

Sexual Violence Against Girls Committed by Next of Kin

Victor Riko Febrianko Timisela^{1*}, Margie Gladies Sopacua²

^{1,2} Faculty of Law, Universitas Pattimura, Ambon, Indonesia.

 : vickotimisela04@gmail.com

Corresponding Author*



Abstract

Introduction: Sexual violence against children has long-term impacts and reflects systemic failures in protection, especially when perpetrators are family members. Despite existing regulations, cases continue to rise, and victims often remain silent due to social pressure. This study is needed to understand the root causes and develop more effective prevention strategies.

Purposes of the Research: This study aims to analyze the contributing factors of sexual violence committed by close family members against children and to examine the efforts made to address the issue.

Methods of the Research: The method used is empirical juridical research with a descriptive qualitative approach.

Findings of the Research: The research findings reveal that the main factors contributing to sexual violence within families include economic dependence, power dynamics, individual factors, family dysfunction, and socio-cultural influences. Common modus operandi used by perpetrators involve power relations, threats and intimidation, emotional manipulation, normalization of abuse, and creating opportunities for violence. In terms of curative approaches, relevant institutions provide psychological support and rehabilitation, legal aid and advocacy, medical care and recovery, temporary shelters, as well as social reintegration and family support.

Keywords: Children; Sexual Violence; Criminology.

Submitted: 2025-05-25

Revised: 2025-11-15

Accepted: 2025-11-29

Published: 2025-12-06

How To Cite: Victor Riko Febrianko Timisela, Margie Gladies Sopacua. "Sexual Violence Against Girls Committed by Next of Kin." TATOHI: Jurnal Ilmu Hukum 5 no. 9 (2025): 416-427. <https://doi.org/10.47268/tatohi.v5i9.3107>

Copyright ©2025 Author(s)



Creative Commons Attribution-NonCommercial 4.0 International License

INTRODUCTION

Every person, regardless of background, age or gender, has the basic right to feel safe and free from all forms of violence. This right is part of human rights that must be respected and protected. However, in reality, there are still various challenges in ensuring that this right can truly be enjoyed by every individual, including in Indonesia. Violence remains a serious problem that affects various aspects of daily life, such as domestic violence, violence in the work environment, gender-based violence, and violence against children.¹ Social control can create a procedure for efforts to prevent social deviations as well as invite and direct people to behave according to social norms and values contained in a society. Then with good social control, the community is expected to be able to straighten out members of the community who behave deviantly.²

In the words of Margie Gladies Sopacua; Any violence that occurs in society actually departs from a certain ideology that legitimizes the oppression on one side of both individuals and groups towards other parties that caused by inequalities that exist within the community. The position of women (as wives) is subordinate to husbands, where a

¹ Endang Prastini. "Kekerasan Terhadap Anak dan Upaya Perlindungan Anak di Indonesia." *Jurnal Citizenship Virtues* 4, no. 2 (2024): 760-770. <https://doi.org/10.37640/jcv.v4i2.2043>

² Margie Gladies Sopacua, "Criminology Study on the Circulation of the Sopi Traditional Liquor in the Villages of Zeith, Asilulu, and Kaitetu during the Covid-19 Pandemic," *Law Reform* 17, no. 2 (2021): 168-82, <https://doi.org/https://doi.org/10.14710/lr.v17i2.41743>.

woman must always submit and obey her husband.³ Gender-based violence, especially sexual violence, is an issue that requires special attention because it can endanger lives, especially for women and girls. The phenomenon of gender-based violence has been highlighted in international conversations, considering that gender-based violence is a global issue that is closely related to public health and human rights. Therefore, serious efforts are needed in the form of interventions, both in the form of prevention and comprehensive handling. Unfortunately, such comprehensive measures are still rare in most countries around the world.⁴

Children are the next generation in the future and the quality of the nation's future also depends on the condition of children today. Treating children well is the responsibility of everyone, so that children can grow and develop optimally and become the successors of civilization.⁵ The Unitary State of the Republic of Indonesia is committed to ensuring the welfare of all its citizens, one of which is through the protection of children's rights, which are part of human rights. As a manifestation of these efforts, the Indonesian government enacted Law No. 23/2002 on Child Protection (Law 23/2002) Along with the development of legal needs, amendments were made to several provisions in the law, which were then outlined in Law No. 35/2014 as an amendment to Law 23/2002 on Child Protection. (LAW 35/2014).⁶

Article 1 paragraph (1) of Law 35/2014 on the Amendment to Law 23/2002 on Child Protection states that a child is an individual who has not reached the age of 18, including children who are still in the womb. Meanwhile, Article 45 of the Criminal Code (KUHP) states that a person under the age of 16 is considered an adult. Law Number 1 of 2023 on the Criminal Code Article 156 defines violence as any act with or without the use of physical force that causes harm to the body or life, causes physical, sexual, or psychological suffering, and deprives freedom, including rendering a person unconscious or helpless. Acts of violence can be classified as aggressive behavior or as reasonable and situational, depending on the context and purpose behind it.

Sexual violence is one of the most violent and destructive forms of crime, which can leave long-term effects on victims. Sexual violence against children not only has a physical impact on the child but can also have a long-term psychological effect on the child. Gender-based violence, especially sexual violence targeting women and children, is an issue that requires special attention because it has the potential to seriously threaten the lives of women and children. Many instances of gender-based violence targeting women and children have been discussed at the international level, indicating that this problem is global in nature. Violence is closely linked to public health and human rights issues, so it needs serious attention. Sexual violence experienced by children becomes very complex if it is committed by the closest family members, in this case parents, siblings and closest relatives who still have a relationship with the child. However, intervention efforts in the form of comprehensive prevention and treatment are rarely found in almost all countries in the world.⁷

³ Margie Gladies Sopacua, Marwati Riza, M. Syukuri Akub dan Lin Karita Sakharina "Preemtif and Preventive Measure in Combating Domestic Violence," *Journal of Law, Policy and Globalization* 80, no. 12 (2018): 211–22.

⁴ Ira Aini Dania. "Kekerasan Seksual pada Anak." *Ibnu Sina: Jurnal Kedokteran Dan Kesehatan* 19, no. 1 (2020): 46-52. <https://doi.org/10.30743/ibnusina.v19i1.15>

⁵ Ismaidar dan Rahmayanti, *Perlindungan Hukum Terhadap Anak Sebagai Korban Kekerasan Dalam Rumah Tangga* (Purbalingga: Enreka Media Aksara, 2023), p. 1.

⁶ Rini Fitriani, "Peranan Penyelenggara Perlindungan Anak dalam Melindungi dan Memenuhi Hak-Hak Anak." *Jurnal Hukum Samudra Keadilan* 11, no. 2 (2016): 250-358.

⁷ Ira Aini Dania, *Op.Cit.*

Child sexual abuse, according to ECPAT (End Child Prostitution in Asia Tourism) International, is a form of relationship or interaction between a child and an older or more mature individual, such as a stranger, sibling, or even a parent, in which the child is used as an object to fulfill the perpetrator's sexual needs. These acts are committed by force, threat, bribery, deceit, or duress, and do not necessarily involve direct physical contact between the perpetrator and the victim. This sexual violence can be in the form of rape or sexual abuse, and is also known as child sexual abuse. In many cases, child sexual abuse often goes unreported to the authorities. These cases tend to be hidden, rarely discussed by either the perpetrator or the victim. Victims often feel ashamed or consider the incident a disgrace that must be kept secret, or are afraid of the perpetrator's threats. Meanwhile, perpetrators feel fear and shame if their actions are exposed and lead to punishment. Families' reluctance to report child sexual abuse may be one of the reasons why this phenomenon resembles an iceberg, where only a small percentage of cases come to light, while most others are hidden. This is further exacerbated when the perpetrator is a public figure, a well-known person, or someone who has a close relationship or family with the victim.⁸

According to data from the official website of the National Commission on Violence Against Women, from 2001 to 2012, at least 35 women were victims of sexual violence every day. In 2012, there were 4,336 cases of sexual violence, with 2,920 of them occurring in public spaces or in group settings, most of which involved acts of sexual harassment and violence. The number of cases increased in 2013 to 5,629, which means that every three hours there are two cases of violence against women. The victims of sexual violence are generally aged between 13-18 years and 25-40 years.⁹ Meanwhile, according to data from the Online Information System for the Protection of Women and Children (Simfoni PPA), in the period January to June 2024 there were 7,842 cases of violence against children. Of these, 5,552 victims were girls and 1,930 victims were boys. Sexual violence was the type of violence with the highest number of victims from 2019 to 2024.¹⁰ The above conditions show that sexual violence against women is not only an individual problem, but also illustrates a systemic failure to protect the rights of women and children in Indonesia. Although various policies and regulations have been attempted to address this, the increase in the number of cases from year to year confirms that these measures are still not effective enough.

Cases of sexual violence against children committed by their immediate family are not uncommon, but are often hidden behind rigid social norms and fear of stigma from the family and community environment that can be experienced by the victim, in this case the child. Cases of sexual violence against children that occur in Ambon city are increasingly concerning. The majority of cases of sexual violence against children are committed by the closest family and there are even some cases committed by blood relatives (in-laws) such as biological parents and siblings.

Sexual violence experienced by children committed by the closest family, when viewed from a criminological perspective, can be seen as a form of crime that involves elements of trust and power. Family sexual violence often occurs in very intimate relationships and involves significant power imbalances. The child often lacks the ability or knowledge to

⁸ Sri Hennyati, Ermaya Sari and Bayu Ningsih. "Kekerasan Seksual pada Anak di Kabupaten Karawang." *Jurnal Bidan* 4, no.2 (2018): 267040.

⁹ R. Paradias and E. Suponyo, "Perlindungan Hukum Terhadap Korban Pelecehan Seksual". *Jurnal Pembangunan Hukum Indonesia* 4, no. 1, (2022): 61-72. <https://doi.org/10.14710/jphi.v4i1.61-72>

¹⁰ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak RI (2024). *Siaran Pers Nomor: B 200/SETMEN/HM.02.04/6/2024*. <http://www.kemenpppa.go.id/>.

resist, while the perpetrator, who is usually more mature and has authority in the family, uses emotional closeness and trust as tools to manipulate and exploit the victim. As a result of sexual violence perpetrated due to factors of power and authority by the family, which is also influenced by stigma against children, children are afraid to disclose what they experience, even though it is very necessary in disclosing the sexual violence they experience.

The different roles of men and women in society are undeniable. These differences often lead to injustice, both for men and women, although women generally experience a greater impact. According to Mansour Faikh, gender injustice can appear in various forms, namely: (1) marginalization or impoverishment of women, (2) subordination that makes women considered unimportant in political decision-making, (3) stereotyping or negative labeling, (4) longer and heavier workloads due to multiple roles (multitasking), (5) violence, and (6) ideological socialization that maintains differences in gender roles.¹¹

The study of sexual violence against children in the family has become an important concern in various interdisciplinary studies, especially in the fields of law, psychology and criminology. Most of the previous studies focused on the normative legal aspects, i.e. how positive law regulates the protection of child victims of sexual violence, through instruments such as the Child Protection Act and the Sexual Violence Act. In addition, the psychological approach to victims has also been studied, highlighting trauma, emotional impact, and post-violence recovery efforts. Meanwhile, in the realm of legal sociology, research has emphasized the structural barriers faced by victims in accessing justice, including procedural rigidity, patriarchal culture, and social stigma that exacerbate the vulnerability of child victims of sexual violence.

However, most of these studies still show a tendency towards a sectoral approach, where sexual violence is only studied from a legal or psychological perspective, without systematically linking it to the social dynamics that shape violent behavior in the family. Existing research also more often discusses individual perpetrator factors, such as behavioral deviations or psychological disorders, without exploring in depth socio-structural factors such as dysfunctional social norms, unequal power relations in the family, and patriarchal culture that sustain violence. The limitations of this approach cause the analysis of sexual violence in the family to be partial and less comprehensive.

METHODS OF THE RESEARCH

The type of research used is Empirical or Sociological Juridical research, which is also referred to as field research in the community, which studies the applicable legal provisions.¹² Based on the data that has been collected, both primary data and secondary data, the analysis technique used in this research is qualitative analysis which will produce analytical descriptive data.

RESULTS AND DISCUSSION

A. Forms and Development of Sexual Violence

The term violence comes from two words: *vis*, which means force or power, and *latus*, which means to carry. Literally, violence can be defined as an action that involves the use

¹¹ R. Valentina Sagala, *Ketika Negara Mengatur Kekerasan Seksual*, (Bogor: Guepedia, 2020), p. 15.

¹² Suharsimi, Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek*, (Jakarta: Rineka Cipta, 2012), p. 126.

of force. In the Big Indonesian Dictionary (KBBI), violence in the narrow sense refers to physical violence, which is an action that can cause injury, death, or physical damage, either to individuals or property belonging to others.¹³ Margie Gladies Sopacua is of the opinion that "The Law of the Republic of Indonesia on Human Rights provides an affirmation that what is meant by human rights are all rights that are inherent and contained in humans as creations of God Almighty. The rights regulated in the Human Rights Law must be respected, protected, and maintained by the state through various positive legal regulations. Human rights originate from God Almighty as the creator. The state must protect them as the holder of the power to make legal regulations to protect the human rights of each human being").¹⁴

Violence encompasses various forms of actions, both verbal and non-verbal, perpetrated by individuals or groups against others, which can cause negative physical, emotional and psychological impacts on the victim. As such, violence includes any act that, either directly or indirectly, prevents individuals or groups from reaching their full potential.¹⁵ Violent acts can be categorized as aggressive behavior or as a natural and situational response, depending on the underlying context and purpose. Violence itself describes behavior that involves the use of force against another person, either overt or covert. These behaviors can be offensive, aiming to injure or intimidate, or defensive, serving as a means of self-protection. Understanding this context is crucial to distinguishing whether an act of violence is aggressive or in response to a particular situation.¹⁶

Cases of sexual violence continue to show a significant increase and are a major concern in many countries, including Indonesia. Based on data from the Komnas Perempuan report in Indonesia, there were 3,915 cases of violence against women that occurred in public spaces and communities. Of these, 64% were sexual violence, which included sexual abuse (1,136 cases), rape (762 cases), and sexual harassment (394 cases). In addition, 156 cases of sexual intercourse were also recorded. The terms sexual abuse and sexual intercourse are often used by the police and courts because they refer to the articles in the Criminal Code (KUHP) used to prosecute perpetrators.¹⁷

Table 1. Data on cases of violence Against Children in Indonesia 2022-2024

No.	Time	Child Abuse Cases	Victims	Sexual Violence Cases	Performes
1.	Year 2022	15.608 cases	4.110 male, 12.977 female	9.396 cases	3.685
2.	Year 2023	17.238 cases	5.605 male, 13.474 female	10.321 cases	3.816
3.	Year 2024	19.506 cases	6.731 male, 15.122 female	11.645 cases	4.494

Source: Women and Child Protection Online Information System (PPA Symphony)

¹³ Mulida H, Syaiful Tency and Ibnu Elmi, *Kekerasan Seksual dan Perceraian*, (Malang: Intimedia, 2009), p. 17.

¹⁴ Margie Gladies Sopacua, "Perception of Indonesia and Afghanistan in Preventing Psychic Violence Against the Household Women," *Jarlev: Jambura Law Review* 5, no. 2 (2023): 251-77, <https://doi.org/10.33756/jlr.v5i2.18529>.

¹⁵ Milda Marlia, *Martial Rape: Kekerasan Seksual terhadap Istri*, (Yogyakarta: Pustaka Pesantren, 2007), p. 14.

¹⁶ Resi luturmas, Sherly Adam and Elias Zadrach Leasa, "Kajian Kriminologis Terhadap Minuman Beralkohol (Sopi) Dengan Tindak Pidana Yang Terjadi Di Kabupaten Kepulauan Aru". *Bacarita Law Journal*, 3, no. 2, (2023): 76-81. <https://doi.org/10.30598/bacarita.v3i2.8403>

¹⁷ E Siregar et al, "Kekerasan Seksual Terhadap Perempuan Realitas dan Hukum", *Jurnal Hukum Fakultas Hukum Universitas Terbuka*, 14, no. 1, (2020), p. 3, <https://doi.org/10.33019/progresif.v14i1.1778>

Based on data from the Online Information System for the Protection of Women and Children (Simfoni PPA), a cumulative 52,352 cases of violence against children were recorded throughout Indonesia in the period 2022 to 2024. The details are as follows: 15,608 cases in 2022, 17,238 cases in 2023, and 19,506 cases in 2024. In terms of victim distribution, in 2022 there were 4,110 male victims and 12,977 female victims, in 2023 there were 5,605 male victims and 13,474 female victims, and in 2024 there were 6,731 male victims and 15,122 female victims. Sexual violence was the most reported type of violence, with details in 2022 recorded 9,396 cases, in 2023 recorded 10,321 cases, and in 2024 recorded 11,645 cases. In addition, perpetrators of sexual violence who came from the immediate environment or family also showed significant numbers, with details in 2022 recorded 3,685 perpetrators, in 2023 recorded 3,816 perpetrators, and in 2024 recorded 4,494 perpetrators.¹⁸

Violence can be understood as an aggressive act that is situational, depending on the context and purpose behind it. The term violence refers to behavior that involves the use of force against another person, either overt or covert, and can be offensive or defensive. In the context of crime, violence includes the use of physical force, power, or threats directed at individuals, groups, or communities. The impact of these actions can include physical injury, psychological trauma, death, developmental disorders, and deprivation of victims' rights.¹⁹ Sexual violence against children, especially that committed by the closest family, is a serious problem characterized by silence and lack of resolution.

Sexual violence perpetrated by members of the immediate family often occurs in the context of the household, so it can be classified as domestic violence (KDRT). This phenomenon is closely related to the cultural values that exist in the concept of family, most of which are rooted in religious teachings, traditions, and myths that develop in society. Indonesian cultural philosophy that emphasizes family honor and preserving family shame is often the reason why cases of domestic violence are reluctant to be disclosed.²⁰ As a result, many cases of sexual violence committed by close family members within the household remain hidden and unaddressed, leaving victims trapped in dangerous and harmful situations.

B. Sexual Violence Against Children in Ambon City

Table 2. Data on Cases of Sexual Violence Against Children in Ambon City 2022-2024

No.	Time	Sexual Violence Cases	Cabul Case	Buggery Case
1.	Year 2022	52 cases	24	28
2.	Year 2023	41 cases	18	23
3.	Year 2024	40 cases	15	25

Source: Recapitulation of PPA Unit of Ambon Island and P.P. Lease Police 2022-2024

Based on the data presented above, there were 133 cases of sexual violence against children during the period 2022 to 2024. In 2022 there were 24 cases of child sexual abuse and 28 cases of child sexual intercourse; in 2023 there were 18 cases of child sexual abuse

¹⁸ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak RI. Sistem Informasi Online Perlindungan Perempuan dan Anak (Simfoni PPA). [SIMFONI-PPA](#).

¹⁹ Muammar, Kajian Kriminologi Peredaran Narkotika. *Jurnal Al-Ijtinawiyah*, 5, no. 1, (2019): 15. <http://dx.doi.org/10.22373/al-ijtimaityyah.v5i1.5133>

²⁰ Sarah Nadya and Nursiti, "Tinjauan Kriminologis Kekerasan Dalam Rumah Tangga Dan Upaya Penanggulangan Di Kabupaten Pidie Jaya". *Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana*, 3, no. 1, (2019): p. 41.

and 23 cases of child sexual intercourse; while in 2024 there were 15 cases of child sexual abuse and 25 cases of child sexual intercourse. From this overall data, the classification of cases of sexual violence against children committed by the next of kin can be presented as follows:

Table 3. Data on Sexual Violence Against Children by Next of Kin in Ambon City 2022-2024

No.	Time	Cases	Cabul Case	Buggery Case
1.	Year 2022	30	13	17
2.	Year 2023	18	7	11
3.	Year 2024	24	8	16

Source: Recapitulation of PPA Unit of Ambon Island and P.P. Lease Police 2022-2024

Between 2022 and 2024, there were 72 cases of sexual violence against children where the perpetrators were from the immediate family. In detail, in 2022 there were 13 cases of child sexual abuse and 17 cases of child copulation; in 2023 there were 7 cases of child sexual abuse and 11 cases of child copulation; while in 2024 there were 8 cases of child sexual abuse and 16 cases of child copulation.

Based on this data, it can be seen that cases of sexual violence against children in the period 2022-2024 showed a fluctuating trend, as well as cases of sexual violence against children committed by the closest family. These fluctuations indicate that incidents of sexual violence against children, especially those involving perpetrators from the family environment, are a recurring problem. This finding is reinforced by the number of reports or complaints of cases recorded consistently every month, which indicates that sexual violence against children by the next of kin is a phenomenon that occurs on an ongoing basis and requires serious attention in efforts to prevent and handle it.

Based on data obtained from the Ambon City Office of Women's Empowerment, Child Protection and Village Communities (DP3AMD), it was noted that in the period 2022 to 2024 the number of cases of sexual violence against children, especially in the form of child copulation and child sexual abuse, was at a very high level. The detailed data related to the number of cases in this period is as follows:

Table 4. Data on Cases of Sexual Violence Against Children in Ambon City 2022-2024

No.	Time	Sexual Violence Cases	Cabul Case	Buggery Case
1.	Year 2022	51 case	25	26
2.	Year 2023	49 case	24	25
3.	Year 2024	35 case	12	23

Source: Recapitulation of the Ambon City Office of Women's Empowerment, Child Protection, Community and Village (DP3AMD (2022-2024)

Based on the data described, in the period 2022 to 2024 there were 25 cases of child abuse and 26 cases of child sexual intercourse; in 2023 there were 24 cases of child abuse and 25 cases of child sexual intercourse; and in 2024 there were 12 cases of child abuse and 23 cases of child sexual intercourse. The data shows that children, who should receive optimal protection from the family as the primary environment in which they grow and develop, experience the opposite treatment. The family, which ideally should be the first bastion for the fulfillment of children's rights, in reality becomes the main locus of serious violations of

children's basic rights, especially in the form of sexual violence. This phenomenon reflects the failure of the family's protective function and is an important indicator of the need for structural intervention in efforts to prevent and handle cases of sexual violence against children.

C. Causal Factors and Modus Operandi of Sexual Violence Committed by Nekt of Kin Against Children

Sexual violence falls into the category of abuse which, when viewed from the relationship between the perpetrator and victim, can be classified into familial abuse and extra-familial abuse. Familial abuse includes sexual violence that occurs within family relationships, both those with direct blood relations and those within the nuclear family structure. A concrete example of this form is the practice of incest. In addition, familial abuse also includes sexual violence perpetrated by individuals who carry out caregiving roles, such as stepfathers, spouses of parents, nannies, or other parties entrusted with the care of children. In contrast, extra-familial abuse refers to sexual violence perpetrated by outsiders, i.e. individuals who are not related to the victim. Violence in this category can occur in various social settings, such as schools, communities, or other public spaces, where the perpetrator is not related by blood or structural closeness to the victim.²¹

The age of sexual maturity is an age marker that determines whether an individual, regardless of gender, is still categorized as a child and is deemed not to have the capacity to understand and consent to sexual activity. Therefore, individuals below this age cannot be considered to have the will or capacity to legally engage in sexual contact. Any form of sexual contact by an adult with a child who has not yet reached sexual maturity must be viewed absolutely as an act of coercion, which is violent, and meets the elements of a criminal offense. Such acts not only violate the child's right to protection, but also constitute a serious crime against the physical, psychological and developmental integrity of the child.²²

Factors that influence or trigger the occurrence of sexual violence against children based on several cases handled by the PPA Unit of the Polresta of Ambon Island and P.P Lease obtained by the author based on the results of interviews with the Assistant Investigator, including: 1) Economic Factors: The dependence of the victim on the perpetrator from an economic perspective is one of the main factors in the occurrence of sexual violence. Because if the victim refuses or reports the actions that the perpetrator wants to or has committed, then the victim can be threatened from an economic point of view, especially if the perpetrator is the only source of income and provider for the family; 2) Power Factor: Great power or authorization is often one of the main factors in the occurrence of sexual violence, a culture that still considers men to have great power or strength and can control women. From this factor, it is found that if the victim is reluctant or refuses the invitation from the perpetrator, the victim will receive violence or domestic violence from the perpetrator and also because the perpetrator is the parent or closest family of the victim so that the victim agrees or accepts the invitation from the perpetrator.

Based on data obtained from the Ambon City Office of Women's Empowerment, Child Protection, and Village Communities, the factors that cause sexual violence against children committed by the immediate family include: 1) Individual Factors: Perpetrators often have

²¹ I Wayan Putu Sucana Aryana, "Kekerasan Seksual Anak Dalam Perspektif Viktimologi", *Jurnal Yustisia* 14, no. 2 (2020), p. 69, <https://doi.org/10.62279/yustitia.v14i2.488>

²² Ismantoro Dwi Yuwono, *Penerapan Hukum Dalam Kasus Kekerasan Seksual Terhadap Anak*, (Yogyakarta: Medpress Digital, 2015), p. 5.

personality or psychological disorders, such as pedophilic tendencies or impulse control disorders, which make it difficult for them to control their sexual urges; 2) Family Factors: Sexual violence tends to occur in dysfunctional families, where the home environment is full of conflict, violence, or poor family relationships, creating a supportive atmosphere for violence; 3) Economic Factors: 4) Economic dependence is also a significant factor, where victims or their families are reluctant to report violence because they are financially dependent on the perpetrator, who generally has an authoritative position in the family; 5) Socio-Cultural Factors: A patriarchal culture that prioritizes men's rights in the family creates an imbalance of violence, so that the hammer feels it has control over the victim. Social stigma is also a major barrier, as families often choose to cover up cases of sexual violence in order to maintain good name and avoid disgrace.

In addition to the causative factors in cases of sexual violence against children, especially those committed by the closest family. There are several *modus operandi* that often occur, including: 1) Power Relationships: Perpetrators often use their position as a parent, uncle, brother or grandfather who has authority in the home or family. In this situation, the victim is forced to obey under the pretext of “respecting” the older person, so that the child feels powerless to refuse; 2) Threats and Intimidation: Perpetrators often use threats and intimidation to harm the victim if the abuse is reported. Threats can also take the form of losing affection, access to education, or other basic needs, so that the victim is forced to choose silence; 3) Emotional and Psychological Manipulation: Perpetrators often make victims feel responsible or guilty for their actions. In many cases, perpetrators also groom by giving certain gifts or promises to keep the victim silent and feel they have a special relationship with the perpetrator; 4) Normalization of Actions: Perpetrators often normalize actions, claiming that the behavior is a form of affection or something normal in the family, so that the victim is confused and thinks the action is normal; 5) Opportunity Creation: Perpetrators often create an opportunity by taking advantage of times when the victim is alone at home, such as when other family members are at work or on activities outside the home. Violence is usually committed in private spaces such as bedrooms, where control and supervision are difficult.

Sociologically, humans have a tendency to protect their own interests, including avoiding potential punishment or other negative consequences. This phenomenon can exacerbate the situation, where perpetrators tend to choose to hide their acts of violence, or even pressure victims not to report the incident, for fear of punishment. Furthermore, women are often considered a vulnerable group in the context of violence, and perpetrators often utilize their dominant position to influence victims not to report to the authorities. As a result, the perpetrator further strengthens control over the victim, and commits acts of violence arbitrarily.²³ This condition is further complicated by power imbalances and social norms that are deeply embedded in society. In many cases, victims of violence, especially women and children, are exposed to great social pressure not to disclose what happened to them, in order to maintain family honor or avoid the stigma that may arise in the community. This causes victims to remain silent, even though they desperately need protection and justice. From the description presented by the author above, it can be seen that many factors can influence the occurrence of sexual violence against children, especially those committed by the closest family, starting from factors in the environment to factors from outside the environment. The most prominent factor is from within the perpetrator himself because he

²³ Margie G. Sopacua, “Perlindungan Hukum Terhadap Hak Perempuan Sebagai Korban Kekerasan Dalam Rumah Tangga (Kajian Perspektif Hak Asasi Manusia)”, *Jurnal Sasi*, 22, no. 1, (2016), p. 76, <https://doi.org/10.47268/sasi.v22i1.179>

wants to vent his lust and external factors due to free association and exacerbated by the existence of norm inequality that occurs.

D. Criminological Theory Analysis

In analyzing the factors that cause sexual violence against children, especially those committed by the immediate family, several criminological theories are relevant to use, including Differential Association Theory, Social Control Theory, Anomie Theory, and Labelling Theory. Each theory provides a different but complementary perspective in explaining the root causes of child sexual abuse.

Differential Association Theory states that criminal behavior, including sexual violence, is learned through social interaction in a close environment. In the context of family sexual violence, social values that shape understandings of male dominance over women can be acquired through ongoing social processes within the family or community. These values, which are often taken for granted, reinforce the view that sexual violence against children, especially by the immediate family, is acceptable or even considered a form of affection in the context of family relationships.

Social Control Theory argues that crime occurs because of weak social control that binds individuals to the norms of society. Sexual violence against children in families is often caused by dysfunctional family conditions, lack of parental supervision, and low parental involvement in children's lives. Perpetrators who have impulse control disorders or uncontrollable sexual urges show weak self-control, which is in accordance with the views of this theory. In addition, economic factors also play an important role, where the financial dependence of the victim or her family on the perpetrator exacerbates the situation. Victims who are afraid to report sexual violence due to the threat of losing economic resources or other basic needs are further trapped in the situation.

Anomie theory explains that crime occurs due to social disorganization or unclear norms in society. In cases of sexual violence against children, norms that should protect children are often not enforced properly due to the inequality of patriarchal culture, lack of sexual education, and social stigma circulating in society. The normalization of acts of sexual violence by perpetrators, by claiming that their actions are a form of love in the family, shows the existence of anomie conditions, where moral boundaries and social norms become blurred and can no longer function effectively.

Labelling theory provides a perspective that individuals can become perpetrators of crimes due to negative labeling received from society, which ultimately shapes their self-identity. In the context of child sexual abuse, victims who report are often negatively stigmatized, such as being considered a disgrace to the family, so they tend to choose to remain silent. Conversely, abusers who have been labeled as criminals often fall further into criminal behavior, because society does not provide opportunities for them to change, instead exacerbating the negative image of the perpetrator.

From these four theories, it can be concluded that Differential Association Theory and Social Control Theory are more appropriate to explain the main causal factors of child sexual abuse perpetrated by the immediate family. Both theories underscore how sexual violence can occur through misguided social processes and weak social control within the family that allows sexual violence behavior to recur. Both theories provide deep insights into the causes of sexual violence in families, in which there is a strong relationship between the norms taught in the family and weak social controls that limit the perpetrator's behavior.

CONCLUSION

Factors that cause sexual violence against children, especially those committed by the closest family, include economic factors (financial dependence of the victim on the perpetrator), power factors, individual factors (psychological disorders and past experiences), family factors (dysfunctional family and lack of supervision), and socio-cultural factors (patriarchal culture, social stigma, and lack of sexual education). Common *modus operandi* used by perpetrators include power relations, threats and intimidation, emotional manipulation, normalization of actions, and creation of opportunities for violence. Children are victimized due to their vulnerable position and high dependence on the adults around them. Analysis with criminological theories shows that Differential Association Theory and Social Control Theory are most relevant in explaining the main factors of sexual violence in the family.

REFERENCES

- Aryana, I. Wayan Putu Sucana. "Kekerasan Seksual Anak Dalam Perspektif Viktimologi." *Jurnal Yustitia* 14 no. 2 (2020): 1-18, <https://doi.org/10.62279/yustitia.v14i2.488>
- Dania, Ira Aini, "Kekerasan Seksual Pada Anak", *Ibnu Sina: Jurnal Kedokteran dan Kesehatan* 19, no. 1 (2020): 47, <https://doi.org/10.30743/ibnusina.v19i1.15>.
- Fitriani, Rini, "Peranan Penyelenggara Perlindungan Anak dalam Melindungi dan Memenuhi Hak-Hak Anak." *Jurnal Hukum Samudra Keadilan* 11, no. 2 (2016): 250-358.
- H, Mulida, Tency, S. Elmi, I. *Kekerasan Seksual dan Perceraian*, Malang: Intimedia, 2019.
- Hennyati, Sri, Sari Ermaya dan Bayu Ningsih. "Kekerasan seksual pada anak di Kabupaten Karawang." *Jurnal Bidan* 4, no.2 (2018): 267040.
- Ismaidar, Rahmayanti. *Perlindungan Hukum Terhadap Anak Sebagai Korban Kekerasan Dalam Rumah Tangga*. Purbalingga: Enreka Media Aksara, 2023.
- Kementerian Pemberdayaan Perempuan dan Perlindungan Anak RI (2024). Siaran Pers Nomor: B 200/SETMEN/HM.02.04/6/2024. <http://www.kemenpppa.go.id/>.
- Kementerian Pemberdayaan Perempuan dan Perlindungan Anak RI. Sistem Informasi Online Perlindungan Perempuan dan Anak (Simfoni PPA). SIMFONI-PPA.
- Luturmas, Resi, Sherly Adam, dan Elias Zadrach Leasa. "Kajian Kriminologis Terhadap Minuman Beralkohol (Sopi) Dengan Tindak Pidana Yang Terjadi Di Kabupaten Kepulauan Aru." *Bacarita Law Journal* 3 no. 2 (2023): 76-81, <https://doi.org/10.30598/bacarita.v3i2.8403>.
- Muammar, M. Kajian Kriminologi Peredaran Narkotika (Sebuah Studi Di Kabupaten Aceh Timur). *Jurnal Al-Ijtima'iyyah*, 5 no. 1 (2019): 35-58, <https://dx.doi.org/10.22373/al-ijtima'iyyah.v5i1.5133>
- Nadya, Sarah, dan Nursiti Nursiti. "Tinjauan Kriminologis Kekerasan Dalam Rumah Tangga Dan Upaya Penanggulangannya Di Kabupaten Pidie Jaya." *Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana* 3, no. 1 (2019): 41-46.
- Nurbayani, S. Wahyuni, S. *Victim Blaming in Rape Culture: Narasi Pemakluman Kekerasan Seksual di Lingkungan Kampus*, Malang: Unisma Press, 2023.

- Paradiatz, Rosania, dan Eko Soponyono. "Perlindungan hukum terhadap korban pelecehan seksual." *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (2022): 61-72, <https://doi.org/10.14710/jphi.v4i1>.
- Prastini, Endang. "Kekerasan terhadap anak dan upaya perlindungan anak di Indonesia." *Jurnal Citizenship Virtues* 4, no. 2 (2024): 760-770. <https://doi.org/10.37640/jcv.v4i2.2043>.
- Sagala, RV. *Ketika Negara Mengatur Kekerasan Seksual*. Bogor: Guepedia, 2020.
- Siregar, Elizabeth, Dessy Rakhmawaty, dan Zulham Adamy Siregar. "Kekerasan Seksual Terhadap Perempuan: Realitas dan Hukum." *PROGRESIF: Jurnal Hukum* 14, no. 1 (2020): h. 3, <https://doi.org/10.33019/progresif.v14i1.1778>
- Sopacua, Margie Gladies. "Perlindungan Hukum Terhadap Hak Perempuan Sebagai Korban Kekerasan Dalam Rumah Tangga (Kajian Perspektif Hak Asasi Manusia)." *Sasi* 22, no. 1 (2016): 74-84, <https://doi.org/10.47268/sasi.v22i1.179>
- Sopacua, Margie Gladies, "Criminology Study on the Circulation of the Sopi Traditional Liquor in the Villages of Zeith, Asilulu, and Kaitetu during the Covid-19 Pandemic," *Law Reform* 17, no. 2 (2021): 168-82, <https://doi.org/https://doi.org/10.14710/lr.v17i2.41743>.
- Sopacua, M. G., Riza, M., Akub, M. S., dan Sakharina, I. K. Preemptive and Preventive Measures in Combating Domestic Violence. *JL Pol'y & Globalization* 80, no. 12 (2018): 211.
- Sopacua, Margie Gladies, "Perception of Indonesia and Afghanistan in Preventing Psychic Violence Against the Household Women," *Jarlev: Jambura Law Review* 5, no. 2 (2023): 251-77, <https://doi.org/10.33756/jlr.v5i2.18529>.
- Suharsimi, Arikunto. *Prosedur Penelitian Suatu Pendekatan Praktek*, Jakarta: Rineka Cipta, 2014.
- Yuwono, ID. *Penerapan Hukum Dalam Kasus Kekerasan Seksual Terhadap Anak*. Yogyakarta: Medpress Digital, 2015.

Conflict of Interest Statement: The author(s) declares that research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest,

Copyright: © AUTHOR. This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License. (CC-BY NC), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

TATOHI: *Jurnal Ilmu Hukum* is an open acces and peer-reviewed journal published by Faculty of Law, Universitas Pattimura, Ambon, Indonesia.

