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The Role of Investigators in Dealing With Criminal Acts of Child Promiscuity

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Article's Information	Abstract
<p>Keywords: The Role of Investigators, handling Sexual Intercourse, Children.</p> <p>DOI : https://doi.org/10.25041/ip.v4i2.3013</p>	<p><i>This article aims to analyze the role of investigators in dealing with criminal acts of child promiscuity at the Lampung Regional Police and the inhibiting factors for the role of investigators in dealing with criminal acts of child promiscuity at the Lampung Regional Police. This type of research is a type of normative juridical research to examine and analyze cases handled by PPA Polda Lampung investigators in 2021 related to child promiscuity cases and to find out the role of investigators in dealing with child promiscuity crimes. The research findings show that the role of investigators in dealing with criminal acts of child promiscuity at the Lampung Regional Police is based on Law Number 8 of 1981 concerning the Criminal Procedure Code and the Police Law, which formulate cumulative criminal responsibility. The factors that impede the optimization of the investigator's role include the lack of several investigators and limited infrastructure.</i></p>

A. Introduction

Law enforcement to create security and order is carried out jointly in a Criminal Justice System (CJS) which is a long process involving many elements. The process of the criminal Justice System starts from the existence of an event that is suspected as a criminal event, after the existence of a new criminal event, an investigation and investigation action is started.¹ Investigation and investigations are actions that cannot be separated. Separated, although the stages are different. Continuity of action will facilitate the next process if the investigation process is united with the investigation.²

¹ Zulkarnaen, M. K., Salia, E., & Wardana, A. W., 2021. Peranan Penyidik Kepolisian Resor Muara Enim Dalam Penegakan Hukum Terhadap Tindak Pidana Pemerkosaan Anak Kandung. *Doctrinal*, 6(1), 34-62.

² Barda Nawawi Arif, 2011, *Masalah kepada masyarakat dengan menampilkan Penegakan Hukum dan Kebijakan Penanggulangan Kejahatan*, PT. Penerbit Citra Aditya, Bandung, hlm.6



The complexity of the roles and duties of police investigators has increased along with the rolling reforms in all fields of life in Indonesia.³ Investigators are required to successfully reveal all cases that are indicated to have violated the law in their hands. In addition, investigators are also required not to violate human rights in conducting an investigation of a person suspected of committing a criminal offense. Another challenge faced by police investigators is not only derived from the success of forwarding a case to court through the prosecutor's office, but also the possibility of being sued by the suspect and his family through a pre-trial lawsuit due to the mistakes of the police investigators themselves.⁴ This is based on the idea that in the practice of law enforcement it turns out that the investigating officer when starting to swing his first step in conducting an investigation, is automatically and directly bound by the evidentiary provisions stipulated in the Criminal Procedure Code. These provisions are included in efforts to protect children from criminal acts committed by police investigators.⁵

Strafbaar feit is an original Dutch term translated into Indonesian with various meanings, including criminal acts, delicts, criminal acts, criminal events, and punishable acts. Strafbaar feit consists of 3 words: straf, baar, and feit. Various terms are used to translate strafbaar feisty; it turns out that straf is translated as criminal and law. The word baar is translated as can and may, while feit is translated as action, event, offense, and deed.¹⁸ Criminal act is a juridical understanding, unlike crime which is usually interpreted juridically or criminologically.⁶

In essence, children cannot protect themselves from various actions that cause mental, physical, and social harm in various fields of life and livelihood.⁷ Children must be assisted by others in protecting themselves, given their situation and conditions, especially in cases of child sexual abuse. In addition to the obligation to prevent and overcome a crime, we must protect ourselves and those closest to us or anyone else from the threat of crime.⁸ Moreover, the family is the smallest unit in society; in a family itself, some members are very vulnerable to becoming victims of crime, namely children as targets who are attracted to crime.⁹

Sexual violence is a term that refers to deviative sexual behavior or sexual relations that are deviant, harm the victim and damage the peace in society.¹⁰ One of the causes of the prevalence of sexual crimes against children is the leniency of criminal sanctions for perpetrators.¹¹ Therefore, the legal sanction of chemical castration is a form of sanction that is widely proposed as a punishment for pedophilia offenders to weaken their sexual desire and even eliminate their sexual desire so that the lust for sexual abuse of children does not occur, this can be expected to have a deterrent effect on the perpetrators.¹² However, the application of chemical castration law for pedophilia crimes cannot be implemented by the Indonesian Medical Association (IDI)

³ Komalasari, G. A. K., Wiratni, N. K., & Arjawa, A. A. G. P. 2021. Penegakan Hukum Disiplin Anggota Polisi Republik Indonesia Dalam Perspektif Good Governance & Clean Government. *Jurnal Ilmiah Raad Kertha*, 4(2), 104-123.

⁴ Abdoel Djamali, 2006, *Pengantar Hukum Indonesia*, PT. Raja Grafindo Persada, Jakarta, hlm.1

⁵ Zulfi, M. H, 2020, Upaya Kepolisian Dalam Mewujudkan Sistem Peradilan Pidana Terpadu Pada Proses Penyidikan Tindak Pidana Narkotika . *UNES Journal of Swara Justisia*, 4(1), 39-45.

⁶ Pangaribuan, P. (2019). Penyelesaian Perkara Tindak Pidana Kekerasan Seksual Terhadap Anak Melalui Mediasi Penal Oleh Penyidik Pada Satuan Reserse Kriminal Polres Balikpapan. *Jurnal Projudice*, 1(1), hlm 85.

⁷ Lestari, B. F. K., 2018. Perlindungan Hukum Terhadap Anak Yang Menjadi Korban Tindak Pidana Perdagangan Orang Berdasarkan Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak. *Unizar Law Review (ULR)*, 1(1), 17-34.

⁸ Nashriana, 2011, *Perlindungan Hukum Pidana bagi Anak di Indonesia*, Rajawali Pers, Jakarta, hlm.1

⁹ Busyro, M. 2017. Upaya Penanggulangan Terhadap Tindak Pidana Incest Dengan Korban Anak. *Warta Dharmawangsa*, (52).

¹⁰ Dewu, C. Perlindungan Hukum Terhadap Anak Sebagai Korban Kekerasan Seksual. *Jurnal Ilmiah* 2021

¹¹ Sitanggang, K. 2021. Hukuman Kebiri Kimia (*Chemical Castration*) Untuk Pelaku Kekerasan Seksual Pada Anak Ditinjau Dari Kebijakan Hukum Pidana. *JURNAL JURISTIC*, 1(1), 10-15.

¹² Abdul Aziz Harahap, Athoillah Islamy, 2021, "Penerpan Peran Dokter Sebagai Eksekutor Sanksi Hukum Kebiri Di Indonesia: perspektif Hukum Islam" *Al-Izzah Jurnal Hasil Penelitian*, Vol. 16 No. 1. Hlm. 58-59.

as the executor of castration because it is seen as an act that violates the professional oath of a doctor. Moreover, the effectiveness of castration is also still questionable about the risk of other complications that can be experienced by convicts.¹³

To prevent sexual intercourse with children, efforts need to be made by involving the role of cooperation between the government, law enforcement, parents, and society, these four are obliged to protect children, as regulated in Article 45B paragraphs (1) and (2) in Law Number 35 of 2014 as follows:¹⁴

- (1) The Government, the Community, and Parents are obliged to protect children from acts that interfere with children's health and growth and development.
- (2) In carrying out their obligations as referred to in paragraph (1), the Government, local governments, communities and parents must carry out activities that protect children.

The role of parents, as the closest person in educating children, must always provide correct teaching, such as, do not give clothes that are too revealing because it can be a stimulus for sexual harassment, instilling a sense of shame early on, and teaching the child not to undress in the open, also not to urinate other than in the bathroom, keep the child away from pornographic impressions either movies or advertisements, do not let your child spend time in secluded places with other adults or older boys, give your child enough time so that the child will not seek attention from other adults, tell the child not to talk to or accept gifts from strangers, support the child if he refuses to be hugged or kissed by someone (even if it is family), you can explain to the person concerned that the child is not in the mood. This way, your child learns they have authority over their body. The role of the community is also very much needed, especially religious leaders and community stores; when holding religious lectures, must convey the concern of parents in protecting their children.¹⁵

Countermeasures for criminal acts of sexual violence against minors are of course the punishment or sanctions given to the perpetrators of sexual violence against minors. These sanctions have been regulated in the laws that have been in force in Indonesia. Of course, in terms of determining this sanction, it cannot run without the interrelationship of various parties. The interrelationship of these various parties means that if there is no report or complaint from the public regarding the criminal act to the police or other institutions, it cannot be processed. Then if it has been reported or complained about but not processed further, it also cannot be processed and produce something as desired.¹⁶

The Indonesian National Police is an institution that carries out public service functions that are required to be able to provide the best service to the community. Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police states that the National Police has the main task of maintaining public security and order, enforcing the law, and providing protection, protection and community services.¹⁷ Law Number 8 of 1981 concerning the Criminal Procedure Code also gives the role to the Indonesian National Police to carry out the task of investigating and investigating criminal offenses.¹⁸ Article 1 point 10 of Law of the Republic

¹³ Noviana, D. A., Waluyo, B., & Agustanti, R. D. (2020). Analisis Terhadap Pelaksanaan Pidana Kebiri Kimia Dalam Kasus Kekerasan Seksual Pada Anak Dalam Perspektif Yuridis Dan Kedokteran. *Borneo Law Review*, 4(1), 45-63.

¹⁴ Patepa, Tizza Ihfada Faizal Dalag. "Perlindungan Khusus Bagi Anak Menurut Undang-Undang Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak." *LEX ET SOCIETATIS* 8.4, 2020.

¹⁵ E. Yanuarti, 2019. Pola asuh Islami orang tua dalam mencegah timbulnya perilaku LGBT sejak usia dini. *Cendekia: Jurnal Kependidikan Dan Kemasyarakatan*, 17(1), 57-80.

¹⁶ Astawa, Kadek Adi Budi. Peran Kepolisian Dalam Upaya Mencegah Dan Menanggulangi Tindak Pidana Kekerasan Seksual Terhadap Anak Di Kota Mataram (Studi Pada Polresta Mataram). *Janaloka*, 2023, 2.1: 105

¹⁷ Bambang Sunggono, 2021 *Bantuan Hukum dan HAM*, Penerbit Mandar Maju, Bandung, hlm.2

¹⁸ Arif, Muhammad. "Tugas dan fungsi kepolisian dalam perannya sebagai penegak hukum menurut Undang-Undang Nomor 2 Tahun 2002 tentang kepolisian." *Al-Adl: Jurnal Hukum* 13.1 (2021): 91-101.

of Indonesia Number 2 of 2002 concerning the Indonesian National Police explains that investigators are officials of the Indonesian National Police who are authorized by law to conduct investigations. The primary role of Police investigators in the criminal justice system is to conduct an initial review, which is the first step in the process. Arrest, search, seizure examination of correspondence, examination of witnesses/suspects, and expert assistance are all part of the investigation process.¹⁹

In the field of law enforcement, especially about handling criminal offenses as regulated in the Criminal Procedure Code, the Indonesian National Police as the main investigator handles every crime in general in order to create domestic security. Article 16 of Law Number 2 of 2002 concerning the National Police has stipulated the following authorities:

To carry out the duties as referred to in Article 13 and Article 14 in the field of criminal proceedings, the Indonesian National Police are authorized to:

- a. make an arrest, detention, search, and seizure;
- b. prohibit any person from leaving or entering the scene of the crime for investigation;
- c. bring and present people to the investigator in the context of the investigation;
- d. to order suspected persons to stop and ask and check their identification;
- e. to conduct examination and seizure of documents;
- f. summon people to be heard and examined as suspects or witnesses;
- g. bring in experts who are needed for the examination of the case;
- h. terminate the investigation;
- i. submit the case file to the public prosecutor;
- j. submit a request directly to the authorized immigration official at the immigration checkpoint in an urgent or sudden situation to prevent or ward off a person suspected of committing a criminal offense;
- k. to provide instructions and assistance in the investigation to civil servant investigators and receive the results of an investigation by civil servant investigators to be submitted to the public prosecutor;

An important goal of the investigation is to find facts that can shed light on a crime.²⁰ The investigation process is the most crucial stage in the Criminal Justice System, where the investigation tasks assigned to the police are very complex. In addition to being investigators, the police also function as supervisors and coordinators for Civil Service investigators. The complexity of the duties of Police investigators has increased along with the rolling reforms in all fields of life in Indonesia. Investigators must successfully uncover all cases that are indicated to have violated the law in their hands. Polri, as one of the institutions that carry out public service functions, is required to provide the best service to the community by displaying professional unit performance.²¹ The novelty of this research is about the role of investigators in handling criminal acts of child promiscuity in Lampung Police and the investigation process and inhibiting factors in the process of investigating criminal cases of child sexual intercourse.

B. Discussion

1. The role of Investigators in handling the Crime of Child Copulation at Lampung Police.

Lampung Regional Police is the executor of the duties and authorities of the Indonesian National Police (Polri) in the Lampung province area under the Chief of Police. Lampung

¹⁹ Soedjono Dirdjosisworo, 1988, *Polisi dalam sistem Peradilan Pidana di Indonesia*-. Majalah Bhayangkara, hlm, 54.

²⁰ Sukma Melati, and Wahyuni Ramadhani Deaf. *Peranan Penyidik Kepolisian Resor (Polresta) Padang Dalam Penyelesaian Kasus Pelecehan Seksual Terhadap Anak Yang Dilakukan Oleh Ayah Kandung*. Diss. Universitas Bung Hatta, 2022.

²¹ Firdaus Fasue, 2017, *Kewenangan Polisi Selaku Penyidik dalam melakukan upaya paksa penggeledahan*, Lex et Societatis, Vol. V/No. 5

Regional Police is tasked with carrying out the main orders of the National Police, namely maintaining public security and order, providing protection, protection, and services, and enforcing the law to the community, especially in Lampung, and by the provisions of applicable laws and regulations. In carrying out this task, Polda Lampung organizes functions such as providing police services to the community through receiving and handling reports or complaints and requests for assistance or help.²²

The role of investigators carried out by the Police is a series of actions by investigators to conduct examinations and search for evidence of criminal acts; these actions include summoning, examining witnesses, seizing evidence, searching, examining suspects, making arrests and detention.²³ The role of investigators in dealing with the crime of child copulation in dealing with crimes of sexual abuse or violence against children is to provide protection for victims and provide a deterrent effect on the perpetrators of child copulation.²⁴

The results of the interview with the Lampung Police Women's and Children's Services investigator Briptu Nyanyuk Putri, by the Law and the National Police Chief Regulation that the role carried out by the investigator is a series of actions by the investigator to conduct an examination, to find evidence of a criminal offense, these actions include, among others:²⁵

1. Examining the victim of child sexual intercourse. The examination conducted by Lampung Police investigators against victims of child sexual abuse aims to obtain information on the criminal act that has befallen the victim, which will assist investigators in examining the perpetrators of criminal acts.
2. Examination of witnesses. The examination of witnesses aims to provide information that is heard and seen. Witness testimony will be included in the Minutes of Examination (BAP) as evidence that the witness has provided information about a criminal offense related to child sexual intercourse; the procedure for examining witnesses by investigators related to the crime of sexual intercourse is as follows:
 - a. Witnesses are examined alone, without any pressure from any party and in any form, and witnesses are obliged to provide testimony truthfully.
 - b. Witness testimony is recorded in the Minutes of Examination or Berita Acara Pemeriksaan (BAP), signed by the witness and the investigator after the witness agrees to its contents. If the witness does not agree to sign, the investigator will record it in the examination minutes and state why the witness does not want to sign.
3. Investigators require the examination of expert witnesses who have special expertise to examine victims of sexual intercourse to obtain medical information.
4. Examining the perpetrator of the crime of buggery to ascertain whether or not the actions committed by the suspect are true; if, from the examination that the actions committed by the suspect have the elements of a criminal offense, then the investigator can detain the suspect.
5. Searches are conducted to obtain evidence related to the crime of sexual intercourse and sexual abuse. In searching, investigators must have a permit from the Chief Justice of the Court. Before searching, the investigator must first show identification to the suspect or his family to ensure security and order in the search
6. Confiscation of evidence used to commit criminal offenses in carrying out confiscation
Some provisions must be carried out by investigators, among others, must have a permit to

²² Pasal 1, Peraturan Kepala Kepolisian Negara Republik Indonesia Nomor 2 Tahun 2018 tentang Pembentukan Peraturan Kepolisian

²³ Selamat Riadi, Peran Penyidik Polri Dalam Penerapan Diversi Terhadap Anak yang Berkonflik Dengan Hukum, *Jurnal IUS*, Vol.IV Nomor 2, 2017, hlm 124

²⁴ Rahmat Fauzi, *Pelaksanaan Penanganan Penyidikan Tindak Pidana Persetubuhan dan Pencabulan Terhadap Anak*, *Jurnal Cendekia Hukum*: Vol. 5 No. 1, 2019

²⁵ Hasil wawancara dengan Briptu Nyanyu Putri selaku penyidik pembantu unit PPA Ditkrimum Polda Lampung.

carry out confiscation, show identification, the investigator orders the suspect to submit evidence that he has used to commit a criminal offense related to sexual intercourse and sexual abuse. The investigator will wrap the confiscated evidence.

7. If the examination of criminal offenses relating to sexual intercourse and sexual abuse is completed, the case file will be submitted to the court. However, if the file is considered incomplete, the court will return the file to the investigator to complete it. The investigator must conduct additional investigations to complete the file that will be submitted to the court. The implementation of the investigation process of criminal offenses related to sexual intercourse and sexual abuse examined in the PPA unit of Lampung Police has been carried out based on applicable law.

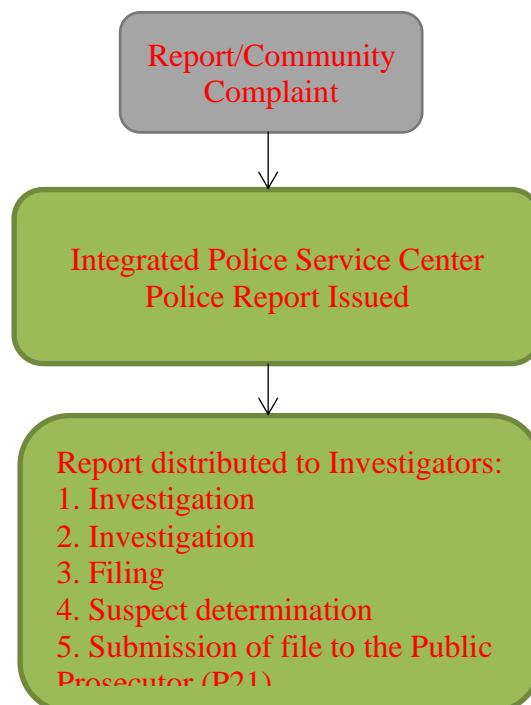
Every year, cases of child sexual intercourse in the jurisdiction of Lampung Police handled by PPA investigators of Lampung Police are increasing, as shown in the table below:

Data on the number of child sexual intercourse cases at Lampung Police in the last three years.²⁶

NUMBER	YEARS	AMOUNT	DESCRIPTION
1	2019	95 CASES	PROCESS OF LAMPUNG POLICE
2	2020	100 CASES	PROCESS OF LAMPUNG POLICE
3	2021	125 CASES	PROCESS OF LAMPUNG POLICE

Sumber : Penyidik PPA Polda Lampung.

Mechanism of Crime Investigation at Lampung Police



²⁶ Hasil wawancara dengan Briptu Nyanyu Putri selaku penyidik pembantu unit PPA Ditkrimum Polda Lampung.

An example of a case of child sexual abuse in Bandar Lampung was carried out based on Police Report Number: LP/B/2064/X/2021/SPKT/Polda Lampung, which was committed by the suspect Dadang S Manaf against minor victims aged six years and two years. The suspect lives in the same house as the victim's mother without a marriage bond. The victim's mother was previously married to 2 men; the first husband died and had a daughter named Aurel Ajeng, the second husband was Ridwan and had a child named Titin but was divorced, and the third was Dadang S Manaf, who was the perpetrator of intercourse without marriage ties with the victim's mother and had two children named Dani and Aisyah. First, the suspect had sexual intercourse with Aurel Ajeng, aged six years. Second, the suspect had sexual intercourse with Titin, aged six years; third, the suspect had sexual intercourse with his biological daughter Aisyah aged two years.

The suspect had intercourse with the victim with an effort of persuasion when the victim's mother was busy or not at home, and if the victim refused, the suspect hit and slammed and stomped on the victim's head so that the victim was helpless and afraid after the suspect carried out the action then the suspect threatened to beat the victim so as not to report to anyone. The case was revealed because the victim told her mother that the suspect had had intercourse with the victim, then the victim's mother reported the problem experienced by her child to the Lampung Police; for his actions, the suspect was charged with Article 76D Jo Article 81 Paragraph (1) of Law No. 17 of 2016 concerning the Stipulation of Government Regulations instead of Law No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection.

2. Inhibiting Factors in the Role of Investigators in Handling the Crime of Child Sexual Abuse at Lampung Police.

The process of the investigator's role in handling the crime of child sexual intercourse as a victim is not an easy thing. In the process, the investigator has an obstacle factor faced. From the results of interviews with Investigators of Women and Children Protection (PPA) Polda Lampung, there are inhibiting factors:

1. Law Enforcement Factors

Based on Police Regulation No. 14/2018 concerning the Organizational Structure and Schedule of Investigators in the Directorate of General Crimes, the number of investigators in the Women and Children Protection (PPA) unit is 40 people, while currently, the number of investigators who handle the protection of children and women is only 15 people. This complicates the investigation process against children while the number of crimes against children increases.

2. Facilities and Infrastructure

According to PPA Polda Lampung investigator Briptu Nyanyuk, the existing facilities and infrastructure at the PPA Polda Lampung unit are inadequate, including no special room for examining child victims, no means of official transportation to examine children, for example conducting examinations to hospitals, picking up and dropping off victims, no assistants or psychologists to accompany children during examinations so that investigators find it difficult to obtain information from victims.

3. The victim is still a child

Investigators who examined the crime of sexual intercourse experienced difficulties during the examination because the victim was a child who was still five years old. The victim was afraid to provide information because she was still traumatized. So investigators must be more patient in conducting examinations.

4. The suspect did not confess

The suspect in the crime of child sexual intercourse did not admit that he had committed sexual intercourse with the victim. This requires hard work by investigators to collect evidence about the case.

The expectations of the community consistent law enforcement continue to be pursued to restore public confidence in law enforcement.²⁷ Law enforcement is defined as the efforts of certain law enforcement officials to guarantee and ensure that the rule of law runs properly and properly. The reality shows that many people prefer to resolve criminal cases they experience outside the system. Settlement outside the system is either carried out by the parties (perpetrators and victims independently) or by involving law enforcement officers.²⁸

C. Conclusions

The investigation carried out by the Police is very influential on the implementation of criminal law and criminal procedure law itself, this is because the investigation process is the first step in the law enforcement process carried out by law enforcement actors in Indonesia. Based on the results of research and discussion of the role of investigators in handling the criminal offense of child sexual intercourse handled by investigators described above, the following conclusions can be drawn:

The investigation and investigation process carried out by investigators aims to seek and find an event suspected of being a criminal offense, based on Law Number 8 of 1981 concerning the Criminal Procedure Code and Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia concerning the authority of investigators and the main duties of the police as a role carried out by PPA Investigators of Lampung Police in handling cases of child sexual intercourse. The inhibiting factors for investigators in handling criminal acts of child copulation are law enforcement factors where the number of PPA investigators is still very limited, facilities and infrastructure factors, victims are still children, and the suspect does not admit the actions that have been committed.

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²⁷ LUBIS, Elvi Zahara. Upaya Perlindungan Hukum Terhadap Anak Korban Kekerasan Seksual. *JUPIIS: Jurnal Pendidikan Ilmu-Ilmu Sosial*, 2017, 9.2: 143 Doi: <https://doi.org/10.24114/jupiis.v9i2.8242>

²⁸ Mokalu, Ronaldo Ignatius; Elias, Rodrigo F.; Rompas, Deizen D. Peran Kepolisian Dalam Pencegahan Kejahatan Pelecehan Seksual Terhadap Anak Di Kota Manado. *Lex Administratum*, 2023, 11.4.

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