

# CAUSES OF SEXUAL VIOLENCE BY BIOLOGICAL PARENTS AGAINST BIOLOGICAL CHILDREN (INCEST) FROM THE PERSPECTIVE OF CRIMINOLOGY



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## KEY WORDS

Causes of Incest,  
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## ABSTRACT

Children are a gift and trust from God Almighty, possessing full human dignity and self-worth. To protect this dignity and self-worth, children are entitled to appropriate legal protection from the justice system. Cases of sexual violence against biological children are rarely disclosed and only a few are reported by the community. Victims may be afraid or ashamed if the case is known to others. Factors causing sexual violence, such as a father's rape of his daughter, are influenced by various factors like poverty (systemic poverty), unemployment, low education, and lack of religious knowledge. Another contributing factor is that the perpetrator's wife often has to work outside the home, leaving the father alone with the child.

## 1. INTRODUCTION

Human rights require child protection, and the Republic of Indonesia guarantees the welfare of its citizens. Children play a strategic role because they are heirs to their family's lineage and are responsible for national values that will determine the country's future. According to the preamble of Law Number 11 of 2012 on the Juvenile Justice System, children are a trust and gift from God Almighty, possessing human dignity and self-worth. To maintain this dignity, children are entitled to special protection, especially legal protection within the justice system. As a State Party to the Convention on the Rights of the Child, which regulates legal protection principles for children, Indonesia is obligated to provide special protection for children in conflict with the law.

## 2. METHOD

This study focuses on sociological jurisprudence. Its objective is to gain an understanding of law within a social context and to evaluate how law functions as a tool to control society, transform society, and regulate social interactions to achieve certain social conditions (Soerjono Soekanto, 1998). According to sociological jurisprudence, law is not only considered as norms and regulations but also how law functions in society.

## 3. RESULT AND DISCUSSION

### Factors Causing Sexual Violence by Biological Parents (Incest) Against Their Children in Pontianak

Cases of sexual violence (rape) by fathers or biological parents against their children are increasing, with some cases occurring in



Pontianak. This phenomenon is described as the tip of the iceberg. Forensic Psychologist Reza Indragiri Amriel states, "this is a crime in a very private area." Children are under their parents' supervision, so they are unlikely to scream. Additionally, many rules must be followed to maintain the family's reputation, causing child victims of sexual violence to remain silent.

### **Characteristics of Perpetrators of Sexual Violence (Rape) Against Biological Children**

1. Family Background of the Perpetrators  
Families are the smallest unit with an important role in society. They are crucial for the continuity of society and play a significant role in socialization, educating members to follow values and norms first learned in the family. Families also teach proper and non-deviant behavior.
2. Causes of Sexual Violence (Rape)
  - a) Internal Factors of the Perpetrators  
Weak spiritual/moral background. Incest will not occur if the perpetrator has strong morality and faith.
  - b) External Factors of the Perpetrators  
Poverty: Defined as the lack of goods and services needed to achieve a decent standard of living.  
Unemployment: Daughters and perpetrators often spend more time together at home, becoming targets of the father's frustration.  
Illiteracy: Lack of proper housing and an unsuitable education system also contribute.  
Social Disintegration: Weakening social ties among families and communities.

### **Impact of Sexual Violence on Victims**

Victims suffer both physically and psychologically. Physical injuries can include

difficulty walking or sleeping, genital itching or pain, abrasions, and bleeding. Psychological trauma includes fear, pain, hatred towards the father, confusion, disappointment, and anger. If not addressed, these psychological disorders can lead to severe depression, isolation, and irregular eating patterns.

### **Factors Contributing to Sexual Violence (Rape).**

#### **Internal Factors of the Perpetrator**

Spiritual/faith and moral background: A weak spiritual or moral background is a significant factor. Incestuous rape cases would not occur if the perpetrator had strong morals and faith.

#### **External Factors of the Perpetrator**

1. Poverty: Sar A. Levitan (in Heniy Astiyanto, 2003) states that "poverty is the lack of goods and services needed to achieve a decent standard of living." Similarly, Bradly R. Schiller defines poverty as "the inability to obtain adequate goods and services to meet limited social needs" (in Heniy Astiyanto, 2003). Emil Salim describes poverty as "the lack of income to meet basic living needs" (in Heniy Astiyanto, 2003). One of the main causes of sexual violence (rape) by parents against their children is poor economic conditions. For example, due to the lack of separate rooms for each child, parents and children often share the same room, leading to sexual interactions in the same room with the children.
2. Unemployment: Daughters who spend more time at home with their unemployed fathers often become targets of their fathers' frustrations.
3. Wives refusing to serve their husbands: Husbands who frequently claim to be



busy or tired from working outside all day can lead to situations where the wives, responsible for the family's survival, neglect their daughters' well-being. Consequently, daughters spend more time at home with their fathers.

4. Illiteracy (ignorance), inadequate housing, and unsuitable education and training systems: Lack of proper education and housing can contribute to these incidents.
5. Increasing population with no prospects due to social integration issues and worsening social inequalities: The lack of future prospects and increasing social inequalities contribute to the problem.
6. Weakening social bonds within families and communities: Travis Hirschi emphasizes that deviant behavior results from the absence or lack of (moral) attachment to society (Romli Atmasasmita, 2005).
7. Minimal spiritual background: Incestuous rape cases would not occur if the perpetrator had strong morals and faith.

### **Age of the Perpetrator**

The age of the incestuous perpetrator (biological father) ranges between 40 and 60 years.

### **Education of the Perpetrator**

A lack of education is one of the contributing factors to incest cases. Data shows that perpetrators of incestuous sexual violence (rape) are often unemployed and belong to the lower-middle socio-economic group.

### **Characteristics of Children Victims of Sexual Violence (Rape) By Parents**

1. Childhood The majority of cases of rape by parents against their daughters occurred in girls aged 11-15 whose mothers did not live at home because of work. For example, as a female labour force in the city and abroad. Victims usually can't fight because they're kids. The perpetrators typically use the bullshit with rewards such as strawberries, candy, or money to make the child happy and threaten to not tell anyone.
2. Victim education Seeing from the age of the victim who is between 11-15 years, then the victims are mostly students of elementary school (SD) up to high school (SMA).
3. The impact of sexual violence on the victim.

Victims of rape don't just suffer once, they can suffer over and over again. Of the rape cases, only a few get post-rape treatment. Some people only receive treatment to prevent pregnancy and avoid sexually transmitted diseases (Rena Yulia, 2010).

When a father commits sexual assault on his child, this is a very serious kind of injury. Because of their inability to understand what has happened and why it can happen, the victims usually experience painful feelings. Victims of father rape usually suffer physical and psychological trauma, according to parenting experts and psychologists. The victim may experience psychological wounds such as fear, pain, and hatred of his father and the adults around him. Worrying, confused, disappointed, angry, and revenge on yourself makes you disgusting. Incomprehensible behavior, withdrawal, struggle, rude, fearful, impulsive, and sleep and eating disorders clearly interfere with academic achievement.



In addition, physical injuries suffered by the victim may include difficulty walking or sleeping, itching or pain in the pelvis, scratches and bleeding in the vagina or anus, suffering from sexually transmitted diseases, and also unwanted pregnancies.

If psychological disorders caused by sexual violence (rape) committed by a parent against his or her child are not addressed immediately, the child will become more depressed, guilty, lonely, reluctant to interact with others, and experiencing irregular eating problems. Integrated therapy should be given to every victim of sexual harassment. It includes physical, psychological, and religious therapy. Children need psychodrama and play therapy, while adults need psychotherapy, religious therapy and regret.

#### **Role of Government, Society, and Family in Preventing and Handling Sexual Violence (Rape) by Biological Parents (Incest) in Pontianak**

Sexual violence (incest) often occurs in remote areas and is not related to the quality of housing. Both urban and rural homes are often small and lack private rooms, leading to forced proximity between parents and children. Immediate government intervention is needed to provide adequate housing for citizens.

#### **4. CONCLUSION**

Sexual violence (rape) committed by biological parents against their daughters, known as incest, is an iceberg phenomenon. This means that the cases occurring in society are actually much more numerous than those that are reported and processed under existing laws.

The factors contributing to sexual violence in the form of rape committed by biological parents

(fathers) against their daughters include poverty (systemic poverty), unemployment, low levels of education, and lack of religious knowledge. Additionally, one of the driving factors is the absence of the perpetrator's wife, who is often away from home due to work.

Improving the living standards of society should be achieved by creating more job opportunities in all sectors.

Village programs that foster social relationships and interactions among residents are needed. This way, data will not be concentrated on introverted families and will not be neglected by other villagers.

Informal community reactions to incestuous relationships can be utilized for preventive and repressive efforts. Religious leaders, educated individuals (role models), and village leaders can be key drivers in this effort.

Incest cases have not been adequately addressed by the legal system. In some District Courts in Indonesia, the sentences imposed on perpetrators (biological parents) never exceed 10 years of imprisonment. Therefore, to deter and prevent children from becoming victims again, judges should impose maximum sentences.

Child victims of sexual violence are national assets with promising futures and must be given serious care in their physical and mental recovery.

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