

PEDOPHILIA AS A FORM OF SEXUAL DEVIANCE FROM A SOCIAL BONDS THEORY*

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ABSTRACT

Sexual crimes have seen a considerably increase in Indonesia. It not only affects women but also children. Sexual crime against children is also known as “pedophilia” and has now become a terrifying phenomenon. The escalation of sexual crime against children in Indonesia shows that there is a dire need to look into possible prevention strategies to sexual crime prevention. Considering the rapid increase of case of pedophilia in Indonesia, the government has enacted more severe punishment to the offender, that is, by imposing chemical castration under the Law No. 17 Year 2016 on the second amendment of the Law No. 23 Year 2002 on child protection. This article examines the causal factors of pedophilia by employing the social bonds theory introduced by Travis Hirschi. The primary premise of this theory states that delinquency comes up when social bonds tend to be fragile or not unavailable, or in other words, the stronger their bonds, the less likelihood of delinquency. Hirschi also mentioned four social bonds that push up socialization and conformity in society, those are: attachment, commitment, involvement, dan belief. Finally, the problems raised in this article is how does pedophilia in perspective of social bonds theory?. This article is a legal research with normative approach. It is geared to look phaedophilia as a sexual deviance in perspective of social bonds theory.

Keywords : pedophilia, sexual deviance, social bonds theory.

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PEDOFILIA SEBAGAI JENAYAH PENYELEWANGAN SEKSUAL DARI PERSPEKTIF TEORI IKATAN KEMASYARAKATAN

ABSTRAK

Jenayah seksual telah meningkat dengan mendadak di Indonesia. Ianya tidak hanya melibatkan kaum wanita, malah turut melibatkan kanak-kanak. Jenayah seksual terhadap kanak-kanak dikenali sebagai “pedofilia” dan telah kini menjadi suatu fenomena yang mengerikan. Peningkatan dalam jenayah seksual terhadap kanak-kanak di Indonesia menunjukkan undang-undang sangat memerlukan Langkah-langkah pencegahan bagi mengatasi masalah tersebut. Memandangkan terdapat peningkatan kes pedofilia yang mendadak di Indonesia, kerajaan Indonesia telah menggubal undang-undang yang lebih ketat bagi memastikan hubungan yang lebih berat seperti pengedaran kimia. Undang-Undang No. 17 Tahun 2016 telah meminda kali kedua bahagian perlindungan kanak-kanak dalam Undang-Undang No. 23 Tahun 2002. Makalah ini memeriksa punca pedofilia dengan menggunakan teori ikatan kemasyarakatan yang telah diperkenalkan oleh Travis Hirschi. Premis utama yang diketengahkan oleh teori ini ialah kenakalan akan menjadi-jadi apabila ikatan kemasyarakatan adalah rapuh atau tidak ujud langsung. Dalam erti kata lain, dengan ujudnya ikatan yang kuat, maka semakin kurang kemungkinan untuk kenakalan. Hirschi juga mengenengahkan empat jenis ikatan kemasyarakatan yang menekankan kepentingan kemasyarakatan dan keperluan untuk menurut kehendak masyarakat. Ini melibatkan kebersamaan, komitmen, penglibatan dan kepercayaan. Akhirnya, makalah ini menyetengahkan permasalahan bagaimana permasalahan pedofilia boleh diatasi dari perspektif teori ikatan kemasyarakatan. Makalah ini ditulis berasaskan penyelidikan undang-undang menurut pendekatan normatif. Ianya mengarah kepada melihat pedofilia sebagai jenayah seksual dari perspektif ikatan kemasyarakatan.

Kata kunci: pedofilia, penyelewengan seksual, teori ikatan kemasyarakatan.

INTRODUCTION

Pedophilia is a form of sexual deviant behavior that target children as victims. According to the Diagnostic and Statistics Mental Disorder (DSM), pedophiles (pedos, meaning "children" in Greek) are adults who obtain sexual satisfaction through physical contact and often

sexual contact with pre-puberty children who have no blood relation with them.¹ The main characteristics of pedophiles are strong and recurring sexual urges and associated fantasies involving sexual activity with pre-puberty children.²

Currently, in Indonesia, cases of pedophilia case are becoming a terrifying phenomenon. In the last three years, cases of pedophilia in Indonesia have significantly increased. Indonesia is even declared as a country with the highest pedophile cases in Asia.³ For example, a perplexing case is one that occurred in 2014 at TK Jakarta International School that befell one of its students. The case of pedophilia that occurred in JIS reminded the public of some cases of pedophilia that had occurred in the country in the last 15 years. The majority of the perpetrators were foreign citizens with various motives. Another example occurred in 2015, where an Australian citizen, RA (70), was arrested by Bali Police officers at his home, Tabanan area. This middle-aged man was arrested for alleged sexual harassment. According to Bali Police Public Relations Head Kombes Pol Hery Wiyanto, the perpetrator was arrested for pedophilia cases on Monday, January 11, 2015. The victims of the pedophilia acts of this Australian old man affected 15 children.⁴

The increase of pedophilia cases that occurred in Indonesia shows that currently, the handling of the perpetrators of pedophilia appears not yet fully comprehensive and integrated. The increase of criminal sanctions against pedophile perpetrators seems incapable of stopping the increase of the case. The handling of pedophilia has so far only focused on empowering repressive means through criminal law, whilst ignoring or overlooking pre-emptive and preventive tools. Meanwhile, the case of pedophilia is not only a matter of dangerous

¹ http://www.kompasiana.com/adindafajrina/hati-hati-dengan-gangguan-seksual-paraphilia_55283ef8f17e61e72f8b459e. downloaded on 27 May 2017 at 09.00 PM.

² Jeffrey S. Nevid, dkk, *Abnormal Psychology in a Changing World*, fifth edition, (Pearson Education, 2003), translated by Faculty of Psychology Universitas of Indonesia Team, (Jakarta: Publisher Erlangga, 2005), 82.

³ <http://medan.tribunnews.com/2016/08/10/kasus-pedofilia-di-indonesia-tertinggi-di-asia>. Downloaded on 27 January 2017 at 02.00 PM.

⁴ <http://media.iyaa.com/article/2016/05/ini-5-kasus-kejahatan-seksual-anak-sepanjang-2016-3441675.html>. Downloaded on 27 January 2017 at 03.00 PM.

violation of law, nor solely a problem of malicious mental attitude of the perpetrator, but the problem is more complex because it involves mentally abnormal and deviant psychological conditions of the perpetrators. The repressive handling of pedophilia cases of by imposing more severe criminal sanctions is predicted to be incapable of resolving pedophilia cases as long as the root cause of such cases are not addressed immediately. Identification of factors that cause pedophilia contributes to the determination of appropriate means in solving pedophilia cases comprehensively.

In order to protect children from sexual violence in the form of pedophilia, it is necessary that the countermeasure extend the scope to other means, such as non-penal means in order to complement the existing criminal law. Given the characteristic of these pedophile cases that often take advantage of strayed kinship or troubled family relationships between children and parents, the determination of the means to cope with pedophile cases should be examined from the perspective of Hirschi's Bonds Theory. This effort is an integral part of social defense, as well as efforts to achieve social welfare, especially that affects children. The formulation of the problems studied in this article is how to cope with pedophilia from the perspective of the social bond's theory.

GENERAL VIEWS ON THE SOCIAL BONDS THEORY

The social bonds theory was first put forward by Travis Hirschi in his book, *Causes of Delinquency* in 1969. This theory emphasizes the importance of social bonds in everyday life. The main premise of this theory is that delinquency arises when social bonds are weak or absent.

According to Hirschi, the variations of the social bonds explain the variation of crimes. The stronger the bond, the more likely the drive to commit crime will be controlled and conformity will emerge; the weaker the bond, the more likely people will follow their wishes and break the law. Then this brings us back to the question: "Why do not they do that?". The answer is quite clear. People do not commit crimes, they do not follow up the desire for gratification, because they are stopped by social bonds. In short, social bonds control their interest in illegal temptations and ensure conformity. Just as a dam holds water in

the reservoir, criminal motivation may overflow a person if there is no dam that prevents him from committing a crime.⁵

Hirschi links the onset of criminality to weakening of the ties that bind people to society. He assumes that all individuals are potential law violators, but most are kept under control because they fear that illegal behavior will damage their relationships with friends, family, neighbors, teachers and employers. Without these social bonds, or ties, a person is free to commit criminal acts. Across all ethnic, religious, racial and social groups, people whose bond to society is weak may fall prey to criminogenic behavior patterns.⁶

According to Hirschi, the control theories assume that delinquent acts result when an individual's bond to society is weak or broken. Since the theories embrace two highly complex concepts, the bond of the individual to society, it is not surprising that they have at one time or another formed the basis of explanations of most form of aberrant or unusual behavior. It is also not surprising that control theories have described the element of the bond to society in many ways, and that they have focused on a variety of units as the point of control.⁷ Hirschi argue that the social bond a person maintains with society is divided into four main elements, namely: attachment, commitment, involvement, and belief; that is variously described as 'control variables, each (representing) a major social bond'. These four elements are explained below:

1. Attachment

The element of attachment is used to explain conforming behavior and refers to sensitivity to and interest in others. It is how strongly we are tied to others. According to Hirschi,

⁵ J. Robert Lilly, Richard A Ball and Francis T. Cullen, *Criminological Theory: Context and Consequences*, fifth edition, Sage Publications, Inc. translated by Tri Wibowo BS, *Teori Kriminologi: Konteks dan Konsekuensi*, (Jakarta: Prenada Media, 2015), 133.

⁶ Larry J. Siegel, *Criminology, The Core*, (Wadsworth, USA: Cengage Learning, 2011), 180.

⁷ Travis Hirschi, *Causes of Delinquency*, (Berkeley, LA: University of California Press, 1969), 16.

...the essence of internalization of norms conscience, or superego thus lies in the attachment of the individual to others. This view has several advantages over the concept of internalization. For one, explanation of deviant behavior based on attachment do not beg the question, since the extent to which a person is attached to others can be measured independently of his deviant behavior.⁸

Hirschi views parents, peers, and school as the important social institutions with which a person should maintain ties. Attachment to parents is the most important tie. Without this attachment, it is unlikely that respect for other authorities will develop.⁹ For Hirschi attachment is crucial for the simple reason that, 'if a person does not care about the wishes and expectations of other people, that is, if he is insensitive to the opinion of others, then he is to the extent not bound by the norm. He is free to deviate.' Of all the four elements of Hirschi's model, it is attachment that has been treated as being the most important.¹⁰

2. Commitment

Commitment involves the time, energy and effort expended in conventional actions such as getting an education and saving money for the future. If people build a strong commitment to conventional society, they will be less likely to engage in acts that jeopardize their hard-won position. Conversely, the lack of commitment to conventional values may foreshadow a condition in which risk taking behavior, such as crime, becomes a reasonable behavioral alternative.¹¹ The idea, then, is that the persons invest time, energy, and even himself, in a certain line of activity such as getting an education, building up a business, acquiring a reputation for virtue or other activities. When or whenever he considers deviant behavior, he must consider the costs of the deviant behavior, the risk he runs of losing the investment he has made in conventional behavior.¹² Hirschi's argue that the concept of commitment assumes that the organization of society is such that the

⁸ *Ibid*, 18-19.

⁹ Larry J. Siegel, *Op.Cit.* 180.

¹⁰ Tim Newburn, *Criminology*, (UK: Willan Publishing, 2007), 232.

¹¹ Larry J. Siegel, p. 181.

¹² Travis Hirschi, p. 20.

interest of most persons would be endangered if they were to engage in criminal acts. Most people, simply by the process of living in an original society, acquire goods, reputations, prospect that they do not want to risk losing. These accumulations are society's insurance that they will abide by the rules. Many hypotheses about the antecedents of delinquent behavior are based on this premise.¹³

3. Involvement

Involvement is another way of expressing that a denial of access to a crime will reduce the occurrence of delinquency. Discussion of Hirschi's theory does not place involvement in term opportunities, but it is useful if we put it there. He identifies the fact that structured conventional activities will close the possibility of violation.¹⁴ This refers to the assertion that being heavily involved in conventional, non-deviant, activities will most likely serve to insulate people from deviance: 'to the extent that he (*sic*) is engrossed in conventional activities, he cannot even think about deviant acts, let alone act out his inclinations'. In many ways this element of Hirschi's argument is an opportunity theory. He suggests that people may simply be so bound up in other conventional activity that they have no time or opportunity for delinquent activity.¹⁵

4. Belief

The use of the term belief is more sociological than psychological. This term is usually used to indicate a firmly held view. On the contrary, this term is used to indicate approval in the sense of agreeing on certain values and norms with a certain degree of conformity. In this sense, belief is not seen as an internalized personal creed but as an impression and an opinion that depends heavily on constant social reinforcement. If the level of approval is low, then that belief simply justifies the willingness to obey and "participate", at least for the moment. If the level of approval is more substantial, then it will be equivalent to the belief that the individual gives approval and wholehearted cooperation. The point is that, belief is not seen as a state of mind, free from the

¹³ *Ibid*, 21.

¹⁴ J. Robert Lilly, Richard A Ball and Francis T. Cullen, p.137.

¹⁵ Tim Newburn, p. 232.

situation; belief is considered as a careful moral position to gain social support based on an attachment to conventional systems.¹⁶ This element concerns the strength of our commitment to particular beliefs. We may be commonly attached to various cultural goals, but we will not all be equally attached to them. Straightforwardly, the stronger our belief in conventional values, the less likely we will be to offend. This element of control theory makes explicit the assumption that there is a common value system in a society or group, whose norms are violated.¹⁷ To be clearer, the summary of Hirschi's Social Bond Theory can be seen in Table 1.

The discussion now shifts to the available data on the incidences of pedophilia in Indonesia for the last 5 years. From here, the study then continues with an exploration of how the social bonds theory applies to this situation.

PEDOPHILIA INCIDENCES IN INDONESIA

In the last few years, sexual crimes cases have increased and are becoming more rampant in Indonesia. This sexual crime is not only experienced by women but also children. The danger of sexual violence behavior today is very disturbing. Data from Komnas Perempuan (Women's National Commission) shows that in 2013 there were 3937 cases of sexual violence against women both domestically and in the society. A year later the figure rose to 5629 cases, and in 2015 slightly decreased to 4457 cases.¹⁸ The results of a KOMPAS newspaper poll of 2040 respondents across Indonesia showed that the handling of cases of sexual violence did not satisfy the public at both the level of investigation and prosecution. Law enforcement officials are judged to be running an unfriendly legal system against women victims of sexual violence. This becomes an obstacle for victims to obtain justice.¹⁹

Furthermore, in the 2017 Annual Record (CATAHU) *Komnas Perempuan* (Women's National Commission) found 259,150 cases of violence against women reported and handled during 2016, consisting

¹⁶ J. Robert Lilly, Richard A Ball and Francis T. Cullen, p.137.

¹⁷ Tim Newburn, *Op.Cit.*,233.

¹⁸ *Terobosan Hukum Korban Kekerasan Seksual*, KOMPAS Newspapers, Monday 19 December 2016, VIII.

¹⁹ *Ibid.*

of 245,548 cases sourced from case data/cases handled by 359 Religious Courts, and 13,602 cases handled by 233 service provider partners institutions, spread over 34 Provinces. In the domestic or personal sphere, the highest percentage was physical violence 42% (4,281 cases), followed by sexual violence 34% (3,495 cases), psychological violence 14% (1,451 cases) and 10% economic violence (978 cases). For sexual violence in the personal/domestic violence sphere, in 2018, rape occupies the highest position of 1,389 cases, followed by obliteration of 1,266 cases.

In 2018, CATAHU can display data rape in marriage as many as 135 cases and found that the majority of perpetrator of sexual violence in the domestic/personal violence is the boyfriend of 2,017 people. While violence in the public domain reached 3,092 cases (22 per cent), where sexual violence was ranked first in 2,290 cases (74 per cent), followed by physical violence 490 cases (16 per cent) and other violence below 10 per cent; namely psychological violence 83 cases (3 per cent), migrant workers 90 cases (3 per cent); and trafficking 139 cases (4 per cent). The most common types of violence in sexual violence in public domain are rapes (1,036 cases) and obscenity (838 cases).²⁰

Cases of sexual crimes that occur against children has also increased sharply from year to year. This is based on data from the Polda Metro Jaya, cases of violence against children handled in 2013, where physical violence against children are as many as 195 cases and sexual violence come up to 377 cases. In 2014, physical violence against children were 185 cases. As of August 2015, there were 150 cases of physical violence and 309 cases of sexual violence.²¹ The increase of sexual crimes in Indonesia shows that Indonesia is in a sexual violence emergency. This sexual violence occurs, particularly

²⁰ <http://www.komnasperempuan.go.id/lembar-fakta-catatan-tahunan-catahu-komnas-perempuan-tahun-2017-labirin-kekerasan-terhadap-perempuan-dari-gang-rape-hingga-femicide-alarm-bagi-negara-untuk-bertindak-tepat-jakarta-7-March-2017/> downloaded on 30 April 2017 at 10.00 PM.

²¹ Lidya Suryani Widayati, *Pengibirian Sebagai Upaya Perlindungan Anak dari Kekerasan Seksual*, Center for General Studies, Data Processing and Information Republic of Indonesia Parliament, Info Singkat Hukum Vol. VII No. 20/II/P3DI/October/2015.

to children, which has shown a sharp escalation in both quantity and quality.

The data on cases of pedophilia, is like an iceberg, which shows very little on the surface of the sea, but underneath, many has not been revealed. This is especially so in child sexual crimes that have been revealed including the Emon case in Sukabumi with more than 100 victims of children, JIS case with 3 victims of students, MI case in Bogor with victim of 18 children that was conducted since 2012 and the AAP case in Bogor and PNF cases in Kalideres Tangerang as victims of sexual violence and homicide.²²

The last few years seems to be years of concern for the Indonesian children's world. The Indonesia Commission of Child Protection (KPAI) found hundreds of cases of sexual violence against children who were allegedly committed by the persons closest to them. Data from KPAI indicated that 218 cases of child sexual violence occurred in 2015. While in 2016, KPAI noted there were 120 cases of sexual violence against children. Then in 2017, there were 116 cases, and most of the perpetrators are the closest person to the child such as stepfather and biological father, close family, and friends.²³

Meanwhile, throughout 2017 cases of pedophilia continued to emerge. The effectiveness of Law Number 17 Year 2016 on Stipulation of Government Regulation in Lieu of Law No. 1/2016 on the Second Amendment of Law Number 23/2002 on Child Protection is put into question. There are a number of cases that have become public concern. One of them is the arrest by Criminal Investigation Unit V of Women and Children Services of Tangerang City Police Station against suspect Udin alias Babeh on December 20, 2017. The perpetrator was arrested at his residence in Sakem Village, Tamiang Village, Gunung Kaler Sub-district, Tangerang Regency, Banten. The results of the investigation found out that pedophilia crimes committed by Babeh have been going on since April 2017. The victims are interested to come to his hut because they assumed the perpetrators have *ajian "semar mesem"* and can cure illness. As of 6 January 2017, 41 children

²² *Lindungi Anak dari Kekerasan*, KOMPAS Newspapers, 28 January 2016, XII.

²³ <http://www.kpai.go.id/berita/tahun-2017-kpai-temukan-116-kasus-kekerasan-seksual-terhadap-anak/> downloaded on 30 January 2018 at 10.00 PM.

were reported to be victims. The number increased from the previous report, which was 25 children. Until now, all 41 children are still undergoing healing or trauma healing in the Women and Children Protection Unit of Tangerang Police. To prevent pedophilia crime cases from emerging, the most effective strategy is prevention. In addition, prevention should also be based on three things. First, from the children's side. Second, from the parents side. Third, from the people closest. As such, the system as a whole must work.²⁴

The high number of pedophilia cases as described above may potentially continue to increase quite significantly, not to mention the cases that are not reported, and remain a dark number in the society. The urgency of this condition has been realized by a number of relevant government agencies such as Ministry of Religious Affair PP-PA, Ministry of Social Affairs and KPAI. Therefore, in 2016 the Government of Indonesia announced emergency sexual violence to children. This shows how dangerous this crime is, and how it is necessary to design the right solution for this problem.

PEDOPHILIA ACCORDING TO THE SOCIAL BONDS THEORY

Whether Existing Regulation Sufficiently Protects Children from Pedophilia

The efforts of the Indonesian government to juridically and maximally protect children is started with the ratification of the Child Rights Convention. To implement the Child Rights Convention, Law no. 23 of 2002 on Child Protection has been ratified. And changed by Law no. 35 of 2014 on Amendment to Law no. 23 of 2002 on Child Protection. The existence of this law is welcomed as a government effort to always provide the best children protection in accordance with the principles of Child Rights Convention “the best interest of the child”.

One of the steps taken by the Indonesian government is to provide protection to children from this threats of pedophilia through the regulation of sexual crimes against child in Articles 81 and 82. The

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<http://nasional.republika.co.id/berita/nasional/umum/18/01/08/p27sxxk440-awas-kasus-kejahatan-pedofilia-marak-lagi>, downloaded on 30 January 2018 at 10.00 PM.

provision of Article 81 was amended by the existence of a criminal sanction for sexual offenders from 3-15 year imprisonment and a fine of 60-300 million rupiah becomes 5-15 year imprisonment and a fine of 5 billion rupiah, and an extra of 1/3 penalty against parents, guardians, child caregivers, educators or educational personnel who commit such offenses.

The *bestandelen delict* of Article 81 is violence or the threat of violence forcing a child to have sexual intercourse with him or with another person. This provision applies also to anyone who intentionally does trickery, a series of lies, or persuades a child to have an intercourse with him or with another person. Whereas the prohibited acts in Article 82 includes prohibition of violence or violent threats, forcing, tricking, committing a series of lies, or seducing a child and applies to anyone who on purpose does trickery, a series of lies, or seduces a child to have sex with him or another person.

To support child protection from sexual crimes, the President issued Presidential Instruction 5/2014 on the National Anti-Crime Movement on Children (GN-AKSA) on 11 June 2014. In the Presidential Instruction, the president mandates all policy makers to take any necessary steps in accordance with their respective duties, functions and authority coordinately and in integrated manner to prevent and eradicate sexual crimes against children through the National Anti-Crime Movement against Children (GN-AKSA) by involving all elements of society and the business world and also instructs to implement the most serious penalty against perpetrator of sexual crime against children.

The increasing number of sexual crimes against children has encouraged the Indonesian government to increase the penalty for perpetrators of sexual crimes against children by imposing Law no.17 Year 2016 About Stipulation of Government Regulation in Lieu of Law Number 1 Year 2016 About Second Amendment To Law Number 23 Year 2002 About Child Protection to be a Law. The fundamental change in this regulation is imposing harsher criminal sanctions on the perpetrators which includes chemical castration.

There are some fundamental changes in Article 81 and 82 which include:

- a. An 1/3 extra of criminal offense to the perpetrators of parents, guardians, family-related persons, caregivers, educators,

- education professionals, and officers dealing with child protection;
- b. Additional sanctions for recidivist;
 - c. Introducing the imposition of sanctions ranging from 10 to 20-year imprisonment, life imprisonment, and death sentence, particularly for the perpetrator with more than one victim, causing severe injuries, mental illness, other infectious diseases and death;
 - d. Imposition of chemical castration penalty for the perpetrator; and
 - e. Installation of electronic detector chips.

Pedophilia from the Perspective of the Social Bonds Theory

Pedophilia is the one that most disquieting crime to the general public. The cause of pedophilia has not been determined, but suspected factors include abnormal brain structure, social maladaptation, and neurological dysfunction. Research using brain scans shows that the central processing of sexual stimuli in pedophiles may be controlled by a disturbance in the prefrontal networks of the brain. Brain trauma is also been linked to child molestation. Aside from that, injury may occur before or after the incident and it is also possible that the damage caused by injury and/or accident can produce brain malfunctions linked to pedophilia. There is also some evidence that pedophilia is heritable and that genetic factors are responsible for the development of pedophilia. Other suspected connections range from cognitive distortions to exposure to pornography.²⁵

Referring to the above opinions, it seems that there are many factors that could affect a person and cause them to become perpetrators of pedophilia. Pedophilia is a form of paraphilia or sexual perversion, which can be dangerous when preying on children as victims. Therefore, pedophilia is a crime and must be subjected to severe sanctions.

It is interesting to examine why someone is doing sexual perversion. The cause of sexual deviation is multi-factorial, including genetic and non-genetic factors. Non-genetic factors include the past experiences of the sufferer, especially in childhood affecting his sexual

²⁵ Larry J. Siegel, p, 354-355.

development. The family is the environment where most of its members can experience and learn the first physical violence.²⁶

Three fundamentals on delinquency and deviant behavior dominate the current scene. According to strain or motivational theories, legitimate desires that conformity cannot satisfy, force a person into becoming a deviant. According to the control or bond theories, a person is free to commit delinquent acts because his ties to the conventional order have somehow been broken. According to cultural deviance theories, the deviant conforms to a set of standards not accepted by a larger or more powerful society.²⁷

To explain what factors are causing the perpetrators of this pedophilia sexual deviation to commit a crime, here we will analyze the pedophilia in the social bonds theory perspective of Travis Hirschi normatively. The social bonds theory proposed assumes that the motivation for breaking a rule is universal, then the motivation cannot explain who is criminal and who is not a criminal. Methodologically there are independent variables and dependent variables. The independent variable is the motivation to violate, while the dependent variable in this case is the involvement in criminal acts. These independent variables must vary in order to explain the dependent variable and this variation lies in the social control. This variation of the power of social control explains the variation in the extent to which people engage in crime.

As seen above, Hirschi not only emphasizes control but also social control. Control is not taken in the psychological aspect or is permanently present in the belief. In contrast, according to Hirschi, controls in the bonds of people with conventional society-to adult members (parents, teachers), community institutions (family, school), and community belief (legislation, normative standards). So the control is in a relationship or a person's relationship with society. Hirschi calls this type of bond or a different relation in this case as social bonds.²⁸ According to Hirschi, the variation of social bonding explains the variation of evil, the stronger the bond, the more likely it is that the evil drive will be controlled, the weaker the bond, the more likely it is

²⁶ Tubagus Ronny Nitibaskara, *Catatan Kriminalitas*, (Jakarta: Jayabaya University Press, 1999), 44.

²⁷ Travis Hirschi, p. 3.

²⁸ J. Robert Lilly, Richard A Ball and Francis T. Cullen, p. 133.

to follow his will and break the law. The most important question to answer is "why do some people not commit crimes while others commit crimes?" It is interesting to examine and explain pedophilia in the perspective of the social bonds theory is related to the question posed by Hirschi, that the presence or absence of social ties will affect one's actions.

Attachment, according to Hirschi, is the emotional closeness of young people with adults, with parents who are usually the most important figure to them. This closeness involves familiar communication of "affective identification" with parents (e.g. wanting to be like their parents), and the feeling that parents know what they are doing and where they are. The strength of this bond depends on the extent to which children spend time with parents and interact with them on a personal level.²⁹ If social ties in society that reflect social membership are weak, then it is believed in the society that there will be a lot of deviant behavior. Fewer people are bound by conventional social or community institutions, the more likely they are to commit crimes.³⁰ Therefore, weak attachment with parents and family may interfere with the development of personality, whereas bad relationships with schools are considered very important in delinquency.³¹ Similarly, deviant behavior pedophilia. A pedophile feels inferior.³² This low self-esteem can occur because of the weak social bonds of the perpetrator with parents, social institutions or society.

Therefore the offender wants to show his superiority by imposing sexual acts on children. Perpetrators are satisfied to have sexual relations with children because of the power and strength that

²⁹ Ibid, p.135

³⁰ Hagan, quoted from Mohammad Kemal Dermawan, *Telusuran Teoritis Pembinaan Pencegahan Kejahatan Berpendekatan Sosial*, Department of Criminology Universitas of Indonesia, *Bunga Rampai Kriminologi, Dari kejahatan dan Penyimpangan Usaha Pengendalian Sampai Renungan Teoritis*, (Jakarta: FISIP UI Press, 2010), p.104-105.

³¹ Frank E. Hagan, *Introduction to Criminology: Theories, Methods and Criminal Behavior*, seventh edition, (Sage Publications Inc), translated by Noor Cholis, *Pengantar Kriminologi, Teori, Metode dan Perilaku Kriminal*, (Jakarta: Kencana Prenadamedia, 2013), p. 238.

³² Tubagus Ronny Nitibaskara, p. 44.

they can wield on children.³³ A number of cases match the stereotype of a weak, lazy, socially awkward person, and a loner who feels threatened by relationships with adults and turns to children for sexual satisfaction because children do not offer much criticism and demands.³⁴

Meanwhile, commitment deals with the extent to which a person maintains an interest in the social and economic system. If an individual is at risk of losing much with respect to status, occupation and position in society, he is unlikely to break the law.³⁵ For a pedophilic actor, the opposite is true, i.e. there has been miscommunication between the environment and the behavior. This causes no commitment to the environment. Thus there is communication that is disconnected with the environment. This is due to the lack, but not as a deficiency in his behavior, so the behavior of this pedophilia according to them is rational. But to the society this pedophiliac behavior is considered irrational so that society declares it as a crime.

Here, commitment is defined not as a term of compliance to self-interest but as how far the individual's self-interest is embedded in that particular activity. According to Hirschi this is a "rational component of conformity", which is essentially a matter of calculation of potential benefits and disadvantages, so that individuals who will commit an offensive act should "consider the costs of deviant behavior, the risk of losing the benefits sought in conventional behavior."³⁶

In order for such a built-in system of regulation to be effective, actors in the system must perceive the connection between deviation and reward and must value the rewards society proposes to withhold as punishment for deviation.³⁷ The lack of commitment of criminals to these social bonds is easier for a person to commit a crime. Most pedophiles are aware of their shortcomings, feel inferior and lack confidence. The perpetrator actually only wants to show his superiority by attacking children for sexual satisfaction.

³³ Ibid.

³⁴ Ames dan Houston, quoted from Jeffrey S. Nevid, p. 83.

³⁵ Frank E. Hagan, p. 238.

³⁶ J. Robert Lilly, Richard A Ball and Francis T. Cullen, p. 136.

³⁷ Travis Hirschi, p. 162.

Meanwhile, involvement deals with participation in legitimate social and recreational activities that leave very little time to make an issue or tie one's status to other important groups whose integrity one wishes to honor.³⁸ This involvement is another way of expressing that a denial of access to a crime will reduce delinquency. Discussion of Hirschi's theory does not place involvement in the opportunity term, but it is useful if we place it there. He points to the fact that conventional structured activity will close the possibility of breaking.³⁹ A pedophile is also a part of society, but in reality this pedophilia becomes an exclusive group in the community. In the early stages, these pedophiles are the ones who withdraw from being tied to the community or withdrawing from the community in society. So when these distances are established then they assume that the behavior is as normal behavior. The community's attachment that closes the access is due to the indifference of pedophile actors who consider it unnecessary to be with the community. This starts from their low self-esteem that lessens their need for interaction and communication with the community.

Finally, belief explains that the conventional beliefs of norms and value systems and laws serve as a binder with society.⁴⁰ The nature of this social bond is to follow the moral validity of other conventional laws and norms. Hirschi uses the term belief more sociologically rather than psychologically. Hirschi does not use this term to indicate a firmly held view; instead, he uses this term to indicate consent in terms of agreeing on certain values and norms with a certain degree of agreement. In this sense, belief is not seen as an internalized personal creed but as an impression and an opinion that is heavily dependent on a consistent social strengthening. If the level of approval is low, then that belief simply justifies the willingness to obey and "participate". If the level of consent is more substantial, then it will be equivalent to the belief that the individual gives consent and wholehearted cooperation. The point is that belief is not seen as a state of mind free from the situation, beliefs are considered a cautious moral position to gain social support based on attachment to conventional systems.⁴¹ In this belief,

³⁸ Frank E. Hagan, p. 238.

³⁹ J. Robert Lilly, Richard A Ball and Francis T. Cullen, p. 137.

⁴⁰ Frank E. Hagan, p. 239.

⁴¹ J. Robert Lilly, Richard A Ball and Francis T. Cullen, *ibid*.

a pedophile does not gain the trust of the people, even these pedophiles are regarded as perverts, because the behavior of a pedophile is inconsistent with the norms and morals in society. Therefore there has been a separation between pedophilia and the community.

CONCLUSION

Based on the elaboration above, we conclude that the pedophilia is a complex personality disorder which is shaped by many distinctive factors. Most cases of pedophilia occur because of psychological problems and lack of social control. It can be traced back from their childhood, in which their psychological development was not built on norms adopted by other normal people.

From the perspective of the social bonds theory, the prevention of pedophilia must refer to 4 (four) elements of social control which help build the psychological development of humans in general and these include attachment, commitment, involvement, and belief. Hence, a crime can be prevented if we can strengthen the four elements of social control at the earliest possibility. For instance, in view of attachment, the crime can be controlled by empowering the role of parents, family, or other close persons surrounding. They should be able to build good relationships with their children. In addition, a healthy environment also plays an important role in creating people who have a healthy social relationship with others. To strengthen the social confidence, people should be involved in many social activities which result in their positive conduct. Finally, we cannot ignore the existence of social norms in tackling crime. It is submitted that a progressive way to resolve crimes is by reviving social norms, and enhancing social belief toward the effectiveness of social bonds in an attempt to lessen inclinations towards criminal activities.