

OVERVIEW OF CRIMINOLOGY OF SEXSUAL VIOLENCE AGAINST CHILDREN (Case Study in Mukomuko Regency)

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ABSTRACT

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This study aims to determine the factors that crimes of sexasual violence against children that occur in the family environment and to find out wheather the sanctions given have a deterrent effect on the perpetrators. The theory used in this study is Criminology. This research method is through an empirical juridical approach, namely studying and seeing how laws and regulations are used in real life and studying how they affect human life. This type of research is descriptive qualitative in nature which is considered capable of providing a comprehensive picture of human experience consisting of primary legal data, namely interviews and secondary data, namely those collected from various sources such as articles, laws and regulations. Methods of data collection by interviews and literature study then the data were analyzed qualitatively. The results of research in the field perpetrators of sesual violence against children by brothers in law at Correctional Institution Class IIB Arga Makmur showed several findings discussed that first the perpetrators commited sexasual violence against children because of the frequent meetings between the victim and the perpetrator so that there was an opportunity to have intercourse, the two perpetrators knew that the victim often makes pornographic videos so that this is used as a threat to the perpetrator so that the victim does not report what happened to the authorities.

INTRODUCTION

1.1 Background

Sexual violence is not a new phenomenon in Indonesian society, however, like other crimes, cases of sexual violence have an impact on Indonesia's social structure and contribute to its destruction. Children can also be victims of crime is not only aimed at adults. This crime includes crimes involving sexual violence, of which children have often become victims in recent years. This condition raises concerns and requires a solution to try to reduce the recurrence of similar cases. The world that children actually live in has become a scary place for them, when they see the increasing number of cases of violence and sexual crimes that occur in this country. Children should have a life that is safe, calm, comfortable and enjoyable for them. Cases of sexual violence are clearly becoming more severe, and many people are being harmed as a result. There are still many cases of sexual violence where the victim does not report the incident. This is because the victim is embarrassed and does not want other people to know or the victim is afraid that the perpetrator will threaten him if the victim reports it to the authorities.

The number of cases involving children is quite significant. Mukomuko Regency has experienced an increase in the number of cases of violence against children that have occurred in the last three years. Based on data from the Mukomuko Regency Population Control, Family Planning, Women's Empowerment and Child Protection Service, the number of violence against children over the last three years has tended to increase. In 2019 there were 17 cases, then in 2020 there were 21 cases of violence against children and from January 2021 to July 2022 cases of violence increased to 25 cases. Of the 25 cases of violence that occurred in 2021 to 2022 in Mukomuko Regency, there is 1 case that is interesting to study, namely the case of sexual violence committed by the perpetrator as a brother-in-law against the victim, namely his sister-in-law. Children in Mukomuko Regency experience trauma which can be detrimental to their development due to the large number of cases of violence against children, especially sexual violence against children. Cases like this require serious attention due to this trauma.

In cases of sexual violence, the perpetrators are often people the victim interacts with on a daily basis, such as friends or family members.¹ According to Whealin, around 30% of sexual abuse perpetrators are relatives of the child, most often brothers, fathers, uncles or cousins. This means that most of the perpetrators are people known to the victim. About 60% are different coworkers such as family friends, parental figures, or neighbors; outsiders are the perpetrators in about

¹ Lubis, "Faktor-Faktor Penyebab Terjadinya Kekerasan Seksual Terhadap Anak Di Kota Medan."

10% of child sexual abuse cases.²

Familial abuse or *incest* are forms of sexual violence cases where the perpetrator and victim are still related by blood or are still members of the same nuclear family. This includes partners, stepfathers, and other people entrusted with the child's care who serve as surrogate parents. Mayer said he was talking about the category of incest in the family and said it was related to child abuse. The first category is sexual harassment, meaning the perpetrator interacts with anything related to sexual stimulation. The second type of rape is oral or intimate sexual rape. The final and deadliest classification, called forcible assault, includes sexual contact.³

The family is the main place to maintain the best continuity and development of children, which is maintained within their family. UU no. Article 45 Paragraph 1 of the 1974 Marriage Law states that "parents must care for and educate children who are not yet adults until the children concerned are adults and can stand on their own".

Sexual violence is nothing new for Indonesian society, sexual violence is a serious crime that has a negative impact on the destruction of Indonesia's social order, this kind of sexual violence can damage the human order for both women and children.

The Geneva Declaration of the Rights of the Child, recognized in the Universal Declaration of Human Rights in 1924, was one of many international meetings that discussed the issue of protecting children as objects of crime. Children (Declaration of the Rights of the Child) was then approved by the UN General Assembly on November 20 1958. This was proven by the inclusion of immoral crimes that occurred against children (such as rape and molestation) as an example of international crimes. Society has implicitly recognized the need to protect children from these crimes.

Law Number 35 of 2014, an amendment to Law Number 23 of 2002 concerning Child Protection, also emphasizes the need to provide criminal charges and fines for perpetrators of crimes against children as a deterrent and encourage good steps towards the physical recovery of the mental and social aspects of children who suffer from it. have been harmed or have committed violence against children.

Head of the Population Control, Family Planning, and Women's Empowerment and Child Protection (PPPA) Division of Women's Empowerment and Child Protection, Mukomuko Regency. Vivi Nofriani, S.H explained that children who

² Rohmah, Novitasari, and H, "Relasi Pelaku Korban Dan Kerentanan Pada Anak." 12, no. 2 (2017): hlmn 5.

³ Ivo, "Kekerasan Seksual Terhadap Anak: Dampak Dan Penanganannya Child Sexsual Abuse: Impact and Hendeling." Hlmn 16.

are still in elementary school, middle school or high school are victims of almost all cases of sexual violence against children that occur in Mukomuko Regency. The perpetrator's house, the victim's house, residents' houses, near the victim's house, and some in the bushes were the locations of the incident. Ipuh subdistrict is the most vulnerable this year, with three cases, Mukomuko City, XIV Koto, Air Rami, Air Manjuto, and Lubuk Pinang each had one incident. Meanwhile, 16 cases were revealed throughout 2021. Intercourse, sexual harassment and rape are categories of cases, and some victims did not even attend school. The closest relatives who should be the safest place for children often commit crimes against children.

Cases of sexual violence that occurred in Mukomuko Regency, Bengkulu Province. After the victim's brother-in-law was strongly suspected of committing immoral acts against his sister, the police arrested a person with the initials BK (35), who was none other than the victim's brother-in-law. The report from the victim's biological mother marked the beginning of the disclosure of the case. After receiving information, the Mukomuko Police Criminal Investigation Unit team immediately go to the crime scene to carry out an examination and perform a post-mortem on the victim. Based on the post-mortem results, it was proven that the suspect had sexual relations with a minor. The suspect had sexual intercourse with a minor from April 2020 to August 2021. During that time, he had sexual intercourse with the victim approximately six times. The method used by the perpetrator was to threaten the victim that if he did not want to have sexual relations, the suspect would tell the victim's parents the photos on the victim's cell phone. The suspect was charged with violating Article 81 paragraph (2) Jo 76D of Law of the Republic of Indonesia Number 35 of 2014, which amends Law of the Republic of Indonesia Number 23 of 2002, concerning Child Protection. As a result of his actions, the suspect faces a maximum sentence of 15 years in prison and a fine of Rp. 5 billion.

From the example above, it is very easy for a close relative to commit a crime against his own sister-in-law because the perpetrator only needs to threaten the victim to tell the victim's parents about the photos on his cell phone if the victim does not want to have sexual relations. The victim received threats so that the victim avoided reporting what had happened to the authorities because he was afraid.

According to Finkelhor, the epidemiological trend of sexual abuse in North America is theoretically intrafamilial abuse by fathers, father figures, uncles or brothers, abuse by caregivers such as teachers, priests and coaches, children being sexually abused or raped by young perpetrators who are still minors. Meanwhile, women and children who are exploited as commercial sex workers are the victims. Numerous studies show that family members are responsible for much of the abuse and criminal activity carried out by family members.⁴

⁴ Ibid.

When dealing with these cases, it is very important to find solutions as well as preventive measures. For example, changing laws and regulations with criminal sanctions will not solve the problem. However, prevention must also be integrated in this case, not only the state must be tasked with dealing with cases of violence like this, but other security officers are also needed to increase public awareness and participation. Obviously, sexual crimes will not result from the family's ability to teach morals, manners, and all other good things. Children who come from good families with good parents, because, basically, parents will not waste time with their children because of how their own family acts.

1.2 Research Methods

According to Soerjono Soekanto, research is a scientific endeavor that aims to analyze one or more specific legal phenomena in order to study one or more of these legal phenomena. It is based on certain ideas, systematics, and methods. Apart from that, conducting an in-depth study of legal facts in order to find solutions to legal phenomena problems.⁵

The method used in this research is the Empirical Method by means of interviews, according to Abdulkadir Muhammad's explanation, empirical legal research does not deviate from the use of primary data on real behavior and written positive law (law) as secondary data from field research locations. This actual behavior develops and lives freely in accordance with the needs of society, some of which take the form of court decisions or customary practices.⁶

Empirical legal research is a legal research method that looks at how legislation is used in real life and examines how it affects human life. Empirical legal research methods can be called sociological legal research because they examine humans in social relationships. The facts that exist in society, legal entities and government institutions are the basis for this legal research.

Using primary data, namely data obtained through interviews conducted at the research location, primary data will be obtained, or information and data that will be obtained directly from the source (respondent), namely, the perpetrator on behalf of Budiman, the perpetrator of sexual violence against children in the family environment. at the Class II B Arga Makmur Penitentiary, data will be collected regarding the main problems that are the focus of this research.

DISCUSSION

2.1 The Factors Behind The Occurrence Of Criminal Acts Of Sexual Violence By Perpetrators Against Victims Who Are Still Minors

The author in this research uses criminological theory which is based on the

⁵ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020), hlmn 18.

⁶ Ibid.

existing problem formulation. Therefore, the theory used in this research is criminological theory. The discipline of Criminology is the study of bad behavior and crime. The term “Crime” also refers to “offense”, implying that violations of the law are subject to punishment and “crime” includes bad behavior and crimes. Criminology attempts to try to solve the problem of crime by looking at positive studies and social facts, crime includes every act that threatens the collective and from groups that cause a defensive reaction from society based on its own considerations.⁷

According to Edwin H. Sutherland, criminology is a whole field of study that examines crime as a social phenomenon. Criminology is a branch of science that considers crime as a social reality, including how laws are created and violated.⁸

Sexual violence is an example of a serious criminal problem, especially children who are victims. Violations of sexual violence against minor children in the family are part of this case. The author collected information through interviews with respondents, especially those who committed sexual violence in the family context.

Family sexual violence is a type of crime that occurs within the family unit. Because criminal acts can occur at any time and from anywhere, not only in the surrounding environment but also in the family environment, the perpetrator and victim have a certain level of closeness and relationship.

The reasons why family members commit crimes of sexual violence will be discussed and explored in this chapter. The author himself believes that various factors play a role in the occurrence of sexual violence in the family, including the influence of both the perpetrator and the outside world. For example, advances in increasingly sophisticated and modern technology make it easier for someone to get what they want, and the lack of communication between children and their parents in everyday life, along with the role of victims in inappropriate behavior and dress code to provoke lust. sexual for those who see it.

At the Arga Makmur Class II B Penitentiary, researchers conducted interviews to find out what caused the perpetrator to commit sexual violence against his underage sister-in-law. Regarding interviews with perpetrators of sexual violence directly, it is hoped that the author will obtain accurate information from them.

⁷ Muhammad Mustofa, 2013, *Metodologi Penelitian Kriminologi*, Prenadamedia Group, Jakarta.

⁸ Anggraeny Haryani dan Ika Dewi Sartika Saimima Putri, *KRIMINOLOGI* (Sleman: Deepublish, 2020). hlmn 2.

From the results of research conducted by the author at Arga Makmur Class II B Prison, it was found that one of the perpetrators of sexual violence was a brother-in-law who committed sexual violence against his sister-in-law, who was still in class 2 (two) of Junior High School, who became the victim. in this case.

According to the results of interviews conducted with perpetrators of sexual violence against children carried out by their brother-in-law, the reasons behind the perpetrator committing sexual crimes against his sister-in-law were as follows:

1. That the distance between the perpetrator and the victim's house is very close and only 100 meters apart so they often meet, the perpetrator himself is a volleyball coach in the village and the victim is one of the volleyball players, the victim himself often goes to the perpetrator's house to pick up ball before doing training, that's where the perpetrator developed a feeling of liking so that the perpetrator's desire to have sex with the victim arose, the perpetrator often chatted on WhatsApp to invite the victim to meet so that the victim himself often visited the perpetrator's house, then there was sexual intercourse with a minor who was none other than the sister-in-law of perpetrator. This sexual intercourse occurred three times, once at the perpetrator's house and then twice at the victim's house.
2. Then another thing that is behind the crime of sexual violence is because the victim often makes pornographic videos which will be sent to his girlfriend, because the perpetrator feels close to the victim, the victim and the perpetrator often exchange cellphones so that the perpetrator sees the video on the victim's cellphone. The sexual intercourse was carried out because the perpetrator already knew about the victim's bad behavior, as a result the perpetrator threatened the victim to follow his wishes and if he did not want to have sexual intercourse with the perpetrator again, the perpetrator threatened the victim by distributing pornographic videos on the victim's cell phone as a result of the threat from the perpetrator. the victim wanted to have sexual intercourse with the perpetrator, because the victim was afraid of threats from the perpetrator so she did not report the incident, the case was then reported to the authorities by a close friend of the victim.

Based on the perpetrator's statement, the author believes that this sexual violence occurred based on threats from the perpetrator before having sexual intercourse with the victim. The sexual violence initially occurred from April 2020 to August 2021, three sexual encounters occurred between the

perpetrator and the victim, once the sexual intercourse took place at the perpetrator's house and then twice at the victim's house. The victim was first sexually assaulted when he was 13 years old. The victim did not resist because the victim was afraid and thought that if he resisted, the victim's disgrace in the form of a pornographic video on his cellphone would be distributed widely by the perpetrator. The victim's parents did not know about the sexual intercourse between the perpetrator and the victim.

Based on the perpetrator's statement, the author can conclude that there is an objective element contained in Article 76D of the Child Protection Law and Article 81 paragraph 2 of the Child Protection Law. The objective elements are:

- a) Deliberately carrying out violence or making threats
- b) There is coercion
- c) Commit deception
- d) A series of lies, or
- e) give the child a nickname to carry out or allow to carry out the action

In this case there is a point of deliberately committing violence or threatening the victim to have sexual intercourse, in the statement the perpetrator forced the victim if he did not want to comply with his wishes, the perpetrator would distribute pornographic videos on the victim's cellphone.

Perpetrators of sexual crimes within the family stated, responding to the interview findings above, that several things motivated them to commit crimes, namely that there were several factors behind the perpetrators committing sexual violence against their family members. If we talk about the relationship between researchers' findings and criminological concepts related to factors that contribute to the occurrence of crimes of sexual violence against children in the family environment, it can be concluded that the factors that cause sexual violence against children in the family environment are as follows:

1. Low educational and economic factors

A person's lack of formal education can affect the community around him, making it very easy for the person concerned to commit a criminal act without thinking about the consequences. It should be noted that lack of formal education is not the primary cause of crime. because a person's low level of education will also be related to their low economic status, and economics can also be one of the reasons why someone can violate the rule of law. Based on research findings,

it is known that the brother-in-law who committed sexual violence has a job as someone from a low economic background and only has a junior high school education. A person's mental state and behavior are greatly influenced by low education and economic conditions.

2. Environmental factor

Sexual crimes committed by humans against other humans occur in the context of the family. According to the author's research, apart from social and environmental factors that can influence the occurrence of crime, where you live also has an impact on crime. For example, families are broken up, and parents are too busy with work to take care of their children, and do not receive good attention and education, so that many children are helpless to become victims of crime in the family.

3. Factor of lack of understanding of the law

A person's lack of education correlates with a significant lack of legal knowledge. Knowledge of applicable laws, regulations, rules and norms decreases when a person does not receive formal education from an early age. A person can commit crimes of his own will, the most important thing for him is that he can satisfy all his desires, and he does not care about anything else with the results.

4. Lack of experience about religion

The influence of religion has a significant impact on a person's soul and behavior. To determine a person's legal awareness, the role of religious observance is very determining. People are less likely to commit crimes if they are closer to their god, and vice versa.

5. The role of the victim

Whoever commits a crime against the victim is determined by the victim's role or attitude. As in the case of sexual violence that occurred between the brother-in-law and sister-in-law, this occurred because in the victim's daily life the perpetrator and the victim often met, the victim himself often visited the perpetrator's house, thereby inviting the perpetrator's desire to commit sexual crimes, besides that the victim often created content. pornographic videos to be sent to his girlfriend, then the perpetrator saw the video on the victim's cellphone, thus provoking the perpetrator to commit a sexual crime. If the victim did not want to do it, the victim was threatened by the perpetrator by distributing the video that had been made by the victim, so it can be said that the victim's attitude influenced crimes that arise.

6. Alcohol Factor

This kind of crime can also occur when people are stimulated, such as when they drink alcohol. Alcohol can cause a loss of self-control, which puts the most mentally impaired in danger if alcohol is used. This makes alcoholism very dangerous. Therefore, if a person has a disorder in his sexuality, he may have abused his own children if he drinks too much alcohol to control his desires and seeks sexual satisfaction even within the family.

7. Weak self control

Weak inner control is caused by a person's ignorance of adequate and unsatisfactory behavior. Because of this weak internal control, a person is easily influenced by negative invitations and furthermore they are unable to control themselves from committing acts of sexual violence.

8. Perpetrator's morals

Morals or morals are very important because they teach about virtue and influence behavior, so that if someone does not have good morals and morals, then he is more likely to do evil. This happens because the perpetrator no longer has moral character as an analogy using cases of sexual violence that occur in the context and family environment.

9. Social media influence

The development of social media in the current era of globalization makes it easier to access pornographic content online. This can have negative effects because pornographic content can stimulate and influence people to become addicted. The influence of the brain on sexual scenes results in addiction, which is analogous to taking cocaine from drugs.

2.2 Do The Legal Sanctions Provided Have a Deterrent Effect On Perpetrators Of Sexual Violence Against Minors

Victims of sexual violence, both adults and children, usually experience the effects of trauma. Unfortunately, cases of sexual violence are often not revealed and resolved through legal channels because of denial of the incident. Children who are victims of sexual violence do not yet understand that they are victims of sexual violence, so it becomes even more challenging if the violence involves children. In order for victims to keep what they experience with sexual violence a secret, it is difficult for them to trust others. Children who are victims of sexual violence will generally hesitate to report because they feel belittled by the bad consequences of the perpetrator

assuming that they report the violence, children feel humiliated to tell about the sexual violence they have experienced, and these children feel that they have the occurrence of sexual violence occurs in view of their own missteps and sexual violence can embarrass their loved ones. When victims report sexual harassment, they experience feelings of helplessness and suffer from the sexual violence that occurred.

Victims of sexual violence against children suffer emotionally and physically. Stress, depression, mental shock, fear of things related to abuse, such as objects, smells, places, doctor visits, price issues, self-esteem, sexual dysfunction, chronic pain, addiction, and pregnancy, feelings of guilt and self-blame, fear of contact with other people, images where children receive unwanted sexual violence, nightmares, and insomnia, are all impacts experienced by children who are victims of sexual violence.

People are afraid and uncomfortable in their homes and social environments as a result of the many cases of child sexual abuse. So this can result in an unsafe and restless atmosphere in the surrounding environment. Acts of sexual violence against adults and children are actions that hurt other people on the grounds that sexual violence is wrong, and contrary to social and legal norms.

As a result, in accordance with applicable laws and regulations, perpetrators of sexual violence against minors receive criminal sanctions as a form of legal policy for the crimes they commit. A person's behavior can be triggered by bad, immoral and antisocial behavior. Therefore, for the sake of safety, security and public order, sexual violence must be eradicated. It must not be allowed to continue to develop and grow in society. This is the responsibility of everyone in society, including authorized law enforcement officials such as the police, prosecutors, courts and even prisons.

Therefore, to deal with criminal acts of sexual violence, it is necessary to impose punishments based on the crimes committed in order to enforce the law against the perpetrators. This punishment aims to provide a deterrent effect to act as a deterrent for those who commit sexual violence against children to reduce the number of crimes involving children.

The oldest strategy for dealing with criminal behavior is to use criminal sanctions (punishment). Even today, punishment is still used as a criminal political tool. Chapters on criminal provisions are included in almost every legal product today. Criminal penalties for perpetrators of sexual crimes are regulated in several articles of the Criminal Code. Crimes of sexual violence, on the other hand, are crimes that are against the law and are accompanied by threats (sanctions) of punishment for those who violate the law. There are two ways to take action against sexual violence, namely through legal means

(penal) or outside legal means (non-penal).

As time goes by, Criminal Code penalties are no longer effective in deterring perpetrators from criminal acts of sexual violence against children. As a result, there are more and more cases of criminal acts of sexual violence against children. As a result, special laws were enacted by lawmakers to protect children from sexual abuse. This regulation was continued with Regulation Number 23 of 2002 which was later revised to become Regulation Number 35 of 2014 concerning Child Protection. The Criminal Code functions as a legal framework, so that the punishment for those responsible is more severe than in the previous Criminal Code.

The imposition of criminal sanctions for perpetrators of sexual violence against children is regulated in articles 81 and 82 of Law No. 35 of 2014, namely regarding child protection:

Article 81 reads:

1. Any person who violates the provisions as intended in Article 76D shall be punished with imprisonment for a minimum 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).
2. The criminal provisions as intended in paragraph (1) also apply to every person who deliberately commits deception, a series of lies, or persuades a child to have sexual intercourse with him or another person.
3. In the event that the criminal act as intended in paragraph (1) is committed by a parent, guardian, child care provider, educator or educational staff, then the penalty is increased by 1/3 (one third) of the criminal threat as intended in paragraph (1).

Article 82 reads:

1. Any person who violates the provisions as intended in Article 76E shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of a maximum of Rp. 5,000,000,000.00 (five billion rupiah).
2. In the event that the criminal act as intended in paragraph (1) is committed by a parent, guardian, child caretaker, educator or educational staff, then the penalty is increased by 1/3 (one third) of the criminal threat as intended in paragraph (1).

The implementation of sanctions (punishments) in Law Number 23 of 2002 is considered unable to eradicate acts of sexual violence against children. As a result, several articles in this area had to be changed by adding, reducing or

even deleting them. number 35 of 2014 concerning amendments to regulation number 23 of 2002 concerning guarantees for young people.

Provisions for criminal sanctions (punishments) for perpetrators of sexual violence, which were originally threatened with imprisonment for a minimum of three years, a maximum of fifteen years, and a maximum fine of sixty million rupiah, have undergone changes to the law, Rp. 60,000,000.00 (sixty million rupiah) was changed to a fine of Rp. 5,000,000,000.00 (five billion rupiah).

By increasing the severity of the sanctions (punishments) given to the perpetrators, it is hoped that this will provide a deterrent effect so that the same crime does not happen again. It is hoped that, as a result of the changes made to improve the quality of the law, sexual violence can be eradicated, a crime involving sexual abuse of children.

According to the statement of Mr. Kurtani as Head of Unit IV of the Mukomuko Police Women's and Child Protection Unit, he stated that there had been a criminal act of sexual violence in Tirta Mulya Village, Air Manjuto District, Mukomuko Regency, which was committed by his brother-in-law against his sister-in-law who was still a minor and still studying there. Junior High School, after learning about this incident, the Mukomuko Police detained the perpetrator of sexual violence based on a detention order from investigators who considered that there had been a criminal act of sexual violence against children which occurred from April to August 2021, in this case the perpetrator violates Article 76D and is punished by Article 81 Paragraph (1) of Law Number 35 of 2014, amendment to Law Number 23 of 2002 concerning Child Protection, which reads:

Article 76D states that "Every person is prohibited from committing violence or threatening violence, forcing a child to have sexual intercourse with him or another person".

For the perpetrator's actions which violate Article 76D, the perpetrator is caught in Article 81 paragraph (1) which states that "Every person who violates the provisions as intended in Article 76D shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) year and a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah)".

It can be concluded from the explanation regarding punishment for perpetrators of sexual violence against minors that this punishment needs to be tougher so that the perpetrator is deterred. There are three objectives of punishment in the concept of positive law which are related to legal principles, namely achieving legal justice, achieving legal benefits, and achieving legal certainty.

One of the most common forms of punishment for criminals is imprisonment

in prison. This prison sentence paradigm is retributive, that is, punishment that provides appropriate retribution for the crime committed by the perpetrator. The purpose of the retributive paradigm is as a deterrent effect so that criminals do not do the same thing again and as a deterrent so that the people around them do not exercise the same rights.

According to the results of interviews conducted with perpetrators of sexual violence against minors who committed sexual violence against their younger siblings, they admitted that they had been deterred by being given a prison sentence of 14 years and 6 months, so that when they had finished carrying out their sentence, they would no longer commit the same crime and will become an even better person.

According to the interview with the perpetrator above, if viewed in the context of positive law, the legal provisions for perpetrators of sexual violence against children and sentenced under Article 81 paragraph (1) can fulfill the purpose of punishment or imprisonment of at least 15 years aimed at retributive purposes (retaliation for crimes, then provide a deterrent effect so that perpetrators no longer repeat similar acts committed by perpetrators of sexual violence against minors and prevent society from committing the same crimes.

Perpetrators who have fulfilled the requirements for criminal acts can be properly and correctly punished in accordance with the objectives of the punishment mentioned above. Sexual violence against children, especially if the victims are children, is strictly prohibited according to norms and religion and the punishment given to perpetrators of sexual violence is also more severe. The point is to provide benefits, prevention and a deterrent effect to perpetrators.

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