

Efforts To Overcome Criminal Acts By Rokan Hulu Resort Police

Upaya Penanggulangan Tindak Pidana Perbuatan Cabul Oleh Kepolisian Resor Rokan Hulu

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Abstract

The purpose of this research is to be able to find out what are the Efforts to Overcome Criminal Acts of Obscenity by the Rokan Hulu Resort Police. This research is included in the category of empirical legal research which obtains data by conducting direct observations and surveys in the field to obtain primary data obtained through interviews. The nature of this research is included in the descriptive. Efforts to deal with criminal acts of sexual abuse of children in Rokan Hulu are in the form of pre-emptive, preventive, and repressive measures. Preventive efforts made by law enforcers aiming to prevent the possibility of sexual abuse against children are in the form of appeals and outreach to the public about the crime of sexual abuse. Also, repressive efforts made by law enforcement and other institutions, the efforts made aim to provide harmony that has been disrupted or a deterrent effect for committing a crime, especially sexual abuse of children by imposing sanctions in accordance with the violations committed.

Keywords: Prevention efforts, Obscene crime, Police

Abstrak

Tujuan dari penelitian ini adalah untuk dapat mengetahui apa yang menjadi Upaya Penanggulangan Tindak Pidana Perbuatan Cabul Oleh Kepolisian Resor Rokan Hulu. Penelitian ini termasuk ke dalam kategori penelitian hukum empiris yang memperoleh data dengan cara melakukan observasi dan survei secara langsung ke lapangan untuk mendapatkan data primer yang didapat melalui wawancara. Sifat penelitian ini termasuk ke dalam deskriptif. Upaya penanggulangan tindak pidana pencabulan terhadap anak di di Rokan Hulu berupa tindakan pre-emptif, tindakan preventif serta tindakan represif. Upaya preventif yang dilakukan penegak hukum yang bertujuan untuk melakukan pencegahan terhadap kemungkinan terjadinya kejahatan pencabulan terhadap anak yaitu berupa himbauan – himbauan dan sosialisasi terhadap masyarakat tentang kejahatan pencabulan. Juga upaya represif yang dilakukan penegak hukum dan lembaga lainnya, upaya yang dilakukan bertujuan untuk memberikan keserasian yang pernah terganggu atau efek jera karena melakukan suatu kejahatan khususnya pencabulan terhadap anak dengan cara menjatuhkan sanksi sesuai dengan pelanggaran yang dilakukan.

Kata kunci : Penanggulangan, perbuatan cabul, kepolisian

INTRODUCTION

Children as part of the younger generation are the successors to the ideals of the nation's struggle, human resources for national development. In order to realize quality human resources who can lead and maintain national unity and unity, continuous guidance is needed for the survival of children. (Fahmi et al.,

2017) The 1945 Constitution of the Republic of Indonesia, as the Constitution of the State of Indonesia regulates specifically regarding the protection of children. Article 28 B of the 1945 Constitution of the Republic of Indonesia states that every child has the right to survival, growth and development and is entitled to protection from violence and discrimination. (Oktavia Purnamasari Sigalingging, 2019).

Currently, crimes or violence against children in Indonesia occur in various forms of crime such as sexual harassment. Perpetrators of sexual crimes are not only committed by adults, but also children. In addition, sexual crimes are not only committed by men against women but by men against men, women against women. This does not only happen to adults, but the fact that it is seen that many children are victims of sexual crimes, both boys and girls. (Brata et al., 2021).

According to Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning Child Protection, a child is someone who is not yet 18 years old, including children who are still in the womb. Therefore, no human being or party may take away the right to life and independence. If the child is still in the womb of the parents and the parents always try to abort the child in their womb, then the parents can be legally prosecuted to be held accountable for the act that violates the law (Desasfuryanto, 2014).

In Law Number 39 of 1999 concerning Human Rights, it states that every child has the right to protection by parents, family, society and the state Article 52 paragraph (1). However, every victim of a crime (crime) is often disappointed by law enforcement practices that are more inclined to pay attention to and even protect the rights of suspects, while the rights of victims are more often ignored (Kalalo, 2016).

The phenomenon of deviant behavior committed against children includes deprivation, obscenity, and even rape. Rape in the sense of coercion of sexual immorality, either with elements of violence or threats of violence, is also perpetrated by men or boys by positioning the boys as victims. This is what is usually referred to as sodomy (Suma, M. A., Fajar, M., Muladi, Arifin & Hasanuddin, & Ranuwihardjo, 2001).

The provisions regarding obscene acts regulated in Article 289 of the Criminal Code, are regulated in the provisions of Article 76D of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection as follows: "*Everyone is prohibited from committing violence or threats of violence to force a child to have intercourse with him or someone else.*" The criminal act of obscenity or obscenity is an absolute complaint offense, meaning that those who can report or sue must be based on reports from the victim. Complaint delict is the prosecution of criminal acts that must be carried out only on the basis of complaints from interested or disadvantaged parties.

One of the obscene crimes that occurred in the Rokan Hulu Police area was case Number 9/Pid.Sus/2021/PN Prp, that the defendant had been legally proven to have committed the obscene crime against the victim Tiara. The defendant has committed violence or threats of violence to force a child to have intercourse

with him or with another person, which between acts, although each one is a crime or violation, is connected in such a way that it must be seen as a continuous action. As regulated in Article 76D in conjunction with Article 81 Paragraph (1) of the Republic of Indonesia Law Number 35 of 2014 concerning amendments to the Republic of Indonesia Law Number 23 of 2002 concerning Child Protection.

The Rokan Hulu Police have made several efforts to combat crime, one of which is by carrying out regular patrols to improve a safe and peaceful life in the community, besides that the Rokan Hulu Police also conducts regular legal counseling to the community and this counseling is also carried out at schools. - school. The counseling was carried out by providing material on child reproductive health, violence against children, and language learning for children.

The prevention efforts carried out by the Rokan Hulu Resort Police are expected to be able to assist parents, especially mothers, in conveying the importance of children's understanding of sensitive areas and providing provisions to the community on how to prevent sexual violence against children. In addition, the Rokan Hulu Resort Police can also build good communication with the community so as to create a harmonious relationship between the police and the community which will later give birth to good cooperation between the two. As for the focus of this research is the Efforts to Combat Obscene Acts by the Rokan Hulu Resort Police and the purpose of this research is to be able to find out what are the Efforts to Overcome Obscenity Crimes by the Rokan Hulu Resort Police.

METHOD

About the title and formulation of the problem, this research is included in the category of empirical legal research which obtains data by direct observation and surveys in the field to obtain primary data obtained through interviews. The nature of this research is included in the descriptive which describes something in a certain area at a certain time regarding the initial data regarding the problem to be examined (Soekanto, 2005). This descriptive research is to find out the form of an overview of the factors that cause acts of criminal acts of obscenity against children in the jurisdiction of Rokan Hulu and how to deal with criminal acts of obscenity committed by law enforcers of the Rokan Hulu Resort Police.

RESULT AND DISCUSSIONS

Efforts to Overcome Obscene Acts of Crime by the Rokan Hulu Resort Police

Obscenity is an act that is very contrary to the values and norms that apply, this act is also very detrimental to the victim of sexual abuse both personally and the extended family of the victim. Based on the results of interviews with respondents, the researcher stated that as a result of the obscene acts committed by the perpetrator, since the incident occurred the victim has always experienced fear of the opposite sex, the victim also feels traumatized considering the threats made by the perpetrator to him. In addition, victims often feel ashamed and inferior to their friends.

Based on the results of interviews between researchers and respondents, currently victims no longer dare to interact freely with their peers. Victims are also reluctant to go to school because they feel ashamed and inferior to their friends, and are often insecure about their physical condition which is no longer a virgin and this situation also causes a deep sense of trauma to the victim. This trauma caused the victim to be afraid of new people, especially of the opposite sex because she was afraid that the obscene act would happen again.

The things mentioned above are really very concerning, because children who have a role as the successor of the nation must experience these conditions. Future success is in the hands of the younger generation and the nation's children. Therefore, the existence of children must receive protection from an early age, protection from obstacles and actions that can damage and interfere with their physical and spiritual growth. One of them is the result of obscenity.

According to Law Number 35 of 2014 concerning Child Protection, that protection for children should receive attention from actions and actions that can threaten the life and development of children, such as obscene acts against minors. Child protection is all activities to guarantee and protect children and their rights optimally in accordance with human dignity, and to receive protection from violence and discrimination.

The results of interviews between researchers and investigators stated that during 2018 to 2020, the legal efforts that have been made by the Rokan Hulu Police against obscene acts that occurred in the jurisdiction of the Rokan Hulu Police are:

1. Pre-emptive action

Pre-emptive countermeasures are the initial efforts made by the police to prevent crime so that they are commonly referred to as early prevention. In this case, based on the interviews conducted, it is known that the efforts made in pre-emptive handling are instilling good values/norms so that these norms are internalized within a person, even though there is an opportunity to commit a crime/violation but there is no intention to commit a crime/violation. (Fauzi, 2020)

2. Preventive Action

What is meant by preventive countermeasures is a follow-up of pre-emptive efforts aimed at preventing, reducing, and eliminating crime. In this effort the emphasis is on eliminating opportunities for crimes to be committed (Fauzi, 2020).

- a. Conducting legal counseling about criminal acts of obscenity in rural areas in Rokan Hulu. The aim is to provide legal understanding to the public about the consequences of obscene acts. It is hoped that legal awareness will be formed in the community.

- b. There is religious counseling to the community according to their respective religions and beliefs. With the aim of being able to equip the community from actions that are prohibited by their religion. It is hoped that obedience to religious rules and applicable laws and regulations will arise.
- c. There is counseling on adolescent reproductive health, which is carried out directly to schools in Rokan Hulu. This counseling is intended so that children or adolescents can obtain information about sexuality and can be aware of disorders in the health of the reproductive organs. It is hoped that children and adolescents can protect themselves from anything that can damage their physical, mental and social health.
- d. There is coordination between the community and law enforcement officials, and vice versa between law enforcers and the community. The goal is that if a crime occurs it can be uncovered and processed quickly and minimize crimes that occur in the jurisdiction of the Rokan Hulu Police.

Legal counselling, religious counseling and counseling on health which are carried out are aimed directly at adolescents and the community as well as parents. The counseling has the intention of educating them so that they understand the law, then they will respect it and finally they are able to obey it as best they can.

Law is part of the system that exists in Indonesia, not only the law is obeyed and obeyed but more broadly than that in that system there are religious, customary and other rules which grow and live in the midst of society, so the legal system should must be known by teenagers in particular and society in general.

3. Repressive Action

What is meant by repressive countermeasures are efforts made by the apparatus after the occurrence of a crime such as taking action against the perpetrators according to their actions and correcting them again so that they are aware that the actions committed were unlawful and detrimental to society, so that they return to society and do not commit crimes. back crime. Repressive measures taken must be in accordance with established procedures and on the orders of the highest police officer. This action must receive orders from superiors because if there is a procedural error and so on which results in losses for the perpetrators or the community, this is the responsibility of the superiors so that the apparatus working in the field does not act arbitrarily. These actions can be in the form of paralyzing the perpetrators, making arrests, investigations, investigations and so on

Based on the results of the researcher's interview with the respondent, repressive legal action is to provide severe sanctions in accordance with the qualifications of the perpetrator's criminal act. In addition, the actions that can be taken to prevent the occurrence of criminal acts of obscenity against minors

are to sanction the local community for the obscenity of the perpetrators, for example by banishing or excluding them from society.

This repressive effort is based on law enforcement factors as stated by Soerjono Soekanto, namely (Soekanto, 2008):

- a. legal factors, statutory regulations themselves,
- b. law enforcement factors, namely parties who form or apply the law,
- c. factors of facilities or supporting facilities,
- d. societal factors where the law applies and is applied,
- e. cultural factors.

This effort is carried out when a crime has occurred. The Rokan Hulu Police will enforce the law against any criminal acts that occur. The steps or procedures for law enforcement at the police level are:

1) There are reports/complaints

The crime of obscenity is a criminal complaint that can be processed if one of the parties who feels aggrieved complains to the police. Meanwhile, according to Article 1 Paragraphs 24 and 25 of the Criminal Procedure Code (KUHP), the meaning of Reports and Complaints is:

Article 24: "*Reports are notifications submitted by a person due to rights or obligations based on law to an authorized official about having or being suspected of a criminal incident*".

Article 25: "*Complaints are notifications accompanied by requests by interested parties to authorized officials to take action according to the law of someone who has committed a criminal act to harm him*".

From the explanation above there is a fundamental difference, even though in principle both of them intend to inform the authorities, the difference lies in the type of material law / type of crime that is notified. Report notifications are general in nature, covering all types of criminal acts, while complaints are bound to types of complaint offenses and those who are entitled to submit notifications are people who are victims of criminal acts.

In connection with the complaint above, there are several possibilities that an investigation into the offense could be carried out, including:

- a. Caught
- b. Because of reports
- c. Due to complaints
- d. Self-knowledge or notification or other means so that investigators know the occurrence of offenses.

If the investigator receives a complaint regarding a criminal act of obscenity, then the first part of this process is that the police will collect information from the victim. First of all, the investigator will take a personal approach to the victim of sexual abuse. In general, investigators will be very careful in gathering information from victims. Because the victims, in this case especially the children, must have experienced a psychological shock. So to get accurate information, investigators usually take persuasive actions.

As the results of interviews with researchers with the families of victims of abuse, that there is psychological trauma suffered by the victim. Victims experience various disorders such as irritability, difficulty sleeping, and frequent delirium, tend to isolate themselves from peer association, and so on.

2) Conduct case investigations

At this stage an investigation and investigation is carried out in the form of summons, arrest, search and confiscation. The Judicial Unit of the Rokan Hulu Police is a special unit that is closed during the investigation period. Because this unit is related to decency. So the investigation was carried out behind closed doors. The investigative process is a process to prove whether or not a crime has occurred.

In cases of sexual abuse, the victim will be subject to a post mortem et refertum as evidence, then summon witnesses and suspects. If the evidence is deemed sufficient, a case will be filed. Usually in the examination procedure file (BAP) it is known what crime occurred, who was the perpetrator, what was the modus operandi. If the file is complete, it will be transferred to the Attorney General's Office (Article & Indonesia, 2021).

Countermeasures in terms of the factors that cause perpetrators to commit sexual abuse are:

a. the need for a special assistance program for child abuse victims

There is a special assistance program for child victims of sexual crimes with broader socialization efforts, not only in big cities, but must be available in every district/city.

b. harmonizing the family

Every family member must know their function and position, parents must know their child's activities, who the child is friends with, then control the child's development or activities. Parents must teach openness to their children towards all the problems they experience.

According to Matualesy, parents can take the following ways to avoid sexual violence against children:

a. teach openness to children

Parents must teach their children not to keep secrets by stimulating the habit of asking questions and asking their children to tell about their daily activities when they are happy, sad, scared and happy. Then pay attention to his behavior when you are around.

b. instill a sense of shame in children from an early age

parents should instill shame in children. For example, not appearing vulgar in front of people even though they are still children, not getting used to wearing skimpy clothes.

c. direct shows and games that are beneficial to children

Parents must be observant in selecting shows or games that are useful for children. Because, in the current era of globalization, all bad things can be seen easily. Supervise and reduce children's contact with the internet which is too excessive.

- d. start teaching sex education from an early age at home teach how to protect intimate organs and safety from the touch of strangers other than familiar family members. Parents also have to explain what touch is allowed, what is touch that is confusing and what touch should not be touched by others.
- e. instill in children not to easily trust strangers in our culture it is taught to be friendly and polite, but in the current condition parents are required to be good at conveying to children how best to behave to strangers / who are not yet known, so that the child does not easily trust strangers.
- f. be aware of the playing environment and child development even though parents have directed and educated their children painstakingly at home, parents must be observant of the environment, children's play. Because after the family, the most dominant place for children's adaptation to affect children's growth and development is the environment. Therefore, parents must know what the child's activities are, with whom, and where the child goes. This minimizes the possibility that the child will experience things that are not good.

CONCLUSION

Based on the explanations or descriptions that have been put forward in the previous chapter, several conclusions can be drawn as follows: Efforts to deal with criminal acts of sexual abuse of children in Rokan Hulu are in the form of pre-emptive actions, preventive actions and repressive actions. Preventive efforts made by law enforcers aiming to prevent the possibility of sexual abuse against children are in the form of appeals and outreach to the public about the crime of sexual abuse. Also repressive efforts made by law enforcement and other institutions, the efforts made aim to provide harmony that has been disturbed or a deterrent effect for committing a crime, especially sexual abuse of children by imposing sanctions in accordance with the violation committed, namely the crime according to Article 76D Jo Article 81 Paragraph (1) Law of the Republic of Indonesia Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning Child Protection carries a minimum prison sentence of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of IDR 5,000,000,000.00 (five billion rupiah).

DAFTAR PUSTAKA

- Brata, Y. R., Artita, R., Kusdinar, D., & Dahlan, A. (2021). Penanggulangan Tindak Pidana Pencabulan Anak Berdasarkan Pasal 82 Undang-Undang Republik Indonesia Nomor 17 Tahun 2016 Tentang Perlindungan Anak Di Wilayah Polres Kabupaten Ciamis. *Case Law*, 2(2). <https://doi.org/10.25157/Caselaw.V2i2.2515>
- Desafuryanto, H. R. A. & A. (2014). *Hukum Perlindungan Anak*. PTIK.
- Fahmi, N., Hukum, F., Muhammadiyah, U., & Utara, S. (2017). *Pencabulan Anak*

- (Studi Di POLRES Deli Serdang).
- Fauzi, R. (2020). Upaya Penanggulangan Tindak Pidana Pencabulan Terhadap Anak Di Kota Padang. *Kertha Wicaksana: Sarana Komunikasi Dosen Dan Mahasiswa*, 14(1), 1–8. <https://doi.org/10.22225/kw.14.1.2020.1-8>
- Kalalo, R. E. (2016). Perbuatan Cabul Terhadap Anak Dibawah Umur Dan Upaya Penanggulangannya Menurut Pasal 289 Kuh Pidana. *Lex Privatum*, Vol. IV/No. 2/Feb/2016, IV(2). <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/11356>
- Oktavia Purnamasari Sigalingging. (2019). Peran Polri Dalam Menangani Tindak Pidana Cabul Terhadap Anak. *Jurnal Rectum*, 1(2), 203.
- Pasal, B., & Indonesia, U. R. (2021). *Management Of The Criminal Action Of Child Abuse Based On Article 82 Of Law Of The Republic Of Indonesia Number 17 Of 2016 Regarding Child Protection In The Polres Area Of Ciamis Regency Abstrak*.
- Soekanto, S. (2005). *Pengantar Penelitian Hukum*. Percetakan UI.
- Soekanto, S. (2008). *Faktor – Faktor yang Mempengaruhi Penegakan Hukum*. PT. Raja Grafindo Persada.
- Suma, M. A., Fajar, M., Muladi, Arifin, B., & Hasanuddin, & Ranuwihardjo, D. (2001). *Pidana Islam Indonesia*. Pustaka Firdaus.