



Child Grooming Crime in View Become the New Face of Crime of Sexual Violence

Hanna Fitri Raziah ^{1*}, Ujang Badru Jaman ²

^{1,2} Law Study Program, Nusa Putra University

^{1,2} Sukabumi, West Java, Indonesia

^{1,2} (hanna.fitri_hk19, ujang.badru)@nusaputra.ac.id

Abstract. Child grooming is the intentional establishment of emotional relationships by adults to render children more vulnerable to negative influences. Predominantly perpetrated by pedophiles (perpetrators of sexual violence against children), it aims to prepare children for sexual encounters or exploitation, such as child trafficking or prostitution. The grooming process entails coaxing victims into promptly sending nude photographs, genital images, or sexually suggestive audio files, often via platforms like WhatsApp or direct messaging (DM), all of which are clandestinely documented without the victim's awareness. Although these offenses are generally regulated, extant legislation is notably restricted. Present regulations primarily address behaviors construed as byproducts of a child's adjustment levels, largely focusing on the dissemination of content that contravenes decency standards. Consequently, specific legal frameworks pertaining to child grooming in Indonesia have yet to receive specialized attention and are not rigorously enforced. This research investigates the absence of dedicated legal provisions addressing the regulation of child grooming in Indonesia.

Keywords: Crime of Child Grooming, Sexual Violence

1 Introduction

1.1 Background

The rapid development of society due to the sophistication of technology and the internet requires everyone to be literate and smart when using it. Even though the existence of the internet makes it easier for every community to communicate and interact with other individuals virtually, the negative impact of the internet can be detrimental if there are no restrictions on internet use. The Internet or Interconnection networking is a computer network that is interconnected using the Transmission Control Protocol system or the Internet Protocol Suite to become a tool that can serve all internet users around the world. Therefore, Millions of people around the world can easily connect through information and communication forums that are intertwined in cyberspace without boundaries so that with this convenience, people, including children, become very dependent on the internet to study, search for information, or just play online games. It is

© The Author(s) 2024

A. Armansyah and U. B. Jaman (eds.), *Proceedings of the International Conference on Law, Public Policy, and Human Rights (ICLaPH 2023)*, Advances in Social Science, Education and Humanities Research 859,

https://doi.org/10.2991/978-2-38476-279-8_14

undeniable that the rapid development of technology and the internet has led to an increase in crime activity and brought up new faces along with the times, one of which is the crime of grooming.

According to the Grassroots Feminist Dictionary, child grooming is an act of forging friendships emotionally that is done intentionally by adults to children so that the child is easily influenced for negative things. Child grooming is usually carried out by pedophiles (perpetrators of sexual violence against children) to prepare children for sexual relations with them or for child exploitation such as child trafficking or prostitution. The grooming process can be done in a number of ways, such as persuading the victim to be able to immediately send nude pictures, genitals, voices containing erotic content, and document them via Whatsapp or Direct Message (DM) without the victim's knowledge. Considering that Indonesia does not yet have specific regulations regarding child grooming but cases and practices are increasingly common and this should not be normalized, the community, especially the government, must begin to be responsive to the current precarious conditions and pay more serious attention. This is because every citizen has the right to feel safe, fair and free from all forms of crime such as violence and discrimination in accordance with the Pancasila philosophy and the 1947 Constitution of the Republic of Indonesia,

One form of attention that can be carried out by the government to prevent child grooming from happening can be done through law reform or the establishment of special regulations that are more specific to regulate grooming crimes as crimes of sexual violence against children in social media for a special form of protection for victims so that law enforcement officials when handling grooming cases, they no longer make decisions based on discretion on the pretext that there are similarities regarding the types of child grooming.

1.2 Formulation of the Problem

Moving on from the phenomenon above, the author finds several problems that will be discussed regarding child grooming including the following:

1. What is the phenomenon of child grooming in Indonesia today?
2. What is the urgency of legal protection regulations governing the crime of child grooming in the Indonesian legal system?

2 Research Methods

The method used in this paper is to use the normative juridical method, namely legal research conducted by examining library materials. Normative legal research or literature includes: research on legal principles, research on legal systematics, research on vertical and horizontal synchronization stages, comparative law and legal history. Then the method used is the type of research used is the statutory approach, namely by tracing the laws and regulations related to the problem to be discussed, namely the crime of child grooming.

3 Discussion

3.1 Phenomenon of Child Grooming in Indonesia

A number of cases of sexual violence against children are increasing, especially with the grooming method. There is no denying that the internet and technology seem to be a medium of intermediary between criminals and victims. Crime can be driven by several factors such as economic factors, association, and one of them is opportunity. In Indonesia itself, in 2022, there will be a lot of discussion about grooming mode again, which is associated with the condition of an Indonesian actor Kriss Hatta who is dating a 14-year-old teenager who is 20 years different from him. Not only that, in 2019 there was the practice of online childcare and had shocked the virtual world, namely cases of violence against children through online games. The suspect in this case is AAP alias Prasetyo Devano alias Defans alias Pras, a 27-year-old man who plays the online game HAGO and as many as 10 children who have become victims of sexual abuse in child care mode, his motive is to exchange phone numbers with victims and invite them to join the Whatsapp group. Then the suspect then entered into parenting mode by building a good relationship with the victim so that the suspect AAP could do whatever he asked for, including indecent things through the video call on WhatsApp.

So what is Grooming? According to the NSPCC (National Society for the Prevention of Cruelty to Children) grooming is an attempt to establish a relationship, trust, and emotional connection with a child or youth so that they can be manipulated, exploited, or even abused. Crimes of sexual violence can range from sexual harassment to forcing someone to have sex without the victim's consent or when the victim does not want it. In criminal law, the criminal acts of sexual crimes that have always been known are sexual violence and sexual harassment. Sexual violence is any act that ranges from sexual harassment to the act of forcing someone to have sexual intercourse without the victim's consent or when the victim does not want and or has sexual intercourse in ways that are unnatural or not liked by the victim and distances him from his sexual needs.

According to an analysis conducted by ICMEC (The International Center for Missing & Exploited Children) it is defined "Grooming online means using the internet or other digital technology to establish or build relationships with children under the age of 18 and engage in non-sexual (online) sexual interactions.) or (offline) contact with a child. Grooming usually involves very subtle, long-term, calculated, controlled and planned psychological manipulation with the aim of building an emotional connection with the child and lowering the child's inhibitions. Throughout the grooming process, the groomer insists on obtaining the child's obedience in order to maintain confidentiality and avoid detection from punishment.

If seen in criminal law, the type of crime of sexual crime is known as sexual harassment and sexual violence. Child grooming is included in the criminal act of sexual harassment with a developing modus operandi because grooming is often done through social media and chat applications such as whatsapp, line, telegram and snapchat. In carrying out the action, a groomer can use modes in various ways, one of which is the process of using grooming on the victim. We can see this in a film called "Trust (2009)" which tells the story of Annie, a 15 year old girl who becomes a victim of grooming.

The culprit was a middle-aged man she met via web chat. The perpetrator subtly and gradually introduced himself to be the same age as Annie and the perpetrator slowly opened himself up by continuously manipulating the victim with various persuasions and building trust between the two. Then gradually he also revealed his true identity as a middle-aged man. So it was a process in which the perpetrator continuously manipulated the victim with various temptations and built a trusting relationship, and finally when Annie first met the perpetrator, even though she was surprised, the process of accepting the reality of the perpetrator's figure was so fast, that way every time a physical encounter occurs, violence sex can occur.

Based on the example of the *modus operandi* process in the film above, it is very real with the current conditions regarding grooming cases which are mostly carried out and practiced in the real world, especially in Indonesia. Considering that the motive for the crime of child grooming in Indonesia is still new, the characteristics and types of child grooming crimes today still have no specific understanding that regulates concretely, but only based on the views of a resemblance. Below are some points related to the type or type when someone commits the crime of child grooming:

a) Manipulation

Online child grooming involves several forms of manipulation, not least the many types of manipulation that perpetrators can perform on victims. Various manipulative techniques are used to increase the power and control of the perpetrator in order to increase the dependence of the victim on the perpetrator. Such as giving praise to make the victim feel special, feel loved and cared for. Besides that, so that finally the perpetrator can control the victim through intimidating the victim and feeling afraid of the perpetrator.

b) Accessibility

Ease of access to interact with victims is also a factor in online grooming crimes. Perpetrators can access victims via the internet without the need to meet in person or reveal their real identities in cyberspace.

c) Rapport Building

As part of building a relationship, the perpetrator makes adjustments to the behavior and style of communication that make the victim comfortable talking to the perpetrator. Furthermore, the perpetrator begins to find out about attachment, then when we have been made comfortable by the perpetrator, the grooming action will immediately awaken, so that the victim feels comfortable, but behind the kindness that is full of manipulation, the victim is unconscious.

d) Sexual Contexts

One of the goals of online child grooming is sexual intercourse which will be when and how sexual intercourse begins. There are many different ways to initiate an intimate relationship including seduction of the victim, transmission of obscene images, and links to phonographies.

e) Deception

In online grooming, actors can pretend to be peers in caring for children online. The perpetrator may admit that the person who is interacting on social media admits that he is a person who is not much different in age or even a little more mature than himself. That way, the *modus operandi* starts to run according to plan and the victim

starts to trust so that the perpetrator usually lures the victim by inviting him to take her to a more serious level of relationship and then after the victim has been successfully manipulated, most of the victims hold meetings and the momentum doesn't close. the possibility of something happening that leads to sexual violence.

Looking at the process and characteristics of child grooming above, we can mean that child grooming actors will continue to develop using various methods or methods to find the latest victims in line with technological advances and the times. Regarding the laws and regulations in Indonesia in terms of being held accountable for this criminal act, it has been regulated in a regulation termed obscenity, in general it is also regulated in Article 289 of the Criminal Code. Besides that,

Considering that the Indonesian state does not have specific regulations regarding how to enforce the law against child grooming perpetrators, there are several possibilities related to the notion of child grooming entering into sexual violence. As we know, the definition of sexual violence is any act that includes sexual harassment that forces someone to have sexual intercourse without the victim's consent in an obscene way. So that from the many terms used regarding the concept of sexual violence when viewed from the perspective of child grooming, there is an element of similarity regarding the meaning of sexual harassment itself. So that child grooming can generally be classified as sexual violence.

This is similar to the opinion of academics from Nusa Putra University, Ridho Sinaga SH, MH, who stated that "models of child grooming actually do not exist in Indonesia with specific regulations that regulate, but if we refer to existing international conventions, models -This child grooming model is equated so that we can say that it is included in the child grooming type. For example, if a person through a video call forces the child, persuades, so that there is manipulation of the child in any way, and this can be done through direct massage, video call so that in the end the perpetrator can facilitate the child either online or offline with the aim of sexual harassment , either form later in the video.

3.2 The Urgency of Legal Protection Regulations Governing the Crime of Child Grooming in the Indonesia Legal System

The number of cases of sexual violence against children is increasing, especially with the grooming method. Grooming can be done by a predator through social media. The more developed the media to communicate with the wider community, the more likely someone is to commit a crime. It cannot be denied that the internet and technology seem to be media intermediaries between criminals and victims of child grooming crimes. In Indonesia, the law regarding the crime of child grooming seems to be still vague and has not been regulated explicitly and clearly. The child grooming crime regulations currently still use regulations as in Article 27 paragraph (1) of Law Number 19 of 2016 concerning amendments to RI Law Number 11 of 2008 concerning Information and Electronic Transactions.

Besides that, Broadly speaking, all child grooming crimes have been regulated but very limited, the current regulations only regulate behavior that is seen from the results of the child grooming level, and most of these regulations only regulate the distribution

of content that violates decency in the form of physical violence and Therefore, special regulations regarding the crime of child grooming in Indonesia still do not receive special attention and are regulated explicitly and explicitly.

4 Closing

- 1) Child grooming is an act of forming emotional friendships that is done deliberately by adults to children so that the child is easily influenced to do negative things. Child grooming is usually carried out by pedophiles (perpetrators of sexual violence against children) to prepare children for sexual relations with them or for child exploitation such as child trafficking or prostitution. The grooming process can be done in a number of ways, such as persuading the victim to be able to immediately send nude pictures, genitals, voices containing erotic content, and document them via Whatsapp or Direct Message (DM) without the victim's knowledge.
- 2) A criminal law policy is needed by updating the rules for criminal acts of sexual harassment on social media (child grooming), especially in anticipatory legislation on future child welfare, namely child protection laws can be protected, so that the application of criminal law can be carried out properly and effectively.

References

1. Soekanto & Sri Mamudji, 2015, Normative Legal Research: A Brief Overview, Jakarta: Rajawali Pers.
2. Sulaeman & Homzah, 2010, Violence Against Women: Perspectives from Various Disciplines & Case Studies of Violence, Bandung: Refika Aditama.
3. Andaru, Imara Pramesti Normalita. 2021. Cyber Child Grooming as a Form of Gender-Based Violence Online in the Pandemic Era. *Journal of Women and Family*, 2 (1), 44-45.
4. Rismakaya. 2021. Child Sexual Exploitation (CSE) Through Online Media. Social Counseling Center.
5. Dian Fatah Risalah, <https://www.republika.co.id/berita/rix1kv328/kpai-kecam-kriess-hattayang-mengaku-miliki-kekasih-anak-di-bawah-umur>, accessed on November 3, 2022, at 20.00 WIB.
6. UGM Psychology LM, (2021, September 11), Pre-Ngariung Child Grooming Study: Manipulative Kindness.
7. Nabila Gassani, <https://www.perempuanberkisah.id/2020/08/06/kenali-grooming-sebagai-modus-pelecehan-seksual-pada-anak/>, accessed on November 3, 2022, at 20.57 WIB.
8. Kendra, Welly. (2020). Criminalization of Sexual Deviation Behavior." *Swara Justisia*, 55.
9. Taufan, S. A. <https://www.jawapos.com/nasional/hukum-kriminal/03/08/2019/internet-takramah-anak-simak-pesan-kominfo-untuk-orang-tua/>, accessed on November 3, 2022, at 21.05 WIB.
10. Law Number 35 of 2014 concerning Amendments to the Republic of Indonesia Law Number 23 of 2002 concerning Child Protection.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

