
**INTEGRATION OF PENAL POLICY AND SOCIAL POLICY IN HANDLING
CRIMINAL ACTS OF MURDER ACCOMPANIED BY CHILD RAPE IN SOUTH
SUMATRA**

Redi Pirmansyah¹

Abstract

This study examines the implementation of law enforcement against perpetrators of murder accompanied by child rape in the jurisdiction of the South Sumatra Regional Police, using a criminological approach. The main focus is on evaluating the effectiveness of law enforcement, identifying structural and cultural barriers, and applying criminological theories such as Strain, Differential Association, and Routine Activity. The methodology used is an empirical juridical approach with qualitative methods. The findings show that the law enforcement process has been in accordance with positive law provisions, but still faces challenges in the form of limited human resources, lack of coordination between institutions, and the influence of socio-cultural factors. Criminological analysis reveals that these crimes are triggered by social pressure, weak moral control, and open opportunities for crime due to minimal supervision. Therefore, integration between criminal law and social policies is needed in formulating law enforcement strategies for serious crimes involving children as victims.

Keywords: Law enforcement, Criminology, Murder, Child Rape, South Sumatra Regional Police.

Introduction

Crimes involving children as victims remain a crucial issue in Indonesia. One of the most horrific forms of crime is murder accompanied by the rape of a child, which not only takes the victim's life but also causes deep trauma to the family and community. This phenomenon reflects moral decline, weak social supervision, and the complexity of criminogenic factors in modern society. Data from the South Sumatra Regional Police shows that in the last five years, cases of violence against children including sexual violence have increased. Cases of murder accompanied by rape of children in the South Sumatra Police jurisdiction often become the subject of public attention due to their cruelty and the lack of environmental supervision of children. This indicates that a legal approach alone is not sufficient; a criminological analysis is also needed to understand the motives, patterns, and social conditions that allow such crimes to occur.²

Legally, murder and rape are serious crimes as stipulated in the Criminal Code (KUHP), namely Article 338 for ordinary murder, Article 340 for premeditated murder, and Article 285 for rape. If the victim is a child, the punishment is increased in accordance with Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, specifically Articles 76D and 81. In addition, Law No. 17 of 2016, which stipulates Government Regulation in Lieu of Law No. 1 of 2016 as law, strengthens child protection by increasing penalties for perpetrators of sexual violence against children, including chemical castration and the installation of electronic detection devices. Law No. 11 of 2012 on the Criminal Justice System for Children (SPPA) also remains in force and emphasizes a restorative justice approach and the protection of children as both perpetrators and victims. However, the implementation of the law in the field still faces various obstacles,

¹ FHSIP Universitas Terbuka, email redipirmansyah@ecampus.ut.ac.id

² Yuriah, S., Ananti, Y., & Nurjayanti, D. (2024). Dynamics of the experience of sexual violence and its impact on girls in Ogan Komering Ulu Regency. *International journal of health sciences*

such as limited forensic facilities, a lack of investigators who are experts in handling child cases, and difficulties in proving complex cases such as murder and rape. Public pressure and excessive media attention also often influence the course of legal proceedings and the protection of victims' privacy.

From a criminological perspective, the crime of murder accompanied by the rape of a child is not only a violation of the law, but also a social symptom influenced by individual, environmental, and social structural factors. Robert K. Merton's Strain Theory states that social pressure and failure to achieve life goals can encourage deviant behavior. Meanwhile, Cohen and Felson's Routine Activity Theory emphasizes the importance of situational conditions that enable crime to occur, namely the presence of a motivated perpetrator, a vulnerable victim, and a lack of supervision. Therefore, this study is important to examine law enforcement against perpetrators of murder and child rape in the jurisdiction of the South Sumatra Regional Police, and to analyze it through a criminological approach in order to find a more comprehensive solution in efforts to prevent and combat these crimes.

METHOD

The empirical approach in this study aims to gain a comprehensive understanding of the implementation of legal norms by law enforcement officials in the South Sumatra Police jurisdiction. This approach focuses on observing law enforcement practices in the field, including analyzing the social and criminogenic factors that influence the behavior of perpetrators and the conditions of victims. Thus, the empirical approach provides a realistic picture of the effectiveness of the law in responding to crimes of murder and rape against children, as well as identifying the structural and cultural obstacles encountered in the law enforcement process.

RESULT AND DISCUSSION

Criminological Review of Murder and Child Rape Crimes

Criminology is a branch of science that focuses on the study of crime, criminals, and society's response to criminal acts. In the context of murder accompanied by child rape, criminology has a strategic role in providing a deep understanding of the dynamics of these crimes. Edwin H. Sutherland defines criminology as a body of knowledge that discusses crime as a social phenomenon, including the process of law formation, violations of the law, and social reactions to these violations.

Strain Theory

The Strain Theory, introduced by Robert K. Merton in 1938, states that crime can arise due to a mismatch between expected social goals, such as success or economic status, and limited access to legal means of achieving them. In such conditions, individuals who are unable to achieve their goals through legitimate means tend to engage in deviant behavior as a form of adaptation to social pressure.³

In cases of murder accompanied by child rape, the perpetrator can be categorized as an individual experiencing social pressure (strain), whether in the form of personal frustration, economic hardship, or conflict within the family environment. This pressure can drive the perpetrator to express aggression through extreme acts of violence. Factors such as alcohol consumption, low levels of education, and a permissive social environment further reinforce this urge.

³ . Robert K. Merton, 'Social Structure and Anomie,' American Sociological Review 3, no. 5 (1938): 672–682.

Differential Association

According to the Differential Association theory developed by Edwin H. Sutherland, criminal behavior is the result of a learning process that takes place in a social environment. Individuals acquire knowledge about techniques, motivations, and justifications for committing crimes through interactions with the people around them.⁴

In the context of cases occurring in South Sumatra, environmental influences such as promiscuity, access to pornographic content, and weak supervision and social control from families often facilitate the learning of deviant behavior. Sutherland's criminological theory emphasizes the importance of social intervention and moral education from an early age as a preventive measure to stop the process of criminal behavior formation.

Routine Activity Theory

The Routine Activity Theory introduced by Lawrence E. Cohen and Marcus Felson (1979) states that crime occurs as a result of the convergence of three main components in the same space and time, namely: a perpetrator who is motivated to commit a crime (motivated offender), a vulnerable target (suitable target), and the absence of effective supervision (absence of capable guardianship). These three elements create conditions that enable criminal acts to occur.⁵

In the context of sexual crimes and violence against children, children are in a very vulnerable position due to their physical and psychological limitations. The absence of adequate supervision from parents and the surrounding environment further increases the risk of becoming a victim. Situational factors such as secluded locations, poor lighting, and unsupervised conditions serve as opportunities that increase the likelihood of crime. Therefore, this theory provides a relevant analytical framework for understanding the dynamics of crimes against children and emphasizes the importance of structural and social interventions to reduce the opportunities for crime.

The Relationship Between Criminology and Law Enforcement

The criminological approach in the context of law enforcement is not solely oriented towards punishing criminals, but also aims to understand the social roots of crime and formulate effective crime prevention strategies. Barda Nawawi Arief states that criminal policy should ideally be in line with social and moral policies. Repressive law enforcement without a preventive approach will only scratch the surface of the problem, not address its root causes⁶. In the jurisdiction of the South Sumatra Regional Police, the application of criminological theories can make a real contribution to law enforcement officials in several aspects, including:

1. Identifying social risk factors that have the potential to cause crime.
2. Designing prevention strategies based on community participation.
3. Developing a law enforcement model that is more victim-oriented and based on empirical data.

Thus, the criminological approach provides a scientific basis for more humane, responsive, and crime prevention-oriented law enforcement. In this framework, criminological theories

⁴ Edwin H. Sutherland and Donald R. Cressey, *Principles of Criminology* (Philadelphia: Lippincott, 1978).

⁵ Lawrence E. Cohen and Marcus Felson, 'Social Change and Crime Rate Trends: A Routine Activity Approach,' *American Sociological Review* 44, no. 4 (1979): 588–608.

⁶ Arief, B. N. (2010). *Problems of Law Enforcement and Criminal Law Policy*. Jakarta: Kencana

play an important role in explaining the background of a person committing a crime and how social and environmental conditions influence criminal behavior.

Overview of Cases in the South Sumatra Regional Police Jurisdiction

The jurisdiction of the South Sumatra Regional Police (Polda Sumsel) is categorized as an area with a relatively high level of violence against children in western Indonesia. Based on data from the Women and Children Protection Unit (PPA) of the South Sumatra Regional Police Criminal Investigation Directorate for the period 2022 to 2024, there were more than 120 cases of sexual violence against children, including a number of murder cases accompanied by rape. One notable case occurred in Ogan Ilir Regency, where a young perpetrator raped and murdered a minor. Based on the results of the investigation, the main motive of the perpetrator was suspected to be uncontrolled sexual urges and the influence of alcohol consumption.⁷ This phenomenon shows that the perpetrator's motivation was not purely sexual, but was also influenced by complex social and psychological factors, such as social inequality, moral disorders, and weak social control from the surrounding environment. Therefore, the law enforcement approach to such cases should not only be repressive, but must also accommodate preventive and rehabilitative approaches as recommended in modern criminology.

Analysis of Law Enforcement against Perpetrators

The law enforcement process against perpetrators of murder accompanied by rape of children in the South Sumatra Regional Police jurisdiction is carried out in accordance with the provisions of the Criminal Procedure Code (KUHP) and National Police Chief Regulation Number 6 of 2019 on Criminal Investigation. Based on interviews with investigators from the PPA Unit of the Criminal Investigation Directorate, the stages of case handling include:

1. Receipt of reports from the public or the victim's family.
2. Conducting investigations and inquiries, including examining the scene of the crime, autopsies, and psychological examinations of victims if they are still alive.
3. Determination of suspects, detention, and transfer of case files to the prosecutor's office.
4. Coordination with the Witness and Victim Protection Agency (LPSK) to provide protection to the victim's family.

In practice, PPA Unit investigators not only carry out law enforcement functions, but also act as companions and protectors of victims. Handling cases such as these requires an approach that is sensitive to the trauma experienced by children and their families. However, law enforcement officials face various obstacles, such as limited human resources, particularly female investigators and child forensic experts.

From the prosecution side, public prosecutors generally use multiple articles, namely Article 340 of the Criminal Code on premeditated murder, Article 285 of the Criminal Code on rape, and Article 81 of the Child Protection Law. This combination of articles allows for the imposition of severe penalties, including the death penalty if the elements of planning and violence are proven in court. However, the implementation of the death penalty in Indonesia is still debated from an ethical, moral, and human rights perspective, so its effectiveness as a form of deterrence still needs to be further studied. Barriers to Law Enforcement, Structural Barriers, Limited Resources of Law Enforcement Officials

⁷ Case study of OKI: regional media reports (Kompas, Detik, Tribun, RMOL Sumsel, July 2025).

The Women and Children Protection Unit (PPA) still faces limitations in the number of investigators who have special competencies in handling cases involving children and sexual violence. The majority of investigators have a general background, so the approach applied is not yet fully in accordance with the principles of child protection. This condition has implications for the suboptimal investigation process, especially in terms of applying the sensitive examination method of (no questions, no answers) that is sensitive to the trauma and psychological needs of victims. The lack of specific expertise can also affect the quality of evidence and the effectiveness of law enforcement, thus requiring capacity-building policies through continuous training, recruitment of professionals, and the development of technical guidelines based on a child protection perspective.

Limitations of Forensic and Psychological Facilities, not all district police stations (Polres) in the South Sumatra region have forensic laboratories and forensic psychologists. As a result, the scientific evidence process often relies on facilities at large hospitals in the city of Palembang, which causes delays in examinations, increased operational costs, and reduced case handling effectiveness due to the distance and time required to access these services.

Inter-institutional Coordination, synergy between the police, prosecutors, courts, and social institutions has not been optimally realized, resulting in procedural inconsistencies and overlapping authorities in the handling of victims and witness protection. This condition has an impact on the slow coordination process, reduced effectiveness of protection, and the potential for revictimization due to a lack of service integration. Weak cooperation mechanisms also hamper the implementation of psychological counseling and social rehabilitation programs for victims. To overcome this, it is necessary to establish integrated standard operating procedures (SOPs), cross-sector coordination forums, and the use of information technology to ensure fast and transparent communication between agencies.

Culture of Shame and Stigma towards Victims, many victims' families are unwilling to report cases due to concerns about social stigma and potential disgrace, especially in rural areas that still uphold traditional values. This situation results in the majority of cases of sexual violence and murder against children going unreported, making it difficult for law enforcement officials to obtain accurate data for the formulation of prevention policies.⁸ The low reporting rate also limits victims' access to protection and recovery services, requiring intensive efforts in the form of legal education, strengthening the role of community leaders, and providing safe and victim-friendly reporting mechanisms.

Lack of Legal Awareness Among the Community, some people still view rape or violence against children as a domestic issue, rather than a serious crime that requires legal intervention. This perception reflects a low level of legal awareness and has the potential to hinder the reporting process and law enforcement. As a result, many cases are not officially reported, thereby reducing the effectiveness of prevention and enforcement efforts. To overcome this, a social change strategy is needed through continuous legal education, public campaigns involving community leaders, and strengthening the role of educational institutions and the media in shaping the understanding that violence against children is a violation of the law that must be dealt with firmly.

The Influence of Media and Digital Pornography, investigations show that most perpetrators are exposed to pornographic content through the internet and social media, which contributes to the formation of aggressive behavior and the process of dehumanization of children. This exposure not only triggers moral distortion but also reinforces deviant

⁸ Shekuwe, R. (2025). Community Knowledge and Perceptions of Child Sexual Abuse in Arusha District, Tanzania: Implications for Policy and Practice. *Asian Journal of Education and Social Studies*. <https://doi.org/10.9734/ajess/2025/v51i61996>.

sexual urges, thereby increasing the risk of extreme violence. This phenomenon underscores the urgency of monitoring digital access, media literacy for the public, and stricter regulations on the distribution of pornographic content. In addition, cooperation between the government, internet service providers, and educational institutions is needed to develop comprehensive prevention programs, including education on the negative impacts of pornography and strengthening the role of families in supervising children.

Criminological Analysis of Perpetrators, a criminological approach is used to examine the background of perpetrators in committing extreme crimes, such as murder accompanied by the rape of children. This analysis utilizes a number of relevant criminological theories to explain the causal factors and behavioral patterns of perpetrators, including:

- 1) According to strain theory, perpetrators experience social pressure due to economic inequality and the inability to achieve life goals through legitimate means. Based on interviews with investigators, the majority of perpetrators come from poor families, have dropped out of school, and do not have permanent jobs. These conditions cause frustration and aggression, which are then expressed in the form of sexual violence and murder. Merton explains that individuals in such conditions tend to adapt in the form of innovation, namely using illegal means to fulfill their needs or desires, in this case sexual gratification and domination over the victim.
- 2) According to the Differential Association theory developed by Edwin H. Sutherland, criminal behavior is the result of a social learning process. Individuals learn techniques, motivations, and justifications for deviant behavior through interaction with their social environment. Based on interviews with police officers, a number of perpetrators were found to have been involved in promiscuous relationships, alcohol-using communities, and watching pornographic content with peers. These interactions became a means of learning deviant values and justifying criminal behavior. This view is in line with the basic principle of Sutherland's theory, which states that deviant behavior is not innate, but rather formed through the frequency, intensity, and duration of repeated social interactions.
- 3) The Routine Activity Theory proposed by Cohen and Felson explains that crime occurs when three main elements are present simultaneously: a motivated perpetrator, a vulnerable victim, and a lack of supervision. In various cases in the South Sumatra region, children often play in quiet environments without parental supervision. This situation creates opportunities for perpetrators to commit crimes without hindrance. Weak social control from the community and minimal family supervision are significant factors in explaining the occurrence of these crimes.
- 4) Travis Hirschi, through his Social Control Theory, argues that people do not commit crimes not because they lack the urge to do so, but because they are still bound by social and moral norms. When these bonds weaken—due to dysfunctional families, low levels of education, and a lack of religious values—individuals become more vulnerable to deviant behavior.

Analysis of cases in South Sumatra shows that most perpetrators experience social disintegration, do not have permanent jobs, and are not involved in positive social communities. These findings reinforce Hirschi's argument that weak social control is a major factor in the emergence of criminal behavior.

Prevention Efforts and Strategies

Based on the results of the study, prevention strategies for murder and rape of children in the jurisdiction of the South Sumatra Regional Police include:

- 1) Improving legal education and public awareness through the Police Goes to School and Sahabat Anak Polri (Police Friends of Children) programs.
- 2) Strengthening the capacity of the PPA Unit through training in trauma-based healing for handling child cases
- 3) Developing cross-sector cooperation between the police, the Social Services Agency, the LPSK, the National Commission for Child Protection, and community leaders to strengthen social supervision
- 4) Utilizing information technology to monitor and report potential crimes against children through community-based applications.

This approach is in line with the concept of crime prevention through social development, which emphasizes the importance of prevention through social and moral development, rather than solely through the imposition of criminal sanctions.

CONCLUSION

Based on the analysis conducted, law enforcement against perpetrators of murder and rape of children in the jurisdiction of the South Sumatra Regional Police has been carried out in accordance with positive law. However, its effectiveness still faces various obstacles, both internally, such as limited resources and facilities, and externally, such as culture, social conditions, and the economy of the community. The criminological approach makes an important contribution to understanding the social and psychological roots of crime, so that it can be used as a basis for designing more humanistic, preventive, and empirically-based law enforcement strategies.

The Need for an Integrated Approach to Law Enforcement, fair law enforcement against perpetrators of serious crimes such as murder accompanied by rape of children requires an integrated approach between criminal policy and social policy. As emphasized by Barda Nawawi Arief, criminal policy must be part of broader social efforts to combat crime through prevention and rehabilitation. The South Sumatra Regional Police have initiated programs such as Sahabat Anak Polri (Police Friends of Children) and Police Goes to School as a form of commitment to education and prevention. However, to achieve optimal results, synergy between institutions and active participation from the community are needed.

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