

A Criminological Study Of Pedophilia Crimes In The Jurisdiction Of The Bali Police Force

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Abstract

Sexual crimes nowadays do not only occur to adult victims, but also to children. Of course this will endanger the growth and development of children as the next generation of the nation. In order to prevent pedophilia cases against children, families and all levels of society play an active role in paying attention, protecting and protecting from treatments such as discrimination, exploitation, neglect, cruelty and injustice. The purpose of this study is to provide countermeasures taken to prevent the crime of pedophilia against children in Bali. Assistance for children in the examination process at the police until trial in court is expected to be able to improve the child's mentality and reduce the psychological impact of the pedophilia case that befell him. The research method used is empirical legal research method, the data processing and analysis used in this research is qualitative analysis. The final results of this comprehensive study are formulated to determine and analyze the factors causing the rampant crime of pedophilia and its implications for child victims, especially in the jurisdiction of the Bali Police as well as the obstacles faced in handling pedophilia cases. _

I. Introduction

Crime or criminal offense is a human problem, which occurs in a person who does not use reason and is coupled with the urge of lust in acting, resulting in crimes that exceed limits such as sexual crimes. Sexual crimes that physically affect women include rape and sexual abuse (Subawa & Saraswati, 2021). Sexual crimes today do not only occur to adult victims, but have also affected many children. Because children are not yet able to think about which actions are good and bad, so this is utilized by the perpetrators to persuade and deceive these innocent children.

Sexual crimes against children are commonly referred to as pedophilia, pedophilia is sexual activity carried out by adults against minors. Sometimes the child provides the adult with a partner after subtle persuasion (Asmawi, 2005). This sexual abuse causes psychological trauma that cannot be healed in a short time. The impact of sexual violence is very different depending on how the perpetrator treats the victim or in this case the child (Setiawan, 2017).

Based on the statement of the Deputy for Special Protection of Children of the KemenPPPA, which states that cases of sexual violence against children will experience a significant increase in 2022, the rampant news of sexual harassment and violence against children is also recorded in statistics summarized by various institutions. The Ministry of Women's Empowerment and Child Protection (KemenPPPA), for example, states that the number of cases of violence against children. (Republika.Id, 2023) Based on the data he presented, in 2019 the number of cases of violence against children was recorded at 11,057 cases, in 2020 it increased by 221 cases to 11,278. Then, a significant increase occurred in 2021, reaching 14,517 cases. The next significant increase occurred in 2022 which reached 16,106 cases. The type of violence received by children is dominated by sexual violence, which reached 9,588 cases.

According to the Head of KPPAD Bali province Ni Luh Gede Yastini, sexual crimes against minors experienced an increase in 2020, namely 45 reports, up 28 cases from 2019. KPPAD found the astonishing fact that the suspects of child sexual abuse in Bali actually occurred by the closest people, both in the form of biological fathers and stepfathers, uncles, or neighbors of the victim (Genpi.co., 2021).

The following are several cases of pedophilia sexual violence in the Bali Police jurisdiction, namely the first case quoted from (bali.tibunnews.com, 2023), A case of sexual abuse of minors allegedly occurred in the toilet of Bali's I Gusti Ngurah Rai International Airport some time ago. The case was handled by the Bali Police Ditreskrim and the alleged perpetrator was arrested. Furthermore, the second case occurred in Klungkung Regency, this case began when SPS, who is a civil servant, from the results of temporary information, it was revealed that the perpetrator

sexually abused the victim twice and this resulted in trauma for the victim (Idntimes.com, 2021).

The description above provides an overview of various criminal law rules made to provide a deterrent effect on perpetrators of sexual crimes against minors. The existence of the threat of acts and the imposition of punishment against the perpetrators of sexual crimes against minors has not produced maximum results because there are still cases of pedophilia crimes. In addition to criminal sanctions on perpetrators of sexual crimes against minors, there needs to be countermeasures taken against pedophilia crimes. The purpose of this study is to determine and analyze the factors causing the rampant crime of pedophilia and its implications for child victims, especially in the jurisdiction of the Bali Police, as well as to determine and analyze the countermeasures by the Bali Police against pedophilia crimes and the obstacles faced so as to minimize the number of pedophilia crimes in the future.

2. Research Method

The research method used is an empirical legal research method in which law is conceptualized as an empirical symptom that can be observed in real life (Rahmawati, Yuliartini, & Mangku, 2021). This scientific journal uses a criminological approach, case approach and fact approach. The criminological approach aims to study crime, which is defined as a pattern of behavior that harms society, both physically and materially, whether formulated in law or not. The case approach is conducted by examining cases that have occurred in the Bali Police area and the fact approach is used by conducting research on data and direct interviews with relevant parties. The interview technique is carried out with an interview guide and data analysis, the interview guide is distributed to the relevant parts of the Research Location at Polda Bali, P2TP2A Office and Denpasar District Court. Providing advice and input to prevent pedophilia cases against children, families and all levels of society must play an active role in paying attention, protecting and protecting their children from treatments such as discrimination, exploitation, neglect, cruelty and injustice.

3. Results and Discussion

What factors lead to the crime of pedophilia and its implications for child victims in the Bali Police jurisdiction

Talking about children in Indonesia, there are many cases of social crises about children and need to be taken more seriously. This is characterized by the rise of cases of mistreatment of children, child exploitation, violence against children, child trafficking and others. One of them is the case of child molestation or commonly called pedophiles. Pedophiles are a form of sexual disorder in which a person has lust for children and adolescents under the age of 14.

Criminology is a science that studies the causes, effects, correction and prevention

of crime as a human symptom by gathering contributions from various sciences. Strictly speaking, criminology is a means of knowing the causes of crime and its consequences, studying ways to prevent the possibility of crime (Utari, 2012). Criminology is aimed at revealing the motives of criminals, while criminal law is aimed at the relationship between actions and consequences (cause and effect law). The motive factor can be traced with evidence that reinforces the intention to commit a crime (Atmasasmita, 2007).

The name criminology itself comes from a French anthropologist named P. Topinard (1830-1911), which then increasingly found its form as a scientific field of knowledge that studies crime since the mid-19th century. The development of criminology occurred due to the rapid influence of natural sciences (natural science) and after that it grew as a scientific field of knowledge with a more sociological approach and analysis (Soekanto, 1981). If in the past criminology was considered as a part of criminal law, then in later developments criminology occupied a position as an "auxiliary science" of criminal law. Today's development is clearly different, Sahetapy said, that the assumption of Criminology as a part or as an auxiliary does not get the market anymore (Sahetapy, 1979).

Criminology as an auxiliary science in criminal law that provides a deep understanding of the phenomenon of crime, the causes of crime and efforts that can overcome crime, which aims to suppress the rate of development of crime. An anthropologist from France, named Paul Topinard, stated that "Criminology is a branch of science that studies the problems of crime. The word criminology itself based on its etymology comes from two words, *crimen* which means crime and *logos* which means science, so that simply criminology can be interpreted as a science that studies crime (Disantara & Syaifudin, 2024).

Pedophile itself comes from two syllables, namely *pedo* (child) and *filia* (love). According to a psychiatrist from the University of Toronto, he explained that pedophilia is an orientation disorder regarding sexual fantasies that are only interested in children. Usually the cause of someone doing this is due to brain factors, neurological disorders and the environment. In addition, the educational, social and economic crisis factors as supporters of the rampant pedophile cases occur and the last is the mental disorder factor as explained by the Chairperson of the child and adolescent mental health association, Dr. Suzy Yusna Dewi from RSJ Dr. Soeharto Heerdjan explained, from a medical point of view, pedophilia is a form of mental disorder called paraphilia. People with paraphilia generally have a brain disorder that makes them easily sexually aroused. Worse, this happens easily when they interact. Pedophiles use a variety of methods to ensnare their victims, generally by trying to attract the victim's attention by pretending to help both materially and financially, so that parents do not suspect the perpetrator.

For example, a case that has come to the attention of the Indonesian people is the case of Herry Wirawan, a religious teacher who molested 12 of his students, some of whom even got pregnant. Herry's actions took place from 2016 to 2021 and were carried out in several places such as foundation rooms, hotels and apartments. The judge considered that he was guilty of violating Article 81 paragraph 1, paragraph 3, and paragraph 5 jo Article 76.D of Law Number 17 of 2016 concerning amendments to Law Number 23 of 2002 concerning Child Protection jo Article 65 paragraph 1 of the Criminal Code as the first charge. He was sentenced to life imprisonment and castration. However, the public prosecutor appealed the case to the Bandung High Court and ended up with a death sentence and a restitution fine of 300 million. In addition, a case that has been revealed in Indonesia is the case of former Australian diplomat, Willian Stuart Brown against 2 children in Karangasem district, Bali. He was sentenced to 13 years in prison by the District Court because he was proven to have violated Article of Law 23/2002 on child protection. This verdict is heavier than the prosecutor's demand of 12 years in prison. pedophiles or sexual abuse of children committed at that time, the perpetrators were not only Indonesian residents, but also foreigners. This further indicates that Indonesia is a haven for pedophiles. Cases like this certainly tarnish the name of the Indonesian nation as a polite and civilized nation.

From some of the pedophile cases discussed, it is clear that this treatment will have a negative impact on children. Not only does it physically damage the future but also psychologically and mentally damages the child. The law applied in Indonesia is not yet firm and serious against pedophile cases like this. The punishments and sanctions given to the perpetrators are not always appropriate and fair. The need for revitalization of child protection institutions in dealing with these cases and aggravating sanctions against these criminal acts so that barbaric cases like this do not recur. Not only that, there is a need for additional attention from the family, community and government towards children and guaranteeing, protecting and maintaining the lives of children in the environment to avoid child predators.

How are the Bali Police's countermeasures against pedophilia crimes and what obstacles are faced in the countermeasures?

Crime in Dutch is called misdrijven which means an act that is reprehensible and has a legal relationship. Crime is part of an unlawful act or offense, the other part is an offense. Some legal experts define crime as follows (Hamzah, 2004):

- a. Wirjono Projodikoro, crime is a violation of norms as the first basic element of criminal law.
- b. Paul Mudigdo Moeliono, crime is a human action, which is a violation of norms, which is felt to be detrimental, annoying, so it should not be ignored.
- c. Richard Quinney, crime is human behavior created by authorized actors in a politically organized society, or qualifications for unlawful behavior formulated by citizens or communities that have power.

Crime is a problem that is always inherent where society exists. Crime will always exist like disease and death that always act like the seasons that change from year to year. All efforts in dealing with crime can suppress or reduce the increasing number of crimes and repair criminals so that they can return as good citizens of society (Swastika et al., 2023).

Crime is a name or label given by people to judge certain actions as evil. Thus, the perpetrator is called a criminal. This definition comes from humans, so it has a very relative meaning, which depends on the humans who provide the assessment. Regarding the definition of crime itself, there is no unity of opinion among scholars, R.Soesilo distinguishes between the juridical definition of crime and the sociological definition of crime (Alam, 1985).

From a juridical point of view, the definition of crime is an act of behavior that is contrary to the law (Flora et al., 2023). From a sociological point of view, the definition of crime is an act or behavior that is not only detrimental to the sufferer, but also very detrimental to society, namely in the form of loss of balance, peace and order. Crime can be classified into the following categories: Classification of crimes based on the motive of the perpetrator. This is stated according to Bongger's view as follows (Alam, 1985):

1. Economic crime;
2. Sexual crimes;
3. Political crime; and
4. Crimes against life and property.

Pedophilia is literally derived from the Greek paidophilia, derived from the words pais meaning children and philia meaning friendly love. However, it has evolved to be used as a term to describe one of the psychosexual developmental disorders in which individuals have abnormal erotic desire for children. This paper will use the word pedophilia in accordance with the rules of Indonesian grammar (EYD). Pedophilia in the Big Indonesian Dictionary is defined as a sexual disorder that uses children as sexual objects.

According to Hendrojono, pedophilia is the violation of sexual desires by taking underage children as victims. Can occur in adult men and women. Abrahamsen and Guttmacher's research concluded that pedophilia is committed by men over the age of 40. According to Guttmacher, pedophilics do their actions because they are entering the "second childhood" period, therefore they feel satisfaction if they have sexual contact with children. In addition, another cause is because he lost his life partner and has no desire to marry again. This is usually channeled through pedophilia. Pedophilics may also act sadistically and brutally, and have violent physical contact with children. They are mostly people with psychoses (Hendrojono, 2005).

A child is someone who is born from a relationship between a man and a woman. This relationship between man and woman if bound in a marriage bond is

commonly referred to as husband and wife, without excluding that someone born to a woman even though she has never been married is still said to be a child. Children are also the forerunners of a new generation that is the asset of the nation, the future of the Nation and the State in the future (Huraerah, 2018).

Children are the hope of the nation in the future, the rights that must be obtained by children against their parents since the child is born in the world based on applicable laws and regulations (Waluyadi, 2009). Protection of children is an issue faced by every society, with its own characteristics and provides its own style of problems within the framework of law enforcement, but each individual has the same goal so that in the association in society peace is achieved as a result of written law enforcement. Legal protection for children can be interpreted as an effort to protect the various freedoms and fundamental rights of children, as well as various interests related to the welfare of children. One form of overcoming the crime of pedophilia is the imposition of criminal sanctions for acts committed by perpetrators of pedophilia crimes (Soesilo, 2021).

Because the consequences of obscene acts or intercourse committed by a pedophile are very dangerous, the provision of criminal sanctions on pedophilia sex offenders alone is not enough to solve the problem. Sanctions made in legislation still cannot stop the crime of pedophilia. Efforts to overcome the crime of pedophilia need to be made in order to reduce and even eliminate the crime so that there are no victims of the pedophilia crime. These countermeasures can be in the form of efforts that prevent before the crime occurs and efforts that are corrective after the crime occurs.

In order to prevent cases of pedophilia against children, families and all levels of society play an active role in paying attention, protecting and protecting from treatments such as discrimination, exploitation, neglect, cruelty and injustice. Children are often mistreated, especially in sexual crimes, children are often victims of sexual crimes, especially sexual abuse committed by adults and the victims are children. The crime of child sexual abuse is one of the most important legal issues to be studied in depth (Koesparmono Irsan, 2007). There are 4 ways to protect your child from pedophilia :

1. Teach children about body rights

From a young age, we must start to introduce children to the fact that they have full rights over their bodies. If someone suddenly pinches their cheek, for example, then they have the right to be angry and protest against that person.

2. Build a relationship of mutual trust with children

A warm relationship between parents and children is the key to overcoming problems in the family. Get parents used to being open with their children and encourage children to have the habit of telling stories to their parents.

3. Recognizing Pedophilia

The definition of pedophilia continues to change. What is published in the journal published by the World Health Organization (WHO) Diagnostic and

Statistical Manual of Mental Disorders (DSM) explains that pedophilia is a burning sexual desire for prepubescent boys, and is a disorder if that desire makes a person's personality difficult, or if someone follows their desires.

4. Filter children's uploads to social media

On social media, we cannot control other people's actions. Also, we cannot know exactly what people's reactions will be to us. In this case of pedophilia, the closest thing we can do is filter uploads of photos of our children on social media.

4. Conclusion

Pedophilia is a serious crime because it violates the rights of children and threatens the future of children who are victims. Pedophilia that occurs in Indonesia in various cases of perpetrators has a varied social status background. Judging from the background of their social status, pedophiles in Indonesia are classified as regressed abusers and fixated abusers with the mode or pattern of pedophilic events that succeed in committing acts of sexual abuse or violence are perpetrators with high interaction with victims and are people who have a superior position over victims. The role of parents is very important so that children can avoid the threat of pedophilia. For this reason, there are several ways that parents can do. Pedophiles can be anywhere, even around our children. Therefore, parents must remain vigilant. Only good vigilance and good education for children can reduce the risk factors of becoming a victim of pedophilia,

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