015, Yogyakarta: Pustaka Yustisia, p. 3-4

3. Discussion

3.1. Factors Causing Cases of Sexual Violence Against Children in Gorontalo District

Sexual violence (sexual violence) is one of the sex practices that is considered as a deviation of morality, where there are elements of violence in the practice of sexual relations. The term sexual violence is a reference to deviant sexual behavior, the victim is harmed and destroys harmony and peace in society. Suffering experienced by victims of sexual violence is a serious consequence that requires more attention.⁷Children have an important role as the next generation of humanity. The involvement of children in fulfilling the family's economy is natural. However, if their involvement is accompanied by threats and violence and is involved in everyday work but is employed inhumanely, it will harm the child's psychology, education, and physical health. So, it can be realized and not realized that children will lose some of their rights to grow develop.⁸

Obscenity is a contact interaction between a child and an adult in which the child is used for sexual stimulation by the perpetrator or another person who is in a position of having power or control over the victim. This includes inappropriate physical contact, exposing a child to sexual/pornographic acts, using a child to produce pornography or exposing the child's adult genitals.⁹

Treatment of acts of violence, neglect, to exploitation and discrimination to inhumane acts. This form of treatment will have a detrimental impact on the psychological development of minors, it will be stored in their subconscious as adults or even continue throughout their lives. minors.¹⁰One of the most widespread and systematic human rights violations is sexual violence. Sexual violence itself is a form of gender-based violence, which includes all actions that can cause physical, sexual and psychological suffering or disturbance. Not only in the form of cultural and structural violence, sexual violence is also caused by the presence of a certain stereo type in the victim.¹¹

Responding to the results of the author's interview on the research that the author has carried out with several informants, namely Mr. Sumarlin Dale as Head of the Gorontalo Police PPA Unit and Mrs. Iyam S. Dini, SKM., M.Kes as Head of the Gorontalo Regency PPA Office, it can be concluded that there are 5 (five) contributing factors include:

⁷Ani Purwanti and Mazellina Hardiyanti, "Strategies for Resolving Sexual Violence Against Women and Children through the Sexual Violence Bill", 47(2) Journal of Legal Problems, April 2 2018, p. 139

⁸Nuvazria Achir, "Fulfillment of The Constitutional Rights of Abandoned Children Victims of Economic Exploitation", Vol. 4 (1) Jambura Law Review, p. 164.

⁹Mohammad Rizky Alhasni, et al, "Measuring the Role of the Police in Preventing the Crime of Sexual Immorality against Minors", Vol. 12 (2) Journal of Legality, Faculty of Law, UNG, 2019, p. 111

¹⁰Ira Aini Dania, "Sexual Violence in Children", Ibn Sina: Journal of Medicine and Health, FK UNISU, 19 (1), p. 48

¹¹Achmad Muchaddam Fahham, et al, "Sexual Violence in the Digital Age", 2019, Malang: Research Center of the Indonesian House of Representatives Expertise Board, p. 1

Table 2.Percentage Data on Number of Cases and Factors Causing Sexual Violence in Children in Gorontalo Regency in 2019-2021

Causative factor	Percentage of Number of Cases
A. Lack of family responsibility	30%
B. The factor of lack of social control from the community	20%
C. Technological Factors (Social Media)	30%
D. The liquor factor	10%
E. The factor is the lack of understanding and inculcation of norms in the order of life.	10%

Source: Gorontalo Police PPA Unit and Gorontalo Regency PPA Service

Abdulsyani suggests two sources that cause criminal behavior of a person or group of people, namely internal factors being the first source of causes such as mental and emotional disturbances, mental illness, age, sex, anomie, education and entertainment issues. The second source is external factors (from outside the individual) that cause criminal behavior, namely religious, economic factors, reading material references, and spectacle (films).¹²JE Sahetapy also gave an explanation regarding the background of individuals who commit crimes, observed from practices in prison, where a person's behavior or crime is caused by his family and social environment (his association).¹³

The two theories from Abdulsyani and JE Sahetapy provide answers to the factors causing cases of sexual violence against children in Gorontalo Regency, where the causes of sexual violence cases can be caused by family and community conditions as well as spectacle (film). Referring to the data in Table 2, it can be observed that factor A and factor C are the most dominant factors that often cause cases of sexual violence against children in Gorontalo Regency, then followed by factor B, then factors D and E.

Some of the factors above influence each other, such as the influence between factor A and factor C. Children become victims of sexual violence crimes on social media because of the lack of attention and responsibility of parents in this case providing education to children related to how to use good technology and rightly, teaching children not to put too much trust in others, as well as other teaching as a form of parental responsibility towards children. The author will

¹²Ni Made Dwi Kristina, "Sexual Violence Crime (Rape) from a Criminological Perspective", 7(3) Journal of Master of Law Udayana, p. 377

¹³Ibid

describe an explanation of each of the factors that cause sexual violence against children in Gorontalo Regency, as follows:

1. Factors Lack of Parental Responsibility

Current data in the field often shows that the hectic problem of sexual violence against children in Gorontalo Regency occurs because parents do not pay attention to their children, such as the absence of parents' efforts to find out what the child's environment is like outside, starting from how the child's social environment is. at school, to his home environment. There is no effort to find children when children do not come home, do not supervise children while playing Smartphones, divorced parents so that children become broken homes. Divorce can cause household problems such as the issue of child care rights, giving love, providing a living and so on¹⁴. There are also other negligent behaviors from parents, which are the cause of several cases that occur, namely the children's families who are perpetrators of sexual violence crimes.

2. Technological Factors (Social Media)

In this modern era, children are also often seen as being adept at playing smartphones (smart phones) without parental supervision, so that perpetrators can easily carry out their actions against children in various modes. This crime of sexual violence involving children is an electronic-based sexual violence, and of course there is a form of fraud in it, a crime of sexual violence like this can also be categorized in the case of cyber porn (pornography crime).

In line with the theory put forward by Emile Durkheim, namely the anomie theory which has a definition of the absence of norms (normlessness). Where the connection can be related to the assumption of groups or classes of internet users that internet activities do not need to be regulated by law because they occur in cyberspace. As also taught by Robert Merton related to anomie theory that can be used to analyze cases of technological crimes such as cyber porn caused by the gap between "ideals" and "available means".¹⁵

3. Factors Lack of Social Control in Society

An unfavorable environment can trigger someone to commit a crime. Family indifference, society's indifference, negative influence from others can cause a crime to occur.

The environmental influence factor, namely the lack of control in society, is described in Social Control Theory, where in society individuals have the same tendency, which tends to behave well or behave badly. A person who behaves good or bad depends entirely on how much the environment

¹⁴Shafira Putri Ramadhani and R Nunung Nurwati, "The Importance of Raising Parents' Awareness to Avoid Violence Against Children", *Focus: Journal of Social Work*, 4(2), p. 194

¹⁵Lutfiah Atamimi, Thesis: "Cyberporn Regulation in the Perspective of Criminal Law and Islamic Criminal Law", (Yogyakarta: UII, 2018), p. 22

affects him. A good society and environment can make a person good, whereas a bad society and environment can make a person bad.¹⁶

4. The Liquor Factor

Substances contained in alcohol can cause a person's loss of consciousness, especially if the person has a sexual desire disorder, it is difficult to hold one's appetite and lose one's mind.

5. Factors Lack of Education and Understanding of Norms in the Order of Life

Another factor that triggers cases of sexual crimes against children in Gorontalo Regency is the low level of education and little understanding related to the norms in the order of life. The education in question is not only formal education (educational institutions) but non-formal education as well as informal education.

Consequences for Perpetrators of Sexual Violence Against Children in Gorontalo District

Perpetrators can be charged with the law that is subject to legal sanctions as a result of the criminal act. The legal consequences will be obtained by the perpetrator because the crime of sexual violence is a crime or an act of violating the law. The State of Indonesia regulates these criminal acts in the Criminal Code (KUHP), Law Number 35 of 2014 which is an amendment to Law Number 23 of 2002 concerning Child Protection.

Criminal law enforcement is the concrete application of criminal law by enforcement officials. In other words, the enforcement of criminal law is the implementation of criminal regulations. Thus, law enforcement is a system that involves harmonizing the values with the rules and real human behavior. These rules then become guidelines or benchmarks for behavior or actions that are considered appropriate or appropriate. The behavior or attitude of the action aims to create, maintain, and maintain peace.¹⁷

Perpetrators who violate Article 76D of Law Number 35 of 2014 concerning Child Protection, namely:¹⁸

"Everyone is prohibited from committing violence or threats of violence to force the child to have intercourse with him or with other people".

The articles used to ensnare perpetrators of sexual violence against children in Gorontalo Regency are as follows:

¹⁶Sahat MT Situmeang, "Criminology Textbook", 2021, Depok: Rajawali Buana Pustaka, Pg. 59

¹⁷Fence M. Wantu and Moh. Taufiq Zulfikar Sarson, "Legal Protection of Women as Victim of Domestic Violence", Vol 1 No.2 Indonesian Journal of Advocacy and Legal Services, hlm. 248

¹⁸Law Number 35 of 2014 concerning Child Protection, Article 76D

Article 81 of Law Number 35 of 2014 states that:¹⁹

“(1) Anyone who violates the provisions as referred to in Article 76D shall be sentenced to a minimum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp. 5,000,000,000.00 (five billion rupiahs), (2) The criminal provisions as referred to in paragraph (1) shall also apply to any person who intentionally commits a trick, a series of lies, or persuades a child to have intercourse with him or with another person, (3) In the event that the criminal act as referred to in paragraph (1) is committed by a parent, guardian, child caretaker, educator, or educational staff, the penalty shall be increased by 1/3 (one third) of the criminal threat as referred to in paragraph (1)”.

Another article that can ensnare perpetrators of crimes of sexual violence against children is Article 287 of the Criminal Code which states that:

“(1) Whoever has intercourse with a woman who is not his wife, while he knows or should reasonably suspect that she is not yet 15 years old, if it is not clear how old she is, that it is not yet time for her to marry, shall be sentenced to a maximum imprisonment of nine years (2) Prosecution is only carried out if there is a complaint, except if the woman is not yet 12 (twelve) years old or if there is one of the things mentioned in articles 291 and 294”.

3.2. Efforts to Overcome Cases of Sexual Violence Against Children in Gorontalo District

The implementation of child protection is the responsibility of the state, government, community, family and parents, which includes protection in the fields of religion, education, health and social affairs. Protection for children should be the same as protection for adults, women and men because everyone has the same position before the law,²⁰

The family, educational institutions, government and society have an important role and have full responsibility in providing various appropriate and appropriate directions or guidance to children for the creation of quality and resilient generations in the future.²¹

The form of shared roles and responsibilities can be implemented by carrying out efforts to overcome the crime of sexual violence, here the author describes the efforts to overcome the crime of sexual violence against children in Gorontalo Regency based on the results of interviews with Mr. Sumarlin Dale as Head of the Gorontalo Police PPA Unit, these efforts include :

¹⁹Law Number 35 of 2014 concerning Child Protection, Article 81 Paragraph (1), (2), (3)

²⁰Mutia Cherawaty Thalib, “Reflections on the Protection of the Rights of “Children Need Love” in Gorontalo City, 5(1) Journal of Early Childhood Education”, p. 567

²¹Meri Neherta, “Intervention for the Prevention of Sexual Violence Against Children”, Padang: Faculty of Public Health, Andalas University, p. 1

1. Preventive Effort

Preventive efforts are a form of prevention efforts to avoid the occurrence of a crime or action. Preventive measures that can be taken include:

a. Applying Self-Awareness

Every individual needs to apply self-awareness in order to minimize him or her from committing crimes or criminal acts, especially to children. Realizing that human life side by side wants a safe and peaceful life so that they can take care of each other, aware that he is a parent who will be a protector for the child, has full responsibility for the survival of the child, is aware that he is a parent, educator, people who are trusted by children who should provide good education as well as understanding for children, realize themselves with the principle of reciprocity, that evil behavior will have a bad impact on the individual himself and his environment. On the other hand, good deeds will certainly bring good things.

b. Active communication with family

Active communication with children is also a form of parental responsibility towards children, finding out the child's environment both at school and outside by inviting children to discuss, it is undeniable in this smart era, education about sex is very important so that children know and can choose their environment. good play. Provide a good understanding of religion to children, how to interact well with others, teach children good manners in speaking and dressing.

Sexual education is one of the rights of children, it must be given as early as possible according to the child's development. Sexual education provides children with the information they need to help them take responsibility for their sexual health and well-being.²²

c. Using the best possible technology

Increasingly sophisticated technology should be used for positive things, such as being used for learning, looking for ideas, increasing creativity, being used to find relationships and other positive things. Not used to search for information that does not have a good impact on life. Technology will bring a lot of good impact on life if used with common sense.

The use of technology for children also needs to be monitored because children are prone to electronic-based crimes. The ignorance of children

²²Paul Joae Bret Nitp, et al, "Sex Education "Sexual Violence in Children" Preventive Efforts for Sexual Violence and Harassment in Children", Journal of Asylum Insan Serving, 3(2), p. 79

about the modes of perpetrators and the innocence of children can cause children to become victims of sexual violence.

d. Choose a good environment

Population density and the influence of urbanization bring many problems of life. One needs to find and choose a good environment in order to minimize the occurrence of crime. There needs to be a relationship between the community around the place of residence.

e. Socialization from related parties

Socialization of legal understanding and education related to sexual violence against children from the Police and the Office of Women's Empowerment and Child Protection to the community related to crimes of sexual violence against children. Socialization is not only done to children but also to parents.

2. Repressive Effort

If preventive efforts have been carried out as much as possible, but the crime of sexual violence against children also cannot be suppressed (happens repeatedly), then other efforts that need to be implemented are not only preventive efforts but repressive efforts. Repressive efforts are a form of overcoming efforts where these efforts are carried out when a crime or crime has occurred. Repressive efforts are carried out from certain parties, namely the P2TPTA Service, the police, prosecutors, courts and correctional institutions in accordance with the legal process in this country and in accordance with the provisions of the applicable laws and regulations.

4. Conclusion

Based on the research and discussion results described above, it can be concluded that there are 5 (five) factors causing cases of sexual violence against children in Gorontalo Regency, namely the lack of parental responsibility, technological factors (social media), environmental factors (lack of control). social), the factor of liquor, and the factor of the low level of education and understanding of norms in the order of life. The efforts to overcome cases of sexual violence against children in Gorontalo Regency are divided into two, namely preventive efforts and repressive efforts. Preventive efforts as prevention efforts are carried out by applying self-awareness, active communication with family, using technology as best as possible, choosing a good environment, and socializing from related parties.

Reference

Books:

- Atamimi, Lutfiah. (2018). *"Cyberporn Regulation in the Perspective of Criminal Law and Islamic Criminal Law"*. Thesis. Yogyakarta: Indonesian Islamic University.
- Fahham, Muchaddam A, et al. (2019). *"Sexual Violence in the Digital Age"*. Malang: Research Center of the Indonesian House of Representatives Expertise Board.
- Nashriana. (2014). *"Criminal Law Protection for Children in Indonesia"*. Jakarta: Rajawali Press.
- Neherta, Meri. (2017). *"Intervention for the Prevention of Sexual Violence Against Children"*. Padang: Faculty of Public Health, Andalas University.
- Ramadhani, Jasmine. (2020). *"Criminological Review of Children as Victims of Repeated Sexual Violence"*. Thesis. Muhammadiyah University of North Sumatra: Medan.
- Situmeang, MT, Sahat. (2021). *"Criminology Textbook"*. Depok: Rajawali Buana Pustaka.
- Yuwono DI (2015). *"Application of Law in Cases of Sexual Violence Against Children"*, Yogyakarta: Pustala Yustisia.

Journal articles:

- Achir, Nuvazria. (2022). *"Fulfillment of The Constitutional Rights of Abandoned Children Victims of Economic Exploitation"*, Jambura Law Review. 4(1), 160-175.
- Alhasni, Moh. R. Lisnawaty Badu, et al. (2019). *"Measuring the Role of the Police in Preventing the Crime of Sexual Immorality against Minors"*. Journal of Legality, Faculty of Law, UNG. 12(2), 110-123.
- Bret Nito, PJ et al. (2021). *"Sex Education "Sexual Violence in Children" Preventive Efforts for Sexual Violence and Harassment in Children"*, Journal of Asylum for Insan Serving, 3(2), 78-86.
- Dania. AI (2020). *"Sexual Violence in Children"*. Ibnu Sina: Journal of Medicine and Health, FK UNISU. 19(1), 1-7.
- Febrianti, Nurul, et al. (2020). *"Protection of Early Childhood Rights Against Sexual Violence"*. Semarang State University: Indonesian Legal Service Journal. 03(1), 56-66.
- Kristina, Ni Made Dwi. (2014). *"Sexual Violence (Rape) from a Criminological Perspective"*. Journal of Master of Law Udayana. 7(3), 371-382.
- Nurwati, RN and Shafira PR (2021). *"The Importance of Raising Parental Awareness So As Not To Do Violence Against Children"*. Focus: Journal of Social Work. 4(2), 189-197.
- Puluhulawa, Moh. Rusdiyanto, et al. (2019). *"Policies in Combating the Crime of Abuse Using Wayer Arrows by Children in Gorontalo City"*. Juridical Journal, 6(2), 93-117.
- Purwanti, Ani. and Mazellina. H. (2018). *"Strategy for the Settlement of Sexual Violence Against Women and Children Through the Sexual Violence Bill"*. Journal of Legal Problems. 42(2), 138-148.

- Talib, Mutia C. (2021). "Reflections on the Protection of the Rights of "Children Need Love" in Gorontalo City". *Journal of Early Childhood Education*. 5(1), 566-575.
- Wantu, Fence M. and Moh. Taufiq Zulfikar Sarson. (2020). "Legal Protection of Women as Victim of Domestic Violence". *Indonesian Journal of Advocacy and Legal Services*. 1(2), 243-258.
- Zainuddin. and Ridho, D. (2020). "Criminological Study on Sexual Harassment of Santri by Dayah Workers". *Panca Budi Journal*, 441-454. Accessed January 16, 2022, from Seminar Of Social Sciences Engineering & Humanities, University of Muhammadiyah North Sumatra.

Constitution

Criminal Code (KUHP)

Law Number 35 of 2014 Amendments to Law Number 23 of 2004 concerning Child Protection.