

CRIMINAL POLICY IN HANDLING SEXUAL VIOLENCE AGAINST CHILDREN BY THE PEMATANGSIANTAR RESORT POLICE

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ABSTRACT

Sexual violence against children is a very complex form of crime and has a long-term impact on the victim, both physically and psychologically. This study aims to analyze the comparison of legal regulations between sexual violence crimes and human trafficking crimes, evaluate the implementation of legal protection and criminal policies against sexual violence against children, and examine the countermeasures strategies carried out by the Pematangsiantar Resort Police. The method used is a normative juridical approach and a sociological juridical approach, by combining the study of laws and regulations and interviews with related parties. The results of the study show that although there are differences in characteristics between sexual violence and trafficking in persons, the two can be interrelated in the context of sexual exploitation of children. The Pematangsiantar Police have implemented criminal policies through preventive, repressive, and rehabilitative approaches. The strategies implemented include training investigators, provision of child-friendly spaces, and cross-sector collaboration with child protection institutions. Although there are still obstacles in terms of human resources and facilities, the efforts made show a strong commitment to providing legal protection for children as a vulnerable group. This research emphasizes the importance of criminal policies that are integrated with child protection approaches in order to provide comprehensive justice.

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INTRODUCTIONS

Sexual violence against children is a form of crime that has a very wide and profound impact, not only on the victim physically, but also on the psychological, social, and future conditions of the victim (Lewoleba & Fahrozi, 2020). This crime is included in the category of extraordinary crime because it concerns the dignity and dignity of children as the next generation of the nation. The phenomenon of sexual violence against children shows an alarming trend from year to year. In various regions in Indonesia, including in Pematangsiantar, North Sumatra, cases of sexual

violence against children continue to emerge despite law enforcement efforts. This shows that a law enforcement approach alone is not enough to solve this problem comprehensively.

Based on Law Number 35 of 2014 concerning Child Protection, the state has an obligation to ensure special protection for children from all forms of violence, including sexual violence (Panggabean et al., 2024). In this case, law enforcement officials, especially the police, have a strategic role as the front line in handling cases of violence against children. The Pematangsiantar Resort Police (Polres) is an institution that has a direct role in the process of handling cases of sexual violence against children in its jurisdiction. Through the criminal investigation unit and the PPA (Women and Child Protection) unit, the Police is responsible for receiving reports, conducting investigations, and developing comprehensive handling strategies (Heny, 2022).

The criminal policy implemented by the police reflects the state's attitude in responding to a criminal act. This policy is part of the national criminal policy which includes penal and non-penal policies, as well as preventive and repressive policies (Kadir & Suriadi, 2024). The policy not only covers law enforcement but also aspects of protection and recovery for victims. According to the criminal policy theory of Marc Ancel in (Rohmy et al., 2022), crime prevention must be carried out rationally and scientifically, through penal and non-penal policies. In the context of sexual violence against children, this approach emphasizes the importance of prevention, legal intervention, and rehabilitation efforts for victims and perpetrators.

On the other hand, the theory of legal protection of children states that children as vulnerable legal subjects need special treatment from the criminal justice system (Zebua et al., 2016). Therefore, the criminal law system, including in the investigation process in the police, must be oriented to the principle of the best interest of the child. The handling of sexual violence against children by the police is not only a matter of enforcement, but also concerns how the police build public trust and provide a sense of security to victims. Therefore, a humane, gender-responsive, and child-rights-based policy is needed at every stage of its handling.

Sexual violence against children is often not reported due to stigma, shame, and fear from victims and families. This is where the importance of a proactive approach by law enforcement officials to build a child-friendly and victim-friendly system, so that case reporting and handling can run effectively. The police are also required to establish cross-sectoral cooperation with government agencies, NGOs, psychologists, and integrated service units to build a complete child protection system. A multi-disciplinary and coordinated approach is an important part of a holistic criminal policy.

The Pematangsiantar community itself is a unique social entity, with a cultural background and norms that sometimes become obstacles in reporting or handling cases of sexual violence against children. This is where police officers must have cultural sensitivity and the right approach in carrying out their duties. The criminal policy carried out by the Pematangsiantar Police in dealing with sexual violence against children reflects how committed and capacity the institution is in protecting children's rights. Evaluation of this policy is important to see the effectiveness and obstacles faced.

In the context of public policy, the role of the police must also be seen from the perspective of the criminal justice system, which is part of an integrated criminal justice system that includes the police, prosecutor's office, courts, and correctional institutions (Waskito, 2018). Each section has a contribution to creating justice for victims of sexual violence. Another important aspect is the restorative justice approach in handling sexual violence against children. Although this approach is not always relevant to all cases of sexual violence, in certain cases it can be an alternative to avoid victimizing the victim's child. The problem of sexual violence against children is also closely related to the lack of sexual education and supervision of children. Therefore, a good criminal policy is not only repressive, but must also be supported by educational and preventive programs at the community level.

This study aims to analyze how the form of criminal policy applied by the Pematangsiantar Police in handling cases of sexual violence against children, as well as evaluate the effectiveness and obstacles in its implementation

based on applicable theories and regulations. This research will also highlight how the procedures carried out by the police in the process of reporting, investigating, and protecting victims, as well as the role of the police in promoting justice for children who are victims of sexual violence.

In addition, the search for relevant regulations such as the Criminal Code, the Child Protection Law, and the National Police Chief's Regulation on the handling of child cases will be used as a framework to assess police policies and practices in the local context in Pematangsiantar. It is hoped that the results of this study can make a scientific contribution to the development of criminal law policies, especially in the field of child protection and sexual crime prevention. The findings of this study are also expected to be practical inputs for police officers and policymakers.

With a sociological juridical approach and an analysis of practice in the field, this study aims to open up a wider discussion space on criminal policy reform in dealing with sexual crimes against children. Because in fact, justice for the victim's children is not only determined by the court's verdict, but by how the state is present from the beginning to protect and restore them.

METHOD

This research uses a sociological juridical approach or often referred to as an empirical legal approach (Huda & S HI, 2021). This approach was chosen because the research not only studied the law as a written norm, but also looked at how the law is implemented in the community, especially in the context of the criminal policy implemented by the Pematangsiantar Resort Police in handling cases of sexual violence against children.

Methodologically, the sociological juridical approach allows researchers to directly observe law enforcement practices in the field, analyze social dynamics, and assess the extent to which the implementation of criminal policies is in accordance with applicable laws and regulations. This research not only examines legal texts such as Law Number 35 of 2014 concerning Child Protection, the Criminal Code, and the National Police Chief Regulation, but also explores its practice and implementation in social reality.

This type of research is descriptive analytical, which aims to provide a comprehensive and systematic overview of the policies and concrete steps taken by the police in handling cases of sexual violence against children (Ramdhan, 2021). This study also analyzes the factors that are obstacles or supporters in the law enforcement process.

The data sources in this study consist of primary data and secondary data. Primary data was obtained directly through interviews with related parties, such as investigators of the PPA (Women and Child Protection) unit at the Pematangsiantar Police, victims or victims' families (if possible and while still upholding research ethics), as well as community leaders or institutions concerned about child protection. The interview was conducted in depth (in-depth interview) to gain a comprehensive understanding and field perspective.

Meanwhile, secondary data is obtained through literature studies of legal materials, such as laws and regulations, official documents, results of previous research, scientific journals, law books, as well as annual reports or performance reports from the Pematangsiantar Police if available. This data is used to strengthen the results of empirical analysis and provide a theoretical basis for research findings.

The data collection techniques in this study were carried out through non-participatory observation, semi-structured interviews, and documentation. Observation is used to see firsthand the process of handling cases or police services against victims of child sexual violence. Interviews are conducted flexibly using interview guidelines to stay directed, but also open to additional responses from the interviewees.

The data obtained is then analyzed using a qualitative method, namely by examining the content and meaning of the collected data. The analysis process is carried out inductively, starting from the collection of field data, then classified, analyzed, and conclusions are drawn. The analysis technique is carried out through the process of data reduction, data presentation, and conclusion drawing as described by Miles and Huberman.

In order to maintain the validity of the data, this study also uses the source triangulation technique, which is comparing data from various different sources to ensure the correctness and consistency of the information obtained. This is important considering that the issue of sexual violence against children is a sensitive issue that requires a careful, empathetic, and ethical approach.

Research ethics is an important aspect that is upheld in the implementation of this study. The researcher ensures that each interview process is carried out with the consent of the source, maintains the confidentiality of the identity of the victim or family, and does not exploit the data for personal or certain party interests.

With this approach and method, it is hoped that the research can provide a complete, valid, and relevant picture of the criminal policies implemented by the Pematangsiantar Resort Police in handling sexual violence crimes against children. The results of this research are expected to not only be an academic study, but also contribute to the formation of more effective policies and in favor of the protection of children's rights in Indonesia.

RESULTS OF RESEARCH AND DISCUSSION

1. Comparison of Legal Regulations between Sexual Violence and Trafficking in Persons in Indonesia

The fundamental difference between sexual violence and human trafficking lies in the orientation and form of the crime. Sexual violence is a form of attack on the physical and psychological integrity of the victim, while trafficking in persons is more systematic and economical, namely exploiting human beings for certain advantages, including in the form of sexual exploitation. Sexual violence is regulated in various regulations such as Law No. 35 of 2014, Law No. 17 of 2016, and Law No. 12 of 2022 concerning Crimes of Sexual Violence (TPKS Law). Meanwhile, trafficking in persons is regulated in Law No. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. Although regulated in separate regulations, in practice these two criminal acts can intersect, especially in the case of child sexual exploitation.

Table 1. Comparison of Sexual Violence and Trafficking in Persons Law

Aspects	Sexual Violence	Trafficking in People
Purpose of Crime	Satisfying the sexual desires of the perpetrator	Systematic exploitation for profit (sex, forced labor)
Victim	Generally individuals (children/girls)	Individuals/groups (adults and children)
Key regulations	Law No. 12/2022, Law No. 17/2016, Law No. 35/2014	Law No. 21/2007
Special Elements	Violence, threats, manipulation, seduction	Recruitment, transportation, shelter, exploitation
Forms of Countermeasures	Criminal law, rehabilitation, psychological services	Legal approach and international/cross-sector cooperation

In the Indonesian legal system, sexual violence and human trafficking are two forms of crime that are regulated in different regulations but are closely related, especially in the context of sexual exploitation of children. Sexual violence against children is specifically a violation of the basic rights of children that are protected constitutionally and normatively. In this case, legal protection for children is not only regulated in Law No. 35 of 2014 concerning Child Protection, but is also strengthened through Law No. 17 of 2016 and Law No. 12 of 2022 concerning the Crime of Sexual Violence (TPKS) (Zuraidah & Anwar, 2023). Meanwhile, the crime of trafficking in persons is regulated in Law No. 21 of 2007, which focuses on the recruitment, transportation, and exploitation of human beings—including children—for commercial purposes.

From the perspective of criminal policy theory, according to Marc Ancel, this difference shows a legal approach that is tailored to the form of crime (Ancel, 1998). Sexual violence is a crime that directly attacks the physical and psychological integrity of the victim, while trafficking in persons is a form of systemic crime that is oriented towards economic gain through exploitation. However, at some point, these two criminal acts can be interrelated, as in the case of child sexual exploitation in the practice of human trafficking. Thus, it is necessary to harmonize legal policies so that there is no overlap or legal vacuum in handling cases in the field. From the point of view of legal protection theory, these regulatory differences hint at the importance of integrated handling, especially when child victims are in a very vulnerable position (Munim, 2024). Crimes committed against children as victims of sexual violence in the context of trafficking in persons require a legal approach that is not only repressive, but also preventive and rehabilitative.

2. Implementation of Legal Protection and Criminal Policies for Combating Sexual Violence against Children when Linked to Child Protection Law

The implementation of legal protection for children victims of sexual violence in Indonesia refers to Law No. 35 of 2014 and Law No. 17 of 2016 which provide affirmation of severe sanctions for perpetrators, such as chemical castration, installation of electronic detection devices, and identity announcements. The Pematangsiantar Resort Police in this context carries out criminal policies through preventive, repressive, and rehabilitative approaches. The preventive approach is carried out through counseling and socialization to schools and the community. The repressive approach is carried out through the process of investigation, arrest, and transfer to the prosecutor's office. Meanwhile, the rehabilitative approach is carried out through coordination with P2TP2A, psychologists, and the Social Service for the recovery of victims.

This policy is in line with the principle of child protection in the law, which is to prioritize the "best interest of the child", and avoid victimization during the judicial process.

Table 2. Implementation of Approaches in Criminal Policy at the Pematangsiantar Police Station

Approach	Form of Implementation	Additional Details
Preventive	Socialization in schools and communities	Using PPA and Bhabinkamtibmas Units
Repressive	Investigation, detention, transfer of cases	In accordance with the Criminal Code and police SOPs
Rehabilitative	Coordination with psychologists, Social Services, P2TP2A	For the mental and social recovery of the victim

The implementation of legal protection for child victims of sexual violence carried out by the Pematangsiantar Resort Police has reflected the implementation of the principle of legal protection as stipulated in laws and regulations. In this context, the Pematangsiantar Police carry out criminal policies by adopting a three-dimensional approach, namely preventive, repressive, and rehabilitative. This is in line with the concept of criminal policy according to G.P. Hoefnagels, which emphasizes the need for a rational response to crime through legislative, executive, and social action (Hoefnagels, 2013).

In the preventive dimension, the efforts made by the Police include legal counseling to schools, socialization of children's rights, and community involvement in the early detection of potential sexual violence. This effort is especially important because many cases of sexual violence go unreported due to social taboos, shame, and fear from

victims. In this case, the theory of legal protection as put forward by Satjipto Rahardjo becomes relevant. The state, through the police, must create an adaptive legal system and proactively protect children's rights (Harahap, 2016).

Meanwhile, in the repressive dimension, the Pematangsiantar Police have followed legal procedures by handling cases according to the SOP for investigation, witness protection, and the transfer of files to the prosecutor's office. However, it is important to note that the effectiveness of this dimension is not solely measured by how quickly the perpetrator is processed by the law, but by the extent to which the victim is not rehabilitated, as stipulated in the TPKS Law. As for the rehabilitative dimension, case handling includes psychological and social assistance to victims through coordination with the Social Service and child protection institutions such as P2TP2A (Daufiansah, n.d.). This approach is very important because the psychological impact of sexual violence on children can be long-term and result in the emotional and social development of victims. Thus, the implementation of legal protection for children victims of sexual violence by the Pematangsiantar Police is already in the path of criminal policy that is in favor of the victim and meets the principle of "the best interest of the child". However, it still needs to be strengthened in terms of facilities, human resources, and budget to support the sustainability of its implementation.

3. Strategy and Countermeasures of Sexual Violence against Children by the Pematangsiantar Resort Police

The Pematangsiantar Police's strategy to overcome sexual violence against children reflects a high commitment to child protection, even though it is still faced with human resources, facilities, and budget constraints. The strategies carried out include:

- Increasing the capacity of PPA Unit investigators through training.
- Cross-sectoral partnerships with the Social Service, P2TP2A, psychologists, and the prosecutor's office.
- Provision of a child-friendly space for the examination of the victim so as not to be traumatized.
- Involvement of communities and traditional leaders in education and case reporting.

The effectiveness of this strategy is proven by faster handling, an increase in the number of cases that have been successfully delegated, and an increase in public trust in the authorities.

Table 3. Countermeasures Strategy by the Pematangsiantar Police

Countermeasures Strategy	Field Implementation	Obstacles Faced
Increased personnel capacity	Special Training Unit PPA	Training budget limitations
Child-friendly facilities	Children's room in the PPA Unit office	The room is still limited and not ideal
Cross-agency collaboration	MoU with the Social Service, P2TP2A, and the prosecutor's office	Coordination across agencies has not been maximized
Community participation	Involvement of community leaders in counseling	There is still a culture of keeping quiet in the environment

The strategy to overcome sexual violence against children implemented by the Pematangsiantar Police can be categorized into four main approaches, namely: increasing personnel capacity, providing child-friendly facilities, cross-sector cooperation, and community participation. This strategy is a tangible form of the application of criminal policy theory and is also in line with the legal approach to child protection. First, capacity building is carried out through special investigator training (PPA Unit) to understand how to handle child victims in an empathetic and professional manner (MULYONO, 2025). This is important so that the investigation process does not add to the psychological burden of the victim, and is in line with the theory of legal protection that emphasizes the importance of the role of the authorities in protecting vulnerable groups. Second, the provision of child-friendly facilities such as

special children's examination rooms and playgrounds provides a conducive environment for victims to provide information without pressure. This is a manifestation of non-judicial protection that is psychosocial in nature. Third, cross-sector coordination is carried out through partnerships with agencies such as the Social Service, P2TP2A, and NGOs that focus on victim assistance and rehabilitation. This strategy corresponds to the non-penal approach in criminal policy, where the handling of crime depends not only on criminal sanctions, but also on social and welfare approaches. Fourth, community participation as supporting actors is highly emphasized by the police. This is shown by the involvement of religious leaders, traditional leaders, and educators in socialization and case reporting. In social defence theory, community involvement is an important element in preventive efforts (Ancel, 1998).

However, the strategy that has been implemented still faces challenges, including the lack of trained human resources, inadequate operational budgets, and the still existence of cultural resistance in the community. Therefore, this strategy needs to be continuously improved through a more systemic public policy approach, including the revision of local policies and the strengthening of the role of local governments.

CONCLUSION

Sexual violence against children is a serious crime that not only physically harms, but also psychologically tore the victims, who in many cases are children who should receive maximum protection from the state. In the Indonesian context, various regulations have been drafted as a form of state response to this crime, including through the strengthening of criminal laws and child protection policies. This study shows that there is an important difference between the regulations governing sexual violence and the crime of trafficking in persons, although the two have common ground, especially in terms of sexual exploitation of children. These differences include the orientation of the crime, the form of action, and the legal structure that overshadows it. However, it is important to note that the effectiveness of a law is not only measured by the existence of regulations, but also by their implementation in the field. In terms of the implementation of legal protection for victims, the Pematangsiantar Resort Police has shown a strong commitment through a criminal policy approach that includes preventive, repressive, and rehabilitative aspects. The efforts made are not only limited to law enforcement against the perpetrators, but also pay attention to the recovery of the victim's condition, including through the provision of child-friendly facilities and cross-sector cooperation with institutions engaged in child protection issues. This approach is in line with the criminal policy theory according to G.P. Hoefnagels and Marc Ancel, as well as the theory of legal protection that emphasizes the importance of siding with vulnerable groups. The strategies and steps that have been taken by the Pematangsiantar Resort Police show a holistic and integrated work pattern. From the training of investigators, the provision of child-friendly spaces, community involvement in reporting and legal counseling, to coordination with social service agencies—all are indications of institutional strengthening and a humanist approach in handling cases of sexual violence against children. However, there are still challenges that must be faced, such as limited human resources, infrastructure, and cultural factors that make victims reluctant to report.

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