



Enforcement of Criminal Law Against Perpetrators of Child Grooming

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Abstract. *One of the sexual crimes against children that appears in the public is child grooming, which is an effort made by someone to build a relationship with the victim, then gradually prepare situations and conditions so that the victim is more compliant and complies with the wishes of the perpetrator, when the victim is compliant, the perpetrator will manipulate the victim so that the victim will be more compliant and not reveal the sexual crimes committed by the perpetrator. The act of child grooming is a form of sexual violence against children, although not all sexual violence is included in childgrooming, based on data on cases of sexual violence against children handled by the Samarinda Police PPA Unit in 2021, there were 19 people. Law enforcement is a guide for people to act and behave in accordance with the legal norms that exist in society and the state. The act of child grooming is a form of sexual disorder by seducing children, manipulating victims until the action leads to an act of sexual harassment or violence. It is clear that the targets of child grooming crimes are minors. In this paper, using a doctrinal approach where legal research studies are carried out with a legal and social science approach. Sources of legal and social materials, this paper uses primary data in the form of legal and social materials and also uses secondary data in the form of literature in the form of books, journals, etc. that are relevant and can be used as supporting data for this paper. Child grooming does not have a specific regulation in Indonesian legislation, so police investigators have difficulty when making decisions so that law enforcement officials exercise discretion to be able to impose penalties on perpetrators where they analyze and approach legislation that is deemed to have similar elements and fulfill the elements of the crime.*

Keywords: *Children, Law Enforcement, Crime, Child Grooming*

1. Introduction

In guaranteeing the constitutional rights of every person to obtain recognition, guarantees, protection and certainty of a fair law and equal treatment before the law (equality before the law) as a means of protecting human rights, including the protection of children. Regarding the protection of children, the Indonesian government has made a policy, one of which is Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

The phenomenon of sexual crimes against children that appears in the public, one of which is the act of child grooming, which is an effort made by someone to build a relationship with the victim, then gradually prepare situations and conditions so that the victim is more obedient and complies with the wishes of the perpetrator, when the victim is obedient, the perpetrator will manipulate the victim so that the victim will be more obedient and not reveal the sexual crimes committed by the perpetrator.¹ According to Dr Michael Welner, there are six stages of child grooming; 1) targeting the victim, 2) gaining the victim's trust, 3) filling a need, 4) isolating the child, 5) sexualizing the relationship, 6) maintaining control.² According to some general knowledge, the definition of a child is someone born from the relationship between a man and a woman. Meanwhile, what is defined as a child is someone who is still under a certain age, immature and unmarried. This definition is an understanding

that is often used as a reference in studying or researching various issues regarding children. It can be observed from the aspect of science, which is used as a criterion to determine the definition of children in general based on certain age limits. There are several examples of the actions of grooming perpetrators who easily abuse children and victims do not report this because children have not received education so that children do not know whether they have been abused or not, and do not know how the limits of other people are not allowed to see and touch parts of their bodies. Based on an interview with the Head of Special Protection of Children of the Office of Women's Empowerment and Child Protection Mr. H.Sahidin Ahmad, S.Sos, M.Si Child grooming is carried out by involving psychological actions and physical actions, where the perpetrator usually carries out his first action with psychological actions as a prelude to developing and creating an initial relationship with the child, and trying to build trust with the child, by playing the victim's psychology the perpetrator encourages the child not to disclose the sexual abuse he received. Then at the physical grooming stage occurs where the relationship between the victim and the perpetrator has entered the sexual stage. Child grooming is a form of sexual violence against children, although not all sexual violence is included in child grooming. Based on data on cases of sexual violence against children handled by the Samarinda Police PPA Unit in 2021, there were 19 people.³

The number of child grooming cases that occur to children as in the case data above, raises a concern for victims who are still children who are the main target of child grooming perpetrators. Then to study child grooming cases, special attention is needed for law enforcers and the wider community to find out law enforcement, the factors that cause the perpetrators to do this, the motives, and efforts of the perpetrators, and how to overcome them. Even in 2021, Samarinda still ranked first in the level of violence against women and children in East Kalimantan Province.⁴

2. Literature Review

According to Swearer Doll's (2013) description of the Legal Environment and Legal Principles, regulations were developed with the aim of protecting younger individuals to address the crime. The first group consists of suggestions to protect children and human dignity in the process of outlining best practices for child protection. However, the concrete form of the punishment system for children leads to fostering and parental responsibility along with some fine obligations. Secondly, the principle of nondiscrimination is important in any discourse on human rights. The idea of nondiscrimination is closely related to the ideas of freedom and justice. This principle is sometimes referred to as the essence of human rights because its core purpose is to ensure that every individual in this world is placed in the same position and equal to each other, since the beginning of the concept of human rights. While the principle of equality is essentially understood in different ways by individuals. In Indonesia, the principle of non-discrimination is described as a principle that prohibits differentiating the treatment of citizens based on factors such as ethnicity, race, religion, class, sex, and gender. The purpose of Indonesian law implementing the principle of non-discrimination is to provide equal and fair opportunities to all individuals to access the opportunities available in society. Susanto and Erick (2016) discussing the Inter-Norm Approach in Child Protection explained that to achieve child protection, four main types of complementary tools are determined by child protection institutions which include management, the mindset of educators and education personnel, school norms, discipline, and discipline.⁵ Within educational institutions, there is a strong dedication to protecting children, with the government guaranteeing that every child, no matter where they are, should have access to education. However, the state strictly prohibits any form of violence against Indonesian children, anytime and anywhere. Lawrence Friedman proposes three components of a legal system, based on the theory of legal effectiveness: the substance, structure and culture of law. This normative approach aims to effectively prevent bullying across a wider range of bullying

cases. Finkelhor, Turner, and Hamby (2013) briefly reviewed, the bullying act paradigm is defined as an aggressive act that has three distinctive features: a) "intentional"; the occurrence of bullying acts by "mere conflict" acts or acts that cause harm consciously or intentionally. b) "repetition" means that intentional acts of harm occur repeatedly, usually over a period of time. c) "bullying" can be "bias-based" (aggression or harassment) referring to bullying that occurs in conjunction with discriminatory prejudices such as racism, sexism, and homophobic slurs.⁶

Previous research describes many theoretical investigations that serve as guidelines and rules in protecting children to address criminal cases of bullying committed by juveniles. The main purpose of sentencing policy in Indonesia is to offer an appropriate resolution to deal with juvenile offenders who have broken the law. However, it is important to ensure that the current regulations are aligned with the healing process and the consequences of bullying. This research examines strategies to address bullying offenses committed by children, as well as the concept of providing justice for victims and perpetrators. Various studies have also recognized that bullying is a major cause of trauma issues over the past decade, resulting in adverse impacts on the lives of both victims and perpetrators of bullying. For example, the Indonesian government could potentially implement the Anti Bullying Law enacted in the Philippines in 2013. The implementation of the law brought significant relief to parents and the wider community, as it provided a legal framework to address many unwanted behaviors among children that were previously overlooked.⁷

3. Methodology

This research uses a doctrinal approach, namely conducting legal research studies using legal and social science methodologies. This writing uses primary data consisting of legal and social materials, as well as secondary data in the form of relevant literature such as books and journals. These sources serve as supporting evidence for the content of this paper. This research uses deductive methodology for data analysis. Deductive reasoning relies on basic principles to convey the subject matter by using major premises (legal rules) and minor premises (legal facts), resulting in a conclusion.⁸ The major premise relates to standards, jurisprudence, and doctrine. The minor premise refers to the data obtained and processed, which may include secondary and primary data to some extent. The data sources obtained are then analyzed qualitatively, where the data is viewed and connected to relevant legal requirements and principles relating to the topic under investigation.⁹

4. Discussion And Findings

Factors causing child grooming

A person can experience sexual disorders or sexual deviant behavior which is sexual behavior that is not acceptable to society because it is not in accordance with social and religious procedures and norms. One of them is by using unnatural sex objects such as young children who are used as sex objects and lust gratification by groomers, this certainly makes children, both boys and girls, the most vulnerable part to become victims of sexual harassment and violence. There are several factors that cause a person's behavior to deviate and eventually commit a sexual crime such as child grooming. The following are the factors that cause child grooming perpetrators to commit sexual crimes:¹⁰

1). Internal Factors

- a. Internal factors are factors contained within the individual. This factor specifically arises within the individual where it can have an influence in the relationship of a person who has a sexual disorder and has an effect on the sexual crimes committed by that individual. Psychiatric Factors, is an abnormal condition found in a person that can trigger sexual disorders and can cause the perpetrator to commit sexual crimes against children. For example, perpetrators who suffer from mental disorders where the perpetrator has abnormal sexual appetite and several forms of sexual

disorders such as Sadism, Masochism, Voyeurism, Fetishism, Pedophilia, Incest, and others..¹¹

- b. Biological factors, in human life humans have various needs that must be met in order to survive. The fundamental needs of every human being consist of biological needs such as food needs, sleep needs, sexual needs, protection needs, and other needs. Sexual needs are basic human biological needs in the form of libido that is owned and can be channeled to two individuals who provide feelings of mutual love, and mutual respect so as to create mutual interaction between the two individuals. Not all individuals can control their sexual needs. If sexual needs cannot be met and cannot be controlled by the individual, it will lead to sexual deviance. For example, adults who then feel a great need to fulfill their sexual desires due to long periods of not having sex with the opposite sex, long divorces, curiosity to be able to have sex in order to fulfill their sexual desires, and other circumstances, so that they vent their sexual desires by committing sexual harassment or rape.
- c. Moral factors, where humans who have morals when acting will consider every action taken by applying the values and norms that exist in society. So that moral factors are a filter on a person's deviant actions or behavior. Examples of immoral actions are promiscuous sexual behavior, sexual harassment, rape, and other sexual disorders, so that someone who does not have morals will tend to easily cause a crime.
- d. Past trauma factors, the trauma of the perpetrator of sexual violence cannot be underestimated because this can encourage and influence his actions to take revenge for what he has experienced. The trauma experienced has been going on for a very long time so that it can influence and change mindsets and behavior so that someone can potentially become a sex offender. Based on the statement of the Commissioner of the Indonesian Child Protection Commission (KPAI) for Education Retno Listyarti said "70 percent of cases are victims of sexual harassment becoming perpetrators as adults, and there are two examples of sexual harassment cases that occurred in Surabaya where a male teacher sexually harassed 65 male students at his school, then the second case was sexual abuse committed by a male teacher on 12 students in Depok. The two cases above show that the two perpetrators were once victims."

2) Eksternal Factors

is a factor that comes from outside a person or individual. This factor includes:

- a. Environmental factors The family has a very big influence on the development of individual mindsets and behavior. In the family environment of daily life, the interaction between parents and children is very important, conditions where children are less close to their parents, children who lack affection, how parents act as an example for children, and weak parental supervision, as well as the need for sex education given to children so that children understand to avoid deviation. When children are in a family environment, it is possible that children will become victims of sexual crimes, for example, there are many cases where children become victims and the perpetrators are the closest people such as uncles, stepfathers, step-grandfathers, and others. Then another example in a bad family environment, the child will observe his parents doing negative things then the child will imitate what his parents do. Based on some of the above conditions, it is also a gap for groomers to be able to approach children who will be used as victims and children who lack parental attention will feel very happy and cared for when the groomer approaches the victim.
- b. Environmental factors, the environment where children often interact with various kinds of people such as the child's friendship environment, if in the surrounding environment they often deal with the negative side, the child will indirectly be able to bring up a mindset and imitate negative actions as well. For example, the child's

friendship environment is people who often watch pornographic films and the child sees this, then the child will also be affected by these negative actions including getting used to watching pornographic films. This bad habit will affect the way a person behaves and thinks so that they can commit sexual acts because they are influenced by negative things in their environment.

- c. Based on an interview with the Head of Special Protection of Children of the Office of Women's Empowerment and Child Protection Mr. H.Sahidin Ahmad, S.Sos, M.Si "In the age of globalization, many things can be accessed easily via the internet including pornographic content, pornographic content for children is very dangerous because children who often watch pornography will cause brain damage so that children will potentially experience psychological and emotional disorders that will carry over into adulthood and trigger the emergence of sexual violence. In Indonesia, there are almost 10,000 pornographic sites that enter and our country can only block about a few thousand. Then a survey conducted in 12 major cities as many as 4,500 children 97% have watched pornography, then those who watch, access sites, and who have dated the percentage is still the same, namely 97% have, then children who have had free sex by 67% claim to have done it, and two out of three children have experienced physical, psychological, and other violence."¹²
- d. Economic factors, conditions where poverty is one of the causes of sexual crimes against children. Children who come from poor families and abandoned children have a high potential to become victims of sexual violence. Problems arise when both parents need to work extra to meet all the needs of the child will become neglected and less cared for and less cared for, then the lack of fulfilling the needs of the child so that the child also tries to make money. For example, because many children sell on the side of the road, they become vulnerable to the persuasion and seduction of groomers so that children can be manipulated by giving them everything they need and so that they become victims of sexual abuse.
- e. Factor The lack of collective awareness of child sex education, there is still a lack of understanding of sex education that can be given to children even though this is very important, but many Indonesian people still think that talking about sex to children is a taboo, where sex talks to children can be done with a variety of brief understanding to children. Parents and educators can provide sex education to children, by introducing children to the dangers of sexual crimes around them. Parents and educators can provide sex education to children, by introducing children to the dangers of sexual crimes around them, while also giving children an understanding of how to protect themselves, then helping children to know biological topics, puberty, etc., as well as what actions should be taken.¹³

Based on several causal factors above, internal and external factors greatly influence individuals and children in their thought patterns and behavior patterns, and the role of parental supervision and the surrounding environment is very important and very much needed. Where parents must be more selective in supervising the environment their children are in so that at least it can prevent the groomer from easily approaching the child.

Child Grooming in Samarinda City

Basically, the process of child grooming is generally carried out by persuading and providing certain lures, so that the child can easily always be under the supervision and control of the perpetrator/groomer. Children sometimes do not realize that they are in the scope of the crime committed by the groomer, due to the lack of knowledge of children and children who are still very innocent. Groomers themselves get sexual satisfaction from relationships with children so that this is very detrimental to victims and the wider community where the victim's loss is of course not only in the form of physical suffering, but psychologically. The following is the data on the number of child grooming cases in Samarinda Police:

Table 1. Jumlah Kasus Child Grooming tahun 2018-2022 Sumber data di Polresta Samarinda.¹⁴

| No | Tahun | Number of Victims | Victim's Age | Number of Victims |
|--------------|-------|-------------------|--------------|-------------------|
| 1. | 2018 | 7 case | 4 year | 1 person |
| | | | 16 year | 2 person |
| | | | 17 year | 1 person |
| | | | 18 year | 1 person |
| 2. | 2019 | 7 case | 11 year | 1 person |
| | | | 13 tahun | 1 person |
| | | | 16 year | 2 person |
| 3. | 2020 | 8 case | 14 year | 3 person |
| | | | 15 year | 1 person |
| | | | 16 year | 1 person |
| | | | 17 year | 2 person |
| | | | 18 year | 1 person |
| 4. | 2021 | 9 case | 11 year | 1 person |
| | | | 13 year | 3 person |
| | | | 14 year | 1 person |
| | | | 15 year | 3 person |
| 5. | 2022 | 1 case | 18 year | 1 person |
| | | | 15 year | 1 person |
| Jumlah Kasus | | 32 Case | | |

Table 2. Data Kasus child Grooming tahun 2018

| No. | Pasal Yang Disangkakan | Victim's Age | L/P | Perpetrator's Age | Information |
|-----|---|--------------|-----|-------------------|----------------|
| 1. | Psl 82 UU No. 35 Thn 2014 Tentang PA | 18 year | p | - | Victim teacher |
| 2. | Psl 82 UU No. 35 Thn 2014 Tentang PA | 4 year | P | - | Other |
| 3. | Psl 81 dan 82 UU No. 35 Thn 2014 Tentang PA | 17 year | P | 24 year | Other |
| 4. | Psl 81 dan 82 UU No. 35 Thn 2014 Tentang PA | 16 year | P | 26 year | boyfriend |

| No. | Pasal Yang Disangkakan | Victim's Age | L/P | Perpetrator's Age | Information |
|-----|--|--------------|-----|-------------------|-------------|
| 5. | Psl 81 dan 82 UU No. 35 Thn 2014 Tentang PA | 16 year | P | - | boyfriend |
| 6. | Psl 81 dan 82 UU No. 35 Thn 2014 Tentang PA | - | P | - | Other |
| 7. | Psl 81 dan 82 UU No. 35 Thn 2014 Tentang PA | - | p | - | Other |

Source of data at Samarinda Police Station.¹⁵

Based on data on child grooming cases in 2019, there were 7 cases, from the above cases all victims were female and the perpetrators were boyfriends or people closest to the victim, there were even perpetrators who were the victim's family, namely there were stepparents and step-grandparents of the victim where in Article 8 letter a of Law Number 23 of 2004 concerning the Elimination of Domestic Violence prohibits sexual violence that occurs including to children committed by settled people in one household which means in one family. Then the sanctions for perpetrators who commit sexual violence against victims as contained in Article 8 letter a will be subject to sanctions in Article 46 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, namely imprisonment for a maximum of 12 (twelve) or a maximum fine of 36 (thirty-six million rupiah). Then in the Criminal Code in Article 294 prohibits obscene acts committed with children, stepchildren, and step-grandparents of immature children so that it also includes children under their supervision who are not yet mature including the supervision of step-grandparents, where the grandchildren of step-grandparents are children who should still be under supervision and care so as to create a sense of security for children. However, from some of the cases above, the family environment also does not provide a sense of security to children. Based on the basic principles of child grooming, the perpetrators are many

Table 3. Data Kasus *child Grooming* tahun 2020

| No. | Pasal Yang Disangkakan | Victim's Age | L/P | Perpetrator's Age | Information |
|-----|---|--------------|-----|-------------------|-------------|
| 1. | Psl 81 dan 82 UU No. 17 Thn 2016 Tentang PA SUBS Pasal 287 KUHP, SUBS Pasal 332 KUHP | 17 year | P | - | other |
| 2. | Psl 81 dan 82 UU No. 35 Thn 2014 Tentang PA | 14 year | P | - | boyfriend |

| No. | Pasal Yang Disangkakan | Victim's Age | L/P | Perpetrator's Age | Information |
|-----|---|--------------|-----|-------------------|-------------|
| 3. | Psl 81 dan 82 UU No. 35 Thn 2014 Tentang PA | 15 year | P | 33 year | other |
| 4. | Psl 82 UU No. 35 Thn 2014 Tentang PA | 16 year | P | 52 year | neighbor |
| 5. | Psl 81 dan 82 UU No. 35 Thn 2014 Tentang PA | 14 year | P | - | boyfriend |
| 6. | Psl 81 dan 82 UU No. 35 Thn 2014 Tentang PA | 17 year | P | - | boyfriend |
| 7. | Psl 81 dan 82 UU No. 35 Thn 2014 Tentang PA | 14 year | P | 19 year | boyfriend |
| 8. | Psl 81 dan 82 UU No. 35 Thn 2014 Tentang PA | 18 year | P | 24 year | boyfriend |

Source of data at Samarinda Police Station.¹⁶

Dating relationships between adults and minors in the law actually do not have a prohibition to establish relationships, however, there are several things that are feared will occur such as child grooming, exploitation, and sexual violence against children, and other things that are feared and contrary to law and decency. Minors who are psychologically immature and still very vulnerable because they cannot think maturely so they are very vulnerable to sexual violence or sexual harassment. The provisions of Article 76 E of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection states that "every person is prohibited from committing violence or threats of violence, forcing, deceiving, committing a series of lies, or inducing a child to commit or allow obscene acts to be committed".

Many perpetrators try to approach the victim Gaining the victim's trust where the perpetrator tries to get the attention and trust of the victim, the perpetrator provides Filling a need in the form of a gift, extra attention, affection given by the perpetrator can awaken and increase the emotional connection between the perpetrator and the victim at the stage of the emocial relationship is formed usually the perpetrator starts by inviting him on a date so that the relationship that is made becomes very close and very intimate so that it can lead to a relationship with the victim.

Based on data on child grooming cases in 2021, there were 9 cases, of the above cases all victims were female. Victims vary from relationships with the victim's father, neighbors, and the victim's boyfriend where theprovisions in the law have been explained. The actions committed by the perpetrator, who is the victim's neighbor,in the Criminal Code

Article 293 where everyone is prohibited from giving and promising money or goods, deliberately inducing to allow obscene acts and the perpetrator is aware that the child is a minor, then threatened with a maximum imprisonment of five years.¹⁷

The perpetrator takes advantage of the accessibility he has between the perpetrator and the victim, especially since the perpetrator is the victim's neighbor where the perpetrator must have known a lot about how the victim's daily life is, what the victim needs, where the child would not have thought that his closeness to people around the neighborhood would be used by the perpetrator to satisfy his lust. The perpetrator must be very knowledgeable about how to maintain control over the victim because after sexual violence occurs, the perpetrator usually uses secrecy and guilt to keep the victim silent. In addition, usually the perpetrator also threatens the victim if she reveals what the perpetrator has done then the perpetrator will expose, humiliate and make the victim rejected by her environment.

All parents must also be aware of the surrounding environment where they live, must be more aware of anyone such as dating relationships between minors and adults this is considered normal but actually has many possibilities for sexual harassment and sexual violence. Targeting the victim the perpetrator chooses the target victim by looking at the emotional needs, isolation, and lower self-confidence of the child, the perpetrator is also interested in how the child looks physically. Then Gaining the victim's trust where the perpetrator of child grooming tries to gain and increase the child's trust the perpetrator will usually hang out by finding ways for the perpetrator and the victim to continue to interact either directly or through social media by exchanging Hanphonenumbers then Instagram, Facebook, and other social media applications, the perpetrator also tries to be a caring person who is warm and appropriate.

Criminal law enforcement against perpetrators of child grooming acts

Crime in the Criminal Code is known as *statbaarfeit* in the criminal law literature often uses the term offense, while the legislator uses the term criminal event or criminal act or criminal offense.¹⁸ *Delik* in Dutch is called *Strafbaarfeit*, which is an act or event that can be punished. Meanwhile, offense in foreign languages is called *delict*, which means an act whose perpetrators can be subject to punishment.¹⁹ Referring to the act of childgrooming, which is a form of sexual disorder that leads to an act of sexual harassment or violence. It is clear that the targets of child grooming crimes are minors. In Indonesia, the legal protection of children has been regulated, through the policy of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, then there is also a new law passed on April 12, 2022, namely Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, where the latest law is expected to provide protection, handle, and restore sexual violence.

Based on the theory of law enforcement according to Soerjono Soekanto, the first is the legal factor, where actually in Indonesia there are no rules that have and are clearly written about the act of child grooming, but it can be seen whether the act of child grooming is appropriate and fulfills the elements of an article, so that the article can be imposed. It can be seen in the provisions of Article 76 E of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, which reads "Every person is prohibited from committing violence or threats of violence, forcing, deceiving, committing a series of lies, or inducing a child to commit or allow obscene acts to be committed".²⁰

Then the perpetrators who clearly violate and fulfill the elements in Article 76 E are threatened with sanctions contained in Article 82 paragraph (1) and paragraph (2) which reads: "(1) Every person who violates the provisions referred to in Article 76 E shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp5,000,000,000.00 (five billion rupiah)."²¹

Then paragraph two reads "(2) In the event that the criminal offense as referred to in paragraph (1) is committed by parents, guardians, caregivers of children, educators, or education personnel, the penalty shall be increased by 1/3 (one third) of the criminal sanction

as referred to in paragraph (1) In this case, legal policies in imposing criminal sanctions on those who commit acts of sexual violence."²²

legal policies in providing criminal sanctions against those who commit acts of sexual violence. In the Criminal Code (KUHP) there are several articles relating to the act of child grooming regarding the provision of criminal sanctions including:

- a) Article 287 of the Criminal Code which reads "(1) Any person who has carnal knowledge of a woman who is not his wife, knowing or reasonably suspecting that she is not yet fifteen years of age, or if it is not generally clear that she is not yet marriageable, shall be punished by a maximum imprisonment of nine years. (2) A prosecution shall be instituted only upon complaint, except when the woman has not yet reached the age of twelve years or when one of the circumstances referred to in article 291 and article 294 is present."
- b) Article 290 of the Penal Code reads "Shall be punished by a maximum imprisonment of seven years:
 - (1) any person who commits obscene acts with someone, knowing that he is unconscious or helpless;
 - (2) any person who commits obscene acts with someone, knowing or reasonably should presume that he has not yet reached the age of fifteen years or, if it is not generally known, that he is not yet marriageable;
 - (3) any person who induces a person whom he knows or reasonably should presume that he has not yet reached the age of fifteen years or, if it is not obvious from the general situation, that he is not yet marriageable, to commit or to tolerate an act of lewdness with a person who has not yet reached the age of fifteen years or, if it is not obvious from the general situation, that he is not yet marriageable."²³
- c) Article 292 reads "An adult who commits obscene acts with another person of the same sex with whom he knows or reasonably should presume to be underage, shall be punished by a maximum imprisonment of five years."²⁴
- d) Article 293 of the Penal Code reads "(1) Any person who by giving or promising money or goods, by abuse of authority arising from a relationship of circumstances, or by misleading intentionally induces a minor of good behavior to commit or tolerate obscene acts with him, knowing or reasonably suspecting that he is not yet an adult, shall be punished by a maximum imprisonment of five years. (2) Prosecution shall be instituted only upon complaint of the person against whom the crime has been committed. (3) The term mentioned in article 74 for this complaint shall be nine months and twelve months respectively.

Article 294 of the Penal Code reads "(1) Any person who commits obscene acts with his child, step-child, foster-child, minor under his supervision, or minor entrusted to his care, education or custody, or with his minor servant or subordinate, shall be punished by a maximum imprisonment of seven years. (2) By the same punishment shall be punished: 1. any official who commits obscene acts with a person who by virtue of his office is subordinate to him, or with a person to whose custody he has been entrusted or entrusted; 2. any administrator, physician, teacher, employee, supervisor or attendant in prisons, in places of public employment, educational establishments, orphanages, hospitals, lunatic asylums or social institutions, who commits obscene acts with a person admitted to such institutions.

However, along with the times, the criminal sanctions contained in the Criminal Code cannot provide a deterrent effect on the perpetrators, resulting in more and more child victims of sexual violence. Therefore, the Government made a law that serves to protect children against acts committed by perpetrators of physical violence, psychological actions, and sexual violence which are regulated in Law Number 23 of 2002 concerning Children and then amended to Law Number 35 of 2004 concerning Amendments to Law 23 of 2002 concerning Child Protection. and then for now there is a new law that has been passed which is expected to provide protection to victims of sexual violence, namely Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence.

This form of legislation is a formulation of the Criminal Code which in terms of

sanctions in Law Number 23 of 2002 concerning Children is deemed unable to overcome or not provide a deterrent effect on the perpetrator due to the low penalty, so it was amended into Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Changes occurred mainly in the sanctioning of criminal penalties for perpetrators who were originally threatened with imprisonment of as short as "3 (three) years in prison and a maximum of 15 (fifteen) years in prison and a fine of Rp. 60,000,000.00 (six million rupiah).

5. Conclusion

The act of child grooming is a criminal act in the form of sexual crimes against children trying to approach the victim by seducing the victim with the aim that the victim becomes interested in the perpetrator, then the perpetrator manipulates the victim psychologically so that the victim becomes obedient to the perpetrator, so that the perpetrator can achieve his goal, namely to satisfy his sexual desire for the victim. In practice, criminal law enforcement against perpetrators of child grooming is in accordance with the article that should be able to ensnare the perpetrator.

Law enforcement has several factors, namely: the legal factor, with the change in the law is expected to improve the quality of a law and hopefully can give a positive impression, both are expected to be a deterrent effect and can provide protection and the rights of victims, actually child grooming does not yet have a special arrangement so that it creates a slight legal weakness to impose penalties on the perpetrator so that the perpetrator remains accountable for his actions, law enforcers conduct analysis and approach legislation.

Law enforcement factors and facilities that support law enforcement in this section occur obstacles, namely the lack of human resources and funding, community factors, and cultural factors where there must be a change in the mindset and behavior of the community because until now this factor is the most difficult to change because there are still many people who do not think openly.

In an effort to implement criminal law enforcement of child grooming, the three agencies have made efforts to tackle the act of child grooming, namely through preventive action and repressive action. Then the obstacles in the implementation of criminal law enforcement there are several obstacles which certainly have an influence on the process of overcoming and implementing criminal law enforcement both from individual victims, lack of legal awareness of families or parents to be able to report child grooming cases to the police, lack of evidence, related medical or health services, and then the age and mental condition of the victim.

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