

Sexual Violence Committed by Religious Leaders Against Their Stepchildren: A Case Study in Cikampek and Cirebon, 2020-2023

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ABSTRACT

The number of cases of sexual abuse against children continues to rise. Sexual abuse against children can be verbal or non-verbal. Children who experience this type of abuse will feel humiliated in front of others. Sexual abuse is behavior or actions committed by an individual or group against another person that is directly related to the person concerned, and these actions can demean a person's dignity and honor in their environment. Therefore, there needs to be an increase in child development, because in addition to being sensitive, children also need more love and attention from their parents and family during their growth period. With such love and attention, children's needs and rights can be optimally fulfilled. Children should be able to grow and develop into intelligent, moral, and healthy individuals.

Keywords: Sexual Violence, Child Care, Children's Rights.

INTRODUCTION

Child sexual abuse is a form of child maltreatment in which an adult or older teenager uses a child for sexual gratification.¹ Forms of child sexual abuse include asking or pressuring a child to engage in indecent sexual activities, using coercion, threats, bribes, deception, or pressure. These activities do not necessarily involve physical contact between the perpetrator and the child. Forms of sexual violence can include rape or molestation.² Sexual violence against children is also known as child sexual abuse. In many cases, sexual violence against children is often not reported to the police.³ These cases tend to be kept secret, and are rarely discussed by either the perpetrator or the victim. Victims feel ashamed because they consider it a disgrace that must be kept hidden, or they fear threats from the perpetrator. Meanwhile, perpetrators feel ashamed and afraid of being punished if their actions are discovered.⁴

Most victims of child sexual abuse are between the ages of 5 and 11. For perpetrators, gender does not play a role in committing sexual abuse; what matters is that their sexual desires are satisfied.⁵ The perpetrators' methods of approaching victims vary greatly, for example, approaching victims and striking up a conversation, persuading victims, seducing and coercing

¹ Meliyani, "Kasus Pelecehan Seksual Terhadap Anak Di Bawah Umur," *Jurnal Negara Dan Keadilan*, 2022, 11.

² & Julia Bryan Napitupulu Yeremia, "Pelecehan Seksual Anak Di Bawa Umur Pada Anak Di Indonesia," *Jurnal Multidisiplin Indonesia*, 2023.

³ & Tridewiyanti Kunthi Purwanti Ani, *Stop Perkawinan Anak Dan Penghapusan Kekerasan Seksual Bagi Perempuan Dan Anak* (Penerbit Thafa Media, 2019).

⁴ & Matroni Khairiyanto, "Dominasi Dan Legitimasi Kekerasan Seksual Perempuan Dalam Tradisi Rhonjhengan Di Madura," *Jurnal Setia Pancasila*, 2021.

⁵ Purwanti Ani, *Stop Perkawinan Anak Dan Penghapusan Kekerasan Seksual Bagi Perempuan Dan Anak*.

victims. There are also more sophisticated methods, whereby perpetrators use social networks to get to know victims, invite them to meet up, and then rape or sexually assault them.⁶ The Indonesian Child Protection Commission (KPAI) reported in 2010-2014 that approximately 42%-62% of all child abuse cases involved sexual violence, with the most common locations being the home and school, meaning that neither the home nor school are safe places for children anymore.⁷

In the case I am currently investigating, a religious leader with the initials NSA (51) is suspected of molesting his stepdaughter NMB, who is only 7 years old. The molestation has occurred dozens of times over the past three years. The suspect allegedly committed the sexual abuse against his stepdaughter from 2020 to 2023 at two locations, namely Cikampek and Cirebon. NSA's actions went undetected because he did it secretly. The suspect is said to have started his depraved actions by luring the victim with promises of various gifts.⁸

The victim was promised a cell phone, a car, and other things. However, at that time, the victim was only told to strip naked and sleep on top of her stepfather's body. A year later, the NSA allegedly stripped the victim while she was asleep. This was said to have taken place at a dzikir assembly, where the perpetrator was known as an ustadz (religious teacher).

Previous research is an effort by researchers to find comparisons and subsequently to find new inspiration for further research. In addition, previous studies help position the research and demonstrate its originality. The following are previous studies that are still related to the theme being studied by the author. First, research conducted by Hikmatul Ilmani, in his study entitled "Sexual Violence Committed by Religious Leaders Against Their Stepchildren, A Case Study in Cikampek and Cirebon 2020-2023" The results of this study show that sexual abuse against children has tremendous impacts. Psychologically, children not only have the potential to experience prolonged severe trauma, but their thought patterns will also be disrupted. These thought pattern disorders are very likely to influence sexual behavior disorders.

Previous research related to the author's study, written by Dewa Made Rasta in a journal titled "Sexual Violence Committed by a Father Against His Child For 4 Years in Keburuan Village, Sawan District, Buleleng Regency," used a normative juridical method. The results of previous research in this case show that cases of sexual violence or intercourse involving

⁶ Khairiyanto, "Dominasi Dan Legitimasi Kekerasan Seksual Perempuan Dalam Tradisi Rhonjhengan Di Madura."

⁷ H Gadafi, M., Jamaluddin, & Amin, *Bersinerji Dalam Memberikan Perlindungan Kepada Anak Untuk Mencegah Dan Menanggulangi Kekerasan Seksual Anak* (Literacy Institute, 2019).

⁸ Aditya Annas, "Seorang Tokoh Agama Cabuli Anak Tirinya Berkali-Kali, Ibu Korban Sudah Lapor Ke Polres Cirebon Kota," 2023, <https://jabar.tribunnews.com/amp/2023/07/11/seorang-tokoh-agama-cabuli-anak-tirinya-berkali-kali-ibu-korban-sudah-lapor-ke-polres-cirebon-kota>.

underage victims are still quite high in Buleleng Regency. From January to August 2021, there have been 6 recorded cases.

The similarities between previous studies and this study are as follows: the object of both studies is sexual violence against minors. Meanwhile, the differences between previous studies and this study are as follows:⁹

1. The perpetrator in the previous study was the biological father, whereas in the current study, the perpetrator was the stepfather.
2. The focus of the previous study was sexual violence against children triggered by strong sexual desires accompanied by emotions. It also highlighted the lack of parental supervision of children, whereas this study focuses on the lack of parental awareness regarding child supervision.
3. The location of the previous study was in Kerobokan Village, Sawan District, Buleleng Regency, while this study was conducted in Cirebon City, West Java.
4. The previous study used a qualitative approach. In this study, the author used an empirical research method.

Based on the above background, the research question that can be described in this study is: What are the factors and impacts of sexual abuse on children? Based on the above research question, the purpose of this study is to determine the factors and impacts of sexual abuse on children.

METHOD

This type of research uses an empirical approach. Empirical legal research is a method of legal research that uses empirical facts taken from human behavior, both verbal behavior obtained from interviews and actual behavior observed through direct observation. Empirical research is also used to observe the results of human behavior in the form of physical remains and archives.

RESULTS AND DISCUSSION

Sexual harassment is unwanted sexual advances, including requests and other behaviors that verbally or physically refer to sex. In general, women are often highlighted as victims of sexual harassment, but sexual harassment can happen to anyone. Victims of sexual harassment can be

⁹ Khairiyanto, "Dominasi Dan Legitimasi Kekerasan Seksual Perempuan Dalam Tradisi Rhonjhengan Di Madura."

male or female. Victims can be of the opposite sex to the perpetrator or of the same sex.¹⁰

The victim informant is a child under the age of 10 who has experienced sexual violence. The sexual violence committed by the perpetrator was molestation (pedophilia) 10 times over a period of 3 years from 2020 to 2023. The characteristics of the informants discussed in the study include age and education.¹¹ The victims in this study were children aged 7 to 10 years old who were sexually abused by their stepfathers, who were religious leaders in Cikampek and Cirebon. The children were persuaded by promises of rewards, such as cell phones and pocket money, or by threats and coercion. Using these methods, the perpetrator committed the crime in places he considered safe. The first crime was committed in his own home in Cikampek, and in 2023, he committed another crime in the city of Cirebon with the same victim, who was very close to the perpetrator, making it very easy for him to commit these indecent acts. Under these circumstances, the role of parents becomes crucial in protecting children from becoming victims of sexual crimes. Vigilance is not only necessary toward strangers but also toward those closest to the child, such as biological parents or other familiar individuals.

To date, this case has not been processed by law enforcement because the perpetrator is a prominent figure in the city, making it very difficult to bring him to trial. The victim's mother has reposted the case on social media, but law enforcement remains silent on the matter. Based on the analysis of this case, it is clear that sexual violence can occur anywhere and can be committed by anyone, even someone close to the victim.¹²

A. Factors and impacts of child sexual abuse.

Sexual harassment is a form of physical abuse that constitutes a criminal act. Perpetrators of sexual harassment commit these acts to satisfy their desires and lust by force. There are several factors that can lead to sexual harassment.¹³

1) The influence of education on sexual abuse.

The importance of education greatly influences the occurrence of sexual harassment. Women do not have many opportunities to enjoy higher levels of education, so they are unable to reject negative treatment, attitudes, and assumptions about themselves. Women show more sensitive reactions as a result of sexual harassment.

¹⁰ Napitupulu Yeremia, "Pelecehan Seksual Anak Di Bawa Umur Pada Anak Di Indonesia."

¹¹ Tim Kreatifitas Nafal, *Kitab Undang Undang Tindak Pidana Kekerasan Seksual* (PT. Nafal Global Nusantara, 2024).

¹² Khairiyanto, "Dominasi Dan Legitimasi Kekerasan Seksual Perempuan Dalam Tradisi Rhonjhengan Di Madura."

¹³ & Widiyani Pagesti Sahla, Dewi Ayu, "Tindak Pidana Kekerasan Seksual Kepada Anak Di Bawah Umur Studi Kasus Di Kota Tanjung Pinang," *Jurnal Ilmu Hukum*, 2024.

2) Family factors from an economic perspective.

Economic factors within the family can also have an impact, especially when low economic status triggers individuals to commit violations such as sexual violence as a way out. The easiest targets are women, who are physically weaker and therefore easier to commit sexual crimes against. Women can also be easily seduced with sweet talk, making sexual crimes easier to commit.¹⁴

3) The influence of films or anything related to pornography.

In this community, children can easily obtain pornographic materials, which are widely sold in the community in the form of VCDs, books, and films with pornographic content, making it easy for children to obtain them. This has a negative impact on children after viewing such material, causing them to imagine and become aroused, resulting in numerous cases of sexual abuse committed by children who act on their desires towards objects or victims, leading to frequent sexual crimes that continue to increase day by day.

4) The effects of alcohol and illegal drugs.

The effects of consuming illegal drugs and substances can cause a person to lose their sense of self. Those who consume these substances feel free to do whatever they want, and that is when sexual crimes occur. When perpetrators are unconscious due to the influence of these substances, they can brutally commit sexual crimes.

B. The impact of sexual abuse on children.

The impact of sexual violence on children will cause trauma to the victims of such acts, thereby disrupting their daily activities.¹⁵ Cases of child abuse are common, and many go unreported to the authorities because families feel ashamed to report such acts, still considering them a family disgrace. Usually, the problem is revealed after the victim of sexual abuse gives birth to a child.¹⁶

Many cases of violence against minors go unreported due to a cultural belief that family problems are internal matters that should not be discussed or reported to the authorities, as this would be tantamount to exposing the family's shame. This makes it difficult to address the problems faced by child victims without the willingness of the victims or their families to immediately report the matter to the authorities. The psychological and physical effects of sexual

¹⁴ D Rasta, "Kekerasan Seksual Dilakukan Ayah Terhadap Anaknyanya Selama 4 Tahun Di Desa Kerobokan Kecamatan Sawan Kabupaten Buleleng," *Jurnal Yustitia*, 2021, p.15.

¹⁵ Khairiyanto, "Dominasi Dan Legitimasi Kekerasan Seksual Perempuan Dalam Tradisi Rhonjhengan Di Madura."

¹⁶ D Sonata, "Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Khas Dari Metode Meneliti Hukum," *Fiat Justisia Jurnal Ilmu Hukum*, 2024, p.8.

abuse include:

- 1) The psychological impact of this act is very easy to recognize and understand by those closest to the victim, because as a result of this act, the child will exhibit unusual behavior. It is from these behaviors that those closest to the victim become aware of the situation, such as the child losing their appetite, no longer being enthusiastic and not wanting to go to school, becoming introverted and not mixing with other people, being afraid of new people or strangers, and even becoming traumatized when seeing objects or places that remind the victim of what they have experienced. Children's psyches are very fragile, unlike those of adults in general. Children who are still unfamiliar with sexual knowledge will certainly not understand what they have experienced and may not even realize that they have been victims of sexual abuse.
- 2) The physical effects experienced by victims include difficulty sleeping, headaches, loss of appetite, pain in the genital area, and children understanding that what others and themselves have done is wrong, so that they do not easily become sexual objects or outlets for others. There are also several solutions to prevent child abuse, as follows:
 - a. Parents play a role in opening communication and establishing emotional closeness with their children in order to create mutual affection between children and their parents, because children feel that they are receiving attention from their parents by taking the time to play with them.
 - b. Parents are advised to explain to their children the importance of their bodies and the things that other people should not do to them. For example, children should be taught that if someone kisses them on the lips or cheeks, they should be careful because this is not allowed, especially if it is done by someone they do not know.
 - c. Educate children about the differences between strangers, friends, family, and relatives. For example, strangers are people whom they do not know at all, and children should not be overly friendly or familiar with strangers.
 - d. If the child is past toddler age, teach them to feel embarrassed when naked in front of others. And if the child has their own room, teach them to always close the door and windows when they sleep.
 - e. The involvement of authorized law enforcement officials, namely investigators, prosecutors, and judges, in handling cases of sexual abuse against children can have a deterrent effect on perpetrators of sexual abuse so that no more children become victims of sexual abuse. Parents also have an important role in the sexual

education of minors, including: 13 parents being ready to provide sex education to their children at any time, parents setting an example and providing verbal guidance at the same time, parents accepting questions and providing appropriate answers, and parents teaching the importance of respect and privacy.

The new Criminal Code contained in Law Number 1 of 2023, which will come into effect three years after its enactment in 2026, specifically regulates child molestation with the following provisions.¹⁷

Article 417 of Law Number 1 of 2023:

Any person who gives or promises to give a gift, abuses the authority arising from a relationship or situation, or deceives a person known or reasonably suspected to be a child, to commit indecent acts or allow indecent acts to be committed against them, shall be punished with a maximum imprisonment of 9 years.

Article 418 paragraph (1) of Law Number 1 of 2023:

Any person who commits indecent acts with their biological child, stepchild, adopted child, or child under their supervision who has been entrusted to them for care or education shall be punished with a maximum imprisonment of 12 years.

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence.¹⁸ Perpetrators of sexual abuse can be charged under the provisions on sexual intercourse as stipulated in Articles 281 to 296 of the Criminal Code or Articles 406 to 423 of Law -Law No. 1 of 2023, Article 82 of Government Regulation in Lieu of Law No. 1 of 2016 on the Second Amendment to Law No. 23 of 2002 on Child Protection, Article 76D of Law No. 35 of 2014:¹⁹ No one shall commit violence or threaten violence to force a child to have sexual intercourse with him or her or with another person.²⁰

CONCLUSION

Based on the above explanation, it can be proven that sexual violence is rampant among adults towards minors. The potential for this to occur is greater among minors because children are physically and psychologically vulnerable. Therefore, the potential for sexual violence is greater among minors than among adults. In the cases of sexual violence against children described in the investigation report, most children were persuaded with toys, snacks, or money,

¹⁷ Nafal, *Kitab Undang Undang Tindak Pidana Kekerasan Seksual*.

¹⁸ N Susfita, "Fenomena Kekerasan Seksual Terhadap Anak Di Bawah Umur Dalam Mempersiapkan Hukum Keluarga Islam Di Indonesia," *Jurnal NuranI*, 2018.

¹⁹ Nafal, *Kitab Undang Undang Tindak Pidana Kekerasan Seksual*.

²⁰ & Zulkarnain Sirajuddin, Fatkhurohman, *Legislatif Drafting* (Setara Press, 2015).

while others were forced. Basically, cases of sexual violence against children committed by irresponsible people can cause deep trauma to the victims of sexual abuse and can disturb their mental health and destroy their future. The judge's consideration in imposing a prison sentence on the defendant is based on the facts presented at the trial and guided by Law Number 35 of 2014 concerning Child Protection. Some suggestions that can be given are:

1. The police must quickly provide assistance in this case and cooperate in combating child sexual abuse so that there is no increase in the number of sexual abuse crimes, especially those involving children.
2. Parents must be more careful in supervising their children's behavior, especially in terms of socializing and choosing friends, as well as educating them about what they should and should not do.
3. The community also needs to pay attention to and enforce the law to prevent the spread of sexual abuse crimes against minors, because the more the community understands the law, the lower the rate of these crimes will be.
4. Law enforcement officials should handle criminal cases of pedophilia under Article 82 of Law No. 35 of 2014 concerning the protection of children with care and diligence, so that they can deliver fair verdicts for the benefit of humanity.

REFERENCES

- Annas, Aditya. "Seorang Tokoh Agama Cabuli Anak Tirinya Berkali-Kali, Ibu Korban Sudah Laporkan Ke Polres Cirebon Kota," 2023. <https://jabar.tribunnews.com/amp/2023/07/11/seorang-tokoh-agama-cabuli-anak-tirinya-berkali-kali-ibu-korban-sudah-lapor-ke-polres-cirebon-kota>.
- Gadafi, M., Jamaluddin, & Amin, H. *Bersinerji Dalam Memberikan Perlindungan Kepada Anak Untuk Mencegah Dan Menanggulangi Kekerasan Seksual Anak*. Literacy Institute, 2019.
- Khairiyanto, & Matroni. "Dominasi Dan Legitimasi Kekerasan Seksual Perempuan Dalam Tradisi Rhonjhengan Di Madura." *Jurnal Setia Pancasila*, 2021.
- Meliyani. "Kasus Pelecehan Seksual Terhadap Anak Di Bawah Umur." *Jurnal Negara Dan Keadilan*, 2022, 11.
- Nafal, Tim Kreatifitas. *Kitab Undang Undang Tindak Pidana Kekerasan Seksual*. PT. Nafal Global Nusantara, 2024.
- Napitupulu Yeremia, & Julia Bryan. "Pelecehan Seksual Anak Di Bawah Umur Pada Anak Di Indonesia." *Jurnal Multidisiplin Indonesia*, 2023.
- Pagesti Sahla, Dewi Ayu, & Widiyani. "Tindak Pidana Kekerasan Seksual Kepada Anak Di



Bawah Umur Studi Kasus Di Kota Tanjung Pinang.” *Jurnal Ilmu Hukum*, 2024.

Purwanti Ani, & Tridewiyanti Kunthi. *Stop Perkawinan Anak Dan Penghapusan Kekerasan Seksual Bagi Perempuan Dan Anak*. Penerbit Thafa Media, 2019.

Rasta, D. “Kekerasan Seksual Dilakukan Ayah Terhadap Anaknya Selama 4 Tahun Di Desa Kerobokan Kecamatan Sawan Kabupaten Buleleng.” *Jurnal Yustitia*, 2021, 15.

Sirajuddin, Fatkhurohman, & Zulkarnain. *Legislatif Drafting*. Setara Press, 2015.

Sonata, D. “Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Khas Dari Metode Meneliti Hukum.” *Fiat Justisia Jurnal Ilmu Hukum*, 2024, 8.

Susfita, N. “Fenomena Kekerasan Seksual Terhadap Anak Di Bawah Umur Dalam Mempersiapkan Hukum Keluarga Islam Di Indonesia.” *Jurnal NuranI*, 2018.