

Criminological Review of the Crime of Sexual Violence Against Children (Case Study in Banyumas Regency)

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ABSTRACT

This legal writing aims to examine factors in terms of Criminology of Sexual Violence Against Children handled by UPTD PPA Banyumas Regency. This research is included in the type of Normative research. This research uses secondary data. Secondary data is obtained through data on cases of sexual violence 2021 UPTD PPA banyumas district, books, scientific journals, and so on. The data collection technique used is literature study. The data analysis technique uses descriptive analysis. . Based on the results of the research, it can be obtained that the perpetrators of sexual violence against children must have committed their crimes due to the factors that cause crime, namely factors originating from within the perpetrator (internal factors) and factors from outside the perpetrator (external factors). From the data analysis, it was found that sexual violence against children was 86.84%, the gender of victims was dominated by women, 86.84%, the age of victims was dominated by 14-18 years old, 57.89%, the most common form of sexual violence was intercourse, 44.74%, victims of sexual violence were dominated by students, 76.32%, the most victims had a junior high school education, namely 44.74%, the relationship between the perpetrator and the victim was dominated by boyfriends and other people, namely 23.69%, the locus of sexual violence was most often found in the public domain, namely 57.89%, and the follow-up handling of sexual violence cases was mostly resolved by litigation, namely 84.21%.

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I. INTRODUCTION

Sexual violence is unwanted sexual contact by either party. The essence of sexual violence lies in "threats" (verbal) and "coercion" (action). In the Criminal Code (KUHP) the definition of sexual violence can be found in article 285 and article 289. Article 285 states that any person who by force or threat of force forces a woman who is not his wife to have sexual intercourse with him, shall be punished for rape, with a maximum imprisonment of 12 years. Meanwhile, Article 289 of the Criminal Code states that any person who by force or threat of force forces someone to commit or allows him to commit obscene acts, shall be punished for outraging decency with a maximum imprisonment of nine years.

Article 1 of the Law on the Elimination of Sexual Violence states that sexual violence is any act of degrading, insulting, attacking and/or other actions, against the body related to sexual desire, sexual desire, and/or reproductive function, by force, against a person's will, and/or other actions that cause a person to be unable to

give consent in a free state, due to unequal power relations, gender relations and/or other reasons, which results in or can result in suffering or misery to physical, psychological, sexual, economic, social, cultural, and/or political losses. Article 11 of the Law on the Elimination of Sexual Violence divides 9 types of sexual violence, including sexual harassment, sexual exploitation, forced contraception, forced abortion, rape, forced marriage, forced prostitution, sexual slavery, and sexual torture.

Child abuse is the intentional infliction of harm or danger to children physically or emotionally. The term child abuse covers a wide range of behaviors, from direct physical threats by parents or other adults to the neglect of children's basic needs. Violence that occurs against children not only includes physical, but also psychological which will certainly have various negative impacts on children. In essence, children cannot protect themselves from various actions that happen to them, so they need protection from several parties. Protection of children is defined as all activities to ensure and protect children and children's rights so that they can live, grow, develop, and participate optimally in accordance with the dignity of humanity and receive protection from violence and discrimination. Legal protection for children has a scope that includes protection of children's freedom, protection of children's human rights, and legal protection of all children's interests related to their welfare. Criminal behavior of sexual violence has a fairly high rate in Indonesia, and it is not uncommon for victims in this type of criminality to be children who are still underage. Sadly, most of the perpetrators of sexual violence are people known to the victim, they often play an important role for the victim.

The occurrence of cases of sexual violence against children can be caused by internal and external factors in accordance with the theory put forward by Henri. External factors include environmental conditions where the perpetrator and victim are together, the right time to commit acts of sexual violence, perpetrators who are addicted to pornography, and alcoholism. While internal factors in the form of victims are born with breeding health which is usually known as pedophilia, the existence of a culture of superiority that makes the perpetrator feel that he has the power and desire to dominate other individuals, and the existence of moral desires where the perpetrator puts aside sin for his own satisfaction.

According to the records of the Ministry of Women's Empowerment and Child Protection (KemenPPPA), cases of sexual violence that occurred in Indonesia on children and women reached the highest number in 2020 at approximately 7,191 cases. In 2020, the number of cases of violence against children and women reached 11,637 cases. In 2021, data from the online information system for the protection of women and children until June 3, there were 1,902 cases of sexual violence against women and children, so that the total number of cases of violence against women and children in 2021 has reached 3,122 cases.

Banyumas is one of the districts in Central Java Province that accounts for many cases of sexual violence against children and women. In 2021, 591 children in Central Java were victims of sexual violence and Banyumas Regency ranked first. As for the details, as many as 420 girls in Central Java were victims of violence, this number is greater than the 171 male victims.

Banyumas has a relatively high number of cases of sexual violence against children from year to year, as can be seen from the data from the last few years:

Tabel 1. Data Kasus Seksual Anak Tahun 2019-2021

NO	Tahun	Jumlah Kasus
1.	2019	31
2	2020	35
3	2021	49

From the data recapitulation above, the most cases of violence against children occurred in 2021, namely 81 cases with the dominance of sexual violence cases as many as 49 cases, this figure increased from 2019 to 2021.

II. RESEARCH PROBLEMS

Based on the background that researcher has described, the problem can be formulated as follows :

1. What are the factors that cause sexual violence against children in Banyumas Regency?
2. How are legal efforts made in criminal cases of sexual violence against children in Banyumas Regency?

III. RESEARCH METHODS

In this legal research, the author uses normative legal research. This research uses secondary data. Secondary data is obtained through data on cases of sexual violence 2021 UPTD PPA banyumas district, books,

scientific journals, and so on. The data collection technique used is literature study. The data analysis technique uses descriptive analysis.

IV. RESULT AND DISCUSSION

A. What are the factors that cause sexual violence against children in Banyumas Regency

In this criminological study research on criminal acts of sexual violence against children, the author examines the crime committed is the character of the person. In criminal behavior, a crime must be able to occur because there is a perpetrator, either one perpetrator or several perpetrators. In the perpetrators of crime there are factors. This factor is what encourages the perpetrator to commit a crime. The factors that cause crime are seen from several angles, namely:

1. Factors that originate from within the perpetrator (internal)
 - a. The perpetrator feels innocent of the behavior. Although the law has a principle of fiction, namely the principle that assumes everyone understands the law (presumption iures de iure), in reality not everyone knows the rule of law. In this case, the perpetrator thinks that what he/she has done is not a criminal offense.
 - b. The existence of interests that exist in the perpetrator. Perpetrators of crime in committing their crimes must have interests or what we usually call the intent and purpose of their actions. In this case the perpetrator has an interest that is intended for himself. In order for the interests intended by the perpetrator to be achieved, therefore the perpetrator makes various kinds of efforts and does not have a burden to commit sexual sexual violence.
 - c. Perpetrators feel they have a higher position. As we know that "men have power over women in society". Because of the social power conditions that place men in a higher position than women, men misuse their power to benefit from sexual advantages over women.
 - d. Unfulfilled Satisfaction and Age Factors. The age factor can also be the reason someone experiences sexual dissatisfaction, because the age factor experienced by a partner makes someone unable to carry out the desired sexual activity.
2. Factors that arise from outside the perpetrator (External).
 - a. Factors that exist in the victim. The existence of an act can lead to reciprocal interactions, namely reciprocal relationships between the perpetrator and the interlocutor or related interactions that contain reciprocal meanings. Likewise with this crime which causes reciprocity between the perpetrator and the victim of sexual violence. The reason this form of sexual violence dominates in Banyumas Regency is because the average victim is a child aged four to 18 years. Children have a weak position when compared to their parents or elders. They do not have the strength and power to resist the incident. The existence of persuasion, the lure of gifts, as well as threats and coercion makes them finally follow the wishes of the perpetrator. As a result, the perpetrator is more free to commit his crime and feels himself stronger than the victim.
 - b. Technology Development. The advancement of technology that cannot be controlled makes many pornographic videos freely accessible to all ages, young and old, men and women can access these videos anytime anywhere for free. As a result, viewers of this content like to imagine the sexual activities they want, and they can do anything to get what they want.
 - c. Peer Group. Ages less than 18 years are included in adolescence where in adolescence, children tend to want to find their own identity. At this time, children begin to hang out with the opposite sex which not a few end up dating. When dating, children tend to want to do things according to their own wishes, including sexual intercourse. Thus, there are many cases of sexual violence that occur in this age range with the perpetrator being the victim's lover.

B. How are legal efforts made in criminal cases of sexual violence against children in Banyumas Regency

The follow-up handling of sexual violence cases carried out by the UPTD PPA of Banyumas Regency was mostly resolved through litigation or legal process with a total of 32 cases (84.21%). This shows that victims have begun to realize that sexual violence is not a disgrace that must be covered up but must be reported to the authorized institutions so that the perpetrators can be punished in accordance with applicable laws and victims get their rights such as protection, treatment, and others. Litigation is the process of resolving disputes through the courts where the authority to regulate and decide is exercised by judges while non-litigation is the process of

resolving cases outside the court by means of mediation, conciliation or expert judgment, and consultation. Everyone wants the problems that befall them to be adjudicated by the applicable law by filing a case with a legal body, namely the court. One of them is the issue of sexual violence, where the victim wants the perpetrator to be punished for his actions by filing a case with a legal entity. Follow-up handling of sexual violence cases is determined based on the severity of the case. If the case of sexual violence is mild and occurs in adulthood, it is resolved through non-litigation channels such as mediation or counseling. However, if the case of sexual violence is severe and occurs in children, it is resolved through litigation (court). Litigation is considered a fair legal process for both the victim and the perpetrator. Some parties feel that the non-litigation route is unfair to victims because many perpetrators are irresponsible in ending the problem by giving bribes in the form of money to the victim's family.

V. CONCLUSION

That there are internal and external factors from the perpetrator that make the perpetrator commit sexual violence. The perpetrator feels more powerful so that he can do everything he wants, feels sexual dissatisfaction, unlimited socialization and lack of education.

Most settlements made to resolve crimes of sexual violence are done using litigation channels for victims because they feel more just.

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