



Criminal Provisions For Perpetrators Who Commit Criminal Acts of Copulation And Lewd Acts Against Minors

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Abstract: *The frequency of these crimes, one of which is the unlawful act of sexual abuse, which encompasses both fornication and copulation, demonstrates the current high rate of crimes against children. Children and the future of the nation are seriously and dangerously at stake from this. Sexual activity is a crime that seriously damages society, it is taken very seriously, and it makes people feel uneasy since it incites a dread of crime. Data collection, processing, presentation, and analysis related to an event constitute the process of research to acquire a study outcome that is responsible for science. Normative juridical research is the kind that is employed. Articles 81 and 82 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection discuss the legal provisions for child molestation against children.*

Keywords: *Criminal Acts, Copulation, Lewd Acts, Minors.*

Introduction

The Unitary State of the Republic of Indonesia's 1945 Constitution states unequivocally that the State's goals are to safeguard the entire Indonesian population and all acts of bloodshed, advance the welfare of all citizens, educate the populace, and take part in international peace initiatives centered on social justice, independence, and lasting peace (Piñeiro, 2020). It is appropriate that the Indonesian people receive protection in this regard in various spheres of their existence.

However, there is a negative correlation between the goals of our country and the social realities. Today, as science and technology advance at an accelerating rate, so do the myriad legal issues that arise. (Clemente, 2019) People's behavior patterns have changed as a result, becoming increasingly complex. An increasing number of human behavior patterns defy the social norms that are widely accepted. These aberrant actions have the potential to result in an infraction or possibly a criminal. One of life's realities that calls for particular attention is crime. This is because crime will make people's lives unstable.

As a result, numerous attempts are always made to combat crime, even though doing so is incredibly challenging because, at its core, crime will always grow as society does. In a similar vein, legal progress will always follow societal development (Tenório, 2019).

In a similar vein, issues that arise in society will inevitably lead to legal issues. where dynamic qualities are among the attributes of law. The criminal act of sexually abusing minors is one type of crime that seriously disrupts public safety and order.

The law replaced Law Number 3 of 1997 concerning Juvenile Court, which no longer takes into account societal legal needs and has not fully offered particular protection to minors who are in trouble with the law. The new law went into effect on July 31, 2014.

As the next generation of the nation, children as state assets are the nation's ideals, deserving of guidance in their growth. The right is also entitled to protection against all threats, obstacles, or disruptions to its growth and development (Taylor, 2022). Children are a social force that plays a very large role in the development of the nation and state. In the hands of this young generation lies the responsibility for the formation of the quality of the young generation (children) who will later become leaders and build a better future for mankind.

Thus, children should get guidance and protection, considering that their physical and mental state is still unstable, which in many cases needs special treatment and protection, especially against actions that can harm their growth and development. In connection with this, children should get protection for safety and security in real aspects of life.

The frequency of these crimes, one of which is the unlawful act of sexual abuse, which encompasses both fornication and copulation, demonstrates the current high rate of crimes against children (Shakthi, 2020). Children are the nation's future, hence this presents a significant and dangerous risk to them. Sexual intercourse is a crime that greatly undermines society has a high level of seriousness and invites *fear of crime* (fear of crime) in society, which causes people to feel insecure. Copulation is a crime of sex or adultery, which is declared by Islamic Sharia as unlawful, and deserves the maximum punishment, because it brings bad consequences, and invites evil and sin (DM & Risma, 2022).

From the scope of sexual violence, recognizing the existence of obscenity, namely, all acts that violate decency (decency) or heinous acts, all of them are in the environment of lust (Herman et al., 2023).

Definition of copulation or sexual relations In his legal analysis of an arrest, Hoge Raad asserts that "copulation is a contest between male and female genitalia, usually done to obtain children, where male genitals enter the female genitals which then secrete semen." Up until today, legal practice has upheld this definition of intercourse (Evans, 2022). If the penis does not enter the vagina even though it has released semen, or enters but does not come out of sperm, according to the definition of intercourse like that, then there has not been intercourse. However, there has been an attempt at sexual intercourse, and according to Article 53, it is punishable for having entered into an attempt at adultery (Istiklal, 2021).

Copulation is a manifestation of the imperfect sense of responsibility of a person towards his fellow human beings. Copulation is a result of interrelation between existing phenomena and mutual influence. Now the important thing is to understand which phenomena affect the existence of such intercourse. This is important in determining who or what should be addressed in dealing with and overcoming this sexual problem (DM &

Risma, 2022). Copulation, including intercourse, is included. Article 76 D of Law of the Republic of Indonesia No. 35 of 2014 concerning Child Protection states that it is illegal to use violence or threaten to use violence to coerce children into having sex with one another or with him.

Article 81

1. Penalties for violating the restrictions mentioned in Article 76D include a maximum five-year prison sentence, a maximum fifteen-year prison sentence, and a maximum fine of Rp5,000,000,000.00 (five billion rupiah).
2. Anyone who intentionally lies pulls a deception, or coerces a kid into having sex with them or with someone else is subject to the criminal laws mentioned in paragraph (1).
3. The criminal act is increased to 1/3 (one-third) of the criminal threat mentioned in paragraph (1) if it is carried out by a parent, guardian, babysitter, educator, or member of the education staff.

Article 76E of Law Number 35 of 2014 of the Republic of Indonesia about Child Protection addresses sexual immorality in the interim (O'Connell, 2019). This legislation prohibits the use of force or threats of force, coercion, lying frequently, and persuading children to engage in or allow pornographic activities.

Article 82 of Law Number 35 of 2014 of the Republic of Indonesia about Child Protection outlines the penalty.

1. Penalties for violating the restrictions mentioned in Article 76E include a maximum five-year prison sentence, a maximum fifteen-year prison sentence, and a maximum fine of Rp5,000,000,000.00 (five billion rupiah).
2. A criminal conduct as specified in paragraph (1) is added to 1/3 (one-third) of the criminal threat mentioned in paragraph (1) if it is carried out by a parent, guardian, babysitter, educator, or member of the education staff.

A youngster who has been the victim of child abuse will undoubtedly experience psychological effects from the prolonged trauma they will experience. This trauma can then give rise to negative attitudes, such as murder, extreme fear, delayed mental development, and eventually mental retardation (Calzada, 2019). For the child who was sexually assaulted, this could become a painful memory. Law enforcement officers must take an active role in combating crimes of decency.

Methodology

Research is a process of collecting, processing, presenting, and analyzing data in an event. To obtain a scientifically accountable study result. The type of research used is normative juridical. Normative legal research examines or analyzes primary legal material and secondary legal material by understanding law as a set of regulations or positive norms in the legislative system that regulates human life (Mamudji & Mamudji, 2011).

To finish this shorthand, all relevant legal regulations must be reviewed in light of the current legal issue, following the legal approach known as the Statute Approach. This

legal approach is done by learning the consistency/conformity between the Basic Law and the Law, or between the Law of one and the other (Marzuki, 2017).

Result and Discussion

The term criminal act comes from Latin, namely *delictum* or *delicta* which means *delic*. In the Big Dictionary Indonesian offense is an act that can be punished because it is a violation of the criminal act. And also the term criminal act in Indonesian comes from the Dutch word "*strafbaar feit*". The framers of the law used the word "*strafbaar feit*" to refer to what is known as a "criminal offense" but the Criminal Law does not explain what exactly is meant by the word "*strafbaar feit*" (Sofyan & Azisa, 2023).

The word "*feit*" itself in Dutch means "part of a reality" or "*een gedeelte van de werkelijkheid*", while "*strafbaar*" means "punishable", so the word "*strafbaar feit*" can be translated as "part of a punishable reality", which is certainly incorrect, therefore we will later know that what can be punished is man as a person and not reality, deed nor action (Lamintang & Samosir, 2014).

The term criminal act indicates the understanding of a person's physical gestures and movements. These things also cause a person not to do, but by not doing him, he has committed a criminal act (Prasetyo, 2011). Criminal acts are described as actions that are prohibited by law and that threaten to punish those who violate the prohibition by committing particular crimes. In addition, many books and criminal law laws use terms that are also known in Indonesian, such as criminal events, criminal acts, punishable acts, and criminal offenses. Some expert opinions on the definition of criminal acts:

1. According to Simons, "*strafbaar feit*" is an unlawful act that has been intentionally committed by a person who can be held accountable for his actions and is declared punishable (Adami, 2011). Simons' opinion on the meaning of *strafbaar feit* is specific because it only specifically states that an action can only be accounted for if done intentionally.
2. According to Pompe, the word "*strafbaar feit*" can theoretically be formulated as "a violation of norms (offense to the rule of law) that has been intentionally or unintentionally committed by an offender, where the punishment of the offender is necessary for the sake of legal order and the security of the public interest" (Lamintang, 2009). According to Pompe, *strafbaar feit* is a violation of norms that is not only done intentionally but can also be done unintentionally (Raub, 2021). For example, acts that violate the norm are deliberately formulated in Article 338 of the Criminal Code, namely "Whoever intentionally takes the life of another person, because he is guilty of murder, is punished with imprisonment for not more than fifteen years". Not all murders are committed intentionally. It can be seen in Article 359 of the Criminal Code, namely because his mistake caused the death of a person.
3. Moeljatno argues that after choosing "criminal act" as a translation of "*strafbaar feit*", he gave the formulation (restriction) as a prohibited act and threatened with a crime whoever violates the prohibition and that act must also be truly perceived by the

community as an act that cannot or hinders the creation of the social order that the community aspires to (Kanter & Sianturi, 2005).

Thus the simple understanding of criminal acts is an act prohibited by a rule of law, which prohibition is accompanied by threats (sanctions) in the form of certain crimes for anyone who violates the prohibition (Sihotang, 2020a).

According to chapter 286 of KUHP by R. Soesilo in his explanation, it is meant that intercourse is the unity between male and female genital limbs that is commonly carried out to obtain a child, so the male genital limb must enter the female genital limb so that it releases semen (Hitaminah & Zainal, 2022). Copulation can be:

1. Forcing a victim to engage in sexual activity against their will or without consent.
2. The coercion of unwanted or harmful sexual activity.
3. Forced sexual relations for prostitution or other specific goals with another individual.
4. Sexual encounters that occur when the offender takes advantage of the victim's dependency should be protected.
5. Physically violent sexual acts that inflict pain, injury, or both, with or without the use of tools.

Articles 286 and 287 of the Criminal Code, which are all crimes, define the criminal act of decency concerning sexual acts. Furthermore, it is expressly stated in Law Number 35 of 2014's Article 81 on Child Protection. Law Number 35 of 2014 about Child Protection, Article 81. "Any person intentionally committing violence or threats of violence forcing a child to have intercourse with him or with another person shall be punished with a maximum imprisonment of 15 (fifteen) years and a minimum of 3 (three) years and a maximum fine of Rp300,000,000.00 (three hundred million rupiahs) and a minimum of Rp60,000,000.00 (sixty million rupiahs)". The criminal laws mentioned in paragraph (1) also apply to anyone who intentionally deceives someone, tells falsehoods repeatedly, or lures a minor into having sex with them or with someone else (Shi, 2020).

The elements in Article 81 of Law Number 35 of 2014 concerning Child Protection, namely:

1. Objective elements
2. An element of a criminal activity that identifies the act's original state is known as an objective element. The following are the chapter's aim aspects.
3. Everyone
4. The word "everyone" is intended to indicate that anyone who can be shown to have committed all the requirements of the criminal act mentioned in the criminal provisions outlined in this article is eligible to be named the offender.
5. Intentionally (Park, 2021)
6. In this context, the perpetrator carries out his prohibited act accompanied by deliberation. Alternatively, the offender intentionally performs the illegal act of obscenity because it is in his heart to do so.
7. Committing violence or threats of violence force a child to have intercourse with him or with another person. Committing violence means using no small amount of

physical force or force unlawfully with hands or with all kinds of weapons and so on so that the victim becomes unconscious or helpless.

The propensity to have violent or nonviolent sexual relations with defenseless individuals, including children, is known as obscenity (Moreira, 2019). The Big Dictionary Indonesian's definition of obscenity is understood as follows: The fundamental definition of obscenity is "fornication," which refers to conduct that is filthy and repugnant to morality, vulgar (committing immoral crimes), obscene (adultery, rape), and demeaning to women's dignity.

The issue of sexual abuse is currently receiving a lot of attention, particularly in light of the prevalence of child sexual abuse instances. Youngsters can act on their feelings, thoughts, and desires because of their distinct personalities. Naturally, nevertheless, a child's surroundings also have an impact on their personal growth (McBride, 2022). Thus, every child has the right to a space that is appropriate for their growth and development as well as the right to be shielded from anything that could be detrimental to their progress.

R. Soesilo defines lewd acts as any actions that are considered impolite or indecent and are related to genital lust, such as kissing, touching people in public, and groping breasts (copulation is included in this sense as well) (Sihotang, 2020b).

Fornication comes in many forms, and some names for it are as follows:

1. Exhibitionism: Pleasuring one's genitalia in public.
2. Voyeurism: passionately kissing someone.
3. Fondling: Drooping or squeezing someone's private parts.
4. Follate: Pressuring someone to speak.

Five categories can be used to categorize child molesters or those who molest children:

1. Immature: Sexual abusers commit crimes because they are unable to recognize adult sexual roles in themselves.
2. Frustrated: Adults who commit fornication do so as a means of expressing their emotional and sexual frustration. When they feel out of balance with their wives, it frequently happens that they turn to their offspring (incest).
3. Sociopathic: those who engage in immoral sexual behavior, often stemming from irrational aggressive tendencies, and who perform these acts with strangers.
4. Pathological: those who abuse others sexually and are unable to control their sexual urges due to mental illness, organ failure, psychosis, or early deterioration.
5. Miscellaneous: that which does not fit into any of the previously listed categories

According to R. Soesilo, what is meant by lewd acts is all actions that violate decency/decency or heinous acts that all have to do with genital lust, such as kissing, groping public members, groping breasts (copulation is also included in this sense) (Sindabuke et al., 2022).

Article 76E of Law Number 35 of 2014 concerning Child Protection states: "Everyone is prohibited from committing violence or threats of violence, coercing, deceit, committing a series of lies or persuading children to commit or allow obscene acts to be done." This

means that if a child commits a criminal act of sexual immorality and then advances against his victim, the law is violated.

1. Any person who violates the provisions as referred to in Article 76E shall be punished with a maximum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years, as well as a maximum fine of IDR 5,000,000,000 (five billion rupiah)." Article 76E is specified in Article 82 of Law Number 35 of 2014 concerning Child Protection.
2. "If a criminal act as referred to in paragraph (1) is committed by a parent, guardian, babysitter, educator or education staff, then the crime is added to 1/3 (one-third) of the criminal threat as referred to in paragraph (1)."

There is a classification of obscenity that is broken down into various categories, such as the following:

1. Sadistic rape: this kind of rape destructively combines aggression and sexuality. It has been demonstrated that the sexual abuser derives his erotic pleasure not from sexual relations but from abhorring the victim's body and genitalia.
2. Anger rape, or sexual persecution defined by sexuality, is a way for people to let out pent-up emotions of rage. In this instance, the perpetrator appears to be projecting the solution to the victim's shortcomings, challenges, and setbacks onto the victim's body.
3. Donation rape is a type of abuse in which the offender tries to maintain their position of authority and superiority over the victim. The perpetrator hurts the victim but still wants to have sex with her because the goal is sexual conquest.
4. Seductive rape is an abuse that both parties create and takes place in stimulating environments. Initially, the victim determines that intimate personal relationships shouldn't go beyond sexual activity. Those who commit sexual offenses typically hold beliefs that require coercion; therefore, they do not feel guilty about their actions.
5. Victim-precipitated rape: This type of abuse happens when the victim acts as the catalyst.
6. Rape with exploitation, Sexual abuse demonstrates how a man's exploitation of a woman to obtain sexual relations is always at odds with her status as his dependent on both a social and economic level. For instance, a domestic worker who was sexually assaulted by her employer or a wife who was abused by her spouse, in which case the maid failed to report the incident to the police.

According to Simons, what is meant by ontuchtige handling or acts that violate decency is: acts related to life in the sexual sphere, which are carried out to obtain pleasure in a way that is contrary to the general view of decency or in other words the word ontuchtige handling is words that have a general meaning, so they are also included in the meaning of acts of sexual intercourse as referred to in Articles 285 to 287 of the Criminal Code (Lamintang, 2009).

"Whoever by force or threat of violence forces a person to commit or allow to be committed an obscene act, shall be threatened with committing an act that attacks the honor of decency, shall be punished with a maximum penalty of nine years" is how Article 289 of

the Criminal Code generally regulates obscenity as a crime. If observed from the sound of the article, there are the following elements:

1. "Whoever" is a term for one who does.
2. "By force or threat of violence" means exercising bodily force.
3. Forcing someone to do or allow to be done an obscene act, threatened with committing an act that attacks the honor of decency.

Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning Child Protection also regulates obscenity in the form of violence and threats of violence to have sex with minors in Article 82, which states:

Article 76E

"Everyone shall not commit violence or threaten violence, coerce, commit deception, commit a series of lies, or induce a Child to commit or allow obscene acts to be committed".

Article 82

1. Any person who violates the provisions as referred to in Article 76E shall be punished with a maximum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp.5,000,000,000.00 (five billion rupiah)."
2. Any person who violates the provisions as referred to in Article 76E shall be punished with a maximum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp.5,000,000,000.00 (five billion rupiah)."

If considered in the article above, then the elements of obscenity are as follows:

Everyone, which means the subject or doer.

1. Intentionally, which means it contains elements of intentionality.
2. Committing violence or threats of violence, which means in the process being treated using force or threats of violence. Forcing a child to have intercourse with him or with another person, means there is coercion from the perpetrator or another person to have intercourse with a child (victim).
3. It also applies to any person who knowingly commits a ruse, a series of lies, or entices a child to have intercourse with him or with another person, which means that the act can be done by deceiving, seducing, persuading, and so on to his victim.
4. After looking at the two articles above, it can be concluded that the criminal act of obscenity is a deliberate act, which is carried out using violence or threats of violence, coercing, committing deception, a series of lies or persuading children to commit or allow an obscene act to be done.

Instead of Law of the Republic of Indonesia Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection, the following government regulation applies:

Article 82

1. "Any person who violates the provisions as referred to in Article 76E shall be punished with a maximum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah)."
2. "If a criminal act as referred to in paragraph (1) is committed by parents, guardians, people who have family relationships, nannies, educators, education staff, officials

- handling child protection, or committed by more than one person together, the crime is plus 1/3 (one-third) of the criminal threat as referred to in paragraph (1)."
3. "In addition to the perpetrators referred to in paragraph (2), an additional 1/3 (one-third) of the criminal threat is also imposed on perpetrators who have been convicted of committing a criminal offense as referred to in Article 76E.
 4. "If a criminal act as referred to in Article 76E causes more than 1 (one), victim, resulting in serious injury, mental illness, infectious disease, impaired or loss of reproductive function, and/or the victim dies, the crime is plus 1/3 (one-third) of the criminal threat as referred to in paragraph (1)."
 5. In addition to being charged with crimes as referred to in paragraphs (1) to paragraph (4), perpetrators may be subject to additional crimes in the form of announcing the identity of the perpetrator."
 6. The perpetrators referred to in paragraphs (2) to paragraph (4) may be subject to action in the form of rehabilitation and installation of electronic detection devices."
 7. The action referred to in paragraph (6) shall be decided together with the principal crime by containing the period for which the action is carried out."
 8. "Additional penalties are excluded for child offenders."

At the moment, positive law in Indonesia particularly governs the penalties meted out to those who commit crimes involving the molestation of minors. Existing laws that are enforced against offenders protect victims by either deterring future acts by the offender or by keeping them from happening in the first place.

According to Articles 289 to 29 of Chapter XIV, Book II of the Criminal Code, which governs the criminal act of obscenity itself, obscenity is classified as a crime against decency. Article 290, paragraphs (2) and (3), Article 292, Article 293, Article 294, paragraph (1), and Article 295 of the Criminal Code, on the other hand, contain regulations regarding child molestation. Furthermore, following Article 17 paragraph 2 of the child protection law, "every child who is a victim or perpetrator of sexual violence or who faces the law has the right to be kept confidential," as mentioned in Articles 76 E, 81, and 82 of Law Number 35 of 2014 concerning kid protection.

Articles 81 and 82 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection discuss the legal provisions for child molestation against children.

Pasal 81 Import (1)

"Any person who violates the provisions as referred to in Article 76D shall be punished with a maximum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of IDR 5,000,000,000.00 (five billion rupiah)."

Article 82

"Any person who violates the provisions as referred to in Article 76E shall be punished with a maximum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of IDR 5,000,000,000.00 (five billion rupiah)".

The existence of Law Number 35 of 2014 concerning Child Protection certainly gives a tough wind for the people of Indonesia, because this law provides heavier sanctions for perpetrators of child abuse. Sanski which is quite heavy is expected to provide a deterrent effect for perpetrators.

With the existence of Law No. 35 of 2014 concerning Child Protection which is an amendment to Law No. 23 of 2002 concerning Child Protection becomes a strong rule in the country of Indonesia that anyone who violates the law and commits sexual acts which have been mentioned in the Law will get sanctions.

As has been regulated and also mentioned in the Law, it can be concluded that the definition of intercourse is an act that can be classified as an act of decency that is declared a form of violation of the law or can be included in a criminal act that can be said to be difficult to detect that occurs among people in Indonesia.

The fact that the offenders, victims, and other parties who are aware of the crime and may even be involved supports this. One of the difficult factors for this case to be detected by the authorities is the lack of awareness from the parties involved to provide reports, in addition to other factors is the pressure from the environment and social community who have considered the crime of copulation to be a disgrace and still very taboo in everyday life.

Furthermore, the offense of engaging in lewd behavior with individuals who are fainting, helpless, or younger than 15 years old, as defined by the legislature, is not covered by Article 290 of the Criminal Code as follows:

Sentenced to a maximum of seven years imprisonment:

1. Whoever commits lewd acts with whom he knows that the person is in a state of faintness or is in a state of helplessness.
2. Whoever commits lewd acts with a person whom he knows or should reasonably suspect that the person has not attained the age of fifteen, or if it cannot be known by his age, that person cannot be married.
3. Whoever persuades a person whom he knows or should reasonably suspect that the person has not attained five years of age or if it cannot be known from his age, that person cannot be married, to commit or permit the commission of lewd acts, or to engage in sexual relations outside marriage with a third party.

Under the penal provisions covered by article 290 point 2 of the penal Code, it is unlawful to commit indecent actions with someone whom the offender knows or should believe has not reached the age of fifteen, or if it cannot be determined from his age, that person is not authorized to be married.

Crimes mentioned in criminal provisions governed in article 290 point 2 of the Criminal Code are crimes that must be done with intent, just as criminal acts mentioned in criminal provisions regulated in article 290 point 1 of the Criminal Code.

So that the perpetrators of the crime can be declared proven to have deliberately committed obscene acts intended in the formulation of criminal provisions regulated by article 290 number 2 of the Criminal Code (Tampi, 2015), in the court hearing that examines and tries the perpetrator's case, both the public prosecutor and the judge must be able to

prove (Lubis & Sinaga, 2020). That the perpetrator has indeed willed or intended to commit the act, which if it turns out that it cannot be proven, then the judge will give a verdict free from lawsuits for the perpetrator.

Acts prohibited in the criminal provisions stipulated in article 290 number 3 of the Criminal Code are persuading a person who has not reached fifteen years of age or who cannot be married to:

1. commit obscene acts.
2. allowing obscene acts to be committed.
3. having sex outside of marriage.

Article 293 contains a criminal offense that reflects the abuse of a person's position to commit or order lewd acts by a person who can easily be influenced by the perpetrator.

The offenses of section 293 are as follows: Knowingly enticing an immature person whose conduct is beyond reproach known or appropriate should be reasonably suspected that the person is still immature to commit or allow to be committed lewd acts with him by:

1. give gifts or promise to give money or goods, or
2. abuse of his power arising from his relationship with the minor, or
3. cheat. (Dinar, 2021)

The word persuade in Article 290 number 3 of the Criminal Code comes from the word *varleiden*, which means instigation, seduction, and movement. According to Professor Simons *Verleiden*, this involves the use of similar tactics deceptions, or promises.

According to Prof. Noyon and Prof. Langemeijer *Varleiden*, it means to make someone do bad things. However, Hoge Raad says that *Verleiding* does not require people to use certain means, Raad says that "the notion of persuading does not require people to use certain means to make a person do an action. It can also be a request to hold the perpetrator's genitals (Dinar, 2021)

Conclusion

Articles 81 and 82 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection discuss the legal provisions for child molestation against children. According to both articles, child molestation is punishable by harsh criminal laws, which include lengthy prison terms and hefty fines, regardless of the form the offense takes. This demonstrates how seriously the government takes its responsibility to shield kids from abuse and sexual exploitation. Lewd acts and sexual encounters with minors can result in harsh penalties for offenders, as well as measures to safeguard victims and stop such crimes from happening again.

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