

CRIMINAL LAW ENFORCEMENT AGAINST PERPETRATORS OF SEXUAL INTERCOURSE WITH BIOLOGICAL CHILDREN

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ABSTRACT

Criminal law enforcement is important in dealing with cases of incestuous sexual relations involving children, aiming to uphold justice and protect victims from harm. The main objective of this study is to examine the effectiveness of law enforcement in the jurisdiction of Tabanan Police in handling cases. Using empirical research methods, this study analyzes legal principles such as the rule of law, legislation theory, legal protection, legal responsibility, and legal effectiveness. This research focuses on a specific case documented in Police Report No. LP-B/35/VII/2020/B: LP-B/35/VII/2020/Bali/Res Tbn, in which the perpetrator, MSP, was charged with violating Article 81(3) of the Child Protection Law, in conjunction with Article 64(1) of the Criminal Code, or alternative provisions under the law. The results showed that there are significant challenges hindering effective law enforcement, particularly the lack of qualified law enforcement officers compared to the number of cases, which hinders optimal case handling in the jurisdiction of Tabanan District Police. This research argues that effective law enforcement is essential not only to sanction perpetrators but also to ensure justice and protect child victims from violence and crime. The implications of this study underscore the need for increased competence among law enforcement officials to effectively handle such sensitive cases. By bridging the gap between legal provisions and law enforcement, this research advocates for systemic improvements to strengthen the law enforcement framework in combating the crime of incest against children.

Keywords: *Law Enforcement, Crime, Incestuous Intercourse.*

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INTRODUCTION

The state's commitment to protect its citizens, including children, is contained in the preamble to the 1945 Constitution of the Republic of Indonesia which was subsequently written in the 1945 Constitution of the Republic of Indonesia. Based on the preamble to the 1945 Constitution paragraph IV which states, then instead of that to form a government of the State of Indonesia that protects the entire Indonesia nation and all of Indonesia's bloodshed and to promote general welfare, educate the nation's life, and participate in the implementation of a world order based on independence, lasting peace and social justice, the independence of the Indonesia nation was prepared (Kobandaha, 2017) (Ed, 2009). Based on the preamble to the 1945 Constitution of the Fourth Legislative Assembly, the state guarantees that the law can provide not only legal certainty but also a sense of justice.

Law enforcement against a criminal act is the most important element in creating the value of justice. The realization of the value of justice by law enforcement must be carried out against all forms of crime. Law enforcement against crimes is aimed not only at providing punitive sanctions to perpetrators, but also to protect and ensure justice for victims of criminal acts. Victims of criminal acts, especially children, must receive legal protection, this is important in order to ensure the rights of children and the rights of victims attached to them (Kordi, 2015).

A child in society must be protected from all forms of violence and crime that can endanger the safety of children. Based on Article 1 number 1 of Law Number 23 of 2002 as

amended in Law Number 35 of 2014 concerning Child Protection which is hereinafter written as the Child Protection Law, it states that a child is a person who is not yet 18 (eighteen) years old, including children who are still in the womb. Things about children and their protection will never stop throughout the history of life, because children are the next generation of the nation and the successor of development, that is, the generation that is prepared as the subject of the implementation of sustainable development and the holder of control over the future of a country, Indonesia is no exception (Harefa, 2015) (Nashriana, 2011). The legal event that occurred on July 28, 2020 based on Police Report Number: LP-B/35/VII/2020/Bali/Res Tbn, dated July 28, 2020, that there had been a criminal act of sexual intercourse committed by a father with the initials MSP (36 years old) against his biological son with the initials JMAD (16). The crime of sexual intercourse is suspected to have been committed several times by MSP to his biological child since 2012 (Women & Annual, 2020).

Based on data from the Indonesia Child Protection Commission, as of August 31, 2020, there have been 704 cases of ABH (Children Facing the Law), both children as perpetrators of sexual violence and children as victims of sexual violence. From the data update of the Indonesia Child Protection Commission, there are 236 cases of child rape recorded with details of direct complaints as many as 56 cases, online complaints as many as 6 cases, complaints via mail as many as 22 cases, complaints via telephone as many as 20 cases, complaints through social media as many as 80 cases, and complaints through mass media as many as 52 cases. (Autumn, 2020) (Indonesia, 2020) Perpetrators of violence whose victims are children are generally committed by people who have a close relationship or already know the victim first. Violence against children can be triggered by a lack of proper family functions or economic background. Children can be victims or perpetrators of violence with 3 (three) loci or places of violence against children, namely in the family environment, in the school environment and in the community (Junaidi, 2021) (Soeaidy, n.d.).

In response to the many cases of sexual violence against children, President Joko Widodo passed Law Number 17 of 2016 dated November 9, 2016 concerning the Stipulation of Perpu Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection into Law, hereinafter referred to as the Child Protection Law, which regulates the punishment for perpetrators who commit sexual violence and force children to have intercourse with children imprisonment for a maximum of 15 years in prison. Furthermore, the perpetrator can also be subject to action in the form of chemical castration and the installation of electronic detectors. (Kurniawan, 2017) Based on Article 81 A paragraph (4) and Article 82 A paragraph (3) of Law Number 17 of 2016 concerning Child Protection, Government Regulation Number 70 of 2020 is further stipulated concerning Procedures for the Implementation of Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence against Children (Kurniawan, 2017).

Based on this background description, several main problems can be formulated, namely how the form of criminal liability of the perpetrator of sexual intercourse committed by the father against his biological child in the jurisdiction of the Tabanan Police. How effective is law enforcement against the crime of sexual intercourse of biological children in the jurisdiction of the Tabanan Police based on Police Report Number: LP-B/35/VII/2020/Bali/Res Tbn dated July 28, 2020.

The purpose of this research is to implement the Tri Dharma of Higher Education, especially in the field of research. To fulfill and complete the task as the main requirement for the preparation of an academic thesis in order to achieve a Master of Law (S2) degree in the Master of Law Study Program, Mahendradatta University. To develop themselves as a student into community life. To know and understand the form of criminal liability related to the perpetrator of sexual intercourse committed by the father against his biological child in the jurisdiction of the Tabanan Police. To find out and understand how effective law enforcement is against the crime of sexual intercourse of biological children in the jurisdiction of the Tabanan Police based on Police Report Number: LP-B/35/VII/2020/Bali/Res Tbn dated July 28, 2020. The benefits of this research are academically useful in the form of contributing to the development of criminal law for academics, practitioners and the general public about criminal law enforcement against perpetrators of sexual intercourse with biological children. It is used as reference material for further research.

METHOD

The type of research used in this study is empirical legal research, namely with loci in the Tabanan Police area. According to Bahder Johan Nasution, empirical legal research aims to find out the extent to which the law works in society. Empirical legal research is the result of the interaction between legal science and other disciplines, especially sociology and anthropology, which gave birth to legal sociology and legal anthropology. The root of empirical legal research is the legal phenomenon of society or social facts contained in society. The research emphasizes more on the observation aspect. This is related to the objective and empirical nature of science itself, including the knowledge of empirical law that seeks to observe the legal facts that apply in the midst of society, this requires knowledge to be observed and proven in real terms. The starting point of his observation lies in the reality or social facts that exist and live in the midst of society as a living culture of society (Nasution, 2008).

The type of approach used in this study is from an empirical point of view, namely the problem of children's criminal policies as victims, towards children who are victims of criminal acts, so the type of approach used is a type of sociolegal approach. The social problems raised in this study require a sociological approach to analyze legal problems. The sociological juridical approach to the law can be done by identifying social problems appropriately in order to be able to formulate the right formal law to regulate them. Understand the lack of community participation in exercising spontaneous social control over certain formal legal deviations. Understand the process of institutionalizing a formal law in a certain cultural context. Understand the causes of the many deviations from certain formal laws. Identify the pattern of relationships between power holders on the one hand and the general public on the other, as well as the social factors that influence them. Identify formal laws that can still be applied, whether adjustments are needed or need to be removed altogether in a particular community context.

According to Soerjono Seokanto in legal research, there are usually at least three types of data collection tools, namely document or literature studies, observations or observations, interviews or interviews and surveys or questionnaires. (Arikunto, 2010) However, for empirical legal research, another one is added with a questionnaire or questionnaire data

collection tool. Of the four data collection tools, in this study only interview or interview data collection tools are used, surveys or questionnaires and document studies or library materials.

RESULTS AND DISCUSSION

Overview of Law Enforcement for Children Victims of Sexual Intercourse

1. General Studies of Children

a. Definition of Child

Based on the Great Dictionary of the Indonesian Language, the meaning of children is etymologically interpreted as a young human being or an immature human being (Poerwadarminta, 1984). Based on Article 45 of the Criminal Code, in the case of criminal prosecution of a minor for committing an act before the age of 16 (sixteen) years, the judge may determine, order the guilty person to be returned to his parents, guardians or guardians, without any criminal charge or order the guilty person to be handed over to the government without any criminal charges, if the act is a crime or one of the offenses based on articles 489, 490, 492, 496, 497, 503-505, 514, 517-519, 526, 531, 532, 536, and 540 of the Criminal Code and less than two years have passed since they were found guilty of committing a crime or one of the violations mentioned above and the verdict has become permanent or impose a criminal sentence on the guilty. So that what is meant by children in the article is children who have not reached the age of 16 (sixteen) years.

Meanwhile, according to some experts, the age limit of a person can be said to be a child has different explanations. According to Bisma Siregar, in his book it is stated that in a society that already has a written law, the age limit of the child is applied, namely 16 (sixteen) years or 18 (eighteen) years or a certain age which according to the calculation at that age the child is no longer included or classified as a child but has become an adult. According to R.A. Kosnan, children are young people at a young age in their soul and life journey because they are easily influenced by the surrounding circumstances.

b. Children's Rights

Based on the 1945 Constitution of the Republic of Indonesia, Article 28 B paragraph (2) states that every child has the right to survival, growth, and development and the right to protection from violence and discrimination. With the inclusion of children's rights, the position and protection of children's rights is an important thing that must be further elaborated and carried out in daily life. Law Number 4 of 1979 concerning Child Welfare regulates children's rights as follows, in Article 2 it states that children have the right to welfare, care, care and guidance based on affection both in their families and in special care to grow and develop reasonably. Children have the right to service to develop their abilities and social life, in accordance with the culture and personality of the nation, to become good and useful citizens. Children have the right to protection, both during the womb and after birth. Children have the right to protection against the environment that endangers or inhibits their growth and development reasonably.

c. Child Protection

In general, the protection of human rights has been regulated and mentioned in several laws and regulations, even in the Amended Constitution, so that the fulfillment of human rights in the era of independence is more seriously paid attention by the state to its citizens. Although Law Number 39 of 1999 concerning Human Rights has included children's rights, the implementation of the obligations and responsibilities of parents, families, communities, governments, and the state to provide protection to children still requires a law on child protection as a juridical basis for the implementation of these obligations and responsibilities. Thus, the formation of this law is based on the consideration that child protection in all aspects is part of national development activities, especially in advancing the life of the nation and state. Protection is something that includes activities that are direct and indirect from actions that harm the child physically or psychologically (Ra Wiono, 2022).

Child protection is all efforts made to create conditions so that every child can carry out his rights and obligations for the development and growth of children in a reasonable manner both physically, mentally and socially. Child protection is a manifestation of justice in a society, thus child protection is sought in various fields of state and community life. Child protection activities have legal consequences, both in relation to written and unwritten laws. The law is a guarantee for child protection activities. Arif Gosita stated that the legal certainty of child protection and preventing misappropriation that brings unwanted negative consequences in child protection (Gosita, 1985). Policies, efforts and activities that ensure the realization of the protection of children's rights, first of all, are based on the consideration that children are a vulnerable and dependent group, in addition to the existence of children who experience obstacles in their growth and development, both spiritually, physically and socially.

d. Delicten (Criminal Offense)

A criminal act is an act that is prohibited by a prohibition legal rule accompanied by a threat (sanction) in the form of a certain crime, for anyone who violates the prohibition. It can also be said that a criminal act is an act that is prohibited and threatened with criminal punishment by a rule, as long as it is remembered that the prohibition is aimed at an act, namely a situation or event determined by the behavior of the person. Meanwhile, the criminal threat is aimed at the person who caused the incident (A.-A. H. P. Moeljatno, 2008) (A. H. P. Moeljatno, 1993). Criminal acts can be divided into two, namely general crimes and special crimes. General criminal acts are all criminal acts contained in the Criminal Code as codification of material criminal law (Book II and Book III of the Criminal Code). Meanwhile, special crimes are all criminal acts that exist outside of the codification. Special criminal acts (special criminal acts legislation) can be interpreted as legislation in certain fields that have criminal sanctions, or criminal acts regulated in special legislation, outside the Criminal Code, both criminal and non-criminal legislation but have criminal sanctions (provisions that deviate from the Criminal Code) (Syamsuddin, 2011).

2. Philosophical Basis of Law Enforcement as a Form of Legal Protection for Children's Rights

Philosophical comes from the word philosophy, which is the science of wisdom. Based on this kind of root, the philosophical meaning is the qualities that lead to wisdom.

Because it emphasizes the nature of wisdom, philosophical is a view of a nation's life, namely moral or ethical values that contain good and bad values. (Widjaja & Rosjidi, 1998) The philosophical basis is related to the *rechtsidee* or the ideal of law, where all societies have what they expect from the law, for example to ensure justice, order, welfare and so on. The legal mind or *rechtsidee* grows from their value system regarding good or bad, views on individual and societal relationships, about material things, the position of women and so on. All of them are philosophical, meaning they concern views on the essence of something. The law is expected to reflect the value system both as a means of realizing it in community behavior. These values are left in society so that every formation of law or legislation must be able to capture them every time it will form a law or regulation, including laws and regulations on children (Manan et al., 1995).

An adage written by Blaise Pascal quoted by Mochtar Kusumaatmadja and B. Arief Sidarta in the book *Introduction to Legal Science: An Introduction to the Scope of Legal Science* states that law without power is wishful thinking, power without law is tyranny. The adagium means that power is essential for a legal society, namely a society that is regulated and based on law. According to N.M Kurkonov, "whatever power is possessed by a state, human conscience tends to always submit to legal power, the interests of power are always in conflict with the principles of the state of law. The state, citizens and state organs in receiving authority are required to equally comply with the law". Based on this opinion, it becomes increasingly clear that power has an important meaning and function for society. Power is necessary for law enforcement to be effective, but the law in its original form limits the arbitrariness of the ruler or government (Atmadja & Gede, 2013).

3. Criminal Sanctions Against Perpetrators of Child Sexual Intercourse Based on Indonesia's Positive Law

Juridically, intercourse is a crime that has a bad impact on anyone who has experienced it. The threat of serious criminal punishment for perpetrators of sexual intercourse is intended so that the state has the opportunity to improve the attitude and behavior of convicts so that they are no longer dangerous and live normally in society and warn other people not to commit similar acts (Ekotama, 2001). In Article 287 of the Criminal Code, there is a kind of coercion element even though the coercion is psychological and cannot be said to be consensual because the age of marriage is not yet old or not yet fifteen (15) years old, if it is not clear how old she is, that the woman is not yet due to marry, therefore it falls into the scope of rape. Therefore, in this case, because the act of sexual intercourse is considered wrong and punishable by imprisonment for a maximum of nine years, the prosecution is carried out not on the basis of complaint. The same is true for sexual acts committed against women who are less than twelve (12) years old (Malik, 2003).

4. Children as Victims of the Crime of Intercourse in the Perspective of Victimology

Etymologically, victimology comes from Latin, namely "victim" which means victim and "logos" which means knowledge. Then in terms of victimology means a study that studies the victim, the causes of the victim and the consequences that occur to the victim which is a human problem as a social reality (Yulia, 2010). Victimology is a scientific knowledge/study that studies crime as a human problem which is a social reality. Victimology is a science that studies the victim including the relationship between the victim

and the perpetrator, as well as the interaction between the victim and the justice system, namely, the police, the court, and the relationship between related parties and it also concerns the relationship between the victim and other social groups and other institutions such as the media, business circles, and social movements. Victimology also discusses the role and position of victims in a crime in society, as well as the community's reaction to crime victims. The process by which a person becomes a victim of crime is called "victimization". (Mustafa, 2007) According to J.E Sahetapy, victimology is a science or discipline that discusses the victim's problems in all aspects. Not only crime and abuse of power, but also victims of accidents and natural disasters. (Mansur, 2008) Then Arief Gosita, argued that victimology is a field of science or study that examines victimization (criminalization) as a human problem which is a social reality, covering all aspects related to victims in various areas of life and livelihood (Gosita, 2010).

Forms of Criminal Liability for Perpetrators of Sexual Intercourse Committed by Fathers Against Biological Children in the Jurisdiction of the Tabanan Police

1. Main Duties and Functions of the National Police of the Republic of Indonesia

In the general provisions of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, there is a formulation regarding the definition of various matters related to the police, including the definition of police. It's just that the definition of the police is not fully formulated because it only concerns the functions and institutions of the police as regulated in the laws and regulations. Based on Article 1 of Law Number 2 of 2002 concerning the Police of the Republic of Indonesia, the police are all matters related to the functions and institutions of the police in accordance with laws and regulations. The definition of police as regulated in Article 1 paragraph (1) of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia which reads: "The police is all matters related to the functions and institutions of the police in accordance with laws and regulations."

2. Incest as a Form of Crime Against Women and Girls

Incest comes from the United Kingdom word incest which comes from the Latin incestus, which has a general meaning of impure or unholy. As for the narrow modern sense, adjectives derived from incest appeared in the 16th century. (Hoad, 2000) Prior to the Latin term, incest was known in Anglo Saxon as sibleger (sibb "family" and leger "to lie") or maeghaemed (maeg "relative/parent" and haemed "sexual relationship") but over time, both words referred more to the use of terms such as incester and incestual. (Conyers, 2002) Incest or incest in the great Indonesian dictionary is sexual relations between close relatives who are considered to violate customs, laws and religion. Incest is also often interpreted as a forbidden sexual relationship between close relatives. The criteria for incest are based on the results of the search that incest is a sexual relationship carried out by a close relative and the act is a prohibited act. However, the definition of incest and its scope is not yet a standard understanding in society because in fact the limits of incest vary greatly according to the religious, socio-cultural, legal, customary, and even social class views that have been mentioned in the previous explanation.

According to Sawitri Supardi Sadarjoen, incest is a sexual relationship carried out by a couple who has strong family ties, such as a father with his daughter, a mother with his son, or between fellow biological family members (Sadarjoen, 2005). Meanwhile, according

to Kartini Kartono, incest is sexual intercourse between a man and a woman inside or outside the marriage bond, where they are related in a very close kinship or descendant relationship. (Kartono, 2020) Then, Sofyan S. Willis stated that incest is sexual intercourse that occurs between two people outside of wedlock, while they are very close relatives. (Willis, 1994) Furthermore, the opinion of incest put forward by Supratik states that incest is a level of coincidence between family members, for example between an older brother and his sister or a sexual relationship or between a father and his daughter, which is prohibited by customs and culture. (Supratik, 1995) From the understanding of some of these experts, incest can be said to be a sexual relationship that occurs between close relatives, usually nuclear relatives such as father, mother, brother, aunt or uncle. Incest can occur consensually which can then be established in marriage and there is something that happens forcibly which is more appropriately called intercourse. Incest is described as an event of sexual relations between individuals related to blood, but the term was eventually used more broadly, namely to describe the sexual relationship between father and child or between siblings. Sawitri Supardi Sadarjoen stated that the basis of the taboo of incest is that if incest is justified, there will be competition, competition for partners in the environment, between fathers, mothers, brothers, and sisters. It is clear that such competition or deeds will bring about the destruction of one's own family and ethnicity.

3. Criminal Liability of Perpetrators of Sexual Intercourse by Fathers Against Biological Children Based on Police Report Number: LP-B/35/VII/2020/Bali/Res Tbn dated July 28, 2020

Criminal liability in foreign terms is also called the theory of criminal response which leads to the criminalization of the perpetrator with the intention of determining whether a defendant or suspect is held accountable for a criminal act that occurred or not (Atmasasmite, 2000). Criminal liability is the responsibility of a person for the criminal acts he commits. Thus, criminal liability occurs because there has been a criminal act committed by a person. Criminal liability is essentially a mechanism built by criminal law to react to violations of an agreement to refuse a certain act. (Chairul Hooda, 2015) The basis for an act is the principle of legality, while the basis for the conviction of the maker is the principle of error. This means that the perpetrator of a criminal act will only be punished if he is guilty of committing the crime. (Prasetyo, 2010) Based on this, Sudarto, said the same thing that, being convicted of a person is not enough if that person has committed an act that is contrary to the law or is unlawful. So even though the act is a criminal formulation contained in the law and is not justified (an objective breach of a panel provision), it does not meet the requirements in criminal imposition. For criminalization, it is still necessary to have a condition that the person who commits an act is guilty or guilty (subjective guilt). In other words, the person must be held accountable for his actions or if viewed from the perspective of his actions, his actions can only be held accountable to the person. Furthermore, Sudarto stated that in this case the principle of "no crime without fault" applies (*keine strafe ohne schuld* or *geen straf zonder or nulla poene sine culpa*). *Culpa* here in a broad sense, also includes intentionality. The mistake in question is the soul of a person who commits an act and the act is done in such a way, so that the person is reprehensible.

Based on Police Report Number: LP-B/35/VII/2020/Bali/Res Tbn, dated July 28, 2020, it is suspected that there has been a criminal act of committing violence or threatening

violence to force a child to have intercourse with him or with another person, committed by parents against their biological children, which is suspected to have been committed by a suspect with the initials MSP against a victim with the initials JMAD. The suspect has committed this act against the victim since 2017 at a boarding house located on Jalan Pahlawan Gang. I Br. Taman Sari, Ds. Delod Peken, Kec. Tabanan, Tabanan Regency (on the day, date and month do not remember) at around 13.00 WITA at the boarding house located on Jalan Pahlawan Gang I Br. Taman Sari, Ds. Delod Peken, Kec. Tabanan, Tabanan Regency more than 1 (one) time, then continued in 2020 (on the day, date and month do not remember) at around 13.00 WITA at the boarding house located on Jalan Bedugul Selatan Asri Br. Dukuh, Ds. Dauh Peken, Kec. Tabanan, Tabanan Regency more than 1 (one) time and the last time on Monday, July 27, 2020 at approximately 18.15 WITA at the Tabanan Hotel room No. 208 Jalan Pahlawan Number 10, Br. Taman Sari, Ds. Delod Peken, Tabanan District, Tabanan Regency 1 (one) time.

Effectiveness of Law Enforcement Against the Crime of Child Intercourse in the Jurisdiction of the Tabanan Police

1. Factors Causing the Crime of Child Intercourse in the Jurisdiction of the Tabanan Police

None of them are the specific cause of intercourse with children in Indonesia. Intercourse with children is caused by a whole series of different conditions and problems. According to Lidya Suryani W. and Sri Wurdan, the factors that cause the crime of sexual intercourse against children consist of several things, namely:

a. Situation and Opportunity Factors

Intercourse with children is generally the perpetrator of people who have been recognized by the victim. For example, family, siblings, neighbors, teachers, girlfriends, and even respected religious leaders. This is because the victim is still a child, only the closest people are trusted. This is what makes there are many opportunities for the perpetrator to have the intention to do the act. The condition of the place of residence is one of the factors that cause the crime of sexual intercourse against children. The level of environmental security can encourage perpetrators to commit sexual intercourse because they have the opportunity. As many street children experience, the absence of parental supervision can lead to frequent acts of sexual intercourse (Wahid et al., 2001).

b. Mental Disorders Factors

1) Psychosis

Psychosis is a symptom of a severe mental disorder in which a person loses the ability to recognize reality or relate to others and they usually behave in inappropriate and strange ways. Including mood disorders and personality disorders, schizophrenia, hallucinations, delusions, catatonia and substance abuse.

2) Paedophilia

Pedophilia involves intense, repetitive or aroused sexual urges by children aged 13 years or younger, over a period of time of at least 6 months. People with pedophilia were at least 16 years old and at least 5 years older than the victim. A person is said to have a pedophile if the perpetrator commits sexual acts against a child more than once. If only once, it cannot be said to be a pedophile.

2. Effectiveness of Law Enforcement Against the Crime of Child Intercourse in the Jurisdiction of the Tabanan Police

According to Soerjono Soekanto, one of the functions of law, both as a rule and as an attitude or behavior is to consider human behavior, the problem of the influence of law is not only limited to the occurrence of obedience or compliance with the law, but includes the total effect of the law on the attitude of actions or behaviors both positive and negative. The effectiveness of law enforcement is closely related to the effectiveness of the law. In order for the law to be effective, law enforcement officials are needed to enforce these sanctions. A sanction can be actualized to the community in the form of force (compliance), with this condition showing that there is an indicator that the law is effective.

CONCLUSION

Based on the results of the research and discussion that has been presented, it is concluded that the form of criminal liability of the perpetrator of sexual intercourse committed by the father against his biological child in the jurisdiction of the Tabanan Police has been proven to violate Article 81 paragraph (3) of the Child Protection Law Jo Article 64 paragraph (1) of the Criminal Code or Article 81 paragraph (2) of the Child Protection Law Jo Article 64 paragraph (1) of the Criminal Code or Article 287 paragraph (1) of the Criminal Code Jo Article 64 paragraph (1) of the Criminal Code. The effectiveness of law enforcement against the crime of child sexual intercourse in the jurisdiction of the Tabanan Police has not been fully able to run effectively because the number of law enforcement officers who have competence still does not meet the ratio of the number of cases handled which makes every law enforcement process in the Tabanan Police cannot take place properly.

The suggestions that can be given in relation to this research are the active role of the Government and law enforcement officials in providing education and socialization to the public about legal regulations, criminal sanctions or criminal liability that may be imposed on violators to have a repressive effect on the community. The need to increase the number of personnel in Unit IV of the Tabanan Police PPA and competency training education for personnel of the Tabanan Police PPA Unit.

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