

Legal Protection Of Children From Victims Of Criminal Acts With The Mode Of Romantic Relationship By Adults

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Abstract

This study examines the legal protection for children as victims of criminal acts involving the "romantic relationship" modus operandi (child grooming) by adults. This phenomenon frequently blurs the line between consensual relationships and sexual exploitation due to psychological manipulation and power imbalances. The central problems addressed in this research are the qualification of manipulative actions within romantic relationships as criminal offenses and the synchronization of norms between Law Number 35 of 2014 and Law Number 1 of 2023 to ensure legal certainty for victims. The research utilizes a normative juridical method with a statutory and conceptual approach. The findings indicate that a child's consent in such relationships is vitiated consent (apparent consent) due to disparities in age, maturity, and bargaining power. Furthermore, Law 1/2023 (the New Criminal Code), through Articles 415 and 417, accommodates this modus operandi in greater detail by including the abuse of authority, the provision of rewards, and deception. This represents an evolution in regulation compared to the Child Protection Law, which remains general in its formulation of the element of deceit. Consequently, harmonization of these regulations is necessary to strengthen comprehensive legal protection for children.

Keywords: Child Protection, Romantic Relationships, Child Grooming, New Criminal Code (KUHP), Psychological Manipulation.

A. Introduction

In Indonesian Law, children are clearly defined based on the age limit, according to Article 1 paragraph (1) of Law No. 35 of 2014 concerning Child Protection, "A child is a person under the age of 18, including those who are still in the womb." This means that individuals under the age of 18 are considered children, while those who are 18 years old and above are categorized as adults under Indonesian law.¹

To understand more about relationships involving age differences and legal inequality, it is important to examine the dynamics of romantic relationships themselves. Romantic relationships are an important part of the development of human life, which generally begins from adolescence to adulthood.

¹ Prinst, D. (2003). *Indonesian children's law*. Bandung: PT. Image: Aditya Bakti, pp.103- 119.

These relationships are often seen as a source of happiness, provide emotional meaning, and enrich individual life experiences. Nonetheless, romantic relationships also carry potential risks, especially when they are lived without adequate emotional maturity.²

The complexity of relationships increases when love and trust are given in full without an understanding of boundaries, commitment, and mature decision-making abilities. Within this framework, the relationship between adult individuals and children or adolescents becomes vulnerable to abuse, especially when there is a power imbalance that opens up opportunities for emotional manipulation and exploitation in the name of affection.³

Many people think that in romantic relationships, violence rarely occurs because this relationship is considered to always bring happiness and color to life. However, in reality, romantic relationships often don't go as expected due to differences of views between individuals. This difference in thinking has the potential to cause conflict in relationships.

Violence in romantic relationships is one of the ways couples regulate, dominate, and control their partners physically, sexually, and psychologically, resulting in their partners feeling hurt or harmed. At this stage, many individuals in the early adulthood age range do not really question, even take lightly, the problems related to the emotional manipulation they experience.⁴

Perpetrators often consider verbal and emotional abuse to be common in early adult relationships, and sometimes even considered a form of attention and affection from their partner, such as overly controlling, possessive, or excessive jealousy.

After that, the perpetrator will feel regret and sadness, then seduce the victim by apologizing and paying attention to improve the situation. However, these actions are manipulative, aiming to make the victim feel happy and create the illusion that the relationship is back to normal.

According to Law Number 35 of 2014 concerning Child Protection, a child victim is a child who experiences suffering or loss due to acts that are detrimental to children's rights.⁵ Adverse actions committed by adults towards children can occur in manipulating children's emotions, that is, where adults can take advantage of children's trust or dependence on them, by giving false attention or affection to gain control or personal benefit.⁶ In addition, there is *Grooming* where the perpetrator builds a relationship with the child to gain their trust before committing manipulative acts.

A number of previous studies have discussed the issue of child protection in the context of violence and unhealthy relationships, the regulation of *child grooming* in the Indonesian legal system, legal protection for victims of *toxic relationships* among adolescents and explaining that *child grooming* is a form of crime that has developed but has not been specifically regulated in Indonesian positive law.

² Pikiranbangsa.co "Dating as a Standard of Happiness Among Youth," 2024, <https://pikiranbangsa.co/pacaran-sebagai-standar-kebahagiaan-di-kalangan-remaja/>

³ Ulandari Sesiwawani, "The Relationship Between Self-Image and Interpersonal Communication of Students of SMA Negeri 2 Bukit Academic Year 2020/2021," Thesis, Faculty of Psychology, University of Medan Area, 2021, p. 12.

⁴ Asya Salsabilah, Mulyadi, Rosalia Dika Agustanti, "Romance Scam Crime in Online Dating Sites in Indonesia," Kertha Semaya Journal, Vol. 9 No. 3 of 2021, pp. 387-403

⁵ Law of the Republic of Indonesia Number 35 of 2014 concerning Child Protection, Article 1 Paragraph (2)

⁶ Ni Luh Wiweka Widyastuti, Ni Komang Arini Styawati, Ketut Adi Wirawan, "Legal Protection of Victims of Toxic Relationships among Adolescents," Journal of Legal Construction, Vol. 3 No. 1, January 2022, p. pp. 166-171.

However, these studies still have limitations because they have not specifically examined the romantic relationship between adults and children as a manipulative and covert *modus operandi*. In addition, the relationship between age inequality, power relations, and legal protection approaches for children in the context of romantic relationships have not been comprehensively discussed.

This is where the relevance of the *Legal Protection Approach* becomes very important. This approach emphasizes that the state has a responsibility to actively provide legal protection to individuals who are in vulnerable positions, including children.⁷ In this context, the victim as a child should be seen as a legal subject entitled to protection from all forms of manipulation, both emotional and sexual, even when the perpetrator's actions are wrapped in expressions of affection.

The Legal Protection Approach not only prioritizes sanctions against perpetrators, but also demands a comprehensive prevention, recovery, and protection mechanism for victims. Hopefully, this is in line with the principles in Indonesia's Child Protection Law, which should have the right to grow and develop in an environment safe from violence and exploitation of any kind, including misleading romantic relationships from adults.⁸

Emotional violence is categorized into romantic relationships, namely *control and isolation*, where the perpetrator limits the victim's space for movement and interaction, then *verbal and psychological abuse*, in the form of demeaning words, threats, or gaslighting and *emotional dependency*, namely the creation of emotional dependence so that the victim finds it difficult to let go and *romantic manipulation*, where love is used as a tool to suppress or justify wrong behavior. These categories are relevant in the context of this study because they show that romantic relationships can be a cover for violence and exploitation, especially when there is an age and maturity gap between child perpetrators and victims.⁹

The concept of legal protection of children refers to all efforts of the state, society, and legal institutions to ensure that children receive protection from all forms of violence, exploitation, and mistreatment. Existing regulations in Indonesia still focus on the final outcome of sexual crimes, not on manipulative processes such as *grooming* which often begins through emotional relationships.

Children's legal protection should be comprehensive, including prevention, prosecution, and rehabilitation. In this context, the law must be able to accommodate new forms of crime that are not always visible, such as romantic relationships between children and adults that are manipulative and exploitative.

Research on child grooming in Indonesia generally still focuses on online-based sexual exploitation or direct sexual violence. Meanwhile, the study of romantic relationships as a means of psychological manipulation of children is still relatively limited, especially in relation to the concepts of power relations and pseudo-consent. In addition, there have not been many studies that examine the synchronization between the Child Protection Law and the New Criminal Code in accommodating forms of emotional manipulation as part of criminal acts against children.

⁷ Gemilang, M. S., & Idris, I. (2024). "Socio-Legal Approach to the Protection of the Rights of Children Victims of Sexual Violence". *Journal of Law*, 8(1), 58–69.

⁸ Cahyani, M. I., Sibarani, F. S. A., Faishal, A. M., Ismayana, & Waluyadi. (2024). *Implementation of legal protection (Study of Decision Number: 5/Pid.Sus/2024/PN.Kng) for children who are sexually abused*. *Legisci: Journal of Law and Social Sciences*, 1(6), 249–258.

⁹ Widyastuti, N. L. W., Styawati, N. K. A., & Wirawan, K. A. (2022). *Legal Protection for Victims of Toxic Relationships among Adolescents*. *Journal of Legal Construction*, 3(1), 166–171.

This research places itself in the study of child protection criminal law with a focus on expanding the meaning of the elements of deception, misdirection, and power relations in sexual crimes against children.

B. Research Methods

This research uses a normative legal research method with a library *research* approach. This method aims to analyze the applicable laws and regulations, especially related to legal protection of children in the context of emotional manipulation and *grooming* practices in romantic relationships with adults. Through this approach, the research focuses on the study of legal norms to assess the extent to which existing regulations are adequate in providing protection for children as victims.

The approaches used in this study include a *conceptual approach* and a statute *approach*. Conceptual approaches are used to understand the theory, concepts, and principles of legal protection¹⁰ for children, especially those related to emotional violence, manipulation, and *grooming* in unequal relationships. Meanwhile, the legislative approach is carried out by examining various relevant regulations to analyze legal regulations and their application in the Indonesian legal system.

The data analysis in this study uses a content *analysis method* with a descriptive-qualitative approach. Analysis is carried out on the content and meaning of primary and secondary legal materials to find relevant legal themes, patterns, and arguments. Through this method, the researcher interprets the content of regulations and literature in depth to assess the effectiveness of the law in providing protection for children victims of grooming and emotional violence. The results of the analysis are then used to compile a comprehensive legal argument and identify the existence of a gap in norms in the Indonesian legal system.

The substance discussed included an analysis of legal norms that regulate the rights of children as victims, forms of protection guaranteed by law, and obstacles to their implementation. This research also highlights Indonesia's efforts related to *grooming* and the importance of strengthening regulations to protect children from unequal relationships and manipulation that are used for personal gain by adults.

The data sources in this study consist of primary legal materials and secondary legal materials. Primary legal materials include laws and regulations related to child protection, including Law Number 35 of 2014 concerning Child Protection, the Criminal Code, and Law Number 12 of 2022 concerning the Crime of Sexual Violence. The secondary legal materials were obtained from scientific journals, books, and the opinions of legal experts relevant to the research topic, including studies on romantic relationships that contain elements of emotional violence, manipulation, and *grooming*.

All of these legal materials were analyzed qualitatively using descriptive analysis techniques. This analysis was carried out to identify, understand, and examine the relationship between the applicable legal norms and the phenomenon being studied, so that conclusions can be drawn about the effectiveness of legal protection for children in the context of manipulative romantic relationships.

The scope of this research covers how to protect children who are victims of crimes with the modus operandi of romantic relationships with adults, using the *perspective of the Legal Protection Approach* which is based on the principle that the state has a responsibility to ensure the protection of children's rights through comprehensive legal protection.

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¹⁰ Marzuki, Peter Mahmud. *Legal Research* (Jakarta, PRENADAMEDIA GROUP, 2016), pp. 133-135.

implementation. This research also highlights the legal vacuum in Indonesia related to *grooming* and the importance of strengthening regulations to protect children from unequal relationships and manipulation that are used for personal gain by adults.

Although the practice of *grooming* has not been expressly regulated in Indonesia's positive law, this study seeks to analyze the extent to which the provisions in Law Number 35 of 2014 concerning Child Protection, especially Articles 81 and 82 which mention the element of "deception" and the Criminal Code can provide legal protection for victims of unequal relationships through emotionally manipulated relationships.

C. Results and Discussion

1. Modus operandi of the perpetrator of criminal acts in a romantic relationship with an adult

The modus operandi carried out by *child grooming perpetrators* refers to a pattern or series of actions that are deliberately designed by the perpetrator to build relationships, trust, and emotional closeness with children or adolescents, with the aim of manipulating the victim into engaging in harmful behavior, including sexual violence, exploitation, and child trafficking. In addition to building relationships and trust, the modus operandi of *child grooming* also reflects psychological manipulation that is carried out in a planned and gradual manner.

The perpetrator not only creates emotional closeness, but also adjusts the communication style, disguises his identity, and slowly introduces the sexual context to reduce the victim's resistance.

Child grooming is seen as the new face of sexual violence because the strategies used are more subtle and are not always aware of it by the victim. This pattern shows that *grooming* is a systematic strategy designed to create dependency and compliance of the victim before sexual exploitation or violence occurs.¹¹

When compared to conventional sexual violence, *child grooming* has a fundamental difference in the method of implementation. Sexual violence is generally associated with physical coercion or direct threats, while *grooming* relies more on emotional manipulation and interpersonal relationships built over a period of time.

In the context of sexual crimes against children, the concept of consent cannot be understood simply as the existence of the will of the victim. Consent must be assessed based on the victim's ability to understand the relationship, bargaining position, and the legal and psychological consequences of the action.

Children as psychologically immature individuals are seen as not yet fully capable of giving legal consent in sexual relations with adults. Therefore, even if the child appears to agree to the relationship, the consent does not automatically have legal legitimacy.

Consent born from this manipulative condition is known as *virated consent*, which is consent that formally appears to be given, but is substantially flawed because it is obtained through psychological pressure, power relations, misdirection, and emotional dependence.

In romantic relationships between children and adults, perpetrators often use narratives of love, care, and commitment to blur the boundaries between healthy relationships and sexual exploitation as instruments of control and exploitation, thus

¹¹ Hanna Fitri Raziah dan Ujang Badru Jaman, "Child Grooming Crime in View Become the New Face of Crime of Sexual Violence," dalam *Proceedings of the International Conference on Law, Public Policy, and Human Rights (ICLaPH 2023)*, Advances in Social Science, Education and Humanities Research, Vol. 859 (2024): 118-123.

emphasizing that *child grooming* can occur in the form of direct relationships through the abuse of emotional closeness and promises of commitment.¹² As a result, the victim finds it difficult to realize that he is being manipulated.

This concept suggests that not all consent can be considered free will. The consent obtained through grooming is basically the result of a psychological construction formed by the perpetrator systematically. In addition to showing patterns of emotional manipulation and promises of pseudo-commitment, the *modus operandi* in these cases also shows an unbalanced power relationship between the perpetrator and the victim.¹³

In this context, the "consensual" claims often used by the perpetrator cannot be used as a basis for legal justification. Even though the victim appears willing, the consent is still considered flawed because it was obtained in an unequal situation.¹⁴

This view is in line with the concept of *incapacity to consent* which places children as parties who do not have the full capacity to give consent to sexual activities with adults.

The concept of *vitiated consent* is an important basis in placing children as victims who are entitled to full legal protection, while emphasizing that the victim's consent in such situations does not remove the perpetrator's criminal responsibility.

According to R. Soesilo, intercourse is sexual intercourse between a man and a woman that is carried out by inserting the male genitalia into the female genitalia, which is considered to have occurred even though it does not reach ejaculation during penetration.¹⁵

Meanwhile, Adami Chazawi stated that obscene acts are defined as all acts related to the fulfillment of sexual desires that violate morality, which are not always in the form of intercourse but can be in the form of other acts of a sexual nature, such as groping or touching certain parts of the body related to sexual desire.¹⁶

The element of deception is understood as the act of deceiving others by giving an incorrect picture or hiding the true situation so that the victim believes and follows the will of the perpetrator. The element of promising to give a gift is a promise to give something, either in the form of goods, money, or certain benefits that are used to influence the will of the victim.

As for moving people, it means influencing or persuading someone so that the will arises in that person to do an act that he did not want to do before.

Age inequality, psychological maturity, and social position of the perpetrator create a situation where the victim is in a vulnerable and easily affected condition. In this context, the consent that appears to be given by the victim cannot be understood as legally valid consent, because it is obtained through a process of manipulation, persuasion, or psychological pressure. Sexual violence against children often does not

¹² Sawitri Supardi Sadarjoen, *Bunga Rampai Cases of Psychosexual Disorders* (Bandung: Refika Aditama, 2005), p. 15.

¹³ John W. Santrock, *Child Development*, 11th Edition, Volume 1 (Jakarta: Erlangga, 2007), pp. 7–10.

¹⁴ Jan Remmelink, *Criminal Law: Commentary on the Most Important Articles of the Dutch Criminal Code and Their Equivalents in the Indonesian Criminal Code*, translated by Tristam P. Moeliono (Jakarta: Gramedia Pustaka Utama, 2003), p. 327.

¹⁵ R. Soesilo, *Criminal Code and Its Commentaries Article by Article*, (Bogor: Politeia, 1996), p. 209.

¹⁶ Adami Chazawi, *Crimes Regarding Morality*, (Jakarta: RajaGrafindo Persada, 2005), p. 80.

begin with direct physical coercion, but rather through a persuasive approach that builds gradually.¹⁷

The perpetrator creates a relationship that looks romantic or attentive to blur the line between a healthy relationship and an act of exploitation. This strategy makes it difficult for the victim to recognize that he or she is being targeted by a crime, especially when the relationship is packaged in a narrative of affection, protection, or promise of the future.¹⁸

Romantic relationships can be used as an instrument to normalize sexual behavior towards minors. This pattern confirms that *child grooming* is not just a spontaneous individual act, but a structured method of crime, utilizing emotional closeness, power relations, and social constructions of love and commitment to achieve the goal of sexual exploitation.

A number of cases in Indonesia show that the perpetrator uses his status as a "girlfriend" to build emotional closeness, gain trust, and create psychological dependence on the victim before committing sexual violence.

The relationship is used as a means of legitimacy to lower the victim's vigilance. In the case in Mataram, the mode of courtship that leads to intercourse, the element of *deception* can be seen from the way the perpetrator builds a relationship construction that seems legitimate and serious.

The perpetrator positioned himself as a caring "girlfriend", showed commitment, and promised a future together, including readiness to marry the victim in the event of pregnancy.¹⁹ The promise is not just an emotional expression, but a strategy to create a sense of security and moral legitimacy in children's minds.

In this context, lies lie in the fabrication of commitments that were originally intended to gain sexual access. Meanwhile, the *element of persuasion* can be seen from the persuasive process carried out by the perpetrator, such as convincing the victim that sexual relations are a form of love, proof of seriousness, or something normal in a dating relationship. Thus, the victim's consent is born out of emotional manipulation, not from mature free will.

A similar pattern can be seen in cases in Pangkalpinang and Gresik, where perpetrators persuade underage victims with the promise of marrying them if there is a pregnancy. In the second case, namely the mode of marriage promise accompanied by the provision of certain attention or facilities, the element of deception can be seen from the use of a promise of responsibility as a tool to remove the victim's fear.

The perpetrator actively convinces that he will take full responsibility and make the victim his wife, so that sexual acts are perceived as part of a legitimate and protected relationship. In addition, if the perpetrator also gives certain gifts, money, or facilities, it strengthens the relationship of the victim's psychological dependence.

The element of *persuasion* is reflected in the way the perpetrator gradually subtly suppresses, for example by saying that rejection means not trusting or not loving the

¹⁷ Pratiwi Siswantari, *Legal Protection for Children as Victims of Sexual Violence* (Jakarta: Krisnadwipayana University, 2023), p. 153

¹⁸ Kinanti, "The Urgency of Criminal Law Policy in Handling Child Grooming in Indonesia," *IUS Journal of Law and Justice Studies*, Vol. 10, No. 3 (2022): 533-548.

¹⁹ Antara News, "A Man in Mataram Allegedly Had Sex with a Victim in Dating Mode," 2023, <https://www.antaranews.com/berita/3542958/seorang-pria-di-mataram-diduga-setubuhi-korban-dengan-modus-pacaran>

perpetrator. This process shows the existence of systematic persuasion that lowers the child's critical power until it finally follows the will of the perpetrator.²⁰

In addition, there are also cases where the perpetrator took the victim away at the age of 14 and established a relationship like a husband and wife, as well as a case in North Nias where the victim escaped and established a relationship like a husband and wife, the element of *deception* appeared in the early stages when the perpetrator invited the victim out with a certain pretext, such as taking a walk or meeting for a while. Even though from the beginning it has been planned to isolate the victim from his social environment.

Once the victim is in a position of separation from family and supervision, the perpetrator reinforces control by building a narrative that they are emotionally attached and need to be together.²¹ The element of *persuasion* can be seen from the verbal process that convinces the victim to stay, not to go home, and accept the relationship as a consequence of love or commitment.

In this situation, manipulation and isolation are part of the method of crime, so the consent that appears to be given by the victim is actually the result of psychological pressure and unbalanced power relations.²²

This pattern shows the existence of stages in the *modus operandi*, starting from approaching and building closeness (*rapport building*), the creation of emotional dependence, to the isolation of the victim from his social environment. These stages are in line with the characteristics of grooming which are gradual, planned, and manipulative.

In an unequal relationship, the consent given by the victim is basically a pseudo-consent (*vitiated consent*), because it is born from psychological pressure and dependence deliberately built by the perpetrator.²³ Thus, the progressive interpretation approach allows the practice of *grooming* through the mode of courtship and marriage promise to qualify as a form of deception in the broadest sense.²⁴

In Law Number 35 of 2014 concerning Amendments to the Child Protection Law, although the term *child grooming* is not explicitly mentioned, what is referred to as "trickery" contains elements that have the potential to include the practice of manipulation of children. When associated with the *modus operandi* through a dating relationship, the elements of "persuasion" and "deception" can be interpreted to include emotional manipulation that is carried out systematically to reduce the victim's critical power.

In practice, the application of these two articles still requires the occurrence of sexual acts as a result of the persuasion. This means that the initial stage in the form of the development of emotional dependence and power relations has not fully stood as a punishable act, unless the elements of delicacy formulated in the article have been met.

²⁰ Detikcom, "Man in Babylon Has Sex with a Minor in Mode of Promising Marriage If Pregnant," 2025, <https://www.detik.com/sumbagsel/hukum-dan-kriminal/d-7789505/pria-di-babel-setubuhi-anak-di-bawah-umur-modus-janjikan-nikah-jika-hamil>

²¹ Detikcom, "Man in North Nias Molests Minors," 2024, <https://www.detik.com/sumbagsel/hukum-dan-kriminal/d-7752365/gadis-di-bawah-umur-dibawa-kabur-dan-jadi-korban-kebejatan-pacar>

²² Singgih D. Gunarsa and Yulia Singgih D. Gunarsa, *Psychology of Child and Adolescent Development* (Jakarta: BPK Gunung Mulia, 2008), p. 1

²³ Rena Yustina, *Victimology: A Study on the Protection of Crime Victims*, (Yogyakarta: Deepublish, 2018), p. 68.

²⁴ Satjipto Rahardjo, *Dissecting Progressive Law*, (Jakarta: Kompas Book Publisher, 2006), p. 10

Thus, the development of regulations in the Child Protection Law, Criminal Code Number 1 of 2023, and the Law on Sexual Violence shows that there are efforts to reform the law in providing more comprehensive protection for children from acts of sexual violence. The provisions in the new Criminal Code even provide more systematic arrangements related to obscene acts against children, including those carried out through deception, a series of lies, and persuasion.

2. Legal Protection of Victim Children from Criminal Offenders in Romantic Relationships with Adults

From a legal perspective, children are subjects who have a special status and require maximum protection from the state. The protection of children is regulated in various laws and regulations that place children as legal subjects whose rights must be guaranteed. The state, government, community, family, and parents have a shared responsibility in providing protection for children and ensuring the fulfillment of children's basic rights in various aspects of life.

When a child is involved in a romantic relationship with an adult that leads to a criminal act, the question arises about how the law positions the child, either as a participant or as a victim who must receive full protection.

From a criminal law perspective, the victim is a party who experiences suffering due to a criminal act. Victims in the criminal justice system are often in a position of less attention, because the main focus of law enforcement is more directed at the perpetrators of criminal acts.²⁵ However, the existence of victims has an important role in the criminal justice process because the state is obliged to provide protection and ensure the fulfillment of victims' rights.

Children have a high level of vulnerability when dealing with adults, especially in relationships that involve power inequality, both socially, psychologically, and economically.²⁶ In many cases, children can be easily influenced, persuaded, or manipulated by adults making it difficult for children to reject or fully understand the consequences of a relationship or deed.²⁷

This vulnerability makes children potentially victims of various forms of violence or exploitation. Therefore, the law places children as parties who must receive special protection so as not to become objects of abuse of power by adults²⁸.

Thus, from the perspective of legal protection, children must be seen as victims who have the right to receive protection, recovery, and guarantees for the fulfillment of their rights in the criminal justice process. This approach is important to ensure that the legal system does not cause additional suffering for children who have been victims of crimes.

Law Number 35 of 2014 concerning Child Protection as an amendment to Law Number 23 of 2002, this law is a form of state commitment in providing legal protection guarantees for children so that they can live, grow, and develop optimally and are protected from various forms of threats that can interfere with their welfare.

²⁵ Rena Yustina, *Victimology: A Study on the Protection of Crime Victims*, (Yogyakarta: Deepublish, 2018), p. 68.

²⁶ Beniharmoni Harefa, *Kapita Selekta Legal Protection for Children*, (Yogyakarta: Deepublish, 2019), p. 1.

²⁷ Sawitri Supardi Sadarjoen, *Bunga Rampai Case of Psychosexual Disorders*, (Bandung: PT Refika Aditama, 2005), p. 15.

²⁸ John W. Santrock, *Child Development*, 11th Edition, Volume 1 (Jakarta: Erlangga, 2007), pp. 7–10

In Article 13 paragraph (1) it is emphasized that every child has the right to be protected from violence and persecution while in the care of parents, guardians, or other parties responsible for children.²⁹ It shows that in relationships with adults, the responsibility for protection remains attached to the party who has a stronger position, so that children cannot be equated with the perpetrators if a criminal act occurs in the relationship.

Furthermore, Article 76 paragraph c prohibits everyone from committing, ordering to do, or participating in violence against children.³⁰ Also, providing a strong legal basis to ensnare adults who commit acts of violence against children in romantic relationships, both in the form of physical, psychological, and sexual violence.

Thus, when a criminal act occurs in the relationship, the law positions the child as a victim who must obtain protection and recovery, not as a party who is considered to be responsible for the occurrence of the act.

The protection of children is also protected in Law Number 39 of 1999 concerning Human Rights, Article 58 paragraph (1) which states that every child has the right to receive legal protection from various forms of violence, sexual harassment, and inhuman treatment.³¹

Then, it is strengthened by Article 65 which emphasizes that every child has the right to be protected from exploitation and abuse that can harm his physical and mental development. The arrangement shows that the state has an obligation to provide maximum protection for children.

In its implementation, child protection is based on several fundamental principles, one of which is the principle of the *best interest of the child*. This principle emphasizes that every policy, action, or legal decision related to children must prioritize the interests and welfare of children as the main consideration.

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Thus, all forms of legal policy should not be based solely on the interests of adults, but must consider the physical, emotional, social, and psychological conditions of children as a whole.³² This principle is also a universal principle adopted from the *Convention on the Rights of the Child (CRC)* in 1989 which has been ratified by Indonesia through Presidential Decree Number 36 of 1990.

Children have various basic rights that must be fulfilled, including the right to live, grow and develop, obtain protection from violence and discrimination, and the right to care, education, and a safe environment.³³ Therefore, in the case of a romantic relationship between a child and an adult that has the potential to cause a criminal act, the law must place the child as a party who must be protected.

In an effort to provide protection for children from various forms of sexual crimes, preventive measures or preventive efforts are needed. Preventive efforts are

²⁹ Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Article 13 paragraph (1).

³⁰ Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Article 76 paragraph C.

³¹ Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights, Article 58 paragraph (1).

³² Abintoro Prakoso, *Child Protection Law*, (Yogyakarta: LaksBang Pressindo, 2013), p. 45.

³³ Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Article 4 and Article 20.

carried out before the crime occurs. In the context of child protection, the preventive approach focuses on the establishment of a protection system that is able to minimize the risk of violence or exploitation of children.³⁴

Preventive legal protection provides signs through laws and regulations so that each party understands the limitations and obligations in protecting children's rights. The Child Protection Law emphasizes that all parties have the obligation and responsibility to provide child protection to prevent children from becoming victims of violence or exploitation.

These prevention efforts can be realized through various measures, such as providing supervision and assistance from parents, as well as strengthening public legal awareness of the dangers of unequal relationships between children and adults.

In romantic relationships involving children, power imbalances often place children in vulnerable positions so that they are easily manipulated psychologically and emotionally by older parties. Preventive approaches are important to build awareness from an early age about the limits of relationships and the protection of bodily integrity and children's rights.

In addition, the state is also obliged to provide facilities and infrastructure that support child protection, including education programs, counseling services, and strengthening child protection institutions that can socialize and supervise the potential for violence in personal relationships.³⁵

The government has enacted Regulation of the Minister of Communication and Digital Number 9 of 2026 which marks a new chapter in the regulation of the digital space in Indonesia. This regulation expressly restricts access to social media for children who have not reached the age of 16, as an effort to minimize potential exposure to risks in the digital environment.³⁶

These prevention efforts can be realized through concrete strategic steps. One of them is the provision of optimal supervision and assistance from parents in their children's daily lives, including in their digital activities. In addition, increasing public legal awareness is also important, especially regarding the risk of unequal relationships between children and adults.

These efforts are also in line with the principle of the best interests of children which places the welfare, safety, and development of children as the top priority in every policy and action related to children.³⁷

If a criminal act against a child has occurred, it is necessary to take steps to handle it through repressive efforts. Repressive efforts are actions taken after the crime has occurred with the aim of taking action against the perpetrators through legal mechanisms and providing protection and recovery for victims.

This effort is realized through the process of law enforcement by law enforcement officials, starting from investigation, investigation, prosecution, to the provision of criminal sanctions to perpetrators in accordance with the provisions of applicable laws and regulations.

³⁴ Uti Ilmu Royen, *Legal Protection of Mankind*, (Jakarta: Rajawali Pers, 2009) p. 54.

³⁵ Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Article 21 paragraph (1).

³⁶ Regulation of the Minister of Communication and Digital Number 9 of 2026

³⁷ Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Article 22.

The rules regarding sanctions for criminal acts against children which were previously regulated in Law Number 35 of 2014 article 81 paragraphs (1) and (2) refer to article 76D and article 82 paragraph (1) refer to article 76E.

That in Law No. 1 of 2023, the mechanism for revoking the old rules does not lie in Article 266, but in Article 622 paragraph (1) letter n. The article explicitly states that when this Law comes into force, the articles in the old Criminal Code will be repealed and declared invalid.

This change represents a period of legal transition in which the rules on decency for children are now accommodated through Article 415 letter (b) and Article 417, which substantially expand legal protection by including the element of "reasonably suspected of being a child" as a more progressive form of criminal liability.

Article 415 letter (b) stipulates that any person who commits an obscene act against a person who is known to be fainting or helpless, or against a person known or reasonably suspected to be a child, may be sentenced to a maximum of nine years in prison.³⁸

The element of "known or reasonably suspected of being a child" indicates that criminal liability is not only based on the actual knowledge of the perpetrator, but also on the circumstances under which the perpetrator should reasonably know that the victim is a child.

Meanwhile, article 417 stipulates that any person who gives or promises to give gifts, abuses authority arising from the relationship of circumstances, or commits misrepresentation to move a person who is known or reasonably suspected of being a child to commit or allow an obscene act to be committed against him can be sentenced to a maximum of 9 (nine) years in prison.³⁹

This rule shows that criminal law does not only focus on the existence of violence or threats of violence, but also includes acts committed through manipulative means. The element of giving or promising a gift describes an attempt to influence the will of the child in certain rewards, while the element of abuse of authority indicates an unequal relationship between the perpetrator and the victim.

In addition, the element of deception emphasizes that the act of deceiving or deceiving children so that they are willing to commit or allow obscene acts to occur is also included in the acts that can be criminalized.

Thus, the two articles show that the criminal law not only regulates obscene acts against children, but also covers various ways used by the perpetrator to influence or persuade children to engage in such acts and emphasizes that the form of legal protection is given not only to his actions, but also to the process or methods used by the perpetrators.

Protection for victims of sexual violence is also strengthened through Law Number 12 of 2022 concerning the Crime of Sexual Violence Article 12 which regulates the crime of sexual exploitation committed by violence, threats of violence, or by abusing position, authority, trust, or conduct arising from deception or circumstantial relationships, including taking advantage of a person's vulnerability, inequality, powerlessness, or dependence to sexual goals.⁴⁰

Although this rule does not specifically regulate children, it is still relevant in providing legal protection for victims of sexual violence, as it covers various forms of

³⁸ Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code Article 415.

³⁹ Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code Article 417.

⁴⁰ Law Number 12 of 2022 concerning the Crime of Sexual Violence Article 12.

abuse of power relations and manipulation that can occur against anyone, including children in vulnerable positions.

This condition is also reflected in the case in Gresik where it is known that the perpetrator had a relationship with a minor victim through persuasion and a promise to be responsible if there was a pregnancy, the victim's family then reported the incident to the police.

In handling this case, investigators have conducted a visum on the victim, examined witnesses, and confiscated evidence before finally determining the perpetrator as a suspect. For his actions, the perpetrator was then charged with the provisions of Law of the Republic of Indonesia Number 35 of 2014 concerning Child Protection Article 81 paragraph (2), with a maximum penalty of 15 years in prison.⁴¹

The promise to take responsibility and marry the victim in the event of pregnancy shows that there is a form of deception used to obtain the victim's consent to the sexual intercourse performed. In such a situation, the victim's consent cannot be seen as freely born consent, as it is influenced by emotional manipulation and an unbalanced power relationship between the child and the adult.

The perpetrator's actions also have relevance to Article 417 of the New Criminal Code which regulates the giving of promises, misrepresentation, or abuse of circumstances to move a person who is known or reasonably suspected of being a child to commit or allow obscene acts to be committed against him. The use of romantic relationships as an approach medium shows that the perpetrator takes advantage of the victim's psychological vulnerability to reduce the victim's resistance to sexual acts.

Repressive efforts also occurred in the case in Pangkalpinang, the case is still being handled by the Women and Children Protection Unit (PPA) of the Pangkalpinang Police Satreskrim, Bangka Belitung Islands Police. The perpetrator has been designated as a suspect and detained at the Pangkalpinang Police Headquarters and charged with the provisions of Law Number 35 of 2014 concerning Child Protection with a maximum penalty of 15 years in prison.⁴²

There is a fulfillment of the elements of Article 76D jo. Article 81 of the Child Protection Law in this case can be analyzed from the element of "everyone" referring to the legal subject who can be held criminally responsible, namely an individual who is capable of the law. In this case, LT is a 35-year-old adult man who is legally capable and can be held accountable for his actions. There are no facts that show the existence of mental disorders or other conditions that can eliminate the perpetrator's ability to be responsible. Thus, this element is fulfilled.

Intentionality (*dolus*) in criminal law can be intentional as an end (*dolus directus*), intentionality as certainty, or intentionality as a possibility (*dolus eventualis*). LT's act of actively persuading the victim repeatedly and preparing a mode in the form of a marriage promise shows that the perpetrator acted deliberately as a goal (*dolus directus*). This act does not occur spontaneously or without planning, but is carried out in a planned manner twice. Therefore, the element of intentionality in the perpetrator is fulfilled in reality.

⁴¹ People's Mind, "False Promise of Responsibility, Youth Have the Heart to Molest Minors in Gresik," 2026, <https://kalsel.pikiran-rakyat.com/hukum-peristiwa/pr-3889659825/janji-palsu-tanggung-jawab-pemuda-tega-cabuli-anak-di-bawah-umur-di-gresik>.

⁴² Detikcom, "Man in Babylon Has Sex with a Minor in Mode of Promising Marriage If Pregnant," 2025, <https://www.detik.com/sumbagsel/hukum-dan-kriminal/d-7789505/pria-di-babel-setubuhi-anak-di-bawah-umur-modus-janjikan-nikah-jika-hamil>

The victim initially refused the perpetrator's invitation, but then relented after being constantly persuaded and promised marriage, showing the existence of an element of persuasion (seduction) which is clearly stated in Article 76D. The promise to marry the victim if she becomes pregnant is a form of psychological manipulation that takes advantage of the child's emotional immaturity and trust in her partner.

This kind of persuasion, in the legal doctrine of child protection, is categorized as a form of disguised deception but still has the effect of eliminating the child's ability to make free and unmanipulated decisions. Thus, this element is fulfilled and at the same time opens the door for the implementation of weighting provisions.⁴³

Based on the statement of the Head of Criminal Investigation of the Pangkalpinang Police, AKP Riza Rahman, the perpetrator admitted to having had a relationship like a husband and wife twice with the victim. The confession of this perpetrator is a strong evidence in the investigation process. The act was carried out at the victim's parents' house when the house was empty. With the confession of the perpetrator supported by the testimony of the witness (the victim's brother who caught it), the element of intercourse in this article is fulfilled factually.

The victim is a 15-year-old teenager who is still a junior high school student. The age difference between the perpetrator (35 years old) and the victim (15 years old) who reaches 20 years also emphasizes the existence of an unbalanced power relationship, where the perpetrator is in a much more dominant position psychologically and socially than the victim.⁴⁴

Based on several cases that have been analyzed, it can be seen that the handling of sexual crimes against children in Indonesia still focuses more on repressive efforts, namely legal action against perpetrators after a criminal act has occurred. This can be seen from various cases handled by law enforcement officials, such as cases in Gresik, Pangkalpinang, and South Bangka, where the handling was only carried out after the victim experienced sexual violence and a report was submitted to the police.

Although repressive efforts through criminal law enforcement are important to deter perpetrators and provide justice for victims, an approach that focuses too much on enforcement after a crime has occurred has not been able to fully reduce the incidence of crimes against children.

It is not enough to protect children only through law enforcement after a crime has occurred, but also requires systematic prevention efforts through policies, education, and supervision from the state and society.⁴⁵

Thus, both repressive and preventive efforts in the protection of children cannot stand alone, but need to complement each other and be supported by an adequate criminal law framework. Repressive efforts through law enforcement do have an important role in providing a deterrent effect to perpetrators and realizing justice for victims, but without being balanced with systematic preventive efforts, the potential for crimes against children remains difficult to minimize.

Criminal law not only functions repressively, but also has a preventive function in shaping community behavior and providing protection for vulnerable groups, including children. Law Number 35 of 2014 concerning Child Protection and Law

⁴³ Wirjono Prodjodikoro, *Certain Criminal Acts in Indonesia* (Bandung: Refika Aditama, 2003), p. 118.

⁴⁴ Gultom, *op.cit.*, p. 69; Arif Gosita, *The Problem of Child Protection* (Jakarta: Akademika Pressindo, 1989), p. 28.

⁴⁵ Diana Yusyanti, "Legal Protection of Child Victims from Perpetrators of Sexual Violence," *Journal of De Jure Legal Research*, Vol. 20 No. 4, 2020.

Number 1 of 2023 concerning the Criminal Code show a shift in approach, both in terms of criminal threats and the construction of the delicacy.

The Indonesian criminal law system recognizes the principle of *lex specialis derogat legi generali*, which is that special legal provisions override general provisions if both regulate the same material. In the context of protecting children from sexual crimes, Law Number 35 of 2014 concerning Child Protection has a *lex specialis* position against the general provisions of the Criminal Code.

However, the application of *the principle of lex specialis* in practice is not as simple as the text sounds. There are two dimensions that need to be distinguished. First, the principle of *lex specialis* in a formal sense, namely that the Child Protection Law as a special law overrides the Criminal Code in terms of regulating criminal acts against children.

With the enactment of Law Number 1 of 2023 concerning the New Criminal Code, normative issues arise regarding how these two legal instruments synergize without overruling each other, considering that the New Criminal Code as a general codification also contains provisions that substantially touch the realm of child protection.

Criminal threats in the Child Protection Law, especially Article 81 paragraphs (1) and (2), regulate more severe criminal threats, namely imprisonment for a minimum of 5 years and a maximum of 15 years. Even under certain conditions, it can be aggravated by the addition of a third of the penalty. This shows that the protection of children is placed as a *lex specialis* that provides maximum protection for child victims.

The principle of *lex specialis* in a substantive sense, namely that in two equally applicable provisions, the provision that provides the most optimal protection for child victims is chosen, which in the legal doctrine of child protection is known as *the principle of the best interest of the child*. These two dimensions must be read together so as not to result in the application of the law that actually harms the victim.⁴⁶

On the other hand, in the new Criminal Code through Article 415 letter (b) and Article 417, the criminal threat given is a maximum prison sentence of 9 years without special minimum provisions. Thus, normatively it can be said that the criminal threat in the new Criminal Code is lighter than the Child Protection Law.

In terms of the threat of sanctions, the Child Protection Law provides a longer prison sentence than the New Criminal Code. Article 81 paragraph (1) of Law No. 35 of 2014 threatens perpetrators of sexual intercourse with children with a minimum prison sentence of 5 years and a maximum of 15 years, accompanied by a fine of up to Rp5 billion.

In fact, in certain conditions that meet the elements of aggravation, criminal threats can be increased by one-third. This minimum criminal provision reflects the will of lawmakers to place child protection as an uncompromising priority.⁴⁷

On the contrary, Article 415 letter (b) and Article 417 of the New Criminal Code only stipulate a maximum prison sentence of 9 years without a special minimum limit. Normatively, the absence of a minimum limit in the New Criminal Code opens up a wider space of discretion for judges, which has the potential to result in lighter verdicts than

⁴⁶ The United Nations Convention on the Rights of the Child, ratified through Presidential Decree No. 36 of 1990. Abintoro Prakoso, *Child Protection Law* (Yogyakarta: LaksBang Pressindo, 2013), p. 45.

⁴⁷ Article 81 paragraph (5) of Law Number 35 of 2014 concerning Child Protection jo. Law Number 17 of 2016.

if the provisions of the Child Protection Law were applied. Thus, from the perspective of the deterrent effect and protection of victims.⁴⁸

However, in terms of the element of delicacy, the new Criminal Code actually shows a broader development. In Article 417, it is explicitly regulated regarding various modes such as giving or promising gifts, abuse of authority, and misleading. This reflects a more comprehensive approach to accommodating forms of sexual crime that do not always use violence, but also through psychological manipulation and power relations.

Meanwhile, in the Child Protection Law, Article 76D uses the phrase "trickery, a series of lies, or persuasion" which is generalist, without specifying the concrete forms of the manipulative act in question.⁴⁹ The unclarity of this formulation in practice often makes it difficult for law enforcement to ensnare perpetrators who use subtle modus operandi such as emotional manipulation in romantic relationships.

The New Criminal Code through Article 417 comes with a much more detailed and progressive formulation with legal loopholes related to psychological manipulation and power relations more comprehensively, there is an urgency to see to what extent this new general rule can complement the limitations of the formulation in the existing special law.

Thus, the legal protection of child victims in romantic relationships with adults has basically been regulated in various laws and regulations, but manipulative practices such as *child grooming* are still not fully realized as a form of crime, and are often considered a "normal" part of relationships, so increased legal awareness is needed.

D. Conclusions and Recommendations

The development of crimes against children through the mode of child grooming shows that legal protection is no longer enough to focus on physical violence, but must also be able to reach psychological manipulation in unequal romantic relationships between adults and children. The consent of the child in this kind of relationship is juridically vitiated consent because of the inequality of age, maturity, and power relations. Therefore, the claim of "consensual" cannot be used as a justification by the perpetrator. The presence of Article 415 and Article 417 of Law Number 1 of 2023 is a progressive step in strengthening criminal liability through regulations regarding "abuse of authority", "misrepresentation", as well as the phrase "known or reasonably suspected of being a child" to close the legal loophole that has been used by grooming perpetrators.

On the other hand, preventive protection that has been mandated in the Child Protection Law still faces implementation obstacles, especially in health relationship education, literacy about the dangers of grooming, and early detection of vulnerable children. Therefore, child protection must be carried out in an integrated manner through law enforcement that is sensitive to power relations, strengthening the role of families and educational institutions, and increasing public awareness that manipulative romantic relationships with children are a serious form of violation of the law. Thus, child protection is not only the responsibility of the state and law enforcement officials, but also the shared responsibility of all elements of society to ensure the growth and development of children in a safe and exploit-free environment.

⁴⁸ Article 415 letter (b) and Article 417 of Law Number 1 of 2023 concerning the Criminal Code

⁴⁹ Article 76D of Law Number 35 of 2014 concerning Child Protection.

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