

## **Criminological Review Of Perpetrators Of Child Molestery In Connection With Differential Association Theory (Case Study at Class IIA Karawang Prison)**

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### ***Abstract***

*Child molestation is inappropriate and unethical behavior that violates norms of decency and morality, especially those related to sexual acts against others without consent or with the aim of degrading someone's dignity. This study aims to examine the behavior of perpetrators of child molestation from a psychological criminology perspective, with an emphasis on the application of the Differential Association theory. In addition, this study also aims to explore the factors that drive someone to commit child molestation, as well as how the Correctional Institution's efforts to overcome this are carried out by the perpetrators. The approach used is qualitative with an empirical legal method, involving perpetrators of child molestation who have served their sentences at the Class IIA Karawang Correctional Institution. Data were obtained through interviews with perpetrators and prison officers. The results of the study showed that some perpetrators had a background as victims of sexual violence, and grew up in an educational environment that tended to be permissive towards such deviant behavior. This condition forms a tendency towards deviant sexual behavior. These findings support the Differential Association theory, which states that criminal behavior is not something that is innate, but rather the result of a learning process in a particular social environment.*

**Keywords:** *Molestation, Criminology, Differential Association Theory.*

## **INTRODUCTION**

Criminal law is part of the legal system that regulates violations and crimes that harm the public interest. Experts provide various views on the definition of criminal law (Ratna Artha Windasari, 2017). Basically, actions that deviate from agreed norms can disrupt the order and peace of community life. Such deviations are usually viewed by society as violations, even considered as a form of crime. In social life, crime is a phenomenon that cannot be avoided and is always part of the reality faced by individuals, communities, and even the state (Bambang Waluyo, 2008). Crime itself is human behavior that is contrary to the rule of law, either because it violates prohibitions or does not obey orders that have been set out in the legal norms that apply in the society in which the individual lives.

The high crime rate in Indonesia has a real impact on the way people interact with each other. Crime is part of the social dynamics that cannot be separated from the life of society itself. Of the various forms of crime that occur, one of them is sexual abuse. In the Big Indonesian Dictionary (KBBI), the term "cabul" refers to something that is dirty, indecent, and contrary to norms of decency or morality. Sexual abuse can be interpreted as an inappropriate act related to sexual behavior towards others without consent, which can degrade a person's dignity. Sexual abuse is an inappropriate act usually related to behavior that contains elements of sexual desire and is considered immoral by society (Sudarsono, 1992). According to R. Soesilo, actions that are contrary to moral values such as the urge to lust are included in the category of indecency or obscene acts. Then according to W.A. Bonger, criminology is a science that studies crime as a whole with the aim of understanding the various causes of crime from various perspectives and social conditions that influence (Nursariani Simatupang, 2017). This act of sexual abuse can be done in various ways, such as persuading, seducing, or tricking the victim into engaging in indecent acts. This crime can happen to anyone and occurs in various places, both in schools, workplaces, and public spaces. One of the most concerning forms of sexual abuse is that which targets children as victims.

Children are a precious gift from God Almighty that brings happiness to a family. The presence of children is a great responsibility for parents to guide, protect, and provide a sense of security and affection. Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. State Gazette of the Republic of Indonesia 2014 Number 297, Article 1 number 2 explains that child protection includes all forms of efforts to safeguard and protect children and their rights so that they can live, grow, and develop optimally in accordance with humanitarian values, and be protected from all forms of violence and discrimination. Unfortunately, in reality, children are often the main target in cases of sexual abuse. Because they are still in the development stage, this traumatic experience is easily recorded in their memories and has a direct impact on their psychological condition. Children who are victims can experience emotional disorders such as trauma, excessive fear when interacting with others, withdrawing from the social environment, and experiencing mental health disorders. The increasing number of cases of sexual abuse against children is a serious signal for the government to be stricter in enforcing the law against the perpetrators (Iswarso, 2023). In addition, the role of parents is very important in looking after and supervising children, because lack of attention and supervision can open up opportunities for criminals to carry out their actions (Rini Leoni Fransiska, 2001).

Victims of sexual assault are often in a very vulnerable situation. They may be under physical or psychological pressure, victims of violence, unconscious, helpless, underage, have intellectual disabilities, or be in other situations that make them unable to resist or do not fully understand what is happening (Paramitha Dwinanda Putri, 2018). Based on data from the Indonesian Child Protection Commission (KPAI), during the period from January to December 2024, there were 2,057 reported cases, with 1,604 of them being official complaints. West Java was the region with the highest number of cases, reaching 484 cases. In Karawang Regency itself, crimes against women and children, including molestation, showed alarming numbers. In 2023, there were 124 reports of violence against women and children, with 81 victims being

minors. Meanwhile, in 2024, there were 181 reports of violence, of which 52 girls were reported to be victims of sexual violence.

In the Criminal Code (KUHP), indecent acts are a violation of moral norms. In the old Criminal Code, indecent acts were regulated in Chapter XIV, Articles 281 to 303, with relatively general provisions and did not clearly regulate aspects such as power relations, victim vulnerability, or forms of non-physical violence. This regulation was deemed inadequate in responding to the development of sexual crimes, especially those involving children as victims. To update criminal law in Indonesia, the government then passed the new Criminal Code, which regulates indecent acts in Chapter XV concerning Criminal Offenses Against Morality, specifically in Articles 416 to 419 which regulate child molestation. In addition, the crime of child molestation is also regulated in Law Number 17 of 2016, which is the second amendment to Law Number 23 of 2002 concerning Child Protection. Article 76E of the Child Protection Law states that "Everyone is prohibited from committing violence or threats of violence, forcing, deceiving, or persuading children to commit or allow indecent acts." Article 82 of the Child Protection Law regulates sanctions for perpetrators of child molestation, namely a minimum prison sentence of 5 years and a maximum of 15 years, and a maximum fine of IDR 5,000,000,000.00 (five billion rupiah).

According to Bawengan, criminology studies the development and growth of behavior related to welfare, as well as the behavior of individuals who have committed crimes. In addition, criminology also studies criminal activities, both those carried out individually and in groups, including the methods used by perpetrators of crimes (Aris Prio Agus Santoso, 2022). Criminology also studies the causes of crime by comparing various cases or by comparing the behavior of individual perpetrators of one crime with another. One theory in criminology is the Differential Association Theory, which explains crime from a psychological perspective. Edwin H. Sutherland explains that crime is learned through interaction with other people or in certain groups, and is learned through drives that support criminal acts, meaning that a person is not born a criminal, but learns to become a criminal through the environment and associations. Therefore, this study will examine perpetrators of child molestation from a criminological perspective, especially by using the Differential Association theory. (*Zarisonov Arafat, 2018*).

## **METHOD RESEARCH**

This study uses a qualitative method with an empirical legal approach, which not only examines the law as a written norm but also looks at its application in social reality. The goal is to comprehensively understand the crime of child molestation, including the background of the perpetrator, social behavior, and implementation of the law. Referring to Soerjono Soekanto, empirical legal research views law as a concrete social phenomenon. The data used consists of primary data through interviews with perpetrators and prison officers, as well as secondary data from literature studies. The research is descriptive explanatory to explain the factors that influence the crime in Karawang Regency. Data analysis was carried out using deductive legal logic. The location of the research is at the Class IIA Karawang Prison to obtain data directly from the primary source.

## **DISCUSSION**

## **1. Criminological Review of Child Molestation Crimes Linked to Differential Association Theory**

The term criminology was first introduced by P. Topinard (1830-1911), a French anthropologist (As. Alam, 2010). The word "criminology" comes from the English word criminology, which has roots in Latin, namely *crimen* which means criminal and *logos* which means science or knowledge. So, criminology can be interpreted as the science that studies crime or criminals. Criminology is a discipline that focuses on the study of crime and criminal behavior. The study of criminology covers various aspects, such as criminal behavior, theories about the causes of crime (etiology), as well as the sociology of law and society's reaction to crime (Aris Prio Agus Santoso, 2022). One form of sexual crime that is very complex and has a serious impact on the psychological development of the victim is child molestation. From a criminology perspective, this crime can be explained using the Differential Association theory proposed by Edwin H. Sutherland. According to this theory, criminal behavior is learned through social interaction, especially in close environments such as family, peers, or residential environments. In the context of child molestation, the perpetrator does not merely commit deviant acts due to biological urges or psychological disorders alone, but also because of the repeated learning process from a deviant environment.

Perpetrators learn about deviant sexual behavior, the values that justify such actions, and the techniques or methods of doing so through experience or direct observation of those around them. In the results of interviews with perpetrators of child molestation cases at the Class IIA Karawang Penitentiary, it was discovered that the perpetrators had experienced sexual violence as children by their own family members. This experience lasted for a long time and caused trauma and confusion about sexual identity, which ultimately formed deviant thought patterns and behaviors later on. In addition, the perpetrators also witnessed similar actions in their educational environment, which reinforced the normalization of such behavior as something "normal" or acceptable in their social group. This is in accordance with the core of the Differential Association theory that the more often a person is exposed to deviant values and the stronger the relationship with the learning source, the greater the likelihood that the individual will internalize and reproduce the deviant behavior.

Thus, this theory provides a strong explanatory framework regarding how the social environment plays a major role in shaping and producing child molestation crimes which ultimately cause unrest in society. Of course, in this case, perpetrators of child molestation crimes are increasingly being found and causing discomfort and fear for parents regarding the safety of their children. The perpetrators of this crime can be said to be the closest people, namely neighbors, friends, relatives, even family who live in the same house. Indications of the perpetrators of this child molestation crime occur because of factors that certainly support and can be utilized by the perpetrators so that the perpetrators can carry out their actions. According to the perpetrators, the modus operandi carried out by the perpetrators who have souls that are close to children or who are often in the environment of children, invite them to play or talk to children and then invite them to a place with the promise of being given a prize in the form of a diamond top up after the child agrees to the perpetrator's invitation, then the perpetrator commits the molestation. According to Edwin H. Sutherland, in his theory, criminal behavior is behavior learned in a social environment, meaning that all behavior, both conforming and criminal, can be learned in various ways. The main difference between the two lies in what and how the behavior is learned. In the Differential Association theory, it is emphasized that the process of learning criminal behavior mostly occurs in close personal groups.

According to Edwin H. Sutherland, criminal behavior is not something that arises naturally, but rather the result of a learning process in the social environment. Both behavior that is in accordance with norms and deviant behavior can be learned through interaction with others, especially in communication that occurs in the immediate environment, such as family

or peers. Through this process, a person not only learns the techniques of committing crimes, both simple and complex, but also understands the underlying motives, reasons, attitudes, and justifications. The views or values that a person receives about the law also play an important role. If a person hears views that justify breaking the law more often than those that oppose it, then he is at greater risk of becoming a criminal. This influence can vary depending on how often the interaction occurs, how long it lasts, how early it starts, and how strong the social relationships are. Sutherland emphasized that the process of learning criminal behavior is actually the same as the learning process in general, meaning that becoming a criminal is not solely due to economic needs or life pressures, but more due to the influence of values learned from his social environment (Topo Santoso, 2019). In the case of child molestation at the Class IIA Karawang Penitentiary which occurred in 2024, several factors were shown as the background to the perpetrator committing the crime, namely Historical Factors and Environmental Factors.

#### A. Historical Factors

Historical Factor is one of the factors that refers to a person's personal experience of having an experience that happened to him/her that forms behavior where a person has experienced an incident that caused the person to experience trauma, stress, and emotional pressure so that it forms deviant behavior in the future. Traumatic The perpetrator as a victim in the past is a fairly large spear for the perpetrator. The perpetrator of sexual abuse or called X who is in the jurisdiction of the Class IIA Karawang Penitentiary is classified with environmental factors and historical factors owned by the perpetrator stating in line with the Differential Association theory with data from the results of interviews with perpetrators of child sexual abuse is someone who has experienced a similar incident in the past carried out by his/her biological family when he/she was 7 years old, the incident continued for 1 year, so that the perpetrator experienced trauma, stress, and emotional pressure which resulted in the perpetrator having deviant behavior.

On the other hand, the perpetrator also said that the perpetrator had an interest in men and women, which was formed from sexual identity confusion due to past experiences, which is explained in the Differential Association theory that the perpetrator not only learned about sexual acts themselves but also the values and ways of thinking that guide them, including how to understand sexual relations and who is considered a sexual object. The perpetrator said that he had a curiosity that made the perpetrator find out/search for pornographic content to learn. In addition, the perpetrator also saw a similar incident when the perpetrator was studying at an Islamic boarding school in West Java, the incident occurred almost every year and became commonplace in the Islamic boarding school environment, because of that, the perpetrator finally had deviant behavior. The deviant behavior carried out by the perpetrator, because of the traumatic experiences experienced in childhood became an important part of the learning process of criminal behavior. In the context of the Differential Association theory, the perpetrator not only learned deviant sexual acts, but also the values, norms, and views that lead someone to consider such behavior as something acceptable or even desirable. Historical factors in this case play a central role in shaping the sexual orientation and behavior of the perpetrator, because traumatic past experiences and social interactions with individuals who have similar behavior have shaped their way of thinking and behavioral patterns.

The perpetrators, who were initially victims of sexual violence by their biological families, learned to view sexual violence as part of acceptable interactions in human relationships. On the other hand, socializing in the pesantren environment which also showed similar behavior further strengthened this mindset. Through continuous social

interaction with individuals who have similar views and through gaining knowledge about sexual behavior through pornographic content, the perpetrators increasingly internalized norms and attitudes that supported deviant behavior. This shows how historical factors, in this case past traumatic experiences and environmental influences, are closely related to the formation of criminal behavior, in accordance with the Differential Association theory.

**B. Environmental Factors**

Environmental factors are one of the most influential factors in shaping a person's behavior to commit crimes, especially child molestation. A person's behavior can be influenced by a bad environment, both in the family, education, and community environment. In terms of family, it is the first and main environment in shaping an individual's behavior. In many cases of child molestation, the perpetrators often come from emotionally unstable families or even those full of violence. When a child grows up in a family that is prone to violence or sexual abuse, they may internalize the behavior as part of a normal relationship pattern. In this context, the perpetrator was once a victim of childhood sexual violence by a family member, which can lead to the formation of deviant behavior patterns in the future. The trauma experienced by children in the family can interfere with their psychological development and worsen their perception of sexual relationships, making them more vulnerable to committing sexual violence. In terms of the educational environment, both schools and Islamic boarding schools, it is also an environmental factor that can influence a person's behavior. In these places, social interaction between individuals is very open, but if social control in the educational environment is weak or non-existent, deviant behavior can develop. In some cases, child molesters revealed that they grew up in educational environments where sexual violence was considered normal or even unproblematic. This occurs because there is insufficient supervision of interactions between individuals and there are no clear social consequences for those who commit sexual violence. In educational environments that do not have strict controls and clear norms, children or adolescents may assume that deviant behavior is acceptable and does not have serious consequences. In terms of society that is not sensitive to the issue of sexual violence or who consider sexual violence to be normal, it also has the potential to be a factor that worsens the situation.

In some cases, social norms in society can form the perception that violence or sexual abuse against children is something that does not need to be discussed or is considered a private matter. Societies that do not pay serious attention to this problem often create an environment that allows criminal behavior to develop without any clear social rejection. When society fails to provide adequate education about child protection and sexual violence, individuals who grow up in this environment may not know that their actions are a crime. Based on interviews conducted, perpetrators of child molestation, apart from being based on past experiences, have an environment where similar incidents are considered normal because they happen around them without any clear consequences or social rejection of such behavior.

The educational environment becomes an open social space where interaction between one person and another is established freely, with this condition does not have strong enough social control so that incidents of sexual abuse can occur directly and are considered commonplace. This condition reflects deviant behavior and justifies the criminal act, because the perpetrator considers his actions to have no consequences or accountability because the actions are carried out with the same sex and not with the opposite sex, as well as the perpetrator's ignorance of the laws and regulations governing the crime of sexual abuse against children. In this study, the

perpetrators of the crime of sexual abuse against children experienced a dark past carried out by their biological family which resulted in psychological health and mental trauma felt by the perpetrators, and the perpetrators had dual sexual interests formed from their traumatic experiences. Of course, all of these factors indicate that the social learning process from a deviant environment strengthens the perpetrator's tendency to repeat the pattern.

## **2. Efforts to Combat Child Molestation Crimes by Class IIA Karawang Penitentiary**

Efforts to overcome perpetrators of child molestation by Class IIA Karawang Penitentiary are inseparable from various obstacles that affect the effectiveness of the guidance process. Based on interviews with correctional institution officers, one of the main challenges faced is the limited human resources, especially professional staff such as psychologists, counselors, and community mentors who are competent in handling sexual crime cases. In addition, the excessive capacity of prison inmates also causes limitations in space and time in implementing individual training programs, so that the approach provided tends to be general and does not address the specific needs of the perpetrators. Other obstacles include the lack of supporting facilities and infrastructure, such as representative counseling rooms and rehabilitative learning materials. Despite facing various obstacles, Class IIA Karawang Penitentiary continues to carry out a number of preventive and repressive prevention efforts which are described as follows:

### **A. Preventive Efforts**

Preventive efforts are an important step in the process of recovering from physical disorders, especially child molestation crimes. This approach focuses on preventing perpetrators from repeating their actions in the future, both while still in the Correctional Institution and after returning to society. Class IIA Karawang Correctional Institution implements a number of preventive training programs that aim to form legal, ethical, and social awareness in perpetrators. One of the provisions is legal counseling, where justice is given an understanding of applicable legal norms, including provisions in the Child Protection Law, criminal sanctions, and the legal and social impacts of sexual crimes against children. This understanding is expected to encourage perpetrators to internalize legal values and avoid similar violations. In addition, religious guidance is an important aspect in preventive efforts. Activities such as religious lectures, religious studies, spiritual guidance, and moral guidance are carried out routinely to instill deep values, so that perpetrators can form stronger self-control and build a sense of guilt for their actions.

Based on the results of interviews with counseling officers, this activity begins with personal psychological counseling, in order to explore the root of the perpetrator's problems, such as past wounds or weaknesses in sexual identity, which contribute to deviant behavior. Through this counseling, the perpetrator is directed to understand the impact of his actions on the victim and the social environment, while being strengthened with more positive alternative values. Not only that, the perpetrator is also given the opportunity to take part in skills training and other productive activities as part of personality training. The goal is for the perpetrator to be able to form a healthy, independent self-identity, and be oriented towards a positive and constructive social life after the end of the sentence. With this comprehensive approach, it is hoped that preventive efforts will be able to break the chain of relapse (recidivism) and encourage a more reintegrative social reintegration process for perpetrators of child molestation crimes.

### **B. Repressive Efforts**

Repressive efforts are remedial measures taken after a crime has occurred, with the main objective of providing a deterrent effect on the perpetrator and enforcing the law in order to create justice and public welfare. In the context of child molestation cases, repressive efforts begin through the criminal process which culminates in the perpetrator being convicted and placed in a Correctional Institution. In the Class IIA Karawang Correctional Institution, child molesters serve their sentences as a form of legal sanction for their actions, as well as part of a social control mechanism to separate the perpetrators from the community for a certain period of time. During their sentence, the perpetrators are also subject to strict disciplinary rules and are required to follow all established training programs. Discipline enforcement includes administrative sanctions for violations of rules in the Correctional Institution, which aim to instill discipline, compliance with the rules, and a sense of responsibility in the perpetrators. In addition, the perpetrators are also under periodic psychological monitoring and evaluation by personality development officers. This evaluation is carried out to assess the extent to which the perpetrators have changed their behavior, as well as to detect the potential for recidivism or the tendency to commit similar crimes in the future. Repressive efforts also include structural guidance in a closed environment, which limits the perpetrator's interaction with the outside world and is conditioned to reflect on his actions. This approach not only functions as punishment, but also as a means of social rehabilitation so that the perpetrator understands the legal and social consequences of the crimes committed. Thus, repressive efforts in Correctional Institutions do not solely focus on criminal responsibility, but are also directed at the process of training and reintegrating the perpetrator into a better society after the sentence ends.

### **Conclusion**

Based on the results of the study, it can be concluded that the crime of child molestation committed by the perpetrator is the result of a deviant social learning process. Through the Differential Association theory, it is explained that the deviant behavior was obtained by the perpetrator from negative childhood interactions and experiences, such as being a victim of sexual violence by the biological family since the age of seven, accompanied by exposure to pornographic content, and direct observation of deviant behavior in the Islamic boarding school environment. All of these experiences reinforce the deviant values that are accepted and learned by the perpetrator repeatedly and intensely, thus forming a deviant mindset and sexual behavior. Thus, the perpetrator does not immediately become a criminal, but is formed through a gradual deviant social process. Class IIA Karawang Penitentiary not only carries out a repressive function in the form of criminal punishment, but also carries out a preventive and rehabilitative role.

The mitigation efforts carried out include spiritual guidance, psychological assistance, and educational activities aimed at restoring the mental condition of the perpetrator, forming legal awareness, and fostering a sense of social responsibility. This approach shows that correctional institutions have adopted a humanist approach that emphasizes more on the social reintegration of perpetrators so that they do not repeat similar crimes after leaving correctional institutions.

### **Suggestion**

It is hoped that the approach to coaching perpetrators of child molestation will place more emphasis on the psychological and social aspects underlying the act. Ongoing counseling

programs and trauma-based rehabilitation must be developed to restore the perpetrator's mental condition as a whole, as well as prevent the risk of recidivism.

It is necessary to strengthen healthy and value-based sexual education, especially in religious education environments, so that students understand the limits of normal sexual behavior and are able to distinguish between violations. In addition, the community needs to increase supervision and concern for children's social environments to prevent sexual violence at an early age.

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