

# **Police as Perpetrators of Child Sexual Crimes: A Review of Victimology and Criminology (Case Study in Lubuklinggau, South Sumatra, Indonesia)**

*Firmansyah Wahyu Oetomo*  
Faculty of Law, Universitas Negeri Semarang, Indonesia  
*firmanwahyu712@students.unnes.ac.id*

*Ferdinan Dwi Setyonegoro*  
Faculty of Law, Universitas Negeri Semarang, Indonesia  
*ferdinandwisetyonegoro@students.unnes.ac.id*

## **Abstract**

Crimes that are rife in the form of sexual crimes targeting victims, namely minors. Child protection is implanted starting from the fetus until the age of 18 years. In fact, some children who are victims of crime are still toddlers, but the perpetrators are police officers who should be respected by the community and happened in Lubuklinggau, this needs to be considered and discussed in this paper. Of course, there will be impacts for victims in the future, either in the future or on themselves, such as mental health. The perpetrator, who is a police officer, has been arrested by the Lubuklinggau Police. Therefore, this paper discusses and examines sexual crimes whose victims are minors. This research relies on specifications in the form of



analytical descriptive, which is meant to accurately describe the applicable laws and regulations with legal theories related to the problems discussed in this study and then processed qualitatively.

## KEYWORDS

Sexual Crime, Minor, Law, Police Official

## Introduction

Children are people who can one day grow as the next generation and leaders of a nation. The presence of a child born in the world is a gift of the God who should be cared for, cared for, and guided properly so that he grows and develops into someone who is resilient when faced with various challenges in the future. Children or children linguistically, namely a girl or boy who has not entered puberty or can be said to be immature. In psychology it is said that a child is a human being who develops in a period stretching from infancy to the age of five or six years, a period like this can be said to be a pre-school period, then he will go into the phase of elementary school years.<sup>1</sup>

Children in the language of law are contained in Article 330 of the Code of Civil Procedure which says if those who have not reached the age of twenty-one years and have not previously married. Furthermore, it is also discussed in Article 1 number (1) of Law No. 23 of 2002 concerning Child Protection, in which it is said that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb.<sup>2</sup>

---

<sup>1</sup> Susan Ridgely, "Children and religion." *Religion Compass* 6, no. 4 (2012): 236-248; Baharun, Hasan. "Pendidikan Anak dalam Keluarga: Telaah Epistemologis." *Pedagogik: Jurnal Pendidikan* 3, no. 2 (2016); Ismail Ruslan, "'Nilai Anak' dalam Perspektif Masyarakat Multi Etnik dan Agama." *Jurnal Pendidikan Sosiologi dan Humaniora* 8, no. 2 (2017): 18-33.

<sup>2</sup> Muhammad Fachri Said, "Perlindungan Hukum Terhadap Anak dalam Perspektif Hak Asasi Manusia." *JCH (Jurnal Cendekia Hukum)* 4, no. 1 (2018): 141-152; Laurensius Arliman,

A child in living his life has rights and obligations that should be fulfilled and guaranteed by law. The categories of rights of a child are as follows.

- a. A child has the right to live, grow, develop, and participate in optimal participation in accordance with humanitarian principles, and has the right to be protected from crime, violence, and discrimination.
- b. A child has the right to have a name that can be used as an identity and recognized citizenship.
- c. A child has the right to be able to worship in accordance with his religion and beliefs.
- d. A child has the right to have thoughts, expressions, imagination, and creativity in accordance with his intelligence, but still under the assistance and guidance of his parents.
- e. A child has the right to know who his parents are.
- f. A child has the right to be nurtured, guided, raised, and to receive the love and affection of his parents.
- g. A child whose parents under certain circumstances cannot meet the needs of the child or are even abandoned, then the child has the right to be cared for and adopted as an adopted child in accordance with applicable laws and regulations.
- h. A child has the right to receive health and social security services that are in accordance with his social, mental, physical, and spiritual needs.
- i. A child has the right to get a proper education as a place to develop, grow, process, and be able to maximize his potential.
- j. A child who has special needs, such as physical disabilities, is also entitled to a proper education through special schools. In addition, they also have the right to social welfare maintenance, rehabilitation, and social assistance.

---

"Perlindungan Hukum bagi Anak dalam Perspektif Pancasila dan Bela Negara." *UNIFIKASI: Jurnal Ilmu Hukum* 5, no. 1 (2018): 58-70.

- k. A child has the right to take advantage of free time by hanging out with his peers, playing, recreation, and creating according to his interests and talents.
- l. A child has the right to something that can protect him from cruelty, crime, violence, persecution, discrimination, neglect, exploitation, injustice, etc.
- m. A child has the right to something that protects him from political abuse, involvement in armed activities, involvement in social unrest, and involvement in war.
- n. A child has the right to freedom under the law.
- o. A child has the right to keep his identity secret if he is a victim, has been sexually abused, or otherwise faced with the law.
- p. A child has the right to receive legal, social, and other assistance if he is a victim or perpetrator of a criminal act.

Every child born and raised in this world, in addition to having rights that ensure the safety and security of the child, they also have some obligations to perform. The obligations of a child are as follows.

- a. Respect for parents, guardians, teachers, and people older than him;
- b. Have a love for family, community, and friends;
- c. Have a sense of love for their nation, homeland, and country;
- d. To perform worship in accordance with his beliefs and religion; And
- e. Have good ethics and morals.

Children are very vulnerable to crime; this is because children are considered weak and helpless when compared to people who are more vigilant. In Indonesia itself, the protection of children is guaranteed by law through Law No. 35 of 2014 concerning amendments to Law No. 23 of 2002 concerning Child Protection. The creation of this law is of course so that children are protected and feel safe in carrying out daily activities. However, in reality the existence of a legal umbrella that protects these children is ignored by those who feel immune to the law. This is evidenced by the many

cases of crimes against children, such as physical violence, sexual violence, child trafficking, child neglect, and murder.<sup>3</sup>

Indonesia is one of the countries experiencing an emergency of sexual violence, especially against women and children. Currently, in the 2020 Annual Report of Komnas Perempuan (CATAHU), there are 431,471 cases of violence against women consisting of 421,752 cases sourced from case data handled by Religious Courts, 14,719 cases handled by partner institutions providing services spread across one-third of provinces in Indonesia and 1419 cases from the Service and Referral Unit (UPR), a unit deliberately formed by Komnas Perempuan to receive complaints from victims who come directly or call Komnas Perempuan. Of the 1419 complaints, 1,277 were gender-based and 142 non-gender-based cases. Data on reported violence has increased significantly over the past five years.<sup>4</sup>

There were 3,062 cases of violence against women in the public sphere, 58% of which were sexual violence. Sexual violence that occurred, namely 531 cases of sexual immorality, 715 cases of rape, and 520 cases of sexual harassment. In addition, there were 176 cases of copulation, while the rest were attempted rape and copulation. Then, violence against girls increased by 2,341 cases, compared to 1,417 in the previous year. The

---

<sup>3</sup> Andik Prasetyo, "Perlindungan Hukum bagi Anak Pelaku Tindak Pidana." *Mizan: Jurnal Ilmu Hukum* 9, no. 1 (2020): 51-60; Rini Fitriani, "Peranan Penyelenggara Perlindungan Anak dalam Melindungi dan Memenuhi Hak-Hak Anak." *Jurnal Hukum Samudra Keadilan* 11, no. 2 (2016): 250-358; Dony Pribadi, "Perlindungan Terhadap Anak Berhadapan dengan Hukum." *Jurnal Hukum Volkgeist* 3, no. 1 (2018): 14-25; Novita Erdianti, and Sholahuddin Al-Fatih. "Fostering as an Alternative Sanction for Juveniles in the Perspective of Child Protection in Indonesia." *JILS (Journal of Indonesian Legal Studies)* 4, no. 1 (2019): 121-128; Wulan Saputri Indah, et al. "Deviant Behavior of Children in Social Media from Perspective of Law and Criminology: Does Creativity on Social Media Encourage Bad Behavior in Children?." *Journal of Creativity Student* 7, no. 2 (2022): 267-282

<sup>4</sup> Andika Wijaya, and Wida Peace Ananta. *Darurat Kejahatan Seksual*. (Jakarta: Sinar Grafika, 2022); Dida Rachma Wandayanti, "Perlindungan Hukum Perempuan Korban Pelecehan Seksual dalam Sistem Peradilan Pidana Indonesia Ditinjau dalam Prespektif Viktimologi." *Journal of Feminism and Gender Studies* 2, no. 1 (2022): 55-72; Elfira Valentina Febriani, and Aji Wibowo. "Upaya Perlindungan Hukum oleh Komnas Perempuan Terhadap Korban Kejahatan Seksstorsi di Dunia Maya." *Jurnal Hukum Adigama* 5, no. 1 (2022): 279-303.

increase from the previous year occurred by 65% and the most, namely *incest* cases and added with sexual violence cases as many as 571 cases.<sup>5</sup>

One case that has been hotly discussed lately is sexual violence committed by a police officer against a five-year-old child in Lubuklinggau. This incident was known since the victim's parents made a report to the local police, if their child had been sexually assaulted by one of the Muratara police officers with the initials DAS (30). Please note that the relationship between the victim and the perpetrator is neighbors. Then on May 21, 2022, the incident began when the victim and her friends were at the perpetrator's house to play with the perpetrator's child. However, she received indecent treatment in the form of sexual violence to cause injuries to his sensitive parts.

The factor that makes the victim want to obey the actions desired by the perpetrator, namely because at first, she was promised pocket money. After experiencing sexual assault, the victim feels pain when urinating. This was then told to his friends, so they reported the incident to the victim's parents. After it was discovered that their child had been sexually assaulted, the victim's parents immediately reported to the Lubuklinggau Police so that the case could be handled immediately.<sup>6</sup>

The rise of sexual violence that occurs in women and children is a sad phenomenon that often occurs currently. Perpetrators of sexual violence are not more afraid of the law that will ensnare them, but more and more commit these heinous acts. With a phenomenon like this, we should be more vigilant and always take care of our children or younger siblings to avoid the danger. In addition, the government should be more responsive in handling cases of sexual violence which are increasingly being heard everywhere. The

---

<sup>5</sup> Rainy Maryke Hutabarat and Siti Aminah Tardi (eds), *Bayang-Bayang Stagnansi: Daya Pencegahan dan Penanganan Berbanding Peningkatan Jumlah, Ragam dan Kompleksitas Kekerasan Berbasis Gender terhadap Perempuan* (Jakarta: Komnas Perempuan, 2022). Available online at <https://komnasperempuan.go.id/download-file/816>

<sup>6</sup> Era Neizma Wedya, "Modus Oknum Polisi Lecehkan Bocah 5 Tahun, Diimingi Uang Jajan", Okezone News, 24 May 2022. Retrieved from <https://news.okezone.com/read/2022/05/24/610/2599381/modus-oknum-polisi-lecehkan-bocah-5-tahun-diimingi-uang-jajan>

government must be more assertive in responding to and handling cases of sexual violence so that the number of cases can be suppressed and reduced, even actually eliminated so that women and children can carry out their activities normally without fear of crime, especially sexual violence that can occur at any time to them.<sup>7</sup>

Based on the existing problems, we make a formulation of the problem that will be discussed in this study. First, we will discuss how to protect children who are victims of sexual violence by police officers in Lubuklinggau? Then, we will also discuss how the victimology review in cases of sexual violence against children who are victims of sexual violence by police officers in Lubuklinggau?

## Method

The method used in this writing is to use empirical juridical approach research methods. Research using an empirical approach method is processed by analyzing the problem by mixing legal provisions with materials obtained or obtained during ongoing research on minors becoming victims of sexual crimes which is secondary data. This research relies on specifications in the form of analytical descriptive, which is meant in the form of accurately describing the applicable laws and regulations with legal theories related to the problems discussed in this study and then processed qualitatively.

---

<sup>7</sup> Tetti Solehati, et al. "Intervensi Bagi Orang Tua dalam Mencegah Kekerasan Seksual Anak di Indonesia: Scoping Review." *Jurnal Obsesi: Jurnal Pendidikan Anak Usia Dini* 6, no. 3 (2022): 2201-2214; Ahmad Jamaludin, "Perlindungan Hukum Anak Korban Kekerasan Seksual." *JCIC: Jurnal CIC Lembaga Riset dan Konsultan Sosial* 3, no. 2 (2021): 1-10; Ni Putu Rai Yuliantini, and Dewa Gede Sudika Mangku. "Perlindungan Hukum terhadap Anak Korban Kekerasan Seksual." *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* 6, no. 2 (2021): 342-349; Ira Aini Dania, "Kekerasan Seksual Pada Anak." *Ibnu Sina: Jurnal Kedokteran dan Kesehatan-Fakultas Kedokteran Universitas Islam Sumatera Utara* 19, no. 1 (2020): 46-52.

## Result and Discussion

### 1. Legal Protection of Minors Victims of Sexual Violence by Police in Lubuklinggau

Criminal crimes will continue to occur with various kinds that will continue to grow. With the end of crimes that are still just like theft, murder is now different, for example, sexual crimes can be in the form of rape, abusive speech, and abuse of a person's body. But victims in cases of sexual violence occur in minors but also many in adolescents or adults. Surprisingly enough, minors are part of the victims, it is worth exploring what the motives of the background of the perpetrators of the crime.<sup>8</sup>

In Indonesia, cases of sexual violence increase every year, the victims as discussed earlier, namely minors, adolescents, adults, apparently penetrated toddlers. The phenomenon of sexual violence against children does not only occur in Indonesia but already in several countries. The increase in cases of sexual violence increases over time, increasing not only in the quantity or number that occurs but in terms of quality or what is meant is the various forms of sexual crimes. It is also quite concerning that the perpetrators are from the child's environment such as family, school, home he lives, educational institutions, and the social environment of the child who is the victim.<sup>9</sup>

Like the case in this study that will be discussed where a child is a victim of sexual abuse by police officers. It has damaged the image of the

---

<sup>8</sup> Mohammad Arinal Huda, "Sexual Harassment in Indonesia: Problems and Challenges in Legal Protection." *Law Research Review Quarterly* 7, no. 3 (2021): 303-314; Faizin Sulistyo, and Nazura Abdul Manap. "Pornography and Sexual Crimes Towards Children in Indonesia: A Judicial Approach." *Brawijaya Law Journal* 5, no. 2 (2018): 261-270; Yanuar Farida Wismayanti, et al. "Child Sexual Abuse in Indonesia: A Systematic Review of Literature, Law and Policy." *Child Abuse & Neglect* 95 (2019): 104034.

<sup>9</sup> Fuzi Narindrani, "Legal Protection for Minors as Victims of Sexual Harassment in Indonesia." *Jurnal Penelitian De Jure* 21, no. 4 (2021): 525-540; Nurianto Rachmad Soepadmo, "Dimension of Justice in Restorative Justice Paradigm in the Criminal System for Sexual Violence in Indonesia." *EU Agrarian Law* 9, no. 2 (2020): 14-20; Dedi Afandi, "Medicolegal Study of Sexual Violence Cases in Pekanbaru, Indonesia: Prevalence, Pattern, and Indonesian Legal Framework." *Egyptian Journal of Forensic Sciences* 8 (2018): 1-10.



community, the police who are supposed to protect the community but misbehave with children who have done nothing wrong. Such police officers need to receive appropriate punishment both reprimands from the police and in accordance with laws and regulations.

The community has made every effort in the form of law enforcement and protection for children who are victims of sexual violence juridically. The existence of sexual crimes results in a bad image in the form of children who cannot be guaranteed to be free from sexual abuse. Child protection efforts need to be applied as quickly and as early as possible starting from still being a fetus in the womb until the child is 18 years old. The law makes it mandatory to provide protection to children based on the following principles: Nondiscrimination; The best interests of the child; The right to life, survival, and development; and Respect for the child's opinion.<sup>10</sup> The role of the community in this case is quite important because people who are close to children are different from educational institutions, institutions or others that are not directly related to children, so the role of the community is needed in fostering protection efforts for children who are victims.

Of course, children who are victims of sexual crimes have regulations that protect them contained in Article 27 paragraph ( 1): "all citizens have equal standing in law and government and are obliged to uphold the law and government with no exception.", Article 28B paragraph (1) "Every child has the right to survival, growth and development and the right to protection from violence and discrimination.", Article 28G paragraph (1) "Everyone

---

<sup>10</sup> Munro, Eileen. "Decision-making under uncertainty in child protection: Creating a just and learning culture." *Child & Family Social Work* 24, no. 1 (2019): 123-130; Wiratny, Ni Ketut. "Prinsip Kepentingan Terbaik Bagi Anak Dalam Diversi Pada Sistem Peradilan Pidana Anak." *Jurnal Ilmiah Raad Kertha* 1, no.1 (2018): 61-77. See also Pecora, Peter J., et al. *The child welfare challenge: Policy, practice, and research*. (London: Routledge, 2018); Egonsdotter, Gunilla, et al. "Child protection and cultural awareness: Simulation-based learning." *Journal of Ethnic & Cultural Diversity in Social Work* 29.5 (2020): 362-376; Yuliantini, Ni Putu Rai. "Legal Protection of Women and Children in The Perspective of Human Rights." *ICLSSE 2021: Proceedings of the 3rd International Conference on Law, Social Sciences, and Education, ICLSSE 2021, 09 September 2021, Singaraja, Bali, Indonesia*. European Alliance for Innovation, 2021.

has the right to the protection of his person, family, honor, dignity and property under his control, and the right to security and protection from threats of fear to do or not to do something that is a human right.", and Article 28J paragraph (1) "Everyone shall respect the human rights of others in the orderly life of society, nation and state".

The rights of victims of crime should be protected so that victims get a sense of comfort and get accountability from the State as their citizens. The guarantee of legal protection produces a situation that affects the public will be motivated to report a criminal act that is experienced or known from someone or see directly and then report to the authorities. This situation is created by victims reporting to law enforcement officials and the possibility of rights that have been violated can be restored.

In 1959 there was the ratification of the United Nations Declaration which contained the content of providing proper life and foremost protection for children. The ratification of the UN Declaration has an element of obligation and the existence of an international policy that addresses the human rights of children. There are several international policies, namely:

a. *Universal Declaration of Human Rights*

The Universal Declaration of Human Rights endorses the rights granted to children in several articles including Article 3 "Everyone has the right to life, liberty and safety as an individual". Article 22: "Everyone, as a member of society, has the right to social security and the right to the exercise of economic, social and cultural rights which are highly treated for the dignity and free growth of his person, through national efforts and international cooperation, and in accordance with the arrangements and resources of each State".<sup>11</sup>

---

<sup>11</sup> See Mustafa Burak Şener, "A Review of the Meaning and Importance of the Universal Declaration of Human Rights." *Uluslararası Politik Araştırmalar Dergisi* 7, no. 3 (2021): 15-25; Ş. İlgü Özler, "The Universal Declaration of Human Rights at Seventy: Progress and Challenges." *Ethics & International Affairs* 32, no. 4 (2018): 395-406. See also Ridwan Arifin, and Lilis Eka Lestari. "Penegakan dan Perlindungan Hak Asasi Manusia di Indonesia dalam

b. *Geneva Declaration of The Rights of the Child*

This Convention provides for four main points of children's rights, namely as follows: children have the right to be guaranteed protection against all discrimination, children have the right to be guaranteed protection and care for child welfare, children have the right to be protected from all forms of exploitation that are detrimental to welfare aspects, children have the right to legal protection against interference or unlawful attacks on their honor and reputation.<sup>12</sup>

c. *The Convention on The Rights of the Child*

CRC is an arrangement that a child is someone under the age of 18 unless state law stipulates that a majority is reached early. The CRC contains four main principles: the principle of discrimination, the principle of the best interests of children, the principle of the right to life, and the principle of freedom of expression. According to the CRC, sexual abuse of minors is one of the violations of children's rights. The provisions of Article 19 of the CRC are legislative, administrative, social and educational for the state to protect children from all forms of physical, psychological, injured or abused, neglect or treatment or exploitation. appropriate measures. The provisions of the article are affirmed in Article 34 of the CRC by mentioning the obligation and obligation of the State to make every effort to protect children from all forms of sexual exploitation and abuse.<sup>13</sup>

The concept of legal protection for victims of crime also includes several principles that must be observed. In the framework of criminal law, actual coloring is required according to legal principles, both substantive and formal criminal law. The principles mentioned are:

---

Konteks Implementasi Sila Kemanusiaan Yang Adil dan Beradab." *Jurnal Komunikasi Hukum (JKH)* 5, no. 2 (2019): 12-25.

<sup>12</sup> See Sheila Varadan, "The Principle of Evolving Capacities under the UN Convention on the Rights of the Child." *The International Journal of Children's Rights* 27, no. 2 (2019): 306-338.

<sup>13</sup> UN General Assembly. "Convention on the Rights of the Child." *United Nations, Treaty Series* 1577, no. 3 (1989): 1-23; Hammarberg, Thomas. "The UN convention on the rights of the child--and how to make it work." *Human Rights Quarterly* 12, no. 1 (1990): 97-105.

a. Benefit Principle

This is because victim protection is not only beneficial for victims of crime both physically and mentally, but also benefits the wider community, especially by reducing crime and enforcing order.

b. Basics of justice

This means that the application of the principle of justice to protect victims of crime is not absolute. It is also limited by the sense of justice that criminals must also fulfill.

c. Principle of balance

The principle of balance is the rights of victims, because the purpose of the law is to provide a sense of security and protection for the benefit of mankind and restore the balance of the turbulent social order to its original state (integration of recovery). occupies an important position in recovery efforts.

d. The principle of legal certainty

This principle can provide a strong legal foundation to law enforcement officials in fulfilling their obligations to provide legal protection to victims of criminal acts.

Indonesia's criminal code criminalizes adult sexual activity against children, which can harm victims and can result in criminal penalties. Sexual abuse associated with child victims under the criminal law is subject to the legal protection of the victim.

a) Article 292 of the Penal Code states as follows: "A person of legal age, who commits lewd acts with another person of the same sex, who is known or should be suspected, is not of legal age, shall be punished with imprisonment for not more than five years".

b) Article 281 of the Criminal Code. It regulates intentional or deliberate sexual intercourse in public or with another person. In this case, the deed occurs in front of others and is witnessed by the deed.

c) Article 289 is an act of obscenity, violence or threat of violence against another person, and in the absence of will or coercion to commit that act,

another person as a victim, which causes humiliation to person and is punishable by imprisonment of nine years imprisonment.

Indonesia ratified Law No. 23 of 2002 to achieve child protection by CRC. Law 23 of 2002 on child protection is used as the main basis for child protection, which states that the age limit for children who have not reached the age of 18 years, including children who are still in the womb. According to Law Number 23 of 2002, at that time caused unrest in the community. Protection that is considered ineffective and in accordance with the application of the protection clause requires changes to some of its provisions. Law No. 23 of 2002 updated several elements of the article, which later became Law No. 35 of 2014.

Amendment to Law Number 23 of 2002 concerning Child Protection. Language change begins with the definition of violence. Article 15a "Violence is any act against a child that results in physical, mental, sexual misery or suffering and/or neglect, including threats, coercion, or deprivation of liberty. Children who may be outside the law. Then, the consequences of the violence are regulated in Law Number 23 of 2002. Child protection is regulated in several laws and regulations, including Law Number 1 of 1946 concerning the Criminal Code (KUHP) and Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Protection, Year 1979 Law Number 4 concerning Child Welfare Year 2014 Law Number 31 concerning Amendments to Law Number 13 Year 2006 concerning Protection of Witnesses and Victims Year 2009 concerning Health and Government Law Number 36 of 2014 Decree Number 61 concerning Reproductive Health.

All children are protected, including those who break the law. The purpose of protection is to ensure the fulfillment of children's rights, ensure that children live, grow, develop, and participate optimally in accordance with human dignity and dignity, protected from violence and discrimination, and prosperous with high quality and dignity realized in

children in Indonesia. This protection includes important aspects, which are as follows.

1. Rights of a child who are guaranteed and fulfilled.
2. The realization of human dignity and dignity.
3. Protect children from violence and discrimination.
4. The realization of quality children, noble morals, and prosperity.

Criminal sanctions applicable to perpetrators of sexual relations with minors are regulated in Law Number 35 of the Republic of Indonesia Year 2014. Child Protection Law 23 of 2002 consists of imprisonment for a minimum of 3 to 5 years, a maximum of 10 to 15 years, and a maximum of Rp 20,000,000.00 (20 million rupiah) to 5,000,000,000.00 (5 billion rupiah). KPAI is responsible for ensuring the implementation of child protection based on Article 35 Article 76 of the 2014 Law when carrying out protection activities in accordance with legal guidelines in implementing protection for child victims. KPAI may request assistance from other agencies, including the Witness and Victim Protection Agency (LPSK), in providing protection to victims and/or child witnesses.

Likewise, the police officers who did so have been detained and followed due process according to the law. The police said that everything is the same, nothing is distinguished, if one of the police officers makes a mistake, they are quickly followed up through the legal process and escorted to the courtroom.

## **2. Review of Victimology in Cases of Sexual Violence against Children Victims of Sexual Violence by Police Officers in Lubuklinggau**

The origin of the word victimology, namely victim which means victim, while *logic* means science. In Latin, victimology starts from the words *victima* and *logos*. Then in simple language, victimology can be interpreted as the study of victims of crime. Another conception says that

victimology is a branch of science whose object of science is the victim itself. The beginning of the use of victimology, namely through the ideas put forward by Hans von Hentig and Benjamin Mendelsohn in 1947. They both divide victimology into two concepts that will be elaborated as follows.

- a. Victimology's attention is directed to the discussion of human rights; and
- b. The criminology subsystem is of particular concern to victims of crime.

Both concepts then give rise to important elements that are interrelated with the understanding of victimology, namely as follows.

- a. *Analyze the manifold aspect of the victim's problem;*
- b. *Explain the causes for victimization; and*
- c. Policy making as an effort to minimize the suffering of victims (*develop a system of measures for reducing human suffering*).

The concept of a victim should be given great attention, this needs to be done because the victim is an inseparable part of this understanding. In addition, the victim also has his own typology. The typology of a victim is as follows.

- a. Victims when viewed from the level of *vulnerability (victim vulnerability)*

*Victim vulnerability*, namely the victim is viewed through physical, psychological, and emotional stability when he feels the consequences of the crime committed by the perpetrator. If you look at the perspective of victims in cases of sexual violence committed by police officers in the Lubuklinggau area, the impact caused is certainly very significant. The physical and psychological condition of the five-year-old victim is certainly very vulnerable to acts of sexual violence, the child may experience excessive stress and may even experience depression and trauma that can continue to haunt him until he grows up. In addition, in the moments after he experienced an act of sexual violence, the impact that occurred on the victim was injuries to his sensitive parts. Then what needs to be worried is if the victim can be infected or attacked by diseases

in his vital parts, this certainly feels very uncomfortable for children who are still five years old.

b. Victims when viewed from the level of negligence of the victim (*victim culpability*)

*Victim culpability*, namely the victim seen from his condition when he realizes that what happened to him was done consciously or not in the event of a crime that happened to him. In the case of sexual violence against a five-year-old child in Lubuklinggau, the child as a victim can be said to understand enough that what was done by the police officer occurred in a conscious state. This can be understood by the event that the victim wants to obey the perpetrator's request due to being promised pocket money. However, because he is too young, he should not understand that what happened to him was an act of sexual violence. The victim only realizes that the actions committed by the police officers were done intentionally and in a conscious state.

A child in a sexual assault case can be viewed through several categories as follows.

1) *Direct victims*

In this category, children are referred to as direct victims of sexual violence. Perpetrators of sexual violence place the child they are targeting as the main target without going through intermediaries.

2) *Indirect victims*

In this category, children are referred to as indirect victims in acts of sexual violence. Perpetrators of sexual violence use intermediaries in placing children as targets of sexual violence that will be carried out.

3) *Perpetrator is the victims*

In this category, the child is said to be a victim, but at the same time becomes a perpetrator. Things like this usually have a relationship to the act of sexual exploitation of children, the perpetrator places the child as an object for sexual acts and also as a victim in sexual violence.



When we read the news and the chronology of the incident of the five-year-old child abuse case in Lubuklinggau, it can be understood that police officers as perpetrators of sexual violence committed the crime directly when the victim was at the perpetrator's house by promising to be given pocket money. The perpetrator does not use another party as an intermediary to commit his crime. Therefore, it can be concluded that sexual violence that occurs in Lubuklinggau is carried out by *direct* victims, namely attacking victims directly to be used as targets or objects of crimes to be committed.

Looking at the discussion above, acts of sexual violence against children are also closely related to the categorization of perpetrators which will be described as follows.

1) *Family Violence*

In the category of *familial* violence, perpetrators of sexual violence are referred to as part of the victim's family or in other words the perpetrator has a blood relationship with the victim.

2) *Extra Familial Violence*

In the category of *extra familial* violence, the perpetrator of sexual violence has no family relationship with the victim, this means that the act is carried out by outsiders. What often happens in this second category, namely the perpetrator has a good relationship with the victim, so he can invite the victim to the sexual violence he wants.

After undergoing a deeper investigation by the Lubuklinggau police, in the case of sexual violence against a five-year-old child in Lubuklinggau, it can be found that the relationship between the victim and the perpetrator is neighbors. The two already knew each other because the victim was one of the close friends of the perpetrator's child, the victim and the perpetrator's child often played together in the environment around the house, even played together at the perpetrator's house when the unfortunate incident happened to him. If viewed in the categorization of the perpetrators, it can be concluded that the perpetrators are included in *extra*

*familial violence*. This can be proven by the absence of blood relations or family relations between the victim and the perpetrator. The perpetrator is only a neighbor of the victim, which means that the act is carried out by people from outside his family environment. Due to the house that is close to each other and has a good relationship with the perpetrator's child, the perpetrator takes advantage of the existing loopholes to carry out his depraved actions for personal satisfaction without thinking about the impact caused to the victim.

Both categories, both *Familial Violence* and *Extra Familial Violence*, still have a very bad impact on the condition of children as victims. Physically and mentally children can be fragile after experiencing acts of sexual violence, this makes these children afraid to live their lives so that it can cause excessive stress. This is certainly not very good for children because it will interfere with the learning process during the growth and development of the child. In addition, what is even more worrying is that the child actually does not know that he is experiencing sexual violence because his mindset still does not understand it. In certain conditions, it can also happen that children who are victims of sexual violence do not show themselves as victims of sexual violence due to the seduction and lure of the perpetrator.

If we look at Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, normatively it can be said that children as victims of sexual violence must receive special treatment by the state. In addition to establishing legal avenues to prosecute perpetrators, the state also needs to pay attention to the condition of children after experiencing criminal acts as victims. Therefore, the child in the case of sexual violence is not only positioned as a victim of the violence and the factors he becomes a victim, but how the child realizes that he is a victim of sexual violence. This is then referred to as *victim dilemma*, which is a condition that is viewed based on the situation of children as vulnerable to acts of sexual violence.

The rise of sexual violence cases is increasing every year, so various efforts are needed to minimize these cases. The following describes efforts that can be done, both preventively and repressively.

a. Preventive Efforts

Efforts to reduce sexual violence in children can be done in various ways which we describe as follows.

1) Individual Roles

Individuals are the most important actors in efforts to prevent sexual violence. Some personal efforts can be made, for example wearing polite and polite clothing. A polite and polite way of dressing can be shown by not being scantily dressed both inside and outside the home. This is because perpetrators of sexual violence can come from people in the environment around their home or outsiders.

2) Community Role

In community life, every citizen in the surrounding environment should continue to take care of each other and tighten the rules of both norms and values that have existed for a long time so that people's lives are safe, peaceful, comfortable, sentosa, and away from criminal acts. In addition, the community is also given socialization about the dangers of sexual violence against children so that every person in the community is aware of these heinous acts. After the role of the individual and society.

3) The Role of Government

Efforts that need to be carried out by the government, for example by providing counseling or socialization to the community both about the law and the dangers of criminal acts, especially sexual violence against women and children. In addition to providing counseling in the legal and social fields, the government also needs to hold religious activities, such as tausiah and public recitation to get closer to God and increase faith and piety. This needs to be done to increase self-awareness when you want to commit a crime.

#### 4) The Role of Community Stewards

Community protectors or what we usually know as the police should have an obligation to create a sense of security in the community, therefore the efforts that the police can do, namely by bringing order to people who like to commit criminal acts, patrolling to prevent unwanted actions, and acting appropriately and swiftly in handling criminal cases, especially sexual violence in women and children.

#### b. Repressive Efforts

Repressive efforts are an effort to minimize crime by providing criminal sanctions to perpetrators of crime. Repressive efforts need to be made to provide a sense of deterrence to criminals so as not to repeat their actions and crimes do not become more widespread. The Integrated Service Center for the Protection of Women and Children is an agency that has the authority to help provide protection to every child who is experiencing legal problems, such as sexual violence. The Integrated Service Center for the Protection of Women and Children is expected to assist and assist children so that they can go through the ongoing legal process and without causing trauma to children affected by sexual violence. Repressive efforts can also be carried out through criminal sanctions in the law to punish sex offenders to be entangled in prison confinement just like the behavior they do. Laws governing the provision of sanctions to perpetrators of sexual violence, for example, are contained in the Criminal Code and Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection.

## Conclusion

Legal protection of children who are victims of sexual crimes is the widest possible legal protection for the community. The rise of sexual abuse in Indonesia makes photography unable to guarantee that children are free from sexual crimes. Indonesia's criminal code criminalizes adult sexual activity against children, which can harm victims and can result in criminal

penalties. Incidents are also carried out by unscrupulous police who are perpetrators of course getting a bad image of the police. Indonesia ratified Law No. 23 of 2002 to achieve child protection by CRC. 2002 23 on Child Protection. KPAI is responsible for ensuring the implementation of child protection based on Article 35 Article 76 of the 2014 Law when carrying out protection activities in accordance with legal guidelines in implementing protection for child victims. If we look at cases of sexual violence against five-year-olds committed by police officers based on a review of victimology, it can be concluded that children (victims) fall into the category of *direct victims*. The child is the main target of the perpetrator to carry out his depraved actions through the perpetrator directly and without intermediaries. Then, the perpetrator can be categorized as *extra familial violence*. This is evidenced by the relationship between the perpetrator and the victim who are just not, the perpetrator and victim also have no blood relationship or family relationship.

## References

- Afandi, Dedi. "Medicolegal Study of Sexual Violence Cases in Pekanbaru, Indonesia: Prevalence, Pattern, and Indonesian Legal Framework." *Egyptian Journal of Forensic Sciences* 8 (2018): 1-10.
- Arifin, Ridwan, and Lilis Eka Lestari. "Penegakan dan Perlindungan Hak Asasi Manusia di Indonesia dalam Konteks Implementasi Sila Kemanusiaan Yang Adil dan Beradab." *Jurnal Komunikasi Hukum (JKH)* 5, no. 2 (2019): 12-25.
- Arliman, Laurensius. "Perlindungan Hukum bagi Anak dalam Perspektif Pancasila dan Bela Negara." *UNIFIKASI: Jurnal Ilmu Hukum* 5, no. 1 (2018): 58-70.
- Baharun, Hasan. "Pendidikan Anak dalam Keluarga: Telaah Epistemologis." *Pedagogik: Jurnal Pendidikan* 3, no. 2 (2016).
- Dania, Ira Aini. "Kekerasan Seksual Pada Anak." *Ibnu Sina: Jurnal Kedokteran dan Kesehatan-Fakultas Kedokteran Universitas Islam Sumatera Utara* 19, no. 1 (2020): 46-52.
- Egonsdotter, Gunilla, et al. "Child protection and cultural awareness: Simulation-based learning." *Journal of Ethnic & Cultural Diversity in Social Work* 29, no. 5 (2020): 362-376.

- Erdianti, Novita, and Sholahuddin Al-Fatih. "Fostering as an Alternative Sanction for Juveniles in the Perspective of Child Protection in Indonesia." *JILS (Journal of Indonesian Legal Studies)* 4, no. 1 (2019): 121-128.
- Febriani, Elfira Valentina, and Aji Wibowo. "Upaya Perlindungan Hukum oleh Komnas Perempuan Terhadap Korban Kejahatan Seksstorsi di Dunia Maya." *Jurnal Hukum Adigama* 5, no. 1 (2022): 279-303.
- Fitriani, Rini. "Peranan Penyelenggara Perlindungan Anak dalam Melindungi dan Memenuhi Hak-Hak Anak." *Jurnal Hukum Samudra Keadilan* 11, no. 2 (2016): 250-358.
- Hammarberg, Thomas. "The UN convention on the rights of the child--and how to make it work." *Human Rights Quarterly* 12, no. 1 (1990): 97-105.
- Huda, Mohammad Arinal. "Sexual Harassment in Indonesia: Problems and Challenges in Legal Protection." *Law Research Review Quarterly* 7, no. 3 (2021): 303-314.
- Hutabarat, Rainy Maryke and Siti Aminah Tardi (eds), *Bayang-Bayang Stagnansi: Daya Pencegahan dan Penanganan Berbanding Peningkatan Jumlah, Ragam dan Kompleksitas Kekerasan Berbasis Gender terhadap Perempuan* (Jakarta: Komnas Perempuan, 2022). Available online at <https://komnasperempuan.go.id/download-file/816>
- Indah, Wulan Saputri, et al. "Deviant Behavior of Children in Social Media from Perspective of Law and Criminology: Does Creativity on Social Media Encourage Bad Behavior in Children?." *Journal of Creativity Student* 7, no. 2 (2022): 267-282
- Jamaludin, Ahmad. "Perlindungan Hukum Anak Korban Kekerasan Seksual." *JCIC: Jurnal CIC Lembaga Riset dan Konsultan Sosial* 3, no. 2 (2021): 1-10.
- Munro, Eileen. "Decision-making under uncertainty in child protection: Creating a just and learning culture." *Child & Family Social Work* 24, no. 1 (2019): 123-130.
- Narindrani, Fuzi. "Legal Protection for Minors as Victims of Sexual Harassment in Indonesia." *Jurnal Penelitian De Jure* 21, no. 4 (2021): 525-540.
- Özler, Ş. İlgü. "The Universal Declaration of Human Rights at Seventy: Progress and Challenges." *Ethics & International Affairs* 32, no. 4 (2018): 395-406.
- Pecora, Peter J., et al. *The child welfare challenge: Policy, practice, and research*. (London: Routledge, 2018).
- Prasetyo, Andik. "Perlindungan Hukum bagi Anak Pelaku Tindak Pidana." *Mizan: Jurnal Ilmu Hukum* 9, no. 1 (2020): 51-60.
- Pribadi, Dony. "Perlindungan Terhadap Anak Berhadapan dengan Hukum." *Jurnal Hukum Volkgeist* 3, no. 1 (2018): 14-25.
- Ridgely, Susan. "Children and religion." *Religion Compass* 6, no. 4 (2012): 236-248.

- Ruslan, Ismail. "“Nilai Anak” dalam Perspektif Masyarakat Multi Etnik dan Agama." *Jurnal Pendidikan Sosiologi dan Humaniora* 8, no. 2 (2017): 18-33.
- Said, Muhammad Fachri. "Perlindungan Hukum Terhadap Anak dalam Perspektif Hak Asasi Manusia." *JCH (Jurnal Cendekia Hukum)* 4, no. 1 (2018): 141-152.
- Şener, Mustafa Burak. "A Review of the Meaning and Importance of the Universal Declaration of Human Rights." *Uluslararası Politik Araştırmalar Dergisi* 7, no. 3 (2021): 15-25.
- Soepadmo, Nurianto Rachmad. "Dimension of Justice in Restorative Justice Paradigm in the Criminal System for Sexual Violence in Indonesia." *EU Agrarian Law* 9, no. 2 (2020): 14-20.
- Solehati, Tetti, et al. "Intervensi Bagi Orang Tua dalam Mencegah Kekerasan Seksual Anak di Indonesia: Scoping Review." *Jurnal Obsesi: Jurnal Pendidikan Anak Usia Dini* 6, no. 3 (2022): 2201-2214.
- Sulistyo, Faizin, and Nazura Abdul Manap. "Pornography and Sexual Crimes Towards Children in Indonesia: A Judicial Approach." *Brawijaya Law Journal* 5, no. 2 (2018): 261-270.
- UN General Assembly. "Convention on the Rights of the Child." *United Nations, Treaty Series* 1577, no. 3 (1989): 1-23.
- Varadan, Sheila. "The Principle of Evolving Capacities under the UN Convention on the Rights of the Child." *The International Journal of Children's Rights* 27, no. 2 (2019): 306-338.
- Wandayanti, Dida Rachma. "Perlindungan Hukum Perempuan Korban Pelecehan Seksual dalam Sistem Peradilan Pidana Indonesia Ditinjau dalam Perspektif Viktimologi." *Journal of Feminism and Gender Studies* 2, no. 1 (2022): 55-72.
- Wedya, Era Neizma. "Modus Oknum Polisi Lecehkan Bocah 5 Tahun, Diimingi Uang Jajan", Okezone News, 24 May 2022. Retrieved from <https://news.okezone.com/read/2022/05/24/610/2599381/modus-oknum-polisi-lecehkan-bocah-5-tahun-diimingi-uang-jajan>
- Wijaya, Andika, and Wida Peace Ananta. *Darurat Kejahatan Seksual*. (Jakarta: Sinar Grafika, 2022).
- Wiratny, Ni Ketut. "Prinsip Kepentingan Terbaik Bagi Anak Dalam Diversi Pada Sistem Peradilan Pidana Anak." *Jurnal Ilmiah Raad Kertha* 1, no. 1 (2018): 61-77.
- Wismayanti, Yanuar Farida, et al. "Child Sexual Abuse in Indonesia: A Systematic Review of Literature, Law and Policy." *Child Abuse & Neglect* 95 (2019): 104034.
- Yuliartini, Ni Putu Rai, and Dewa Gede Sudika Mangku. "Perlindungan Hukum terhadap Anak Korban Kekerasan Seksual." *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* 6, no. 2 (2021): 342-349.
- Yuliartini, Ni Putu Rai. "Legal Protection of Women and Children in The Perspective of Human Rights." *ICLSSE 2021: Proceedings of the 3rd International Conference on Law, Social Sciences, and Education*,



*ICLSSE 2021, 09 September 2021, Singaraja, Bali, Indonesia.*  
European Alliance for Innovation, 2021.

\*\*\*

#### **DECLARATION OF CONFLICTING INTERESTS**

The authors state that there is no conflict of interest in the publication of this article.

#### **FUNDING INFORMATION**

None

#### **ACKNOWLEDGMENT**

The authors thank to the anonymous reviewer of this article for their valuable comment and highlights.

#### **HISTORY OF ARTICLE**

Submitted : May 27, 2022  
Revised : September 29, 2022  
Accepted : January 11, 2023  
Published : February 28, 2023