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The Role of Investigators in Handling Child Promiscuity Crimes

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Abstract

This article examined the role of investigators at the Lampung Regional Police in addressing criminal cases of child promiscuity and identified the factors that hindered their effectiveness. This normative juridical research focused on cases handled by the PPA (Protection of Women and Children Unit) investigators of Polda Lampung in 2021, exploring how they managed these sensitive cases. The research was grounded in the frameworks provided by Law Number 8 of 1981 concerning the Criminal Procedure Code and the Police Law, which established the basis for criminal responsibility. The findings revealed that the effectiveness of investigators was significantly constrained by a shortage of personnel and inadequate infrastructure, impacting their ability to manage cases of child promiscuity effectively.

A. Introduction

Law enforcement aimed at ensuring security and order is a complex and collaborative effort within the Criminal Justice System (CJS), which involves a lengthy multi-step process. This process begins with the identification of an event suspected to be criminal in nature. Once such an event is identified, investigative actions are initiated.¹ Investigations and further inquiries are integral and continuous, each stage intricately linked to facilitate smooth transitions to subsequent phases, enhancing the effectiveness of the justice system²

In Indonesia, the role of police investigators has become increasingly complex amid widespread reforms across various sectors.³ Investigators are tasked with uncovering all cases that potentially involve legal violations while adhering to human rights standards. Moreover,

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

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.



they face significant challenges not only in advancing cases to the prosecution stage but also in managing the risk of pre-trial lawsuits initiated by suspects or their families due to alleged investigatory errors. From the outset of an investigation⁴, officers are strictly bound by the evidentiary rules set forth in the Criminal Procedure Code to protect children from criminal acts committed by police investigators.⁵

The term "*strafbaar feit*" is a Dutch phrase that translates into Indonesian with various interpretations such as criminal acts, delicts, criminal events, and punishable acts. It comprises three components: "*straf*," "*baar*," and "*feit*." In translation efforts, "*straf*" is often rendered as "criminal" or "law," "*baar*" as "can" or "may," and "*feit*" as "action," "event," "offense," or "deed." The phrase "criminal act" refers to a juridical understanding, distinct from "crime," which can be interpreted both juridically and criminologically.⁶

Fundamentally, children lack the capacity to protect themselves from various harmful actions that can cause mental, physical, and social damage across different areas of life.⁷ They need assistance from others to safeguard their well-being, particularly in cases of child sexual abuse. Beyond the responsibility to prevent and address crime generally, there is a duty to protect oneself, loved ones, and others from the threat of crime.⁸ Families, as the fundamental units of society, play a crucial role in this regard. However, within these units, children are often particularly vulnerable and can be prime targets for criminal acts.⁹

Sexual violence is defined as deviant sexual behavior or relationships that not only harm the victim but also disrupt societal peace.¹⁰ One factor contributing to the prevalence of sexual crimes against children is the perceived leniency of criminal sanctions against perpetrators.¹¹ Consequently, the legal sanction of chemical castration has been widely suggested as a punishment for pedophiles.¹² This measure aims to reduce or eliminate their sexual desires, thereby curbing their impulses to commit sexual abuse against children and, ideally, acting as a deterrent.

However, the implementation of chemical castration for pedophilia is controversial and cannot be executed by the Indonesian Medical Association (*IDI*) due to conflicts with the professional oath of doctors. Additionally, the effectiveness and ethical implications of castration are under scrutiny, particularly concerning potential complications and long-term effects on the convicts.¹³

To combat the issue of child sexual abuse effectively, a collaborative approach is necessary. This involves the combined efforts of the government, law enforcement, parents, and society.

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), hlm. 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.

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.

These stakeholders are mandated to protect children as stipulated in Article 45B paragraphs (1) and (2) of Law Number 35 of 2014.¹⁴

- (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 in educating children about personal safety and appropriate social boundaries is paramount. They must teach correct behaviors and preventative measures, such as avoiding overly revealing clothing to minimize the risk of sexual harassment, instilling a sense of modesty from an early age, and emphasizing privacy by teaching children not to undress in public or urinate outside the bathroom. Parents should also shield children from pornographic material, whether in movies or advertisements, prevent unsupervised interactions with adults or older children in secluded places, and ensure their children receive sufficient attention at home to deter them from seeking it elsewhere.¹⁵

The community also plays a crucial role in supporting parents in these endeavors, particularly religious leaders and organizers of community events. When conducting religious lectures or community gatherings, it is essential to emphasize the importance of protecting children and to provide guidance on how parents and caregivers can implement protective measures. Regarding legal countermeasures against sexual violence towards minors, punitive sanctions for perpetrators are well-established within Indonesian law. However, the effectiveness of these sanctions relies heavily on the cooperation and interaction among various parties. This means that if an incident is not reported to the police or relevant authorities, it cannot be addressed. Furthermore, even if a report is made, the case must be diligently processed to achieve the desired outcome.¹⁶

The Indonesian National Police is an essential institution tasked with public service functions, striving to deliver exemplary service to the community.¹⁷ According to Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police, the core responsibilities of the National Police include maintaining public security and order, enforcing the law, and providing protection and services to the community. Additionally, Law Number 8 of 1981 concerning the Criminal Procedure Code assigns a critical role to the Indonesian National Police in conducting investigations and inquiries into criminal offenses.¹⁸

Article 1 point 10 of Law Number 2 of 2002 elaborates further on the role of investigators within the Indonesian National Police, identifying them as officials legally empowered to carry out investigations. These investigations form the initial step in the criminal justice process¹⁹, encompassing a range of activities such as arrests, searches, seizures, examination of correspondence, interrogation of witnesses and suspects, and the solicitation of expert opinions.

In terms of law enforcement, especially concerning the handling of criminal offenses as outlined in the Criminal Procedure Code, the Indonesian National Police, as the principal

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.

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

investigative authority, manages all crimes to ensure national security. Article 16 of Law Number 2 of 2002 grants the National Police specific authorities, which include:

- a. Conducting an arrest, detention, search, and seizure;
- b. Prohibiting any person from leaving or entering the scene of the crime for investigation;
- c. Bringing and presenting people to the investigator in the context of the investigation;
- d. Ordering suspected persons to stop and ask and check their identification;
- e. Conducting examination and seizure of documents;
- f. Summoning people to be heard and examined as suspects or witnesses;
- g. Bringing in experts who are needed for the examination of the case;
- h. Terminating the investigation;
- i. Submitting the case file to the public prosecutor;
- j. Submitting 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. Providing 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 uncover facts that elucidate the nature of a crime²⁰, making the investigation process a critical phase in the Criminal Justice System. Within this framework, the roles of police investigators are multifaceted and complex; they not only act as investigators but also function as supervisors and coordinators for Civil Service investigators. This complexity has increased with ongoing reforms across various sectors in Indonesia. Police investigators are charged with diligently uncovering all cases that indicate legal violations. The Indonesian National Police (*Polri*), as a public service institution, is mandated to provide exemplary service to the community by demonstrating professional performance across its units. The novelty of this research lies in examining the specific role of investigators in handling cases of child promiscuity in the Lampung Police, exploring the investigative processes, and identifying challenges that hinder the effective investigation of criminal cases involving child sexual offenses.

B. Discussion

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

Lampung Regional Police, functioning under the guidance of the Chief of Police, serves as the executor of the duties and authorities of the Indonesian National Police (*Polri*) within the Lampung province. This unit is tasked with upholding the main directives of the National Police, which include maintaining public security and order, providing protection and services, and enforcing the law according to the applicable legal provisions specifically in Lampung. In fulfilling these responsibilities, the Lampung Regional Police facilitates various police services by receiving and handling reports, complaints, and requests for assistance from the community.²¹

The investigative role played by the police involves a sequence of activities aimed at conducting thorough examinations and gathering evidence related to criminal acts. This comprehensive role includes summoning and examining witnesses, seizing evidence,

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

conducting searches, examining suspects, and executing arrests and detentions.²² Specifically, in cases of sexual abuse or violence against children, such as the crime of child copulation, the investigators focus on providing protection for the victims and exerting a deterrent effect on the perpetrators.²³

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, including:²⁴

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 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.

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

²³ Rahmat Fauzi, *Pelaksanaan Penanganan Penyidikan Tindak Pidana Persetubuhan dan Pencabulan Terhadap Anak*, Jurnal Cendekia Hukum: Vol. 5 No. 1, 2019

²⁴ Hasil wawancara dengan Briptu Nyanyu Putri selaku penyidik pembantu unit PPA Ditkrimum Polda Lampung.

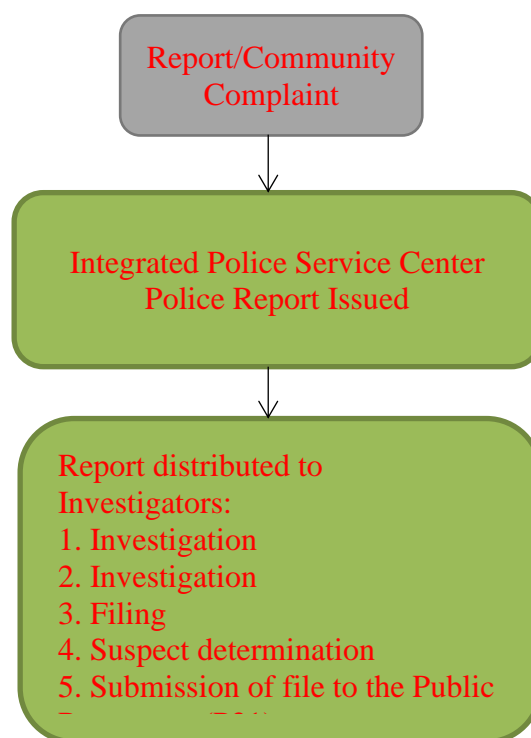
Every year, cases of child sexual intercourse in the jurisdiction of Lampung Police handled by *PPA* investigators of Lampung Police are increasing, as shown in the table below:

Data on the number of child sexual intercourse cases at Lampung Police in the last three years.²⁵

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

Source : Investigator of *PPA Polda* Lampung.

Mechanism of Crime Investigation at Lampung Police



A case of child sexual abuse occurred in Bandar Lampung under Police Report Number: LP/B/2064/X/2021/SPKT/*Polda* Lampung. The suspect was Dadang S Manaf against minor victims aged six years and two years. The suspect lived 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 and the third was Dadang S Manaf, who assaulted the victims and had two children named Dani and Aisyah. The first assault occurred when Aurel Ajeng, aged six years and Titin aged six years. The suspect also assaulted his biological daughter Aisyah aged two years.

The assaults occurred when the mother was not at home and he threatened the victims with physical violence. The case was revealed because the victims told her mother that the suspect

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

assaulted them. 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 role of an investigator in addressing cases of child sexual abuse is highly challenging. In their work, investigators encounter several obstacles. According to interviews with the Women and Children Protection (*PPA*) Unit at *Polda* Lampung, the main inhibiting factors are:

1. Law Enforcement Factors

According to Police Regulation No. 14/2018, which outlines the organizational structure and staffing of investigators in the Directorate of General Crimes, the *PPA* unit is authorized to have 40 investigators. However, currently, only 15 investigators are available to handle cases involving the protection of women and children.

2. Facilities and Infrastructure

Briptu Nyanyuk, an investigator from *PPA Polda* Lampung, reports that the unit's facilities and infrastructure are severely lacking. Critical deficiencies include the absence of a specialized room for interviewing child victims, no official transportation for tasks such as taking children to hospitals or transporting victims, and the lack of psychologists or assistants to support children during interviews. These shortcomings significantly hinder investigators' ability to effectively gather information from victims.

3. The victim is still a child

Investigators face particular difficulties when the victims are very young, such as a recent case involving a five-year-old. The child, still deeply traumatized, was hesitant to provide necessary information. This situation demands that investigators exercise extra patience and sensitivity during interviews to ensure the child's comfort and security.

4. The suspect did not confess

In instances where the suspect denies involvement in the crime, as often seen in cases of child sexual abuse, investigators must undertake extensive efforts to gather sufficient evidence.

The expectation for consistent law enforcement remains high as the community seeks to rebuild trust in the system.²⁶ Law enforcement must ensure that justice is served accurately and fairly, reinforcing the rule of law. However, it is also observed that many individuals prefer to settle criminal matters outside the formal legal system, either independently or with law enforcement involvement.²⁷

C. Conclusions

The investigation conducted by the police plays a crucial role in the application of criminal law and procedural law in Indonesia. This significance stems from the fact that the investigation phase constitutes the initial step in the legal enforcement process undertaken by law enforcement officials. Our research and discussions on the role of investigators in managing cases of child sexual abuse reveal that the investigation aims to identify and gather evidence for incidents suspected of being criminal acts. This process is guided by Law Number 8 of 1981 on the Criminal Procedure Code and Law Number 2 of 2002 on the National Police of the Republic of Indonesia, which outline the powers and primary responsibilities of the police, including the duties of *PPA* (Protection of Women and Children Unit) Investigators of the

²⁶ 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/jupiiis.v9i2.8242>

²⁷ 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.

Lampung Police in child sexual abuse cases. However, several challenges impede the effectiveness of these investigations: a shortage of *PPA* investigators, inadequate facilities and infrastructure, the vulnerabilities of the child victims, and the frequent denial of the accused regarding their actions.

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