

Causing Factors Of The Criminal Acts Of Rape And Abuse Of Minors Committed By Family Members From A Criminological Perspective

Nopiasari¹⁾, Risdalina²⁾, Indra Kumalasari M³⁾

^{1,2,3)}Faculty of Law, Labuhan Batu University

*Corresponding Author

Email: risdalinasiregar@gmail.com

Abstract

The purpose of this study is to find out about the factors that cause the occurrence of rape and child abuse committed by biological family members based on a criminology perspective. The type of research used by the author is normative legal research, legal research that uses secondary data sources or data obtained through library materials. Data is obtained through library materials in the form of laws and regulations, books, official documents, expert opinions, and previous research related to the title of the research raised by the author. The data is analyzed using descriptive analysis, namely analyzing data by describing and explaining clearly and as it is regarding the object being studied by the author. Data and information obtained from the research object are studied and analyzed in relation to applicable theories and regulations that aim to solve the problems raised. Discussion Results: Factors Causing the Occurrence of Criminal Acts of Rape and Abuse of Minors Committed by Biological Family Members Based on a Criminology Perspective include: Factors causing the occurrence of criminal acts of Rape and Abuse of Minors Committed by biological family members from a criminology perspective include: Low Education of the Perpetrator, Economic Factors, Environmental/Cultural Factors, Lack of Understanding of Religion and Factors within the victims themselves.

Keywords: Causal Factors, Criminal Acts, Rape and Abuse, Minors Who Are Biological Family Members, Criminology;

INTRODUCTION

Criminal acts of rape and abuse of minors often occur in every region in Indonesia. Children are often victims of sexual crimes. (Ar-raniry & Aceh, 2022) Because children are innocent humans who do not understand the cause and effect of each act. Sexual crimes against children such as rape and abuse are no longer foreign to our eyes and ears. Every time the news broadcast on television, radio and print media raises many issues of children (Atanasius Hardian Permana Yogiarto, 2016).

Criminal acts have an abstract meaning from concrete events in the field of criminal law, (Rika Widianita, 2023) so that criminal acts are given a scientific meaning and are clearly defined which are used in everyday community life. So that criminal acts are considered real acts committed by someone to another person, and these acts fall into the category of unlawful acts. On the other hand, crimes that are considered serious and serious are acts that are subject to imprisonment for more than 7 years, or are subject to the most severe punishment in the form of the death penalty or life imprisonment (JASMINE, 2014).

Several efforts have been made by law enforcement, child activists, the community, NGOs, journalists and others to save the lives and bodies of children, but child crimes still always occur (Richiyanti, 2019). Even every year the numbers can increase drastically. Is there no more space in this world for children to live a peaceful and comfortable life. (Anak & Kota, 2019) Without violence or threatening the safety of children from perpetrators of sexual crimes and child abuse.

Data according to the Ministry of Women's Empowerment and Child Protection, there were 2,398 cases of violence against children as of January 1, 2025, with 491 male victims and 2,081 female victims. The data is verified data, but there is also unverified data, namely data

entered in the current month. This number is quite concerning for this type of violence against children.

Children are basically weak creatures who are still innocent. Children in several regulations in the laws in Indonesia have been regulated, (Syahputri & Syafrini, 2024) that children get special protection from the state. The definition of children varies according to existing points of view. In general, we know that a child is someone who is not yet an adult or is not yet married.

(Area, 2023) Several differences in the understanding of children in laws and regulations. According to the Criminal Code, Article 330 states that minors are those who have not reached the age of 21 (twenty one) years and have not married before. According to the Criminal Code in Article 45, a minor is someone who is not yet 16 (sixteen) years old. Meanwhile, if viewed from the age limit of children as victims of crime (Chapter XIV) is if they are less than 15 (fifteen) years old. Law Number 23 of 2002 concerning Child Protection, the explanation of children is contained in Article 1 paragraph 1 A child is someone who is not yet 18 (eighteen) years old including children in the womb. According to Law Number 11 of 2012 concerning the Juvenile Criminal Justice System Article 1 Paragraph 3 A child is a child who is 12 (twelve) years old, but not yet 18 (eighteen) years old who is suspected of committing a crime.

According to Sugiri as quoted in the book by Maidi Gultom, he said that: "As long as the growth and development process is still going on in his body, the child is still a child and will only become an adult when the growth and development process is complete, so the age limit for children is the same as the beginning of adulthood, namely 18 (eighteen) years for women and 21 (twenty) years for men.

The formulation of the problem that the author raises is what are the factors that cause the occurrence of criminal acts of rape and abuse of minors committed by biological family members based on a criminological perspective?

RESEARCH METHODS

The type of research that the author uses is normative legal research, legal research that uses secondary data sources or data obtained through library materials. Data is obtained through library materials in the form of laws and regulations, books, official documents, expert opinions, and previous research related to the research title raised by the author. Then the data is analyzed using descriptive analysis, namely the author tries to analyze the data by describing and explaining clearly and as it is regarding the object being studied. Data and information obtained from the research object are studied and analyzed in relation to applicable theories and regulations that aim to solve the problems raised.

RESULT AND DISCUSSION

In 2023, the number of cases of violence against women recorded in these three institutions reached 34,682 victims, with details of Simfoni PPA recording 26,161 victims, SintasPuan Komnas Perempuan recording 3,303 victims, and Titian Perempuan FPL recording 5,218 victims (Sofie Jashinta Nalle et al., 2024).

The prevalence of physical violence in boys aged 13-17 throughout their lifetime ranged from 13.91 percent in the 2021 SNPHAR data, increasing to 21.22 percent in 2024. For girls, the physical violence they experienced throughout their lifetime in 2021 was 10.49 percent, increasing to 15.56 percent in 2024. (I Nyoman Adi Susila et al., 2024) The prevalence of sexual

violence in boys aged 13-17 throughout their lifetime was 3.65 percent in 2021, increasing to 8.34 percent in 2024. Meanwhile, the prevalence of sexual violence in girls of the same age throughout their lifetime in 2021 ranged from 8.43 percent, increasing slightly to 8.82 percent in 2024.

Victims of rape and abuse that occurs to children generally experience very strong physical and psychological pressure. Victims of rape committed by close family members, such as brothers, sisters, fathers, sisters, uncles, grandfathers and others are a disgrace to the life of society. However, cases that have been revealed will certainly be a topic of conversation in all corners of the world. So that victims often experience severe depression, extraordinary trauma, shaken souls and avoid the crowds of the surrounding environment. If the victim is a teenager, they usually withdraw more because they are ashamed of what they experienced.

Rape and child abuse are acts that violate Human Rights (hereinafter abbreviated as HAM). (Untuk et al., 2023)HAM as regulated in Law Number 39 of 1999 concerning HAM states that: "human rights are basic rights that are inherently inherent in humans, are universal and eternal, therefore must be protected, respected, maintained, and must not be ignored, reduced, or taken away by anyone." In addition, human rights also have basic obligations between one human being and another and to society as a whole in the life of society, nation, and state. So, it is clear that HAM has been regulated in such a way as to protect other humans, respect and it is not justified to take it away from that person.

(Lumaut et al., 2021)On the other hand, we realize that children are living creatures who are very innocent, easy to deceive, and easy to abuse. However, with their innocence, sometimes children can speak honestly about what they have experienced. The need for protection for children is not only now, in the future children must get a more effective side of protection than in previous years.

Child Protection is an activity to guarantee and protect children and their rights, so that they can live and grow optimally and away from all discrimination and violence. Of course, this, Related to the matter of maintenance, is the obligation of parents for all forms of fulfillment of all rights inherent in children. and, (Indriyanti Mahmud et al., 2024)Children as the successors of the descendants to have a position and need attention especially concerning their rights in the family environment, parents and even society and the state.

The factors that cause the crime of rape and child abuse committed by biological family members from a criminological perspective include:

1. Low education factor

This factor is the main factor in the occurrence of criminal acts of Rape and Child Abuse committed by biological family members. The lower a person's education will affect their thought patterns and behavior in committing criminal acts against their family members. A person who has high intellectuality will think repeatedly about committing criminal acts against their family, because of the risks and causes and consequences that will arise in the act.

2. Economic Factors

This factor is slightly different from the low education factor. However, this factor has a very important role in determining a person's behavior. A person who has a low economic background will more often commit criminal acts. They do not think about the risks that will arise. Only seeing that low economy does not have much effect on their lives as perpetrators of criminal acts. Because of the limitations of the family economy, for example, a mediocre house with a makeshift bedroom that will create a more intimate togetherness between the perpetrator and the victim. So that rape can occur.

3. Environmental/Cultural Factors

The environment is a determining factor for perpetrators of crimes to commit crimes. Where there is an environment where people usually live independently and are not too familiar with other communities. Perpetrators of rape and child abuse must have read the situation to commit the act. Where if the act is committed, the surrounding community is not very responsive or responsive to the crime. Or a quiet environment that supports the crime. Like the term "crime occurs not only because there is intention but because there is opportunity." The perpetrator did not have the intention to commit the crime of rape and abuse against child victims, but because of the situation that allows and the opportunity, the perpetrator's intention to commit the crime arises. Because the rape that occurred was not yet known to others, the perpetrator would have the opportunity to repeat it and it happened several times, so it had become a habit for the perpetrator to do it. so the author analyzes this factor into a combined factor between the environment and culture, namely the factor of opportunity because of the situation that allows and the cultural factor as a habitual behavior that is carried out repeatedly because the crime has not been revealed.

4. Factors of Lack of Understanding of Religion

The lower a person's understanding of religious knowledge, the easier it is for someone to commit a crime. There is no fortress of belief in God who created humans that all actions have a reward. Someone who is low in religious teachings will more often commit heinous acts without any sense of humanity, because of uncontrolled lust and never thinking long about the consequences of all actions taken so that perpetrators of rape and child abuse do not have the slightest conscience in committing the crime, the most important thing is that their desires are fulfilled.

5. Factors within the victim

This factor appears as a trigger for the occurrence of rape and child abuse. Usually this happens because of factors in the victim, namely the way of dressing and appearance that arouses the passion of the perpetrator. The perpetrator feels aroused and finally the crime occurs. A person who has been controlled by lust usually finds it difficult to control himself from his behavior. Because a self that has been controlled by lust without venting his desire will cause peak emotions and the perpetrator will do anything to realize that desire. Whether or not the desire is realized still causes peak emotions and the perpetrator does not hesitate to hurt his victim. Children who are not yet adults are certainly not the type who can adjust themselves to their clothes. Even for just a casual appearance, this factor is sometimes what we do not realize can cause the desire of others, even those closest to us to do indecent things even though they are considered family.

CONCLUSION

Factors that cause the occurrence of criminal acts of rape and child abuse committed by biological family members from a criminological perspective include: low levels of education of the perpetrator, economic factors, environmental/cultural factors, lack of understanding of religion and factors within the victim themselves

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