



Measuring the Role of the Police in Preventing Criminal Acts of Obscenity

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Abstract: This study aims to determine the police's efforts in tackling the crime of child abuse, and to find out the factors that hinder the police in handling cases of child abuse in the jurisdiction of the Bone Bolango Police. The type of research used is empirical research with a case approach. The results of the study show that the police's efforts to deal with criminal acts of child molestation are carried out through preventive and repressive efforts. Preventive efforts are anticipating sexual immorality by providing legal counseling, the negative effects of promiscuity among students, and carrying out raids or patrols to ensure a sense of security in society. Repressive efforts, namely by disclosing the occurrence of criminal acts of obscenity by conducting investigations.

Keywords: Prevention of Crime; Obscenity; Police Bone Bolango.

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1. Introduction

Indonesia is a constitutional state which is a foundation or guideline in carrying out an order of conduct aimed at protecting people's lives. In principle, the law can be accepted in society if it is carried out without any element of coercion. That is why law should be a medium for a revolution that is progressive and not regressive. In this way, the law can be used as a driving force and pioneer to improve the order of public activity so that it can benefit all groups.¹

Indonesia is the highest agreement of the state's formers, even though it experienced a constitutional test when the 1945 Constitution was amended into the Constitution of the United Republic of Indonesia in 1949, even so the recognition of the regions under the auspices of the State of Indonesia is still recognized.²

An absolute requirement for state sovereignty is the existence of a society that obeys the Constitution and its government.³ Because the essence of the constitution is the conception of the state which is the basis and limitation of the constellation of the state administration system.⁴ Therefore, in legal politics, legal discovery and new law-making that is by the goals of the State is a value that must be implemented to achieve legal supremacy and justice.⁵

Legal protection is needed because of efforts to integrate various needs in associations so that there are no conflicts between needs and can enjoy all the rights granted by law.⁶ The state is firmly obliged to try to fulfill the rights of every citizen.⁷

In our daily lives, even in society, to make ends meet, there are often crimes and violations committed by certain people and people who threaten some members of society, which in law is known as criminal acts.⁸ At present, not only the crime rate or quantity of crime is increasing but also the type of crime or quality has

¹Abdul Manan, *Aspek-Aspek Pengubah Hukum* (Jakarta: Kencana Prenada Media, 2005).

²Novendri M Nggilu, "Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo," *LamLaj* 5, no. 2 (September 2020): 110.

³Novendri M Nggilu, "Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo," *LamLaj* 5, no. 2 (September 2020): 110.

⁴Ahmad dan Novendri M. Nggilu, "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution," *Jurnal Konstitusi*. 16, no. 4 (2019): 785–808.

⁵Mohamad Hidayat Muhtar, "Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum," *Jambura Law Review* 1, no. 1 (2019): 68–93.

⁶Jufryanto Puluhulawa, Mellisa Towadi, and Vifi Swarianata, "Perlindungan Hukum Situs Bawah Air Leato / Japanese Cargo Wreck," *Reformasi Hukum* 24, no. 2 (December 7, 2020): 189–208, <https://doi.org/10.46257/jrh.v24i2.137>.

⁷Julius Mandjo, "The Right to Obtain Free Assistance and Legal Protection for The Indigent People Through Legal Assistance Organizations," *Jambura Law Review* 3, no. 2 (2021): 365–77.

⁸Dian Ekawaty Ismail and Mohamad Taufiq Zulfikar Sarson, "Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes," 2021, <http://ejurnal.ung.ac.id/index.php/jalrev/>.

developed rapidly in Indonesia. Criminal sanctions are seen as an effective solution in tackling this problem. Criminal sanctions are a manifestation of the state's responsibility to maintain security and order as well as efforts to protect the law for its citizens.

One of the acts prohibited by criminal law is obscenity. Obscene acts committed by perpetrators other than those already contained in Article 289 of the Criminal Code "Anyone who by force or threat of violence forces someone to commit or allow obscene acts to happen to him, is threatened with committing an act that attacks the honor or moral dignity of a person with imprisonment maximum 9 (nine) years.⁹

In its development towards a democratic and law-abiding nation, the people of Indonesia also need a state apparatus that can help realize just, orderly and prosperous law enforcement. "Such conditions are an effort to increase certainty, awareness, service and law enforcement with the core of justice, truth, order and prosperity in the framework of a more orderly and orderly state administration.¹⁰The Criminal Code, as previously explained, relating to obscene acts has also clearly been regulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection which reads: "Everyone is prohibited from committing violence or threats of violence to force a child to have intercourse with him or with someone else."

Children are part of the younger generation. In addition, children are also one of the human resources who are potential and successors to the ideals of the nation who have a strategic role and have special characteristics and characteristics that require guidance and protection in order to guarantee the growth and development of physical, mental and social as a whole, harmonious and balanced.¹¹so it is not surprising that the protection of children has received serious attention in special laws.¹²

Violence against children is one of the most dominant cases or legal issues that occur in this country. This is very ironic considering that children are the successors of the nation and should have rights so that they can live, grow, develop and participate optimally in accordance with human dignity and

⁹Maidin Gultom, *Perlindungan Hukum Terhadap Anak Dan Perempuan* (Bandung: Refika Aditama, 2012).

¹⁰Fence M. Wantu, *Idee Des Recht Kepastian Hukum, Keadilan Dan Kemanfaatan (Impelementasi Dalam Proses Peradilan Perdata)* (pustaka pelajar, 2011).

¹¹Jefrizal, "Peranan Kepolisian Resor Bukittinggi Dalam Penanggulangan Tindak Pidana Pencabulan Terhadap Anak," *Unes Law Review* 1, no. 1 (2018): 53.

¹²Maskun Arifulloh, A. Abd, "Dilema Penerapan Sanksi Lalu Lintas Terhadap Anak," *Jambura Law Review* 1, no. 1 (2019): 2.

dignity, and receive protection from violence and discrimination, instead experiencing violence such as sexual abuse.¹³

Sexual abuse is an 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 to have power or control over the victim. This includes inappropriate physical contact, making a child view sexual acts or pornography, using a child to make pornography or exposing adult genitalia to a child. Obscenity is an indecent desire or act that leads to sexual acts committed to achieve self-satisfaction from outside the marriage bond.¹⁴

Criminal acts of sexual immorality against children will affect development psychology and mental development of children. Victims of these indecent crimes can cause long-term trauma, causing children to become depressed, inferior or low self-esteem, excessive fear, and eventually cause mental retardation. For children as victims of sexual abuse, this situation can be a bad memory¹⁵

Barda Nawawi Arief is of the opinion that to tackle crime requires a rational effort from society, namely "By means of criminal politics, crime prevention policies or efforts are essentially an integral part of efforts to protect society (social defense). Therefore it can be said that the main purpose of criminal politics is the protection of society to achieve prosperity.¹⁶

The State Police of the Republic of Indonesia is one of the state apparatuses that functions in law enforcement in society. The State of Indonesia assigns duties and authorities to the police in accordance with Article 5 paragraph (1) of Law Number 2 of 2002 concerning the Indonesian National Police. The function of the police is one of the functions of the state government in the field of maintaining public order and security, law enforcement, protection, protection and community service, including playing a role in criminal acts of sexual abuse of children. The role of the Police in tackling the crime of sexual abuse needs to be done to prevent cases of sexual abuse of minors by providing protection to victims and providing a deterrent effect against perpetrators of child abuse.¹⁷

¹³Mohamad Rizky Alhasni; Lisnawaty W. Badu; and Novendri M. Nggilu, "Menakar Peran Kepolisian Dalam Mencegah Tindak Pidana Pencabulan Terhadap Anak Di Bawah Umur," *Jurnal Legalitas* 2, no. 2 (2019): 112.

¹⁴R. Soesilo, *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal* (Bogor: Politeia, 1988).

¹⁵Ngawiardi, "Kajian Kriminologi Terhadap Kejahatan Pencabulan Anak Di Bawah Umur Di Parigi Moutong," *Journal Legal Opinion* 4, no. 4 (2016): 2.

¹⁶A. Barda Nawawi, *Bunga Rampai Kejahatan Hukum Pidana* (Bandung: Citra Aditya Bakti, 2002).

¹⁷Yoseph Andrian Meitianus Lase, "Peran Kepolisian Dalam Menangani Tindak Pidana Pencabulan Anak Di Polres Nias.," *Iuris Studia Jurnal Kajian Hukum* 3, no. 2 (2022): 147.

Law Number 2 of 2002 concerning the Indonesian National Police states that the main duties of the Indonesian National Police are:¹⁸

- a) Maintain public order and security
- b) Uphold the law
- c) Provide protection, shelter and service to the community

In accordance with what has been stipulated in the law, it explains that the role of the police is very important in overcoming criminal acts. Providing protection, protection and service to the community, the role of protection and protection is manifested in good security activities. This role is manifested in the form of being able to place oneself on equal footing with society, not being arrogant and feeling no more in the eyes of society, being able and willing to work hard to prevent problems that occur in society, being able to protect based on the law and not violating the law because of certain interests, and being able to anticipate early in fortifying the community and all possibilities that will disturb the peace and order of the community.

Based on data on cases of sexual abuse that have occurred in recent years, especially in Bone Bolango Regency, which can be seen in the table below:

NO	Year	Victim Child	Offender Adult	Child Offender
1	2019	12	11	1
2	2020	7	6	1
3	2021	21	19	2
4	2022	26	17	9
Total		66	53	13

Source: Data on Reports of Obscenity Cases at the Bone Bolango Police

The table above shows that cases of child molestation in the Bone Bolango Police area have increased, namely in 2019 there were 12 cases, then in 2020 there were 7 cases, in 2021 there were 21 cases and in 2022 there were 26 cases.

If presented, it can be seen that in 2019 cases of child molestation with adult perpetrators had a percentage of 92% while child perpetrators amounted to 8%, then in 2020 the number of cases of child molestation with adult perpetrators was

¹⁸Pasal 13 Undang-Undang Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia.

86%, child perpetrators were 14%, then in 2021 the number of cases Child abuse with adult perpetrators is 90% and child perpetrators are 10%, and in 2022 the number of cases of child abuse with adult perpetrators is 65%, child perpetrators are 35%. Meanwhile, if presented from 2019-2021 cases of child abuse with adult perpetrators amounted to 80% and child perpetrators amounted to 20%.

Based on the increasing cases of sexual abuse in accordance with the data above, it is necessary to make efforts by the police to deal with the rampant cases of child abuse. Given that criminal acts of this kind are prone to occur and difficult to predict regarding perpetrators and victims, this is a warning for all parties to be more careful, especially increasing awareness and security for children so they do not become victims of this crime. The child who is a gift from the Creator, is properly obliged to be cared for and protected.

Regarding the current protection of children, it is very necessary to emphasize the reform of law enforcement on sexual violence against children. This is very important, where the position of children is very vulnerable to sexual violence. Children do not yet know what sexual violence is, it can even be said that children can only be silent, cry and scream when sexual violence occurs.¹⁹Children should get protection from various parties, if the child is already in the school environment, it means that the child has received protection from the school, if the child is already in the family environment, the roles and functions of the family must run properly.²⁰

2. Method

The research method used in this paper is empirical research or field research with a case approach. With observation, interview and documentation techniques as a form of effort to gain clarity from something that is being discussed.

3. The Police's Efforts to Overcome the Crime of Child Abuse at the Bone Bolango Police Station

In general, cases of sexual abuse of children have continued to occur in recent years, especially in Bone Bolango District. So from the results of the research it was found that the efforts of the police in tackling criminal acts of obscenity.

The criminal act of molestation against children is generally committed by adults, both those who are still related or not. Each case has a different background and different causes. In essence, all forms of sexual abuse of children are oriented towards satisfying the perpetrator's sexual desires and appetites. Every child who is a victim of sexual abuse will usually experience a negative impact on his psychological development. The short-term impact that can occur is that children

¹⁹Laurensius, "Reformasi Penegakan Hukum Kekerasan Seksual Terhadap Anak," *Kanun Jurnal Ilmu Hukum* 19, no. 2 (2017): 314.

²⁰S. Ratna, "Pelecehan Seksual Terhadap Anak," *Prosiding KS. Riset & PKM*, n.d.

become moody, sad, like to be alone, don't want to socialize and avoid meeting other people. In addition, children will be afraid when they meet other people, especially people they don't know, children will be afraid to come into contact with other people. Meanwhile,²¹

Based on the results of interviews with Mr. Rian Ali as a member of the community who expressed the opinion that "In my view, child abuse occurs because of a lack of parental supervision, causing children who are still under age to feel free to do the things they want to do, where their parents still free their children in doing something outside the home without wanting to know who their children are hanging out with, whether hanging out with people who can be trusted or not. This needs to be emphasized to parents, especially those with daughters, to better control their children so they don't get caught up in things that are not desirable to prevent crimes that are self-defeating."²²

Furthermore, the results of the researcher's interview with Mr. Sukri said that, "Until now cases of sexual abuse continue to increase which is very detrimental to society, especially victims. As a result of this crime, of course, the victim loses his future and also the psychological impact on the victim. Sexual abuse committed against children certainly makes the child's mentality disturbed, especially in the social environment and friends. Therefore we need to provide motivation to victims to provide understanding to children that children must remain enthusiastic to continue their studies and be able to develop their potential."²³

Meanwhile, according to Mrs. Meyti that "I personally feel very sorry to see the condition of the victims who experienced acts of sexual violence, especially when they experience something like deep trauma that can trigger children to take actions that have far more negative impacts such as experiencing depression and committing suicide. In this case, we emphasize to the police that the perpetrators of sexual crimes can be punished according to the applicable law to provide a deterrent effect on the perpetrators so they do not repeat the act."²⁴ Researchers also argue that the lack of parental and community control over children who have the potential to become victims of criminal acts of obscenity is a contributing factor to the occurrence of this crime. This can provide opportunities for criminals to do evil more freely. Parents who give less attention and supervision.

Prevention of sexual abuse crimes against children must be carried out in an integrated manner both medically and psychologically. Medical protection is carried out to restore the physical condition of children who may experience physical harm. Children who may experience physical harm (injuries, bruises, abrasions, etc.) This medical protection is provided until the child victim of the

²¹Primautama Dyah Savitri, *Benang Merah Tindak Pidana Pelecehan Seksual* (Jakarta: Penerbit Yayasan Obor, 2006).

²²"Wawancara Bersama Bapak Rian Ali, Selaku Masyarakat Di Kabupaten Bone Bolango," (2022).

²³"Wawancara Bersama Bapak Sukri, Selaku Masyarakat Di Kabupaten Bone Bolango," (2022).

²⁴"Wawancara Bersama Ibu Meyti, Selaku Masyarakat Di Kabupaten Bone Bolango," (2022).

criminal act of sexual abuse is completely healed physically and psychologically by providing assistance to the victim.

Meanwhile, psychological protection is provided by providing assistance to victims of criminal acts of sexual abuse, namely by carrying out psychiatric therapy for the trauma they experience as a result of criminal acts of sexual abuse. This is very important to do to anticipate the long-term impact on the stable mental development of minors to become victims of criminal acts of obscenity.

Based on the results of interviews that were conducted with Mr. Helpis Ntuiyo as Head of the Bone Bolango Police PPA Unit that, "The efforts or actions of the police in tackling and preventing the occurrence of criminal acts of obscenity in the Bone Bolango Regency area are to provide understanding and understanding to the community, especially among adolescents by conducting outreach related to this problem. Actions taken in the form of legal counseling efforts are very important to do, considering that in general the perpetrators of crimes.²⁵

In particular, the criminal act of sexual abuse of children is that the level of legal awareness is still relatively low, so that with this counseling activity it is hoped that they will be able to understand and realize that the criminal act of sexual abuse of children is an act against the law and is detrimental to society, which is punishable by law. In addition to carrying out preventive efforts or actions, the Bone Bolango Police also carried out repressive measures in tackling criminal acts of sexual abuse of children. This repressive action is carried out by arresting and processing according to criminal law the perpetrators of criminal acts of sexual abuse of children in accordance with applicable regulations. This repressive effort is an effort to enforce criminal law,

While the results of an interview with Mr. Cut Setiahari Oliy as an assistant investigator at the Bone Bolango Police said, "The Police as an institution that has responsibility for enforcing the law and is the spearhead in tackling immoral crimes, where the police are the main investigators in dealing with a crime. As the first institution that interacts directly with criminal acts, special expertise and skills are needed in dealing with criminal acts that occur in society. For this reason, the police provide services to the community in order to provide protection and a sense of security and comfort for the community.²⁶In terms of police efforts to prevent the occurrence of criminal acts of obscenity as described above in providing legal protection for minors as victims of immoral crimes, the efforts made by the police are as follows:

1. Preventive Efforts

Preventive efforts are the initial efforts made by the police to prevent criminal acts from occurring. Efforts made in pre-emptive crime prevention are by

²⁵“Wawancara Bersama Helpis Ntuiyo (Kanit PPA) Polres Bone Bolango,” (2022).

²⁶“Wawancara Bersama Bapak Cut Setiahari Oliy, Selaku Penyidik Pembantu Polres Bone Bolango, Senin 26 September 2022,” (n.d.).

instilling good values or norms so that these norms are internalized within a person.²⁷

In Law Number 2 of 2002 concerning the Indonesian National Police Article 13 discusses the duties of the police, namely maintaining security and public order, enforcing the law, providing protection, protection and service to the community. Meanwhile, Article 2 of Law Number 2 of 2002 discusses the functions of the police, namely the functions of the state government in the field of maintaining public order and security, law enforcement, protection, protection and service to the community. Therefore, this preventive effort is included in the duties of the police in Article 13 of Law Number 2 of 2002, one of which is to provide protection, protection and service to the community.²⁸

The forms of police efforts to tackle criminal acts of obscenity are:

- a. Coordinate with all parties who have a connection and interest in the occurrence of decency crimes including obscenity of minors. This coordination is important to find solutions to prevent immoral crimes against minors. These related parties include schools, local governments that specialize in children.
- b. Carry out legal counseling or socialization to the community in order to further increase public legal awareness and work together with schools to socialize legal issues with students.
- c. Carry out raids at places or even locations that are allegedly places where it is possible to commit obscene acts, such as lodging and so on which are closed in nature or have closed partitions that can provide opportunities and opportunities to commit obscenity in them, meaning that administrative sanctions are required here In prevention, for example, administrative sanctions are imposed on entrepreneurs who are still running a closed business and allowing obscenity to occur against children.

2. Repressive Efforts

Repressive Efforts Repressive measures are actions or steps taken by the authorities and related parties after the occurrence of a crime. The repressive measures were as follows: Putting the perpetrators of crimes into detention.²⁹

When a criminal act occurs, namely by applying legal regulations in accordance with the rules so that the Police Institution in terms of upholding legal objectives is truly in a stable and consistent state for the achievement of the duties and

²⁷Oktavia Purnamasari Sigalingging, "Peran Polri Dalam Menangani Tindak Pidana Cabul Terhadap Anak," *Jurnal Rectum* 1, no. 2 (2019): 203.

²⁸Pasal 13 Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia.

²⁹Ajeng Puspitawati; and Puji Wulandari, "Peranan Unit Pelayanan Perempuan Dan Anak Kepolisian Dalam Menangani Tindak Pidana Pencabulan Terhadap Perempuan Dan Anak Di Kepolisian Resor Kabupaten Purworejo," *Jurnal Pendidikan Kewarganegaraan Dan Hukum* 8, no. 1 (2019): 133.

functions of the Police as mandated in Law Number 2 of 2002 About the Indonesian National Police.³⁰

The repressive measures in question include; Investigations, investigations into criminal acts of sexual harassment resulting in the transfer of case files to the public prosecutor for the prosecution process at the Gorontalo District Court.³¹ Where preventive efforts by the Bone Bolango Police are anticipating the occurrence of all forms of crime, including obscenity by conducting counseling and patrols to ensure a sense of security in society. While the repressive effort is to reveal the occurrence of criminal acts of obscenity by carrying out investigations, investigations and transferring case files to the Public Prosecutor for trial based on applicable laws and regulations.

Countermeasures can be taken, in the event that all levels of society along with the government and law enforcers have taken preventive measures to prevent criminal acts of obscenity against minors by taking preventive measures, however obscene acts against minors still occur. The forms of countermeasures included are as follows:

- a. Support from the community for disclosing criminal cases, especially obscene acts against minors, if the crime occurs in the surrounding environment, the obscene act must be immediately reported to the local security apparatus
- b. The police as investigators and at the same time protectors, protectors and community services, especially in this case the Women and Children Service Unit (UPPA), must be thorough and thorough in searching for evidence such as post mortems and witness statements, so that the perpetrators of obscene acts against children do not just go away of the alleged crime
- c. The public prosecutor is the prosecutor who is authorized by law to prosecute and carry out the judge's determination in accordance with Article 13 of the Criminal Procedure Code.
- d. The judiciary must work efficiently in imposing a punishment that is truly commensurate with the perpetrator's actions, namely obscene acts against minors.
- e. Print media and electronic media can also help the process of overcoming obscene acts against children, namely by conducting investigative news on cases of obscenity against minors.
- f. Pieter Hoefnagels said that one of the efforts to deal with crime is "the application of criminal law".

³⁰“Undang-Undang Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia” (n.d.).

³¹“Wawancara Bersama Bapak Cut Setiahari Olli, Selaku Penyidik Pembantu Polres Bone Bolango, Senin 26 September 2022.”

In the Child Protection Act Number 23 of 2002 which was renewed by Law Number 35 of 2014 Article 81 and Article 82 concerning the criminal provisions as regulated in paragraph (1) also apply to anyone who intentionally commits deception, a series of lies, or induce a child to have intercourse with him or with another person with 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 rupiah).

Legal protection of all children's interests related to welfare.³²The rights of children protected by law are the responsibility of all parties, be it the family, society or the state. Support for providing protection for children is urgently needed, both in terms of institutions and legal instruments that are more stable and also adequate.³³

From the discussion regarding the efforts of the police in tackling the criminal act of child molestation at the Bone Bolango Police Station, it can be seen that the results of these efforts are based on the data obtained by researchers in 2020. The efforts made by the police can be said to be effective because in 2020 cases of child abuse experienced decreased compared to the previous year, namely in 2019, whereas in the following year, namely in 2021, cases of child abuse increased again, therefore it can be concluded that the efforts made by the Bone Bolango Police Police can be said to be effective because they have complied with procedures based on existing regulations, whereas if seen from the results of the existing data the efforts made are still not fully effective.

3.1 Factors That Obstacle the Police in Overcoming the Crime of Child Abuse

Children who are victims of fornication must receive legal protection from the authorities. This kind of legal protection must not only be upheld by the government, society and the family environment, but also by law enforcement officials, especially the police. This legal protection is carried out so that the rights of children as victims of obscenity crimes can be carried out or fulfilled in accordance with the provisions of the applicable law.³⁴Crime can be said as a form of someone's behavior that violates the provisions of law and norms that apply in society. One of the criminal acts in the form of behavior and actions is none other than obscene acts for which the perpetrator must receive criminal sanctions through the law enforcement process.

Law enforcement can be carried out through supervision and the application of sanctions by using various means, both administrative, civil and criminal law means with the aim that the applicable provisions can be obeyed. Concrete law enforcement is the application of positive law in practice as it should be obeyed.

³²Waluyadi, *Hukum Perlindungan Anak* (Bandung: Mandar Maju, 2009).

³³*Op. Cit.*, Mohamad Rizky Alhasni; Lisnawaty W. Badu; and Nggilu,

³⁴Safira Tiara Putri; and Eko Wahyudi, "Pelaksanaan Perlindungan Hukum Bagi Korban Tindak Pidana Pencabulan Anak Pada Tingkat Penyidikan," *Supremasi Jurnal Hukum* 4, no. 2 (n.d.): 118.

In the functioning of law, the mentality or personality of law enforcement officers plays an important role, if the regulations are good, but the quality of the officers is not good, there is a problem. Therefore, one of the keys to success in law enforcement is the mentality or personality of law enforcement.³⁵

Its relation to the factors that hinder the police in tackling criminal acts of obscenity where based on the results of research conducted by researchers that these factors, including:

1. Community Awareness Factor

Based on research conducted by researchers, the factors that hinder the police in dealing with criminal acts of obscenity, as stated by investigators, that the priority is public awareness, in this case the community is expected to be more cooperative, namely being able to assist law enforcement officials in uncovering criminal acts. child abuse that occurred in the Bone Bolango area.

In the event that the disclosure of the crime is less effective, it is influenced by the lack of information from the public to the police regarding these actions which can hinder the process of disclosing the case.³⁶

Law enforcement comes from society, and aims to achieve peace in society. Therefore, from a certain point of view, society can influence law enforcement, in this case it is emphasized in outline regarding the existing opinions regarding the law, which greatly affect legal compliance. It is clear that this must have something to do with the previous factors, namely the law and facilities.

Of the many meanings given to law, there is a great tendency in society to interpret law and even identify it with officers (law enforcers as individuals). One of the consequences is that the good and bad of the law is always associated with the pattern of law enforcement behavior, which in his opinion is a reflection of the law in structure and process.

In the view of the researcher, the community and the police are partners who should be able to work together to achieve order and security for the community itself, in this case the disclosure of criminal acts of child abuse, where public awareness is the most important object where the community can control so that the act of this action can be prevented, as well as the role of the police, the police are required to be strict in terms of law enforcement and are also required to be more humane in terms of social interaction with the community.

2. Lack of Evidence

³⁵Eko Riyadi, "Perlindungan Hukum Terhadap Anak Sebagai Korban Marital Rape," *Jurnal Ilmu Hukum Dan Humaniora* 5, no. 2 (2022): 124.

³⁶"Wawancara Bersama Helpis Ntuiyo (Kanit PPA) Polres Bone Bolango."

Apart from community factors and law enforcement itself, the factors that impede the police's efforts in handling cases of criminal acts of child abuse are the lack of evidence, and the suspect not being in place or running away, this is as stated by investigators, that:

"Regarding that there are still many cases of alleged criminal acts of child abuse that have not been successfully uncovered, at this stage investigators say that the obstacles faced for the case (investigation results are incomplete), because this is due to the fulfillment of evidence that does not meet the requirements or in other words evidence is not fulfilled, so the case file is returned.³⁷

3. Facilities or Facilities Factors That Are Less Supportive

Factors of facilities and facilities that hinder one of them are forensic doctors who have limited tools, the lack of existing facilities so that the Police of the Bone Bolango Police carried out a post-mortem examination in the City of Gorontalo. According to the author, the lack of existing facilities resulted in the police experiencing difficulties in handling the case.

Meanwhile, in cases of alleged criminal acts of child abuse that are ADR (Alternative Dispute Resolution) or settlement of cases outside the court, the investigator must stop the investigation process because considering that the crime is a complaint offense, then if an amicable agreement has been reached between both the victim and the perpetrator, the incident The crime is deemed to have been completed.

"Regarding the Warrant for Termination of Investigation (SP3) regarding the alleged crime of child abuse, the investigator also admits that this applies to all types of criminal acts, if there is insufficient evidence, or the reported event is not part of a crime, then the file The investigation process must also be stopped."³⁸

The factor of the lack of harmonization between the community and law enforcers is that the community must have the nature of openness to members of the police in this case preventing child abuse in Bone Bolango, always upholding the values of justice so as not to give birth to arbitrariness in carrying out the investigative process. The inhibiting factors in the process of handling criminal acts of child abuse are:

a. Calling Witnesses

Usually the victim-witness and his family feel ashamed and consider this a disgrace, so they are not willing to come for questioning at the Police. Even though the witness was summoned by the police investigator with a valid summons with clear reasons to fulfill a summons based on Article 112 paragraph

³⁷“Wawancara Bersama Helpis Ntuiyo (Kanit PPA) Polres Bone Bolango.”

³⁸“Wawancara Bersama Helpis Ntuiyo (Kanit PPA) Polres Bone Bolango.”

(1) of the Criminal Procedure Code and must come based on Article 112 paragraph (2) of the Criminal Procedure Code.

b. Statements of victims who are not frank

Victims are usually embarrassed or afraid to tell what happened to them, so they do not provide honest information. This is because the victim feels ashamed and is still traumatized and afraid, so he often gives false information. Even though in this case the victim as a witness is obliged to provide true information based on Article 116 paragraph (2) of the Criminal Procedure Code

c. The Actor Convolved In Providing Information

To evade the crime committed, the perpetrator is usually convoluted/dishonest in giving information. Even though the perpetrators are always convoluted/dishonest with the intention of avoiding criminal responsibility, they still will not fully trust law enforcement officials. Because the statement from the perpetrator must be accompanied by other evidence based on Article 189 paragraph (4) of the Criminal Procedure Code.

Based on the results of the interview above, the researcher can conclude that the inhibiting factors for the efforts of the Bone Bolango Police in handling the crime of child abuse are none other than due to several reasons, namely the lack of evidence, and the lack of harmonization between society and law enforcement and other inhibiting factors.

While the efforts made by investigators in uncovering the incident are still being carried out optimally based on the procedures and legal norms in force.

4. Conclusion

That the efforts of the police in tackling the crime of child molestation at the Bone Bolango Police Station were carried out through preventive efforts which were repressive efforts. Where preventive efforts by the Bone Bolango Police are anticipating the occurrence of child abuse by providing legal counseling, the negative effects of promiscuity among students to carry out raids and or patrols to ensure a sense of security in society. Meanwhile, the repressive efforts carried out are by disclosing the occurrence of criminal acts of child abuse by carrying out investigations, investigations and transferring the case files to the Public Prosecutor to be tried based on the applicable laws and regulations.

Reference

Book

- Gultom, Maidin. *Perlindungan Hukum Terhadap Anak Dan Perempuan*. Bandung: Refika Aditama, 2012.
- Manan, Abdul. *Aspek-Aspek Pengubah Hukum*. Jakarta: Kencana Prenada Media, 2005.

- Nawawi, A. Barda. *Bunga Rampai Kejahatan Hukum Pidana*. Bandung: Citra Aditya Bakti, 2002.
- Savitri, Primautama Dyah. *Benang Merah Tindak Pidana Pelecehan Seksual*. Jakarta: Penerbit Yayasan Obor, 2006.
- Soesilo, R. *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal*. Bogor: Politeia, 1988.
- Waluyadi. *Hukum Perlindungan Anak*. Bandung: Mandar Maju, 2009.
- Wantu, Fence M. *Idee Des Recht Kepastian Hukum, Keadilan Dan Kemanfaatan (Impelementasi Dalam Proses Peradilan Perdata)*. pustaka pelajar, 2011.

Journal Article

- Arifulloh, A. Abd, Maskun. "Dilema Penerapan Sanksi Lalu Lintas Terhadap Anak." *Jambura Law Review* 1, no. 1 (2019): 2.
- Ahmad dan Novendri M. Nggilu, "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution," *Jurnal Konstitusi*. 16, no. 4 (2019): 785–808.
- Ekawaty Ismail, Dian, and Mohamad Taufiq Zulfikar Sarson. "Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes," 2021. <http://ejurnal.ung.ac.id/index.php/jalrev/>.
- Fakultas, Ahmad dan Novendri M. Nggilu. "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution of the Constitution Through the the Principle of the Guardian of the Constitution." *Jurnal Konstitusi*. 16, no. 4 (2019): 785–808.
- Jefrizal. "Peranan Kepolisian Resor Bukittinggi Dalam Penanggulangan Tindak Pidana Pencabulan Terhadap Anak." *Unes Law Review* 1, no. 1 (2018): 53.
- Laurensius. "Reformasi Penegakan Hukum Kekerasan Seksual Terhadap Anak." *Kanun Jurnal Ilmu Hukum* 19, no. 2 (2017): 314.
- Mandjo, Julius. "The Right to Obtain Free Assistance and Legal Protection for The Indigent People Through Legal Assistance Organizations." *Jambura Law Review* 3, no. 2 (2021): 365–77.
- Mohamad Rizky Alhasni; Lisnawaty W. Badu, and Novendri M. Nggilu. "Menakar Peran Kepolisian Dalam Mencegah Tindak Pidana Pencabulan Terhadap Anak Di Bawah Umur." *Jurnal Legalitas* 2, no. 2 (2019): 112.
- Muhtar, Mohamad Hidayat. "Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum." *Jambura Law Review* 1, no. 1 (2019): 68–93.
- Ngawiardi. "Kajian Kriminologi Terhadap Kejahatan Pencabulan Anak Di Bawah Umur Di Parigi Moutong." *Journal Legal Opinion* 4, no. 4 (2016): 2.
- Nggilu, Novendri M. "Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo." *LamLaj* 5, no. 2 (September 2020): 110.
- Oktavia Purnamasari Sigalingging. "Peran Polri Dalam Menangani Tindak Pidana Cabul Terhadap Anak." *Jurnal Rectum* 1, no. 2 (2019): 203.

- Puluhulawa, Jufryanto, Mellisa Towadi, and Vifi Swarianata. "Perlindungan Hukum Situs Bawah Air Leato / Japanese Cargo Wreck." *Reformasi Hukum* 24, no. 2 (December 7, 2020): 189–208. <https://doi.org/10.46257/jrh.v24i2.137>.
- Puspitawati, Ajeng, and Puji Wulandari. "Peranan Unit Pelayanan Perempuan Dan Anak Kepolisian Dalam Menangani Tindak Pidana Pencabulan Terhadap Perempuan Dan Anak Di Kepolisian Resor Kabupaten Purworejo." *Jurnal Pendidikan Kewarganegaraan Dan Hukum* 8, no. 1 (2019): 133.
- Ratna, S. "Pelecehan Seksual Terhadap Anak." *Prosiding KS. Riset & PKM*, n.d.
- Riyadi, Eko. "Perlindungan Hukum Terhadap Anak Sebagai Korban Marital Rape." *Jurnal Ilmu Hukum Dan Humaniora* 5, no. 2 (2022): 124.
- Safira Tiara Putri, and Eko Wahyudi. "Pelaksanaan Perlindungan Hukum Bagi Korban Tindak Pidana Pencabulan Anak Pada Tingkat Penyidikan." *Supremasi Jurnal Hukum* 4, no. 2 (n.d.): 118.
- Towadi, Mellisa, and Nur Mohamad Kasim. "An Indication of China ' s Policy towards Uighurs and Its Implications by International Law Aspects." *Jambura Law Review* 3, no. 1 (2021): 55–71.
- Yoseph Andrian Meitianus Lase. "Peran Kepolisian Dalam Menangani Tindak Pidana Pencabulan Anak Di Polres Nias." *Iuris Studia Jurnal Kajian Hukum* 3, no. 2 (2022): 147.

Contitution

Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia (n.d.).

Interview

- "Wawancara Bersama Bapak Cut Setiahari Oliy, Selaku Penyidik Pembantu Polres Bone Bolango, Senin 26 September 2022." n.d.
- "Wawancara Bersama Bapak Rian Ali, Selaku Masyarakat Di Kabupaten Bone Bolango." 2022.
- "Wawancara Bersama Bapak Sukri, Selaku Masyarakat Di Kabupaten Bone Bolango." 2022.
- "Wawancara Bersama Helpis Ntuiyo (Kanit PPA) Polres Bone Bolango." 2022.
- "Wawancara Bersama Ibu Meyti, Selaku Masyarakat Di Kabupaten Bone Bolango." 2022.