

Criminal Profile of Pedophiles in East Java

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Abstract: Pedophilia is one of the most prevalent crimes in Indonesia, especially in East Java. Approximately 300 cases of sexual assault occur in East Java and tend to increase every year. For most of these cases, the victims are women and young girls who have been sexually abused by adult males. It's also found out that most perpetrators have a close relationship with the victims. The criminal profiling is a must in assisting the investigation process until the evaluation. This study aims to make criminal profiling against pedophiles in Indonesia, especially in East Java. The researcher moves two commonly used tools in the forensic world, Static-99R and Turvey's criminal profile. Static-99R serves as a tool for evaluation of the behavior of pedophiles that arise and detection behavior that will reappear or not. Turvey's criminal profile is used to describe the pedophile actor not only psychically but also see the impetus that arises so that the behavior can occur. This study resulted that Turvey and Static-99R criminal profiles can be used for pedophilia and require further evaluation.

1 INTRODUCTION

The increasing rate of sexual assault requires special attention. Nowadays, not only women are susceptible to this crime but also children. The statistics in February 2017 from Class IIA-Correctional Institution A in Sidoarjo describe that there were 47 inmates convicted for this crime based on Indonesian Child Protection Law. This number makes up for a third of the crime handled by this facility after drug abuse and theft.

Sexual violence is defined by World Health Organization (WHO, 2002) as "any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work". The definition refer to the forms of sexual assault including rape or sexual assault. The perpetrators are not merely strangers but they might have a close relation with the victims, such as neighbors, or even consanguineous relations, such as siblings or parents. They use diverse modus operandi to coerce sexual act, such as intimidation, threats and manipulation.

According to Indonesian Child Protection Commission, the number of sexual violence against children in Indonesia has been dramatically rising. In 2011, there were 2.178 crimes, which significantly increased to 3.512 cases in 2012. In 2013 and 2014, respectively, the number reached 4.311 and 5.066 cases. Among these 5.066 cases in 2014, there were 2.726 cases of violence against children and more than half of it was sexual violence. However, only 179 victims reported to Witness and Victim Protection Agency (<http://bankdata.kpai.go.id/tabulasi-data-perlindungan-anak>). With this trend, it is projected that the sexual violence against children will increasingly climb up every year.

The perpetrator of sexual violence against children is called a pedophile. However, to be diagnosed as a pedophile, he/she must have committed recurring sexual activity with minor(s) over a 6-month period. He also must be at least 16 years old and at least five years older than the victims (DSM-V, 2013).

In several interviews with child rapists, they tempt the victims covertly into a committing sexual. The examples of their modus operandi are explained as follows.

1. Finding children who need special attention.

At the beginning, the perpetrator attentively listens to victims' stories and problems so that the victims feel safe to trusts him. After an emotional bond is formed, the perpetrator starts to touch and then do comitting sexual with the victims. This abuse usually recurs for a long time since the victims have been emotionally dependent on the perpetrator.

2. Picking-up and driving children from/to school.

The perpetrator does this action to build an emotional bond with his victim.

3. Others.

The perpetrator regularly shops at the stalls where the children are around. He starts to make a chat with the children and shows friendly and protective manners. Consequently, It is hard for adults in neighborhood around to believe that the sexual offender is someone who is close to the victims.

Child protection against sexual violence is explicitly stated in The Law of The Republic of Indonesia No. 23 Year 2002 Article 59 to 71 and Indonesia's Penal Code. However, the regulation does not significantly reduce the number sexual violence against children. Therefore, another means is required to solve this problem, such as criminal profiling (Crawford, 2014; Young & Varano, 2006). This technique can assist in criminal investigation by outlining the characters of the sexual offender.

Criminal profiling identifies physical, psychological, social, geographical and relational traits of the perpetrator (Turvey, 2017). In this study, we focus more on explaining what are the perpetrator's reason in conducting their crime conduct. The thoughts before, during and after committing the crime also needs to describe. These include the color of the clothes used, the location of the incident, the victim gets any treatment until the perpetrator deliberately omits the his real evidence. All of these traits can provide insights into the behaviors of the perpetrator before, during and after committing sexual violence.

We combined the format of Turvey's criminal profiling method with predictor of sexual violence from Static-99R. Static-99R as the most worldwide used risk assessment instrument for sexual offender that consists of 10 risk factors (Phenix et. al., 2016). Static 99 R is the most well studied, well-validated, and most commonly used static risk consideration as a tool to assess the risk of recidivism caused by sexual offenders (Hanson et. al., 2016). Static 99 only utilizes static (unchanged) factors that have been seen

and correlated with sexual reconviction in adult males. Estimates of sexual and violent recidivisms generated by static 99 can be considered as the basis of the risk of violent and sexual reconviction. From this baseline long-term risk assessment, treatment strategies and supervision can be put in place to reduce the risk of sexual recidivism. By identifying the risk of repeated sexual violence, it hopes that sexual violence against children is able to prevent.

In Indonesia, criminal profiling procedure is stated at Legislation on Republic of Indonesia State Police No. 1 Year 2007. This procedure weighs heavily on identifying the psychological attributes of the sexual offender (Wahono, 2016), which may mislead to a diagnosis of personality disorder instead of crime. In consequence, court judgment opts for psychological treatment instead of criminal penalty. Specifically for Regional Police of Eat Java, their criminal profiling procedure is still inadequate to prevent or help criminal investigation (Wahono, 2016).

1.1 Sexual Violence

The paper Sexual violence is closely related to character and coercion of physical contacts. Often, these contacts will result in concrete physical marks, such as bruise or torn hymen. These can be evidence of sexual violence that can be supported or denied by the witness' or victims' statements (Savino & Turvey, 2011).

Sexual violence is a forced upon others or against the will of the other party, where the other party does not give his consent or cannot fight (Snyder, 2000). Sexual violence is also a sexual contact or other form of unwanted sexual acts. Commonly, sexual violence is accompanied with psychological pressure or physical threat (Matlin, 2008). Rape is one of the most common and specific act of sexual violence. Rape is defined as coerced penetration with physical abuse (Matlin, 2008).

Based on the identity of the perpetrator, sexual violence is classified into two categories.

a. Familial Abuse

Incest is a sexual violence that is committed by people who have blood relation or part of the immediate family. Based on this definition, when father-in-law or domestic partner sexually abuse his children, it is categorized as familial abuse. According to Meyer (1983), there are three degrees of incest. First, sexual molestation is a noncapital sexual interaction, such as petting, fondling, exhibitionism and voyeurism. This interaction intends to sexually stimulate the

sexual offender. Secondly, sexual assault that involves oral sex, such as fellatio and cunnilingus. The most severe degree of incest is forcible rape. Meyer said that abuse and threat creates fear in the victims' lives, especially for the victims who suffer sexual assault and forcible rape. The severity of this crime also correlates with the degree of trauma that the victims must endure. For instance, the trauma that the victims of sexual molestation suffer is different from the victims of forcible rape.

b. **Extrafamilial Abuse**

Extrafamilial abuse is sexual violence committed by the people outside the victims' family or strangers. For example, pedophilia, literally defined as children-liking, is perpetrated by adult who engage in a sexual activity with children (Tower, 2002). When the perpetrator is an adult-male and the victims are boy, the act is called pederasty (Tower, 2002). There are many definitions of sexual violence. But the key components are that sexual violence includes coercion by the perpetrator to the victims.

1.2 Pedophilia

Based on Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM V; APA, 2015). Pedophile (from the word of pedos means "child" in Greek) is an adult who is sexually satisfied by physical contact prepubescent children who do not have blood relation with him. However, there is strong research that disagrees that pedophile prefers prepubescent children, who are not allowed to engage in a sexual act with an adult (Marshall, 1997). He is sexually aroused by girls, boys or both sexes. Only when one has committed to this urge or fantasy can be diagnosed as pedophile although he denies distress or decrease in his sexual function (APA, 2015).

Pedophilia is, simply said, an adult's sexual attraction towards children. For a specific attraction towards boys, it is called Pederasty. Based on Diagnostic and Statistical Manual of Mental Disorders (APA, 2013), pedophilia is characterized by repeated sexual acts with children of 13 years of age or younger, intense fantasy and strong sexual attraction.

Based on DSM-V in 2015, pedophilia is characterized as follows:

- a. In a period of at least six months, a person fantasizes about sexual activity, possesses sexual urge or conduct recurring sexual acts that involves children (generally 13 years old or younger).

- b. A person has acted upon this sexual urge or a fantasy that causes interpersonal problems.
- c. A person is at least 16 years old and at least five years older than the child victims as stated in point a.

Most of pedophiles are men. This disorder often coexists with other mood disorders, anxiety, substance abuse and paraphilia (Raymond et. al., 1999). A pedophile can be heterosexual or homosexual. In the last few years, internet plays a vital role in pedophilia. Many pedophiles use the internet to access child pornography and to contact his prospective victims (Durkin, 1997).

The most common acts of pedophilia are touch and genital exposure. Oral, vaginal or anal sex seldom happens but rape and kidnap commonly occur (Fagan et. al., 2002). The pedophile can be known or stranger to the victims. Sedlak & Boardhurst (1996) compiled statistic that 30% of pedophiles are the victims' parents. Another 30% of pedophiles are somebody else's parents, while the rest is other people, such as neighbors. This means 30% of pedophilia is also incest. Although a perpetrator of incest and a pedophile sexually abuse children, the perpetrator of incest usually prefers pubescent children (Rice & Harris, 2002).

Girls is more likely to be targeted as victims of pedophilia compared to boys (Abel & Oxborn, 1992). Girls are perceived to be weaker and more impressionable than boys. In addition, girls are generally more easily intimidated to report the abuse due to shame. This condition is often taken advantage by a pedophile to commit his crime.

1.2.1 Characteristics of Pedophiles

Adult male with pedophilia indicate that they realize their sexual preference to children around puberty-the same time when other adult males who are physical attracted to adult males or adult females realize their sexual preference. Diagnosing pedophilia where one realizes sexual attraction to children tends to be difficult. Teenagers usually possess high sexual curiosity; hence it is hard to differentiate sexual curiosity from genuine sexual attraction (DSM-V, 2013). Failure to identify the correct sexual attraction may lead to choosing the wrong sexual partners. Besides that, failure to find the correct information to fulfill one's sexual curiosity can also lead to choosing the wrong sexual partners. For example, watching child pornography can cause pedophilia.

Pedophilia, however, must cover other factors that can continuously change with or without treatment, such as self-imposed pressure (remorse, shame,

intense sexual frustration or feeling of isolation), psychosocial issues or tendency to act sexual with children. Therefore, the severity of pedophilia can fluctuate according to age (DSM-V, 2013).

Risks and prognostics of pedophilia are:

a. Emotional Regulation

Temperament is the weakness of a pedophile during social interaction. A person with this trait tends to make children as his sexual partner. Therefore, a person with antisocial disorder may possess the risk of pedophilia.

b. Environment

Adult male with pedophilia were often sexually assaulted in their childhood. However, it is unclear whether this factor directly causes pedophilia.

c. Genes and physiology

There has been evidence that shows that certain neurodevelopment disorder increases the probability of pedophilia.

There are many factors that can breed pedophilia. Therefore, it is generally required to evaluate evidence or contributing factors in detailed to avoid misdiagnose pedophilia from other disorders. The contributing factors include:

a. Antisocial Disorder

This disorder increases the likelihood that someone who is physically attracted to adult will approach children in one or few occasions. The person often violates law repeatedly.

b. Alcohol and substance abuse

Alcohol and substance abuse can raise the probability of an adult's attraction to children.

Most pedophiles do not physically harm their victims; however, they make a threat the victims by, for instance, killing their pets or treating to hurt them if they talk to their parents. Sometimes, the pedophile caresses his victims' hair, plays with the victims 'genitals, encourages his victims to play with their genitals and, less often, penetrates his genital to his victims'. The sexual assault can occur in weeks, months or years if it is not known by other adults or if the victims do not talk to other adults.

A smaller number of pedophiles that can be classified as sexual sadist or psychopath, physically hurt their victims to the extent of acute injury or murder. Those pedophiles may be more appropriately called child rapist and are fundamentally different with pedophiles regarding their desire to physically harm their victims at least until they are sexually satisfied (Groth et. al., 1982).

As is the case with people with paraphilia, strong attraction drives their actions. According to Gebhard and his colleagues (1965), a pedophile usually knows

the children he abuses; they are usually neighbors or friend's family member. Alcohol and stress can also increase the chance that someone will sexually assault children. The Data shows that a pedophile has low social maturity, self-esteem, self-control and interpersonal skills (Kalichman, 1991; Overholser & Beck, 1986). Most of heterosexual pedophiles are married or have married at least once in their life. A pedophile is often socially isolated and possesses lower social skills compared to other people in the same age group who commit non-sexual crime (Becker & Hunter, 1997).

1.3 Criminal Profiling

The criminal profile is an investigative instrument that describes the characteristics of criminals based on the processing of the place where the case occurs and the behavior it engenders before and after its crime. This is an inferential process that involves an analysis of his criminal behavior, interaction with crime scenes and weapons choice (Petherick, 2003). This criminal profile is intended to mark a criminal to be distinguished from the general public conducted by a legal institution. The characteristics are made in such a way that only people who connect with criminals who can recognize it (Hazelwood et. al., 1995).

The criminal profile created may contain identification of the offender in terms of mental characteristics, emotional and psychological offender (Petherick, 2006). It can then be developed into a search query against the actions of the perpetrator. This criminal profile is created as a tool to assist investigations for investigators in describing the characteristics of the offender (Turvey, 2016). Because there are occasions to find cases of crimes whose perpetrators are hard to find so that the criminal profile is needed as a guide for investigators.

A criminal profile is a report that contains relevant investigation and the criminal's characteristics who is responsible for a crime or a series of crimes according to crime scene analysis. It also covers criminal analysis and information from the victims, logical analysis and evidence as basis to establish the criminal's characteristics. Basically, a criminal profile is generated based victimology and cannot be otherwise (Turvey, 2016).

Criminal profiling weighs heavily on collecting physical characteristics (body height, weight and disability), demographic characteristics (age, sex and ethnicity) and behaviors (personality, motivation, lifestyle, fantasy, victim selection, behaviors before and after committing a crime on the crime scene)

according to O'Toole (1999) and Snook et. al. (2008). Crime scene includes primary and secondary crime scenes, where evidence and hints exist (Horswell, 2004).

Turvey (1999; 2002) said that criminal profiling begins with investigation. In the end, this phase can inform the investigators about the criminal's intelligence. Guidance on criminal profiling shall include the following ideas:

1. Illustration based on the criminal's behaviors.
2. Illustration based on the victimology.
3. Convincing arguments regarding the risks due to each victim's lifestyle.
4. Convincing arguments regarding the situational risks for each victim.
5. Convincing arguments regarding the risks that were taken by criminal to obtain victims.
6. Analysis of crime reconstruction based on:
 - a. Crime scene and reconstruction
 - b. Meeting-up location
 - c. Modus operandi in approaching victims
 - d. Modus operandi in attacking victims
 - e. Modus operandi in controlling victims
 - f. Use of weapons
 - g. Coercion
 - h. Victims' resistance
 - i. Sexual assault
 - j. Prevention method
 - k. Contradictory acts
 - l. Evidence of planning
 - m. Level of violation
 - n. Items collected by the criminal
 - o. Items left by the criminal
 - p. Verbal communication
 - q. Modus operandi
 - r. Motives
7. Convincing arguments regarding the criminal's motives.
8. Convincing arguments regarding the suitable investigation strategy based on the criminal's characteristics, such as:
 - a. Criminal's relationship with his victims
 - b. Criminal's familiarity with the crime scene
 - c. Criminal record
 - d. Evidence related to the criminal's state of mind
 - e. Evidence related to psychopath, such as superficiality, deceitfulness, impulsivity, lack of empathy, lack of remorse, egocentricity or need for instant gratification
 - f. Evidence of personal and sexual conflicts
 - g. Evidence of sexual fantasy

1.4 STATIC-99R

Static-99 is an actuarial assessment tool to predict the recidivism risks of adult male sexual abusers who are at least 18 years old at the time of release. It was created by R. Karl Hanson, Ph. D, a general attorney from Canada and David Thornton, Ph. D who worked at London's Her Majesty's Prison Service. It is created by amalgamating two risk assessment instruments: RRASOR and SACJ-Min. RRASOR (Rapid Risk Assessment of Sexual Offence Recidivism), created by Dr. Hanson, consists of four parameters: history of sexual abuse, male victim, unrelated victim and whether the criminal's age is between 18 and 25 years old. These items were then merged with SACJ-Min (Structured Anchored Clinical Judgment-Minimum), which is a risk assessment tool that was created by Dr. Thorton (Grubin, 1998). SACJ-Min comprises of nine items: current sexual offence, history of sexual offence, current non-sexual offence, history of non-sexual offence, had four or more sentencing occasions in the past, never married, noncontact sexual offence, stranger victims and male victims.

Static-99 has advantages of empirically proven risk factors and detailed procedure on how to combine these factors to produce final recidivism score. This instrument generates clear possibilities regarding sexual reconviction, easy procedure and proven result in several cases based on various samples. On the other hand, Static-99 is only moderately accurate (ROC=0,71) and it does not cover all factors that might be included in general risk assessment (Doren, 2002).

2 DISCUSSION

Basic research for dynamic risk factors (causal) is for sexual offenders. A number of potential dynamic risk factors for sexual offenders have been proposed, and many are trying to predict the act of sexual recidivism (Hanson & Morton-Bourgon, 2004, 2005). Static 99 is present to predict the action as well. However, the need for factors is about to ensure a decrease in the risk of recidivism. In this regard, the researcher wants to pluck Static 99 with Turvey's criminal profile base. Because, Turvey describes a person's perpetrator using behavioral evidence analysis where it is seen as a whole from a criminal. These factors can be physical characteristics, residential environment, workplace, social life and relationships with the surrounding relationships. The basis of Turvey

complements the questions contained in the Static 99 form.

The combination of criminal profiles with static-99 to be the right thing because:

1. criminal profiles that have been targeted to the characteristics of pedophiles that have been studied since they are taken from static 99 as the base.
2. static 99 is used to measure the risk of repetition of detailed pedophilia behaviour
3. making a systematic criminal profile and complete data as it refers to Turvey's criminal profile.

2.1 STATIC-99R

In addition, the researcher makes the steps of making a criminal profile as one of the procedures that must be passed to create a pedophile criminal profile. The

flowchart below illustrates the process of criminal profiling (Sari & Margaretha, 2017).

Sexual violence against children that is committed by a pedophile is a sexual disorder as well as crime. A pedophile establish rapport with children to gain a trust by being a protective and friendly person. While he seems to be kind, he tries to hide his ill intention so that the children and their parents do not realize that he is preying the children.

A pedophile's behavior is not only due to his attraction to children but also because of his failed relationship or troubled relationship with the opposite sex. Several pedophiles admitted that their ex-wives rejected their sexual advances. It creates an opinion that children will obey his commands and fulfill his needs different from the adult opposite sex

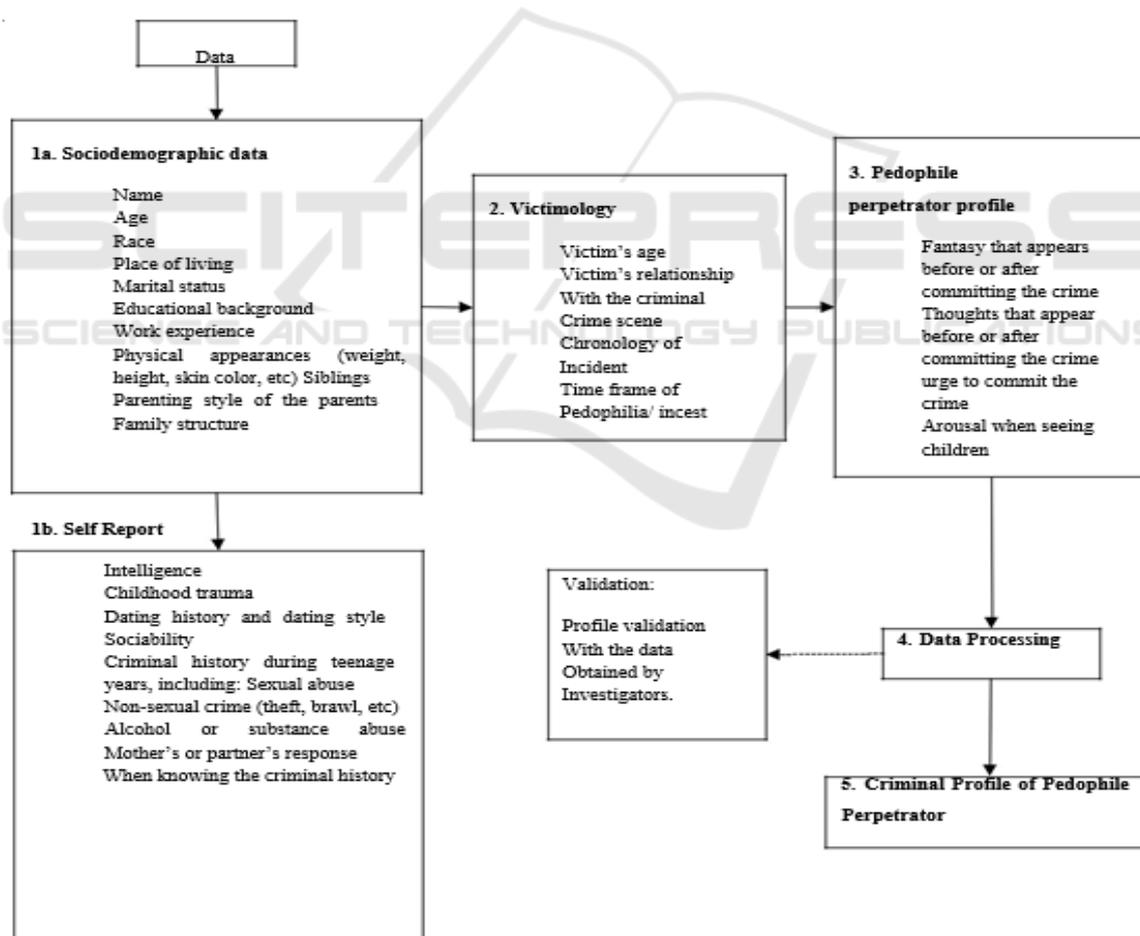


Figure 1: The Process of Criminal Profiling.

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