

Law Enforcement for Perpetrators of Sexual Harassment of Elementary School Students from a Criminal Justice Perspective**Mohammad Irham¹, Andi Muhammad Rusdi², Hidayati³**

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Child sexual abuse, law enforcement, criminal justice

Abstract

The rule of law is applied to perpetrators of sexual harassment against students who will be punished. This study aims to provide a deterrent effect to perpetrators of sexual harassment so as not to do it again, prevent others from doing it, and provide justice to victims of sexual harassment. This research uses a quantitative descriptive approach. Perpetrators of sexual harassment against children in Cimasan State Elementary School, Cianjur Regency are the variables studied. This research has obtained an approval letter from the Cianjur District Education Office. Sampling also involved the parents of the school students. The results showed that the government of the Republic of Indonesia made Law number 23 of 2002 concerning Child Protection to protect children in Indonesia. Articles 46, 47, and 48 of Law No. 23 of 2004 on the Elimination of Domestic Violence regulate law enforcement against perpetrators of sexual abuse against children, including fines and imprisonment for a minimum of three years and a maximum of fifteen years. Several articles in the Criminal Code regulate law enforcement against perpetrators of sexual abuse against children, such as Adultery; Rape; Murder; and Molestation.

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**INTRODUCTION**

Child abuse has become a serious problem throughout the world and is a threat that increases every year. Abuse perpetrated against children can be categorized into physical abuse, mental abuse, verbal abuse and sexual abuse. The most common type of abuse that occurs in children is sexual abuse (Ligina et al., 2018) . Understanding the types of child sexual abuse is very important before discussing further. This occurs when a child is used by an adult or older person to fulfill his or her sexual needs. Asking or forcing a child to have sexual relations, giving indecent descriptions of a child's genitals, having sexual relations with a child, having physical contact with a child's genitals, and looking at a child's genitals without medical supervision are some of the actual types of sexual abuse. However, the definition contained in the Big Indonesian Dictionary is that a sexual offender is defined as a person who likes to belittle or belittle other people about sex (gender) or sexual intercourse between men and women (Husin & Indah, 2022) .

The punishment given to perpetrators of sexual abuse of children is a very severe punishment for them, but does not eliminate the direct interests of the perpetrator (Diza, 2023) . From the perspective of perpetrators of sexual crimes against children, this is unacceptable. However, this is considered an "ultimatum remedium" or final solution to determine whether such a huge threat will reduce the number of perpetrators of sexual crimes against children. The scandal of harassment and sodomy of elementary school students in Cianjur Regency, West Java, recently became public attention after the victim reported it to the Cianjur Police. An elementary school teacher has been charged with sexually abusing dozens of his male students. The perpetrator had committed his depraved acts two years ago. Perpetrators do various things. The perpetrator has been an honorary

teacher and homeroom teacher at an elementary school in the Cipanas area, Cianjur, since 2017. However, he only did this two years ago for the sexual harassment case (Selamet, 2024).

The future of the perpetrators of sexual harassment against underage students will harm the constitution of this country because it will damage their own future. These victims are basically the generation that will build and hold the nation's future. Their rights must be protected because this is related to children's health. Students have been robbed of their right to live and develop in a safe environment by criminals. Male or female students experience sexual harassment. Gender-based violence is defined as acts that cause physical, sexual, or psychological suffering or injury; this includes threats of certain actions, coercion, and various forms of coerced exercise of freedom. Sexual harassment can be direct or indirect harassment, or physical or mental harassment. As a result, sexual harassment is considered one of the most common and systematic human rights violations (Tamara & Budyatmojo, 2019). One of the most common types of sexual violence, sexual harassment is defined as verbal comments, gestures, or physical contact of a sexual nature that are made intentionally by a victim that are not wanted or expected. Child protection laws were created to provide better protection for children. Instead, it is important to consider coaching offenders without considering the human, psychological, or sexual abnormality factors that drive them to do so. Legal action must be taken to punish the perpetrators so that the rule of law can achieve its goals. Sexual abuse of children still occurs in several other countries, such as South Africa and Asia, even though strict laws have been made (Naidoo et al., 2023).

A non-offending child's caregiver is critical to protecting the child and assisting with disclosure and recovery. However, there is a lack of research investigating how they can help South African children who are negatively impacted by cases of child sexual abuse there. Specifically, Article 76D and Article 81 paragraphs (1) and (2) of Law Number 23 of 2004 concerning Prevention of Domestic Violence and Law Number 35 of 2014 concerning Child Protection state that everyone is prohibited from carrying out harassment or threats of forceful violence. child to have sexual intercourse with him or another person. A person can be convicted of intentionally committing deception, a series of lies, with a minimum imprisonment of five years and a maximum of fifteen years, and a fine. According to Article 76E in conjunction with Article 82 paragraphs (1) and (2), every individual is prohibited from committing violence or threatening violence, coercing, committing deception, committing a series of lies, or encouraging children to commit or allow obscene acts (Farhana et al., 2023). There is a possibility that parents, guardians, family members, child care providers, educators, education personnel, or more than one person may simultaneously be subject to a fine and a prison sentence of at least five years.

Obscenity and sexual abuse are the two most common types of sexual violence against children. The losses experienced are disproportionate to the actions taken. Because this incident can have a significant impact on the victim, ranging from physical damage to psychological problems that can last throughout his life (Raseukiy & Aulia, 2019). Doctors state that sexual abuse of children will hinder their growth and development. He can experience negative psychological effects, such as depression, post-incident trauma, and paranoia about certain things, such as being alone or afraid of meeting other people. It can also cause depression, low self-esteem, and decreased academic performance. Untreated psychological trauma can have three long-term consequences. As a result, the victim turns to promiscuity after considering this as an offense. This can also encourage victims to act in retaliation and deviation. Changes in victims can become prostitutes and homosexuals in the future. Third, more serious retaliation occurs when the victim does the same thing to someone else, or in short, sexual harassment to someone else. As members of society and families, we must supervise our students, give them a basic understanding of what others should and should not do to them, and provide them with love and inner support so that they become open and always talk about anything, good or bad. Therefore, researchers can identify their problems and act on them. However, research shows that several perpetrators of sexual abuse of minors have experienced similar problems in their past. Apart from that, sexual harassment requires law enforcement in the Indonesian criminal justice system. Law

enforcement will educate perpetrators of harassment so they don't do it again or to avenge their hurt. This research aims to find out how the ideal Indonesian criminal justice system handles sex crimes against children. This research uses three approaches: a statutory regulation approach, a case approach, and a statutory regulation approach, which examines each law separately.

RESEARCH METHODS

This research uses a quantitative descriptive approach. Perpetrators of sexual harassment against children at Cimacan Elementary School, Cianjur Regency are the variables studied. This research received a letter of approval from the Cianjur District Education Office. The sampling also involved parents of the school's students. The accidental sampling method was used to collect 100 respondents for research. Researchers created a questionnaire about the role of parents and preventing sexual harassment.

RESULTS AND DISCUSSION

**Table 1 Characteristics of Children at SDN Cimacan, Cipanas District
Cianjur Regency, West Java (n=100)**

Category	Amount	Year
Gender		
Man	59	2024
Woman	41	2024
Abuse		
Psychology	15	2017
Sexual	5	2017
Sexual	6	2020
Psychology	30	2020
Sexual	5	2021
Physique	27	2023
Sexual	7	2023
Sexual	5	2024

Source: Data from Cianjur Police 29 February 2024

Table 1 shows that 100 of the respondents, or 41%, were girls and 59% were boys. In 2017 there were 5 students, in 2020 there were 6 students, in 2021 there were 5 students, in 2023 there were 7 students and in 2024 in February there were 5 students.

Table 2 Role of parents in preventing violence (n=100)

Role	Amount	%
Careless	11	11%
care	89	89 %

Source: Questionnaire in March 2024

Table 2 shows that the parents of students at SDN Cimacan Cipanas, Cianjur Regency have caring treatment towards students by helping to prevent violence both physically and mentally. 89 parents, or 89%, had a lack of concern for students, and 11 parents, or 11%, had a lack of concern for students at home.

Legal Treatment of Criminals Against Students

The judicial process in Indonesia as a result of legal treatment of crimes against elementary school students, one of which is sexual crimes against children, which is reflected in Law no. 11 of 2012 concerning the Juvenile Criminal Justice System, and Law no. 23 of 2004 concerning the Elimination of Domestic Violence (KDRT), and Law no. 35 of 2014 concerning Amendments to Law no. 23 of 2002 concerning Child Protection, children who become criminals are supervised by the Juvenile Criminal Court (An-Nahlawi, 2017) . Regarding deprivation of liberty, it is a dilemma because there is a problem regarding legal treatment for minors who commit violations or whether there are other options. Meanwhile Law no. 35 of 2014 concerning Amendments to Law no. 23 of 2002 concerning Child

Protection emphasizes that if a child does not fully understand what he is actually doing. If a child is one of the perpetrators of violence, he will be protected by the Juvenile Criminal Justice System Law. Regarding deprivation of liberty, it is a dilemma because there is the problem of whether the judiciary will impose punishment on children who commit crimes or still allow other alternatives. The initial understanding is that a child does not have an understanding of what they actually did. However, Law no. 35 of 2014 concerning amendments to Law no. 23 of 2002 concerning Child Protection there are corrective changes to article 15 by including sexual harassment in the category of crimes that must be protected from children (Sitorus, 2019) . The most interesting thing about this change is the addition that teaching staff or teachers who commit sexual harassment must also be protected. But as a deterrent, the penalty was increased by a third. However, sexual harassment in practice at SDN Cimacan Cipanas, Cianjur Regency, West Java reached 100 cases. Information obtained from the Indonesian National Commission for Child Protection explains that sexual harassment in table 1 states that every year there are cases of physical, psychological and sexual harassment. In cases of sexual harassment, the perpetrator has committed it repeatedly, starting in 2017, the number of sexual harassment was 5 students, in 2020 the number was 6 students, in 2021 the number was 5 students, in 2023 the number was 7 students and in 2024 in February the number was 5 students. The Indonesian Child Protection Commission appreciates the community's response to violence against children which parents at the school helped prevent. With 33 cases of sexual harassment including these crimes. From the data in table one, it also explains that the perpetrator, who was an educator, committed physical and non-physical abuse, starting with psychological abuse starting in 2017 with a total of 15 problems, in 2020 psychological harassment with a total of 30 problems and physical violence in 2023 with a total of 27 problems. The National Commission for Child Protection said that the government's efforts to deal with the problem of sexual abuse of children were less effective. As a result, the government has ratified the UN Convention on the Rights of the Child since 25 September 1990, but, according to Aris Merdeka Sirait, commissioner of the Child Protection Commission, "Twenty-five years since the UN Convention on the Rights of the Child has been in force and 24 years in force in Indonesia, in practice, the government has not been able to provide sense of security for children." It is acknowledged that sexual crimes contribute quite a large number, such as what happened at Cimacan Elementary School. Usually the perpetrators are those who protect children. The Children's Committee also requested that the government follow up again on how to handle and prevent abuse of children to improve its performance and consider handling and preventing sexual abuse of children from disappearing in the future. The government has supported regulations through legal umbrellas including ratifying the UN Convention on the Rights of the Child (Singh et al., 2023) .

Stages of Legal Treatment for Perpetrators of Sexual Harassment Against Students in Cianjur Regency. Legal treatment begins with an examination by the Cianjur Police Criminal Investigation Unit, prosecution by the Cianjur District Attorney's public prosecutor, and then a decision by the Cianjur District Court until implementation at the Cianjur Correctional Center.

1. Process at the Police: Victim reports accompanied by the victim's family are used to process cases at the Cianjur District Court. Although peace efforts have been made between both parties, the process will not stop. If there are two valid pieces of evidence, the suspect will be arrested. Legal evidence, according to Article 184 of the Criminal Procedure Code, includes five types of witnesses, namely:
 - a. Witness statements that were heard included witnesses from the investigating party who would incriminate the victim, and witnesses who would lighten the perpetrator who were also presented from the perpetrator's side;
 - b. Expert statement: including general practitioners, obstetricians from local hospitals or health centers providing expert information. Explaining the trauma and mental psychology presented by psychiatric and mental health experts experienced by victims of sexual violence;

- c. Visum et repertum of the victim from a specialist doctor from the hospital;
- d. Evidence found at the trial;
- e. The explanation given by the perpetrator as the defendant.

Comments made by the defendant regarding his actions. Call witnesses for examination after examining the victim. Investigators found that the following factors led to sexual harassment of students: social environment, lack of information in society, viewing on the internet that is not educational, such as watching adult films of their age, and being carried away by the negative influence of social media, and over-the-counter contraceptives being sold in stores.. Attractive or transparent clothing worn by the victim during the incident is one piece of evidence that can be confiscated;

2. Prosecution Stage: At this stage, the defendant will be charged with almost the maximum threat of imprisonment. This is due to the public prosecutor's belief in this case that there is no forgiveness for defendants of sexual harassment. The results are considered severe and cause deep trauma to the victim. Psychologically, as a victim, the public prosecutor really pays attention to him through demands that carry a very high threat of imprisonment (Joice Soraya, 2022) . The public prosecutor imposed charges that carry a minimum imprisonment of 10 years in prison and a maximum of 15 years in prison. The reasons why perpetrators sexually abuse children include the fact that the victim's family is divorced (broken home), the wife is unable to menstruate, is a victim of sexual abuse during childhood and poverty and there is no fine for the perpetrator;
3. Trial Stage: The defendant's statement will not influence the court's decision. However, testimony from witnesses and the presence of evidence provide the basis for the judge's assessment. The panel of judges also presents verbal witnesses to examine the case if the explanation given is complicated and different from the police investigation report (BAP) (Chrisnanto et al., 2021) .

When deciding the appropriate sentence for a perpetrator, the judge considers many things, including the victim's psychological condition, which caused significant trauma for the victim; The condition of the Cianjur area and society, where religious values are highly respected, means that acts of decency are still considered taboo and prohibited by religion.

- a. Relationship between perpetrator and victim: Perpetrators of sexual violence who have a family or close relationship with the victim will be punished more severely than perpetrators who do not;
- b. Victim Age : The victim's mental health influences the sentence. Because the level of mental maturity of children is different from that of adults, perpetrators of sexual violence against toddlers will receive heavier sentences than victims who are 15 years old.

Obstacles to Law Enforcement of Criminal Sexual Abuse of Children

Law enforcement officers face many challenges while carrying out their duties. From a legal point of view, for example:

1. Investigators face problems with unsupportive infrastructure and limited resources;
2. The judge had difficulty understanding because the witness sometimes spoke the local language;
3. Facilities and Facilities:
 - a. Financial constraints for witnesses who cannot pay for testimony due to long distances and damaged roads;
 - b. It took a long time to reach the victim's house because of the long distance and damaged roads. sometimes the companion has to pay himself because there are no fees.
4. Community Factors:
 - a. It is difficult to inform parents and victim communities about how to prevent sexual violence and support the mental recovery of child victims;

- b. Lack of public interest in participating in outreach programs held by the government and law enforcement officials and actively participating in law enforcement efforts.
5. Cultural Factors:
- a. Strong traditions in the Aceh Jaya region mean that witnesses sometimes prefer to attend traditional events rather than give testimony;
 - b. Many cases go unreported because families and society continue to view immorality and sexuality as something to be ashamed of;
 - c. The condition of child victims becomes worse as a result of society's perception of them.

Efforts to Prevent Sexual Harassment in Elementary School Students

This study applies a quantitative descriptive approach. The variable studied is the role of the student guardian. Approval for this research was granted by the Cianjur District Education Office. This study involved parents of elementary school students at SDN Cimaacan Cipanas in Cianjur Regency. This research collected one hundred respondents through a sampling method. Researchers conducted a survey about the role of parents and ways to prevent sexual abuse.

The research results show that the role of guardians in general is included in the caring category, namely 89 percent, because they are concerned about preventing sexual harassment. However, the role of guardians is still included in the less caring category, which we will discuss below. The results of research on parents who have school-aged children show that one hundred guardians, or 89 percent of parents as educators, have a caring role, while eleven parents, or 11%, still have a less caring role. These figures show that the majority of parents do not teach sexual knowledge to their children. On average, parents answered questions about their duties in caring for children, but many did not answer questions about parenting patterns at home that their bodies were their own. This shows that parents do not teach sexuality knowledge directly to their children. In fact, providing knowledge about sexuality is necessary. Most people think of sexual knowledge as another type of learning where educators teach social principles to students. As a result, various relationships between roles and relationships, as well as applicable societal norms, are considered when providing information about sexual knowledge (Uyun & Warsah, 2021).

Parents also need to provide knowledge about sexuality to their children from an early age considering what they need to learn, they will not lose information or look for answers from other people, even from friends their age who may question the truth and the right way to convey information. the. Parents can provide children with sexual education tailored to their age. If a child acquires knowledge from others, and the parent acts as an educator. Both need information and knowledge, especially mothers and fathers. Therefore, two components make up a child's personality: the genetics of their parents and the environment in which they are raised. Our family really influences us (Sulistianingsih & Widayati, 2016). Parents may not know how to teach their children about sexuality according to their age, so they get angry, scold, and divert the conversation because they are not comfortable talking about this issue. However, sexual education is not always related to sexual relations.

According to researchers, knowledge about sexuality is not always related to a couple's relationship; it also includes providing an understanding of a child's physical and hormonal development, as well as understanding the role of children and social problems that exist in society (Purnama & Raharjo, 2018). The sexual experiences of parents, both mothers and fathers, will influence the way they educate their children. The results show that 89 guardians, or 89 percent, fall into the caring category, and 11 guardians, or 11 percent, fall into the less concerned category. While these figures show that parents are doing their best to avoid sexual violence against their children, two statements relate to their role as a guide:

At times children scream if someone touches an area that is prohibited for them, but parents sometimes do not respond, which is important because of their function and encouragement as role models. A study showed that eleven student guardians were bad role models because they did not care about their children, especially in preventing sexual violence. A statement about the role of parents, for example, says that parents often use

harsh and dirty words in front of their own children. Ideally, when speaking and communicating, parents should model politeness for their children. Parents' parenting patterns are very influential in teaching their children because they build social norms and cultural habits which have an impact on the development of children's thinking patterns (Utami & Prasetyo, 2021).

To reduce the number of victims of child sexual abuse, the government, parents and schools are taking preventative and repressive measures, which can even eliminate violations in several ways :

1. **Preventive** : Efforts to prevent crime. Providing outreach to the community is part of this effort. Law enforcement agencies, such as the police, have programs to inform people about the importance of knowing the rules and the dangers of sexual violence against children. In addition, work programs through the villages hold these meetings regularly. In each sub-district, a child protection group is formed. The Prosecutor's Office also provides a general understanding regarding the socialization of sexual harassment to the community, the government, health services , and taklim councils must also cooperate and participate. Meanwhile, families must be aware of the importance of caring for and teaching children politeness from an early age (Meliyawati, 2017) . Children from an early age must understand religious knowledge in accordance with the holy books and beliefs, and be taught something based on environmental, religious and state regulations. The family is the only one who can prevent crime;
2. **Repressive** : Efforts after a crime has occurred. The judge makes handling efforts by determining the fairest possible punishment for the perpetrator after receiving and examining the case file for trial. Some of the approaches used include communicating with victims and their families, providing counseling to them, and trying to obtain psychological recovery through assistance (Tiara & Pratiwi, 2018) . Children who experience shaken mental trauma need family support through two-way communication with a psychologist to help them. By removing the victim's label and removing them from society, the psychiatrist helps society understand the victim's condition.

Ideally, law enforcement should be carried out

Various parties pay attention to the extraordinary process of sexual crimes, especially those involving children, so that various forms of punishment can be applied to perpetrators of this abuse, ranging from light to serious to those involving the death penalty. The Indonesian punishment system usually uses the most severe sentences, life imprisonment and the death penalty. However, there are different opinions saying that this mild confinement is not comparable to the effects of sexual harassment on future generations , and that perpetrators of sexual crimes should be imprisoned. The Indonesian Child Protection Commission proposed the punishment of castration, although they said that this punishment was new. However, they believe that this is a lesson for the perpetrators themselves so that other perpetrators do not imitate them. Next there is a punishment for injecting chemical fluids. According to researchers, the most likely punishment given to perpetrators of sexual crimes, especially pedophiles, is the injection of chemical fluids (Wiarti & Umar, 2021) . This punishment is used in Russia and Korea because the justification is that it will have a domino effect on the perpetrator of the crime, making the victim change into someone else. However, Salim Segaf Al Jufri said that the appropriate punishment to provide justice is the same as the punishment that should be modeled on the strict punishment applied in other countries for perpetrators of sexual harassment, namely 40 years in prison or the death penalty. The Indonesian Ulema Council (MUI) of Cianjur Regency advised law enforcers to give physical punishment or stoning according to Islamic religious law to the defendant. According to the MUI, the punishment given to perpetrators of sexual abuse of children is in the light category, because the maximum prison sentence is 15 years and the minimum is 5 years in prison.

CONCLUSION

Prior to the existence of the Sexual Violence Crime Law, there was no other law that specifically regulated perpetrators of sexual violence. Applicable regulations relating to sexual harassment include the Criminal Code and the Law on Pornography. Law enforcement against perpetrators of sexual harassment against students at SDN Cimacan Cipanas, Cianjur Regency, West Java is a case that recurs from year to year, therefore law enforcement must be followed up so that it doesn't happen again and children feel comfortable while at school. Teachers are parents while at school, it could be said that they are the closest people while at school. If the perpetrator of sexual harassment is a teacher, law enforcement will impose a prison sentence with a maximum term of fifteen years and a fine before proceeding through a trial.

The law enforcement process can be said to be very effective in handling cases of sexual abuse against children and reducing the trend of these crimes. Various variables that influence law enforcement can determine the challenges faced. Prevention through socialization related to sexuality is instilled in families and communities in order to reduce the number of victims of perpetrators before the incident is reported to law enforcement and processed through the legal process. The role of parents in general can also prevent sexual harassment in school-aged children. In each sub-variable, namely the role of educator, supervisor, counselor, and communicator, has a very large role, especially in the role of supervisor and communicator. Therefore, we must always be vigilant and continue to improve the services and facilities as well as the legal instruments available in order to achieve the goal of advancing the nation's children as the next generation who produce leaders with good moral character.

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