

CRIMINAL OFFENSIVE AGAINST CHILDREN DURING THE 2019 CORONAVIRUS DISEASE PANDEMIC (COVID-19)

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Abstract

The purpose of the study was to examine what factors caused an increase in cases of child sexual abuse during the COVID-19 pandemic at Polrestabes Surabaya, then to determine the role of the Police in overcoming the crime of child molestation and to find out the efforts that the Police can take against the obstacles that arise. faced due to the COVID-19 pandemic. The research method in this thesis is empirical juridical, data collection in this research is carried out by means of interviews, observations and literature studies. Data analysis used descriptive analytical method and used a qualitative approach. The results of this study showed that the factors that caused the crime of sexual abuse against children continued to increase during the covid-19 pandemic due to government policy factors, economic factors, family factors, but the Police had given the best to children but due to the covid-19 pandemic. There are still obstacles in overcoming the victims of the crime of obscenity, there are three obstacles in overcoming cases of child abuse. The first factor is the lack of supporting evidence or witnesses in a case reported by the victim. Factors Both the victim or the victim's family do not want to make a fuss about the case. The third factor of the perpetrators is unknown. Thus, from these obstacles, there are efforts made by the Police, namely pre-emptive efforts, preventive efforts, and preventive efforts to tackle criminal acts of sexual abuse against children.

Keywords: *Crime of Obscenity, Children, Covid – 19*

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1. INTRODUCTION

Currently, crime continues to grow both in quality and quantity. It is undeniable that due to the rapid turn of events, it has a positive effect as well as a pessimistic effect, especially now that the Corona virus pandemic has caused several individuals to commit violations, especially against decency. Examples of criminal acts in immorality are quite common in individual lives and are considered in a wider area and have their own appeal for a wider area.

These criminal acts often occur and become news items in wide communication with various attributes of perpetrators and victims, according to its development over the years, some are still children and some have become grandparents or grandmothers and judging by their economic welfare. There are also indigenous people, santri, female students, guardians, and public officials. From the victim's point of view, the group who are generally powerless to become survivors of crime are young people. This is because true and mental children are still weak, powerless against influence and charm, where children are also easily influenced by beautiful things and superficial information or still do not understand. One of the types of crime that is most feared by guardians or parents is molestation.

Obscene acts are all acts that violate decency or decency, but also every act against one's body or with one's own body or another person's body that violates decency is an obscene act. Obscenity is a type of act that violates decency or decency, also includes acts of sexual intercourse outside of marriage, whether committed to oneself or to others regarding and relating to the genitals or other body parts that can stimulate sexual desire, but usually such obscene acts there is coercion from the perpetrator.

The prohibition of sexual crimes in the form of obscene acts against children is regulated in Article 76 E of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Article 76 E states that everyone is prohibited from committing violence or threats of violence, coercing, deceiving, committing a series of lies, or persuading children to commit or allow obscene acts. local communities and cause misery in the social climate, such a situation is certainly not desired by every individual from the local community so that in general individuals will build vigilance and take preventive measures so that criminal acts committed by children can be reduced.

The main factor is the large number of unemployed due to layoffs (termination of employment relations), economic shortages where they cannot do anything so that they vent their lust for children who they think are easy to be deceived, and subjugated. Moreover, the

way that is usually done by the perpetrators is very diverse. Moreover, starting from taking steps to be killed if the victim does not want to, being restrained, provoked, provoked by something, being tricked into being deceived. This can also be a factor that causes an increase in cases of child sexual abuse during the COVID-19 pandemic.

Given what has been stated in the law, the duty of the police is very important in defeating criminal acts. Police as one of the main components of the legal framework that plays a fundamental role in preventing and handling violations must be carried out properly and correctly without exception on the grounds that in the law governing the obligations and specialists of the police it is explained that the police have an obligation to deal with all perpetrators. Violation as an effort and deterrence, the Indonesian National Police has a tough task because it covers all security officers, especially internal security. Likewise, in its obligations, the Indonesian National Police are in two positions, namely as an instrument for implementing regulations and as a gatekeeper for security and public demand.

2. RESEARCH METHODS

The type of research used by this author is empirical juridical research which can also be called field research, this research specifically uses data derived from primary data and secondary data obtained from what is actually happening in society and analyzed from literature review materials in the form of literature, namely documents, books, articles, as well as laws and regulations and written materials related to the discussion in this thesis. In other words, legitimate research is conducted to observe the course of events and the workings of the most common regulations in the eyes of the public by examining the relationship between regulations and other social institutions using sociological research strategies. Thus, research that is directed at the original situation or the real situation that occurs locally is determined to know and observe the current reality and the required information, after which the expected information is collected and then generates recognizable evidence that ultimately encourages critical thinking.

The method of data collection was carried out by interviewing in this case which was carried out by conducting direct communication to informants using interview guides to seek accurate information from directly related sources. Observation in this case is done through an observation, accompanied by notes on the state or behavior of the target object. Literature study is carried out by collecting data through browsing library materials, by studying and quoting from existing data sources. Methods of data analysis using analytical descriptive, with a qualitative approach to primary data and secondary data

3. RESULTS AND DISCUSSION

1.) Data on Child Abuse during the Covid-19 Pandemic at Polrestabes Surabaya

Obscenity has a meaning in the legal dictionary, namely interactions or actions that are despicable and dirty, because they ignore the norms of decency and decency. As a rule, this is directed in Articles 289 and 293 of the Criminal Code. From here, the Criminal Code on Obscenity Against Children is an act that fulfills a criminal component as long as it ignores decency and tolerance, where the victim is under 18 years of age. many years. or on the other have not spoken. Thus, in handling the crime of sexual abuse against children, it is necessary for the implementing party to be obliged to provide guarantees to children who are victims.

The study was conducted by field observation at the Surabaya Police Station, data on cases of increased child abuse in the Surabaya area that occurred between 2016-2021. The data obtained by the police from the increasing cases of child molestation during the Covid-19 pandemic which was rife in the Surabaya area which was then used by the PPA Satreskrim Unit as a form of perspective in overcoming the crime of sexual abuse of children during the COVID-19 pandemic by the PPA Unit Investigator. Satreskrim Polrestabes Surabaya.

NO.	Years	Total	Note
1.	2016	72 cases	Has been reprinted in Polrestabes Surabaya
2.	2017	85 cases	Has been reprinted in Polrestabes Surabaya
3.	2018	88 cases	Has been reported in Polrestabes Surabaya
4.	2019	95 cases	Has been reported in Polrestabes Surabaya
5.	2020	220 cases	Has been reported in di Polrestabes Surabaya
6.	2021	425 cases	Has been reported in Polrestabes Surabaya

Table 1. Data on Obscenity Cases Against Children in the PPA Unit of the Criminal Investigation Unit of the Polrestabes

Surabaya Period 2016 to 2021

Source: Unit PPA Satreskrim Polrestabes Surabaya

Data on the increase in cases of criminal acts of sexual abuse against children during the COVID-19 pandemic from 2016-2021. In 2019 the covid-19 pandemic began to enter

Indonesia, in 2019-2021 there was a significant increase in criminal acts of sexual abuse against children in the Surabaya Polrestabes area. From the data received, the percentage increase from 2016-2018 (before the covid-19 pandemic) was 2.6%. While 2019-2021 (after the covid-19 pandemic), which is 33.1%. If you look at the data, the percentage from before the covid-19 pandemic to during the covid-19 pandemic experienced a fairly high increase in cases of child molestation.

No.	Year	prepetators		Victims	
		Men	Women	Men	Women
1.	2016	25	7	12	60
2.	2017	32	10	6	79
3.	2018	30	12	8	80
4.	2019	35	11	15	80
5.	2020	66	15	25	185
6.	2021	93	16	15	410

Table 2. Data on Child Abuse Cases in terms of Number and Sex Period 2016 to 2021 Source: Unit PPA Satreskrim Polrestabes Surabaya

No.	Age	Year 2016			Year 2017			Year 2018		Total
		Gender		Total	Jenis Kelamin		Total	Gender		
		M	F		M	F		L	P	
1.	5 – 10 year	4	14	18	5	22	27	3	26	28
2.	11 – 15 year	6	32	38	8	33	41	4	37	41
3.	16 – 18 year	5	11	16	3	14	17	2	17	19
	Total	15	47	72	16	69	85	9	80	88

No.	Usia	Year 2019		Total	Year 2020		Total	Year 2021		Total
		M	F		M	F		M	F	
1.	5 – 10 Tahun	1	32	33	5	43	48	12	77	89
2.	11 – 15 Tahun	2	48	50	11	88	99	10	176	186
3.	16 – 18 Tahun	1	11	12	7	66	73	10	140	150
	Jumlah	4	61	95	23	197	220	22	393	425

Table 3. Data on Child Abuse Cases in terms of the Age of the VictimPeriod 2016 to 2021

Source: Unit PPA Satreskrim Polrestabes Surabaya

1) Factors that caused the increase in cases of sexual abuse against children during the Covid- 19 pandemic at the Surabaya Police Station.

The crime of obscenity is indeed on the rise in Indonesia in line with the development and growth in society, especially in the case of the crime of obscenity the victims are children who are not yet 18 years old or not yet legally competent. During the COVID-19 pandemic, there was a significant increase in cases of child molestation from before the COVID-19 pandemic. This raises many questions and assumptions as to whether there are factors that increase the number of cases of child molestation during the COVID-19 pandemic.

Factors from government policies are the cause of the perpetrators committing sexual offenses against children. The impact of government policies are Lockdown, PSBB (Large-Scale Social Restrictions), PPKM (Implementation of Restrictions on Community Activities) where at the time of PSBB and PPKM everyone was prohibited from leaving the house for a long period of time until things returned to normal, Lockdown and PSBB were enforced by the government almost 3 months in 2020 which finally started to return to normal but still have to comply with health protocols. While PPKM from level 1 - level 4 will be implemented in 2021 until now because the covid-19 pandemic still exists and can be transmitted, so the government recommends its citizens to stay at home so that everyone does not get infected with the virus and can do social distancing. As a result of the government's policy advising its citizens to lock down, everyone cannot leave the house or carry out activities as usual, of course for someone who is used to going out of the house, doing their activities will be bored or not strong at home

so that it occurs in their minds to make crimes, for example, such as committing sexual abuse of children in the family or closest relatives in order to vent their lust.

Family factors are also the cause of perpetrators carrying out obscene violations against children. These factors are caused by awkward home conditions for children that can change their standard of behavior, as well as discomfort caused by problems from guardians, for example parents who often fight will cause children to feel uncomfortable and one thing is the result of the strategies adopted. by public authorities regarding the handling of the corona virus pandemic in the family factor is the incessant continuous cooperation of children and parents consistently due to the implementation of agreements at home. This can lead to an imbalance in the relationship between parents and children, due to the lack of parental information about child care. In addition, it also causes irregularities in the relationship between guardians and children during the Covid-19 pandemic. This incident should be thought about and watched out for by young people. Most of the perpetrators of attacks on children are the closest people to the child, be it the child's father, grandfather, uncle, guardian, or neighbors.

Furthermore, Economic Factors, the factors that cause the perpetrator to commit acts of unlawful sexual abuse against a child, especially the financial situation claimed by the family has not been able to fulfill some of the things desired by the child. The assailant has a view to focusing on families whose financial level is remembered for the lower financial class. This COVID-19 condition has also caused a lot of unemployment due to layoffs (Termination of Employment Relations). Because they do not have a job or are unemployed, the perpetrator basically does not have activities to fill his spare time, so it can often cause a negative impact on the perpetrator to do negative things, for example watching obscene recordings and imagining things that can welcome lust with pleasure. the purpose of sending attacks to children.¹⁰ In addition, this can also encourage perpetrators to commit other criminal acts. This is what the perpetrator uses to approach the child, so that the perpetrator can commit vulgar acts to the child, and on the grounds that cash withdrawals can make it easier for the perpetrator to commit immoral acts to the child.

According to the Social Control Theory from the Criminology Book which began to appear among conservative criminological analysts, the term control hypothesis refers to the point of view of discussions about controlling human behavior. Social control theory considers crime and deviant behavior as social factors (family structure, school, etc.). This theory basically states that people have different social controls (regulations) that help them to resist the tensions that pull them towards criminal acts. Attempts to pay attention to social forces that

can influence people to commit crimes as well as individual attributes that can limit or encourage them to commit crimes. In this way there is or is no regulation to create or not to cause evil in the individual.

Indirectly, this theory focuses on crimes or disgraceful acts, but most violations or disgraceful acts occur in the family environment, because the family is a place of character formation, disguise, people can develop both good and bad from the family. Community groups are given control so that they do not commit violations, thus an adequate socialization relationship will reduce the occurrence of violations. Basically, errors occur when an individual's connection to society is weakened or damaged, which in turn lowers the individual's risk.

Based on this theory, it can be concluded that this hypothesis tends to be suspected to be related to what happens in the field on the elements that cause criminal acts of sexual abuse against children, this social control theory is a deviation from the absence of typical social control imposed through social factors such as family, religion, school, values. Furthermore, as this understanding shows, something must be sought for clarity, namely a special agreement to norms and values that make individuals obey or submit to norms in society.

1) The role of the Surabaya City Police Resort in Combating the Crime of Child Abuse during the Covid-19 Pandemic

The duties of the Police in implementing regulations are clearly regulated in Law Number 2 of 2002 concerning the Indonesian National Police, in particular Article 2 which states that police capacity is one of the elements of the State Government in the field of guidance with security and public demand, regulatory authorization, guarantees, protection. and protect the local area.

Considering what is regulated in Article 2, police capacity must focus on safeguarding basic freedoms, regulation and equality. Regulation Number 2 of 2002 Article 15 paragraph 1 reaffirms that the task of the Police, in particular the Indonesian National Police is as a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing guarantees, protection and support to the regions in order to maintain public control. in the country

Some ideas put forward by experts regarding the notion of the role:

- a) According to Wolfman, explaining that the role is a part that must be completed by everyone in a situation, acting to regulate with the current reality. The way people behave and the truth of life are important reasons for someone to do a job.
- b) According to Soekanto, explaining that the role is a job that is completed firmly in accordance with the status or position it holds. The situation with these positions is related to social demands, even in that their activity demands are fully adapted to various occupations.
- c) According to Bauer in theory, the role is a calculated activity or structure that is carried out by individuals in relation to their own behavior. Of course, besides that, according to him, it is influenced by the form of prevailing social rules.

As stated by Soerjono Soekanto in his book *Police and Law Enforcement* as quoted by Satjipto Rahardjo, explaining the issue of regulatory authority duties, specifically every police officer appointed in the field of equity, investigators, police, legal advisors, and lawyers has status and status. (profession). Position (social) is a definite situation in a position of improvement that may be high, medium, or low. The position is really a compartment; the other is freedom and definite commitment. This privilege and commitment is work. Therefore, someone who has a certain position, is usually called a (role occupant). The police play an important and reliable role in establishing law and order considering the wishes of the individual, as an individual mouthpiece considering that the police are from the local area. As a state apparatus who is responsible for public security and order, of course, he has duties and authorities, not only for law enforcement if a crime occurs, but also creating a safe situation by preventing the occurrence of the crime.

From the formulation of the task, the roles played by the Surabaya City Police Resort in the crime of child molestation include;

1. Police pre-emptive

Pre-emptive steps are one of the planned activities carried out by the Police to create favorable conditions by early distinguishing the causative factors, opening a significant pathway for the occurrence of criminal events. Identification is complete to recognize the side effects of the problem that is relied upon to emerge and become a disruptive impact in security and public interest.

Pre-emptive actions taken by Polrestabes Surabaya are:

- a) Direct socialization to the community

Efforts made by the Surabaya Police to complete their duties and obligations in socializing or providing guidance, education about the definition of obscenity, examples of cases of obscenity during the covid-19 pandemic.

b) Providing banners or pamphlets to the public

The efforts made by the Surabaya Police in providing banners or pamphlets to the public are aimed at facilitating access to complaints or if the victim wants to report to the authorities regarding the crime of child molestation.

c) Prepare psychological assistance for children, both perpetrators and victims with DP5A (Department of Population Control, Women's Empowerment and Child Protection)

The efforts made by the Surabaya Police in providing psychological assistance to children, both perpetrators and victims, are intended so that children can reduce their trauma and provide guidance or motivation as a result of criminal acts of child molestation.

1. Police Preventive (Prevention)

Preventive (non-penal) actions are preventive activities so that criminal acts ignore important norms. Preventive activities by the police will appear as an obligation to maintain public safety and demand and prevent lawlessness or wrongdoing. Methodology in a non-penal manner covers a very broad area of error avoidance and includes strategies and practices. Non-penal ways are basically preventative measures, ranging from a general set of school rules to legal change. Non-penal action with prevention without punishment and general visibility of crime.

The preventive role carried out by the Surabaya City Police Resort is to create security and comfort for people's lives, namely:

a. Carry out patrols in a directed and regular manner

The police will take care where attacks on children often occur during the Covid-19 pandemic. Carrying out this surveillance is an interesting type of effort to prevent irritation in the local area, where the police will go directly to the local area to maintain security and develop further requests.

b. The role of parents in providing education and direction

The duty of parents is to provide teaching to children, the guardian in accordance with the children's school is the main teacher. The obligation of parents towards children's education, especially to provide consolation or inspiration as worship, moral obligations, social obligations, obligations regarding government assistance to children, both physically and intellectually.

2. Police Repressive

Repressive actions are efforts that are carried out after an error, arrangement or legal activity has occurred, thus, this activity is focused on someone who has become a perpetrator and helps him return to the right path so as not to make another mistake. This activity is an effort to prevent the occurrence of criminal acts of obscenity against children that have been carried out by the Surabaya Police to increase activities that have hampered the results of violations committed by the perpetrators related to the crime of sexual abuse of children.

4. CONCLUSION

- 1) An increase in criminal acts of sexual abuse against children during the COVID-19 pandemic, namely the existence of specification data based on the sex of the victim and perpetrator, the number of female and male perpetrators, in terms of the age of the victim.
- 2) The main factor causing the increase in child sexual abuse during the COVID-19 pandemic is the existence of government policy factors, family factors which are influenced by economic factors.
- 3) The role of the Surabaya City Police Resort in overcoming criminal acts of sexual abuse against children during the COVID-19 pandemic, namely by providing education to the public through social media, mass news or newspapers, conducting direct socialization by providing banners or pamphlets to facilitate access to complaints, preparing assistance psychological support for children, both perpetrators and victims of sexual abuse with DP5A.

5. SUGGESTION .

- 1) For the Surabaya Besar City Police, there is a need for maximum socialization so that the public can understand the prevention and handling of sexual violence against children during the COVID-19 pandemic, as well as providing education regarding the program of activities to prevent sexual abuse of children through module books, banners or pamphlets and banners uploaded on social media and mass media.

2) For the community, they must take part in cooperation regarding violations of sexual harassment such as sexual abuse of children to create a pleasant area for children, as well as be ready to report any acts of sexual abuse against children.

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