

Criminological Analysis of Sexual Violence against Children in Mamasa

**Jhon Franklin Pasande^{1*}, Sunardi Purwanda¹, Muhammad Sabir¹, Bakhtiar Tijjang¹,
Kairuddin Kairuddin¹**

¹Faculty of Law, Institut Ilmu Sosial dan Bisnis Andi Sapada, Indonesia

*Corresponding Author E-mail: belhaemphing681@gmail.com

Article History: Received: March 25, 2025; Accepted: June 23, 2025

ABSTRACT

This study aims to observe and pay attention to the applicable legal norms in relation to the facts regarding the application of criminal penalties for perpetrators of child sexual intercourse in Mamasa, This study uses a sociological or empirical approach in Mamasa Regency. Types and sources of legal materials use primary and secondary legal materials, The factors causing the crime of sexual intercourse with children in Mamasa are low levels of education, the economy in this case poverty and environmental factors that can have major influences on a person's treatment. To prevent sexual intercourse with children, preventive efforts are needed such as preemptive, namely prevention so that the crime does not occur, then preventive efforts, namely action taken by authorized officers in accordance with laws and regulations, and repressive efforts, namely efforts to return perpetrators of crimes to further return perpetrators who have served their sentences to be able to return to community life.

Keywords: Criminal Acts, Criminal Acts of Sexual Intercourse and Children

1. INTRODUCTION

Nowadays, the world of technology is developing rapidly, which has also impacted the way people interact and their mindset. According to Agung Wahyono and Siti Rahayu, "National development, which is a process of modernization, has both positive and negative impacts.(Sylvester & Koloay, 2014) The increasing development of technology and the ease of accessing and obtaining information today not only has positive effects but also negative impacts on social life.(Febriyanti et al., 2024) One indication of this is the increasing number of criminal acts occurring. One of the criminal acts that has become increasingly prevalent is sexual assault, ironically, not only committed by adults but also by children.

Children's rights are guaranteed by the state, as stipulated in Article 28 B paragraph (2) of the 1945 Constitution, namely that every child has the right to survival, growth and development, and the right to protection from violence and discrimination. This article shows that the state has an obligation to protect and nurture (Sunardi Purwanda, 2024a) children's lives so that their fundamental rights are guaranteed. This is further emphasized in Article 28J(1), which states that every person is obligated to respect the human rights of others (Syafrizal et al., 2024) in the orderly conduct of social, national, and state life.



Protection for children is specifically regulated (Soraya et al., 2023) in Law No. 35 of 2014 on Child Protection. Under Article 15 of Law No. 35 of 2014, every child has the right to protection from: abuse in political activities; involvement in armed conflicts; involvement in social unrest; involvement in events involving violence; involvement in warfare; and sexual crimes. Child protection encompasses all activities aimed at ensuring and safeguarding children and their rights so that they may live, grow, develop, and participate optimally in accordance with the dignity and worth of humanity, while also being protected from violence and discrimination. (Fitriani & Rini, 2016) Maidin Gultom stated that child protection encompasses all efforts made to create conditions enabling every child to exercise their rights and fulfill their obligations for the sake of their natural physical, mental, and social development and growth. (Wahyuningati & Edi, 2022)

Sexual intercourse with a child is a criminal offense regulated in Law No. 23 of 2002 concerning Child Protection, which has been amended by Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection. The criminal offense of sexual intercourse with a child is a criminal offense regulated in Book II of the Criminal Code (KUHP), where the handling of cases does not distinguish between sexual intercourse with a child committed by a child and sexual intercourse with a child committed by an adult against a child.

Sexual intercourse with a minor is one of the most common types of crimes, and the perpetrators are not only adults but also other children. (Dewi et al., 2019) Children, as individuals who have not yet developed emotional stability, do not fully understand the actions they take and their consequences. (Syarnubi, 2019) An important consideration in cases of sexual intercourse is the issue of evidence, where Article 184(1) of the Criminal Procedure Code (KUHP) states that valid evidence includes witness testimony, expert testimony, documentary evidence, and defendant testimony. To determine whether someone can be sentenced to criminal punishment, there must be at least two valid pieces of evidence (Article 183 of the KUHP).

The provisions of Article 81(2) of Law No. 35 of 2014 are actually intended for adult perpetrators (pedophiles) who use children as sexual objects. This highlights the absence of legal provisions governing consensual sexual relations between children (without violence, threats of violence, or coercion). As a result, law enforcement officials often apply the provisions of Article 81(2) of Law No. 35 of 2014 to children who engage in premarital (Miqat et al., 2023) sexual relations with their partners. The construction of this article criminalizes male children who have sexual relations with their girlfriends, even though the sexual relations occurred because of their mutual consent.

This is no exception in Mamasa Regency, which is famous for its strong culture and customs. The community highly values the values and norms within society. However, with the



advancement of modern times, the values and norms within Mamasa society have also begun to decline. Many incidents have occurred that were once considered taboo within the customs of Mamasa society.

2. RESEARCH METHOD

The research method used is sociological (empirical), which is an approach to the problem by observing and paying attention to the applicable legal norms in relation to the facts encountered in the research.(Jayuska et al., 2020) In the application of criminal penalties for perpetrators of child sexual abuse, the sociological or empirical approach in research is the primary approach, which involves addressing the issue being studied through the actual legal nature or in accordance with the realities of life in society.

3. RESULTS AND DISCUSSION

When looking at a crime, there are two perspectives to consider. First, subjectively, which is looking at crime from the perspective of the person, that is, acts that are contrary to decency. Second, objectively, which is viewing crime from the perspective of the harm suffered by society as a result of the crime that occurred. (Adinata et al., 2023) Several criminological theories explain the causes of crime, including the biological theory, which considers talent to be the primary cause of crime. (Wahyuningsih et al., 2021) This talent is inherited from ancestors, so crime is also considered an inherited behavior. Another theory, such as the sociological school of thought, considers the environment to be a factor in crime. Crime can occur due to a poor environment. (Labibah et al., 2025) In this context, criminals are likened to being infected by the germs of the environment around them.

In order to understand the factors that cause sexual crimes against minors, we can start by understanding the increase in such crimes, the relationship between the perpetrators, and the modus operandi of sexual crimes against minors. In this context, the Indonesian National Commission for Child Protection, which addresses child protection issues, has identified three types of violence against children classified as crimes that disturb children and society, namely physical violence, sexual violence, and psychological violence.(Mu'alifin et al., 2019)

Perpetrators of sexual abuse against minors commit their crimes in various ways to satisfy or achieve their sexual desires. Not only are children victims, but children can sometimes also become perpetrators of sexual abuse. Perpetrators of sexual abuse against minors are often referred to as pedophiles, a term from the field of psychology that refers to individuals who act on their sexual desires toward children.(HASFANI & TEGAR INDRA, 2024) This deviant psychological

factor is one of the factors influencing the occurrence of sexual abuse against minors. The causes of pedophilia vary widely, including childhood trauma from being sodomized or a dislike of adults, but a preference for children under the age of consent in sexual relationships. (Sari et al., 2023)

In many cases, sexual intercourse with children is committed by people who are well known to the victim, such as close friends, lovers, siblings, fathers (stepfathers or biological fathers), teachers, religious leaders, superiors, and so on. In many other cases, sexual assault is committed by people who are newly acquainted and initially appear to be good-hearted individuals offering assistance, such as driving the victim to a certain location. Sexual assault can occur to anyone, including women wearing hijabs and fully covered clothing, women who have already had children, pregnant women, or even children.

From various cases of sexual intercourse that occurred in the jurisdiction of the Mamasa Police, there are various factors behind the occurrence of sexual intercourse. This can be seen from the results of research through direct interviews with the perpetrator of the crime of sexual intercourse, Muh. Fiqri (18), who briefly recounted the chronology of the crime of sexual intercourse that occurred in April 2024. Muh. Fiqri picked up his girlfriend Sitti (13) using a car and took her for an evening drive to Kondosapata Field in Mamasa District. Muh. Fiqri then attempted to have sexual intercourse with Sitti, but she refused. Using the promise that Sitti would not become pregnant, Muh. Fiqri forced her to have sexual intercourse, resulting in the act. Muh. Fiqri admitted to the police that the sexual intercourse occurred because he had previously watched pornographic videos on his phone.

According to the Head of the Criminal Investigation Unit of the Mamasa Police Department, Drones Ma'dika, "sexual intercourse can occur for various reasons, such as the perpetrator's feelings of resentment toward the victim, because the perpetrator's resentment toward a woman leads to another woman becoming the target of his anger, the victim as a compensation for the perpetrator's feelings of pressure or stress due to various problems he is facing, due to environmental stimuli such as films or pornographic images, and because the perpetrator's sexual urges could no longer be controlled, as well as due to the circumstances and conditions of the environment, the perpetrator, and the victim that made the sexual assault possible. In every case of sexual intercourse, at least three elements are involved: the perpetrator, the victim, and the situation and conditions. These three elements cannot be separated from one another. Each has its own role in driving the occurrence of the criminal act of sexual intercourse.

According to Drones Ma'dika, sexual intercourse can occur not only because of uncontrollable sexual urges that need to be satisfied, but also because of emotional factors such as the perpetrator's desire to take revenge on a woman who had previously hurt him, or to target every



woman as the object of his anger, thereby making them his victims. Additionally, the occurrence of sexual intercourse is also supported by the perpetrator's role, the victim's position, and environmental influences.

The perpetrator is portrayed as a person who has failed to control his emotions and sexual instincts in a reasonable manner, while the victim (in certain cases) also plays the role of a criminogenic factor, meaning that she is a direct or indirect catalyst for the occurrence of sexual intercourse. In addition, there are several factors that cause sexual intercourse crimes against children in the Mamasa Police jurisdiction, including:

- 1) Educational factors, low levels of education can have an impact on society and the surrounding environment. People with low levels of education are easily influenced by negative things. They tend to act without thinking about the consequences or impact of their actions, which ultimately leads to crime or delinquency.(Raihan Saputra, 2023)
- 2) Economic factors, poverty leads to rebellion and crime. And major crimes are not committed by people to obtain vital necessities of life, but are more often driven by human greed in pursuit of excessive luxury and pleasure.(Sugiarti & Yayuk, 2014)
- 3) Environmental and residential factors, based on the above facts, it can be seen that the factors causing the occurrence of child sexual abuse crimes in the Mamasa Police District are educational factors, environmental factors, or residential factors.(Sugiarto & Totok, 2019)

The crime of child sexual abuse in the Mamasa Police District is believed to stem from the process of cultural and civilizational development. The transfer of behavioral norms from Western culture is studied as a mental conflict or a clash of cultural values. Economic factors are fundamental to the entire social structure.(Sunardi Purwanda, 2024) Economic development in the Mamasa Police District is uneven, with many people still unemployed. These conditions have led to social deviations in society, such as the occurrence of child sexual abuse in the jurisdiction of the Mamasa Police District.

Efforts to combat crime need to be made to create order and peace in society.(Ilham et al., 2024) In carrying out these efforts, it is important to consider the factors that influence the causes of crime so that the efforts are targeted effectively. Combating crime is not as easy as it may seem, as it is impossible to eliminate it entirely, but it can at least be minimized.(Musaddiq & Nur Wahid, 2019) Criminal behavior is highly diverse and aligns with technological advancements, leading to negative consequences from misuse, such as pornography,(Yudha & Musfala, 2025) which encourages individuals to commit illegal acts. Efforts to combat sexual assault crimes can be implemented through preventive and repressive measures. Preventive measures involve taking action as early as possible, while repressive measures are actions taken by authorities after a crime



has occurred, such as punishing the perpetrators according to their actions and rehabilitating them so that they realize their actions are illegal and harmful to society, thereby enabling them to reintegrate into society and refrain from committing further crimes.

4. CONCLUSIONS

The main causes of sexual assault against minors are low levels of education, economic factors such as poverty, and the environment, which can have a significant influence on a person's behavior. To prevent sexual assault against children, preventive measures are necessary, such as preemptive measures to prevent crimes from occurring, preventive measures taken by authorized authorities in accordance with the law, and repressive measures to rehabilitate offenders who have served their sentences so they can reintegrate into society.

REFERENCES

- Adinata, Muhammad Umar, & Indah Satria. (2023). Pertimbangan Hakim Dalam Menerapkan Sanksi Pidana Terhadap Pelaku Tindak Pidana Memaksa Anak Untuk Melakukan Perbuatan Cabul (Studi Putusan Nomor: 150/Pid. Sus/2021/PN Gdt). 5(1), 1–9.
- Dewi, AA Risma Purnama, I. Nyoman Sujana, & I. Nyoman Gede Sugiarta. (2019). Tindak Pidana Persetubuhan Terhadap Anak Di Bawah Umur. 1(1), 11–15.
- Febriyanti, Trias, & Romi Mesra. (2024). Perubahan Kehidupan Sosial Sebagai Dampak Dari Penggunaan Media Sosial di Masyarakat Indonesia. 1(2), 38–50.
- Fitriani, & Rini. (2016). Peranan penyelenggara perlindungan anak dalam melindungi dan memenuhi hak-hak anak. 11(2), 250–358.
- HASFANI, & TEGAR INDRA. (2024). TINJAUAN YURIDIS TERHADAP TINDAK PIDANA PENCABULAN ANAK DI KOTA SEMARANG (Studi Kasus Putusan Pengadilan Nomor 614/Pid. Sus/2022/PN Smg).
- Ilham, Muhammad, & Abdul Rahman. (2024). Praktik Penyelenggaraan Ketenteraman dan Ketertiban Umum. 1–182.
- Jayuska, Rizki, & Andika Wijaya. (2020). Pembaharuan Pemberantasan Politik Uang dalam Pemilihan Gubernur Provinsi Kalimantan Tengah. 3(2), 164–182.
- Labibah, Kaila Nindia, & Yusuf Saefudin. (2025). Tinjauan Kriminologi dan Viktimologi terhadap Kejahatan Pembegalan oleh Anak di Kota Semarang. 2(2), 1152–1157.
- Miqat, N., Patila, M. , Kunu, B. D. , Mardin, N. , & Purwanda, S. (2023). Perkawinan di Desa Kabalutan Kabupaten Tojo Una-Una Perspektif Hukum Perkawinan Indonesia. 6(2), 193–204.



- Mu'alifin, Darin Arif, & Dwianto Jati Sumirat. (2019). Perlindungan Hukum Terhadap Anak di Bawah Umur yang Menjadi Korban Tindak Pidana Pencabulan. 8(1), 9–13.
- Musaddiq, & Nur Wahid. (2019). TINJAUAN KRIMONOLOGI EKSPLOITASI SEKSUAL PADA ANAK. 13(2), 305–330.
- Raihan Saputra. (2023). Analisis Tingkat Pendidikan, Kemiskinan dan Pengangguran Terhadap Kriminalitas di Bekasi. 3(4), 159–163.
- Sari, Amanda Mauliya, Ruslan Renggong, & Abdul Haris Hamid. (2023). Analisis Penerapan Ketentuan Pidana Terhadap Anak Sebagai Pelaku Tindak Pidana Kekerasan Di Kepolisian Resort Gowa. 5(2), 308–316.
- Soraya, Anugra, Sunardi Purwanda, & Muhammad Taufik. (2023). Perbandingan Pengaturan Hukum Dalam KUHP Lama dan Baru bagi Anak yang menjadi Korban Perdagangan Orang. 24(2), 250–257.
- Sugiarti, & Yayuk. (2014). Kemiskinan sebagai salah satu penyebab timbulnya tindak kejahatan. 1(1), 37186–37186.
- Sugiarto, & Totok. (2019). Pengaruh Lingkungan, Media Massa dan Masyarakat sebagai Penyebab Anak-Anak Melakukan Tindakan Kriminal. 7(2), 45–63.
- Sunardi Purwanda. (2024a). Legal Impact of the Division of Mandatory Government Affairs to the Society. 5(2), 135–150.
- Sunardi Purwanda. (2024b). Testing the Omnibus Law Concept in Legal Theory: Evaluating its Effectiveness as a Tool for Social Engineering. 5(1), 11–22.
- Syafrizal, S., Fikri Aulia Akmal, & Sunardi Purwanda. (2024). Human Rights Review on Age Limitation of Candidates for Regional Heads. 6(1), 21–27.
- Syarnubi. (2019). Guru yang bermoral dalam konteks sosial, budaya, ekonomi, hukum dan agama (Kajian terhadap UU No 14 Tahun 2005 Tentang Guru Dan Dosen). 1(1), 21–40.
- Sylvester, & Koloay. (2014). KEWAJIBAN MELAKSANAKAN PENDEKATAN Keadilan RESTORATIF TERHADAP ANAK YANG BERKONFLIK DENGAN HUKUM DALAM SISTEM PERADILAN PIDANA ANAK DI INDONESIA DITINJAU DARI ASPEK HAK ASASI MANUSIA. 2(1), 77–86.
- Wahyuningati, & Edi. (2022). HAK ANAK TERLANTAR MENURUT UNDANG-UNDANG NOMER 23 TAHUN 2002 TENTANG PERLINDUNGAN ANAK (STUDI KASUS ANAK TERLANTAR DI SURABAYA).
- Wahyuningsih, Ragil, & Safik Faozi. (2021). TINJAUAN KRIMINOLOGI TENTANG SEBAB-SEBAB ORANG MELAKUKAN TINDAK PIDANA PENCABULAN (Studi Putusan PN Demak No. 115/Pid. Sus/Dmk 10 Agustus 2016). 20(1), 28–39.
- Yudha, & Musfala. (2025). PERLINDUNGAN HUKUM BAGI KORBAN PENGGUNAAN DEEPFAKE DALAM KEJAHATAN PORNOGRAFI. Indonesian Journal of Sharia and Law , 2(1), 24–37.

