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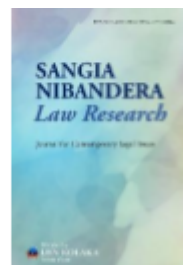
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Law Enforcers as Offenders: Applying Differential Association Theory to Police Sexual Abuse in Indonesia

*Aparat Penegak Hukum sebagai Pelaku Kejahatan:
Penerapan Teori Asosiasi Diferensial terhadap
Kekerasan Seksual yang Dilakukan oleh Polisi di
Indonesia*

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Abstract

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Sexual harassment and abuse are forms of violence rooted in structural gender inequality, which are not solely triggered by individual impulses, but also by social constructs that influence the way perpetrators and victims think. In many cases, the victim is to blame, reflecting a culture that normalizes or downplays sexual violence. This study examines the phenomenon of abuse committed by police officers in Indonesia, by highlighting the paradox when law enforcement actually becomes the perpetrator. The cases have attracted public attention and raised concerns about ethical violations and deviant behavior in police institutions. This study aims to analyze this phenomenon from a legal and criminological perspective using the Differential Association Theory proposed by Edwin H. Sutherland. This theory explains that deviant behavior is learned through social interactions in an environment that justifies or tolerates criminal acts. The method used is qualitative with a normative-empirical approach, through document analysis, study of laws and regulations related to sexual crimes, and literature on irregularities in police institutions. The results of the study show that weak internal supervision, hierarchical power structures, and institutional subcultures contribute to the emergence and continuation of deviant behavior. This condition allows the internalization of values that justify transgressions, which are reinforced by the influence of colleagues and a culture of silence in the organization. In addition, the legal process in these cases has not fully reflected the principles of justice and public accountability. Therefore, comprehensive institutional reforms are needed, including strengthening supervision, ethics education, and a transparent accountability system to prevent future violations and restore public trust.

Keywords

police sexual abuse; differential association theory; law enforcement deviance; gender inequality; institutional accountability

Abstrak

Pelecehan seksual dan kekerasan seksual merupakan bentuk kekerasan yang berakar pada ketimpangan gender yang bersifat struktural. Fenomena ini tidak hanya dipicu oleh faktor individual, tetapi juga dipengaruhi oleh konstruksi sosial yang membentuk cara pandang pelaku dan masyarakat terhadap kekerasan seksual, termasuk budaya *victim blaming* yang cenderung menyalahkan korban. Penelitian ini mengkaji fenomena kekerasan seksual yang dilakukan oleh anggota kepolisian di Indonesia dengan menyoroti paradoks ketika aparat penegak hukum justru menjadi pelaku tindak pidana. Tujuan penelitian adalah menganalisis fenomena tersebut dari perspektif hukum dan kriminologi menggunakan Teori Asosiasi Diferensial yang dikemukakan oleh Edwin H. Sutherland, yang menjelaskan bahwa perilaku menyimpang dipelajari melalui interaksi sosial dalam lingkungan yang mentoleransi atau membenarkan tindakan kriminal.

Penelitian ini menggunakan metode kualitatif dengan pendekatan normatif-empiris melalui analisis dokumen, kajian peraturan perundang-undangan terkait tindak pidana kekerasan seksual, serta telaah literatur mengenai penyimpangan perilaku dalam institusi kepolisian. Hasil penelitian menunjukkan bahwa lemahnya pengawasan internal, struktur organisasi yang hierarkis, dan subkultur institusional berkontribusi terhadap muncul dan berlanjutnya perilaku menyimpang. Nilai-nilai yang membenarkan pelanggaran diinternalisasi melalui pengaruh rekan sejawat dan diperkuat oleh budaya diam (*culture of silence*) dalam organisasi. Selain itu, proses penegakan hukum belum sepenuhnya mencerminkan prinsip keadilan dan akuntabilitas publik. Oleh karena itu, diperlukan reformasi kelembagaan melalui penguatan pengawasan, pendidikan etika profesi, dan sistem akuntabilitas yang transparan guna mencegah pelanggaran

serupa serta memulihkan kepercayaan masyarakat terhadap institusi kepolisian.

Kata Kunci

Penyalahgunaan oleh aparat kepolisian; Teori Asosiasi Diferensial; Penyimpangan perilaku aparat penegak hukum; Ketimpangan gender; Akuntabilitas kelembagaan

A. Introduction

Based on KBBI, the term "*obscenity*" comes from the word "*obscene*," which means indecent acts, violating customary norms, decency, and decency, and containing elements of abomination and filth. The definition emphasizes that transgression is not only a violation of formal legal norms, but also reflects a violation of the basic values that live in society. This indecency is relative because it is influenced by culture, customs, and social norms that apply in a community. However, at its core, obscenity is seen as an act that violates a person's shame, self-esteem, and dignity, especially as it relates to sexuality. When viewed from the legal realm, obscenity is classified as a form of crime against morality. This crime attacks the fundamental rights of individuals to bodily integrity and sexual safety. Criminal law not only protects individuals from physical attacks, but also from acts that disturb the dignity of humanity in a sexual context. Obscenity is regulated through a number of provisions in the Indonesian Criminal Code, which makes it clear that the law views this crime against morality as a serious violation of public order and noble principles of humanity. Therefore, acts of abuse are not only processed based on the victim's report, but can also be a general offense that can be processed based on the public interest.

Bandi provides a more technical explanation of the concept of obscene acts (*ontuchtige handelingen*), which is as any form of act, both against oneself and others, that involves the genitals or other body parts that can stimulate sexual desire. This explanation expands the scope of obscenity, not only to physical sexual intercourse, but also to various other forms of sexual acts that are immoral, including sexual harassment without penetration. This definition is important to understand that

abuse encompasses a broad and complex spectrum of behaviors, from verbal acts, gestures, to physical contact, all of which have the potential to harm the sexual dignity of the victim.

The phenomenon of obscenity must also be understood in a social and cultural context. The values of politeness, customs, and morality that are the basis for assessing obscene acts vary between communities. In certain societies, stricter norms about sexuality make the threshold for behavior that is considered obscene lower. In contrast, in other communities, there may be a higher tolerance for sexual expression so the definition of molestation can be different. Therefore, in applying the law to cases of molestation, it is important to pay attention to the cultural, social, and concrete factors surrounding the act. Overall, understanding of abuse demands an approach that is not only positive law, but also considers social norms, customs, and moral values of society. Viewed from the context of criminal law, the protection of victims of abuse is part of the protection of human rights, especially the right to bodily integrity and a sense of security. Efforts to prevent and enforce the law against cases of abuse must be carried out comprehensively, including aspects of social education on the importance of awareness of sexual restrictions, strengthening the law, and support for recovery for victims. Thus, substantive justice can be achieved, and moral values protected by law can be maintained in social life.

From a criminological perspective, sexual assault is often seen as a complex form of sexual crime. While it can be superficially considered a victimless crime, the reality is much more complicated. Abuse not only involves an adverse physical act, but it also creates a profound psychological impact on the victim. Victims of abuse often experience emotional trauma, shame, and social stigma that have the potential to affect their overall quality of life. Therefore, it is important to understand that abuse is not just a violation of the law, but also a form of violation of human rights that can leave a deep mark on an individual's life.

Criminology views molestation as a social phenomenon that is influenced by a variety of factors, including cultural norms, social structures, and an individual's interaction with his or her

environment. In this context, obscenity can be seen as the result of broader social dynamics, in which the norms that govern sexual and gender behavior play an important role. For example, in societies that have strong patriarchal views, acts of abuse may be considered more acceptable or even justified. This suggests that deviant behaviors such as abuse do not appear in a vacuum, but rather in response to the existing social context.

The background of the formulation of the term "*obscenity*" which highlights violations of norms of decency and decency, the existence of cases of obscenity by law enforcement officials raises fundamental issues about legitimacy and public trust. When a figure who is supposed to be a symbol of law enforcement is actually indicated to have committed sexual crimes against children, this is not only an individual offense, but also damages the moral foundation of the police institution. The process of restoring trust requires transparent and firm steps: from independent examinations, providing space for victims to speak out without pressure, to the application of sanctions in accordance with the provisions of the law and code of ethics. Without clear and fair handling, the stigma that "law enforcement is above the law" will actually become more and more entrenched in the minds of the public.

In the realm of law enforcement, cases of abuse become very sensitive, especially if the perpetrator is a law enforcement officer. One of the cases that attracted public attention was the alleged abuse by the Ngada Police Chief, which tarnished the image of the institution and weakened public trust in the police. Perpetrators of abuse in this institution show a learning pattern from seniors or colleagues who previously committed similar acts and did not receive serious sanctions, thus creating a permissive culture and an ongoing cycle of deviance.¹ Understanding this kind of deviant behavior requires a theoretical approach so that it is not only limited to the juridical aspect, but also touches the social dimension. One of the relevant criminological theories is the *Differential Association*

¹ Erik Fajar Darmawan, Raden Fauzan Irsyad Zain, & Elza Qorina Pangestika. (2024). *Law Enforcement Against Members of the National Police Who Commit Criminal Acts*. *Journal of Law, Humanities and Politics*, 5(1), 428–439.

Theory developed by Edwin H. Sutherland in the early 20th century, stating that deviant behavior is learned through social interactions, especially in primary and intimate social groups. At the heart of this theory is the idea that individuals absorb definitions, attitudes, and techniques associated with deviance from people they are closely associated with, such as family and friends. The likelihood of committing deviant acts increases when a person is exposed to more definitions that favor breaking the law compared to those that are detrimental. The more often a person engages in an environment that allows or justifies deviant behavior, the greater the individual's chances of imitating and normalizing that behavior.² This theory emphasizes that peer influence and family relationships play an important role in shaping a person's propensity for mischief.³

Edward H. Sutherland, a central figure in the development of modern criminological theory, firmly rejected the idea that simple demographic factors such as age, gender, or race could solely explain criminal behavior. He assessed that biological and psychological approaches that focus on individual characteristics are too reductive and fail to capture the complexity of criminal acts in real-life contexts. According to Sutherland, criminal behavior is not the result of an individual's innate moral imbalance or psychological deviation, but rather something learned through social interaction. By proposing *the Differential Association Theory*, Sutherland shifted the focus of analysis from the innate nature of the individual to the patterns of social relations that shape the individual's definition of behavior that is acceptable or forbidden by society. Through *the Differential Association Theory*, Sutherland emphasized that criminal behavior is understood through interactions with others, especially in intimate settings such as family, peers, and small communities.

Through this communication process, individuals learn both the techniques of committing crimes and the motives,

² Jemmi, Baso Madiung, Siti Zubaidah. *Analysis of the Application of Differential Association Theory in Sexual Violence in Mamasa Regency*. Clavia: Journal of Law, Vol, 22, No. 3, 2024.

³ *Differential Association Theory*, EBSCO Research Starters, <https://www.ebsco.com/research-starters>.

motivations, rationalizations, and attitudes that accompany them. Sutherland underscores that a person is more likely to be a criminal if, in his interactions, he or she more often accepts a definition that favors lawlessness than a definition that opposes it. Therefore, the social context, i.e. with whom individuals interact and how values are shared within the group, becomes a fundamental factor that shapes behavior. This emphasis makes it clear that social deviance is not a random or individualistic phenomenon, but rather a reflection of a systematic social process.

Edward H. Sutherland, through the Differential Association Theory, emphasized that the balance between the definitions for and against criminal behavior is dynamic and unstable. This means that individuals do not carry innate criminal tendencies, but rather form them through the process of learning from the social interactions they undergo. Over time, a person's social experience can lead to changes in the judgment of which actions are right or wrong, acceptable or rejected. In other words, a person's view of crime develops based on the social context that surrounds it, showing the fluid nature of the moral values that individuals accept.

This shift in balance, according to Sutherland, depends on four main factors: the intensity, frequency, duration, and priority of social interactions. Intensity relates to how strong a person's relationship is with a particular group; frequency indicates how often the interaction occurs; duration relates to how long the interaction lasts; and priority is related to the stage of life at which stage of life the relationship begins to be established. The higher the intensity, frequency, duration, and priority of interactions with groups that justify lawlessness, the more likely an individual is to internalize the values that support criminal acts. This shows that the process of social learning towards crime is not an instantaneous event, but rather an accumulation of continuous social interaction experiences.

As a concrete example, a teenager who grows up in a family that upholds legal norms will initially be more likely to obey the law. However, if in the crucial phase of his development, he begins to hang out with friends who justify unlawful actions, the values that he originally adhered to can be shifted. This process

does not occur instantaneously, but through repeated influences, either directly through explicit teachings, or indirectly through exemplary behavior. This is where the concept of priority comes into play; First exposure to antisocial values in childhood or early adolescence can have a greater impact than if it occurs in adulthood, when a person's values are more stable.

This concept of value change shows how vulnerable humans are to the influence of the social environment around them. The values, morality, and norms that individuals believe in are not isolated, but rather highly dependent on dynamic social conditions. Therefore, this theory rejects deterministic ideas about the innate morality of the individual, and directs attention to how social context shapes or even changes a person's ethical orientation. Factors such as family, peers, community, and mass media play a major role in providing definitions that support or oppose deviant behavior, showing that social deviance is the result of a complex social learning process.

Overall, Sutherland's thinking on the dynamics of changing definitions in individuals reinforces the position of differential association theory as an important framework in criminology and sociology. By emphasizing that criminal behavior is learned through social interaction and that values are not fixed, Sutherland provides a deeper understanding of why the same individuals can act differently in different social environments. In addition, this theory underscores the importance of community-based crime prevention strategies, consistent moral education, and the strengthening of legal norms through healthy social interactions to build an individual's moral resilience to deviance.

Although *the Differential Association Theory* brings a new paradigm in understanding criminal behavior, this theory cannot be separated from criticism. One of the main challenges is how to precisely measure "favorable definitions" and "unfavorable definitions" in empirical practice. Some critics argue that this theory is too broad and lacks clear criteria for quantitative predictions. In addition, there are difficulties in distinguishing cause and effect: does association with the perpetrator of crime cause criminal behavior, or does criminal

tendencies encourage individuals to seek out a supportive environment? Nevertheless, many empirical studies, particularly those examining the influence of peers on adolescent delinquency behavior, support Sutherland's basic premise, namely that social interaction plays a major role in the formation of deviant behavior.

Overall, *the Differential Association Theory* remains an important foundation in the fields of criminology and sociology, particularly in the effort to understand the social dynamics behind the deviations. Sutherland succeeded in bringing the focus of social scientists' attention to the importance of the context of social relations in the analysis of crime, distancing the debate away from a deterministic approach based solely on individual characteristics. This theory opens up space for understanding crime as a product of complex social interactions, while providing a basis for the development of prevention policies oriented towards community and social environmental reform. In subsequent developments in criminological theory, Sutherland's basic principles remained relevant and became the inspiration for many modern theoretical approaches. Where Sutherland explains criminal or deviant behavior by linking the behavior to the environment that plays a role in triggering the occurrence of the behavior. He emphasized that the source of malicious behavior lies in the *past history that shaped that behavior*.⁴ This history refers to the life experiences of criminals that are formed through interactions between individuals and their environment. This theory is based on nine well-known principles, namely:

1. Evil actions are learned.
2. The action is learned through interaction and communication.
3. Interaction occurs in close and intimate groups.
4. What is learned includes techniques, methods, motivation, rationalization, and attitudes.

⁴ Fikri Ramadhan, Inayatullah Ridwan. (2022). *Analysis of Violence Cases in STPDN Reviewed from Edward H Sutherland's Differential Association Theory in Criminal Law in Indonesia*. ATTAQWA: Journal of Islamic Education and Early Childhood, 1(1), 12-18.

5. Certain motives and motivations are studied based on how one assesses the existing rule of law, whether it is profitable or not.
6. A person becomes evil because he is more associated with the pattern of evil behavior that affects him or her
7. *Differential Associations* differ in frequency, duration and intensity.
8. The learning stages involve all the mechanisms that exist in the learning process in general
9. Bad behavior is a reflection of the general needs and values in society.

This theory rejects deterministic approaches such as a single biological or psychological factor. Rather, Sutherland emphasizes that criminal acts are formed from complex social processes that are learned through social interaction with individuals or groups that have distorted norms. He formulated nine well-known principles, among others that evil acts are studied, through interaction and communication, carried out in intimate groups, include methods, motivations, motivations and rationalizations, and are influenced by the frequency, duration, and intensity of social associations. Looking at the police department's side, this theory is important to explain how organizational culture and the work environment can shape a permissive mindset toward violations. Violations by police officials not only reflect individual failures, but also indicate the existence of informal norms or institutional cultures that justify deviant behavior. This cannot be seen only as an independent individual deviation, but rather as a social phenomenon born from the process of socialization in an environment that fails to properly inculcate legal and moral norms. Furthermore, such violations have a serious impact on public trust and the moral integrity of institutions, which are the foundation of the legitimacy of the police institution in the eyes of the public.

Based on the background that has been explained, there are several formulations of the main problems, namely:

1. How to Analyze Behavioral Deviations in Police Institutions Based on *the Differential Association* Theory?

2. How is the Juridical Analysis and Law Enforcement of the Ngada Police Chief Molestation Case Based on *the Differential Association Theory*?
3. What are the implications of public trust on the moral integrity of police institutions?

This research aims to provide an inclusive understanding of the causes of deviant behavior in police institutions through a socio-legal approach, as well as to formulate recommendations for strengthening accountability, increasing internal oversight, ethics education and legal awareness and reforming police institutions.

B. Method

This study employs a qualitative research design using a normative-empirical legal approach to examine sexual abuse committed by police officers in Indonesia through the perspective of Differential Association Theory. The normative component analyzes the legal framework governing sexual violence, police accountability, and law enforcement ethics, including the Constitution of the Republic of Indonesia, Law No. 12 of 2022 on the Crime of Sexual Violence, the Indonesian Criminal Code, internal regulations of the Indonesian National Police, and relevant judicial decisions issued by the Constitutional Court and the Supreme Court. The empirical component complements the legal analysis by examining publicly available case reports, court decisions, official institutional documents, media reports, and academic literature concerning sexual abuse involving police personnel.

Data were collected through documentary and literature-based research. Primary legal materials consisted of constitutional provisions, statutes, regulations, and judicial decisions, while secondary materials included books, peer-reviewed journal articles, official reports, and criminological literature on police misconduct, gender inequality, institutional accountability, and Differential Association Theory. Relevant case studies were selected purposively to illustrate recurring patterns of sexual abuse and institutional responses within the Indonesian National Police.

The collected data were analyzed qualitatively using descriptive-analytical and interpretative methods. Legal materials were examined through statutory, conceptual, and case approaches to evaluate the consistency of existing regulations and their implementation. The empirical findings were then interpreted using Differential Association Theory to explain how deviant behavior may be learned and reinforced through organizational culture, hierarchical authority, peer influence, and weak internal oversight. Finally, the study integrates legal and criminological perspectives to identify structural factors contributing to police sexual abuse and to formulate recommendations for strengthening institutional accountability, legal reform, and the protection of victims.

C. Result and Discussion

1. Behavioral Deviations in Police Institutions Based on the *Differential Association Theory*

Behavioral deviations within police institutions are a multidimensional issue that not only reflects the moral failure of the individual, but also indicates the existence of systemic problems inherent in organizational structure and culture. This phenomenon includes various forms of violations such as corruption, excessive violence, abuse of power, to criminal acts such as abuse and drug abuse by law enforcement officials. In this case, deviance cannot be considered as deviant behavior that then arises spontaneously or solely due to personal motivation, but rather as a result of the social learning process in a certain institutional environment. The *Differential Association* theory developed by Edwin H. Sutherland offers a powerful conceptual framework for understanding how deviations in institutions such as policing can be formed and evolved. According to Sutherland, criminal behavior is not genetically or biologically inherited, but rather is learned through the process of social interaction. Such interactions occur intensively in primary social groups such as family, peers, or in the professional context of colleagues and seniors within police institutions.

One of the nine postulates in Sutherland's theory states that "*a person becomes a criminal because he is more associated with*

patterns that support lawlessness than those that oppose it." In the context of policing, this means that if a person interacts more often with seniors who exhibit a permissive attitude toward offenses, then those values will be considered reasonable or even justified as part of internal loyalty.

With a police structure that has a strong hierarchy and an organizational culture that emphasizes internal solidarity, this learning process has become very significant. Ethics and integrity have a significant influence on the tendency of deviant behavior among members.⁵ New members often experience the process of internalizing the dominant values in the organization. If such values deviate from the principles of professional law and ethics, then individuals will be inclined to accept and normalize such deviations as part of the institutional "*way of working*." Members who have a strong ethical understanding and high integrity tend to be more able to resist invitations or pressures to commit violations. Conversely, a weak understanding of ethics and low integrity open up opportunities for members to engage in deviant behavior. This can happen through habituation to the practice of violations such as manipulation of evidence, violence against suspects, or even the neglect of criminal behavior within the police force itself. This condition can be identified as the enforcement of the code of ethics in the National Police which often faces external obstacles, such as limited resources and lack of supervision, which has an impact on the slow process of handling violations and a decline in public trust in the police institution.⁶

The case involving AKBP Fajar Widyadharma Lukman, who previously served as the Ngada Police Chief, is a clear reflection of the behavioral deviations that occur in the police institution. Fajar was proven to have committed an immoral act (*obscenity*) and was positive for using narcotics based on the results of the NTT Police Propam examination. This fact not only shows an abuse of the law, but also a violation of ethics and morals as law

⁵ Oktiane Bulan Indah, Wulan Febianty, Zalfaa Hafiz Anabresta, Sulistiasih. (2024). *Police Ethics and Integrity*. *Humanities: Journal of Humanities, Social, and Business*, Vol. 2, No. 6

⁶ Manik, M. M., Hamzani, A. I., & Rizkianto, K. (2025). *Law Enforcement Problems of Code of Ethics Violations in the Indonesian National Police*. *SALAM: Journal of Syar-i Social and Culture*, 10(1), 132-144.

enforcement officials. According to Bambang Rukminto, a researcher from the *Institute for Security and Strategic Studies* (ISESS), actions like this should be dealt with firmly with the dismissal of the National Police's membership. These violations hurt the integrity of the police institution and strengthened public perception of weak internal oversight and the flourishing of a permissive culture of irregularities within law enforcement officials.

The case involving AKBP Fajar, a Police Chief in Ngada, NTT, attracted public attention after he was arrested on charges of drug abuse and immoral behavior against minors. The urine test carried out showed that he was proven positive for using methamphetamine and is currently undergoing a follow-up examination at the Propam Division of the National Police Headquarters. The case not only damaged the reputation of the police institution, but also illustrates how deviant behavior can quickly destroy a person's career. Drug abuse and immoral acts are often associated with psychological disorders that have not been adequately addressed. Individuals who hold large positions and responsibilities, such as high-ranking officers, often face severe pressure that can trigger escape through the use of addictive substances, impulsive behavior, or other deviant actions.⁷

In a professional context, especially for those in high positions, even a small deviation can result in significant consequences. Credibility that has been built for a long time can be destroyed in a short time. The case that ensnared AKBP Fajar is concrete evidence that destructive behavior not only impacts the individual perpetrator, but also tarnishes the reputation of the institution he represents. For professionals, business actors, and officials who face great pressure, recognize and overcome psychological obstacles from the beginning in order to maintain stability in their careers and personal lives.

If you look at it from a criminological perspective, Fajar's deviant behavior can be analyzed through *the Differential Association* Theory presented by Edwin H. Sutherland stating that criminal behavior is formed through learning methods that

⁷ Mahendratto, Isywara. 2025. "*The Case of the Ngada Police Chief of NTT: Behavioral Deviations, Career Risks, and Recovery Solutions.*"

occur in social interactions, especially in situations that tend to allow or even justify violations of the law. If it is attributed to Fajar's case, there is a high possibility that he was exposed to a work environment that is permissive to unethical actions. Institutions that lack supervision and have a certain subculture that justifies the abuse of authority, deviance can be behavior that is indirectly instilled in oneself. Deviant behavior in this case is not just a form of individual deviation, but the result of repetitive and consistent social processes.

Thus, the importance of structural reforms in police institutions to strengthen the internal supervision system and increase transparency and accountability can be done with strategic steps such as the use of technology to monitor member behavior and the renewal of the police education curriculum that prioritizes integrity values, as well as the publication of the results of the code of ethics hearings to build public trust.⁸ These efforts can break the social learning chain against deviant behavior by replacing the negative values that develop in the organization with positive values that support compliance with the law and ethics. Because behavioral deviance in police institutions is not only an individual problem, but also the result of a social learning process within an organizational environment that enables and even encourages deviant behavior. The application of *the Differential Association* theory in this analysis emphasizes the importance of intervention at the organizational level to change the work patterns, rules, and values upheld by police members. Structural reforms, strengthening ethics and integrity, and increasing transparency and accountability are crucial steps in building a professional police institution that is trusted by the public.

2. Juridical Analysis and Law Enforcement of the Ngada Police Chief Molestation Case Based on *the Differential Association Theory*

⁸ Regina Sherly, Nesy Salwa Nurfadhilah, Agustina, A. S., Ananda Destiaman, & Raissa Zahra. (2025). *Police Professional Ethics and Its Influence on Fair and Transparent Law Enforcement*. Das Sollen: Journal of Contemporary Studies of Law and Society, 3(01).

The case that ensnared AKBP Fajar Widyadharma Lukman as the Ngada Police Chief illustrates a serious violation of the law against morality committed by law enforcement officials, because it involves the victim of minors. Some of the violations committed by AKBP Fajar include consuming drugs, committing adultery without a legal bond, molesting minors, and producing videos of sexual violence. Based on Articles 289-290 of the Criminal Code, the threat of punishment can reach 9 years in prison. In addition, perpetrators can also be charged with Article 81 of Law Number 35 of 2014 concerning Child Protection, which regulates criminal punishment for perpetrators of sexual violence against children. This article stipulates that any person who deliberately commits violence or threats of violence to force a child to have intercourse, can be sentenced to imprisonment for a minimum of 5 years and a maximum of 15 years, as well as a fine of up to Rp5,000,000,000.⁹

In addition, as law enforcement officials, perpetrators can be subject to an article of abuse of authority based on Article 23 of the Police Law which regulates the prohibition of abuse of authority by members of the National Police. Law No. 2 of 2002 in Articles 17-23 prohibits abuse of authority by members of the police;¹⁰ immoral and narcotic acts by authorized officials aggravate the crime and can be considered as violations of the internal code of ethics. This violation can aggravate the criminal weight, because the action is carried out by individuals who are entrusted/mandated to enforce the law and protect citizens but actually commit serious violations. Law enforcement in this case faces serious challenges because the perpetrators are high-ranking police officials and investigators who create a risk of interference in the legal process. The asymmetry of power between perpetrators and investigators, a closed culture within the police that tends to prioritize resolving problems internally to protect the institution's reputation, and pressure to maintain the honor of the institution are factors that hinder a fair and transparent legal process.

⁹ Law Number 35 of 2014 concerning Child Protection, Article 81.

¹⁰ Law of the Republic of Indonesia Number 2 of 2002 concerning the National Police of the Republic of Indonesia

Based on Law No. 35 of 2014 concerning Child Protection, acts of molestation against a child are classified as serious crimes and can be sanctioned with criminal penalties in the form of imprisonment and/or fines. As explained in article 290 of the Criminal Code on Obscene Acts.¹¹ A perpetrator can be sentenced to a maximum prison sentence of seven years if proven to have committed an obscene act against the victim in an unconscious or helpless condition. The same punishment is also applied if the perpetrator commits an obscene act against a person who is known or reasonably suspected to be under the age of fifteen, or if the victim's age has not clearly reached the minimum limit for marriage. In addition, sanctions apply to perpetrators who commit or approve obscene acts, or have sexual relations outside of marriage with a person who is known or reasonably suspected to have not reached the age of fifteen or has not reached the legal age to marry.

Violations of the professional code of ethics of the National Police of the Republic of Indonesia as stipulated in the National Police Chief Regulation No. 7 of 2022 show that as a Police Chief, AKBP Fajar Widyadharma Lukman should be an example in carrying out his duties. Every member of the National Police is required to uphold the values of Tribrata and Catur Prasetya in carrying out their daily work, so that the violation committed by AKBP Fajar not only damages the personal image of the perpetrator, but also tarnishes the reputation of the police institution as a whole. The credibility and public trust in the police are at stake. Ethical penalties that can be imposed are in the form of harsh reprimands, dishonorable mutations, and Dishonorable Dismissal (PTDH).¹² This shows that moral and ethical violations within police institutions have serious consequences that not only concern individuals, but also touch institutional credibility.

Judging from a juridical point of view, the act of molestation committed by Fajar meets the elements of a criminal act, namely the existence of elements of violence or threats of violence, the existence of obscene acts, and the existence of victims who are

¹¹ Article 290 of the Criminal Code

¹² Nasrudin, Fadli. 2022. "*Obligations and Prohibitions of Social Ethics of the Police Code of Ethics*." tirto.id.

the object of the acts. This behavior is also a form of violation of the obligation of the apparatus to uphold dignity, honor, and maintain public trust in the police institution. That way, Fajar's actions can be sanctioned based on article 290 of the Criminal Code, which regulates obscene acts. Another provision is in the TPKS Law (Law No. 12 of 2022) that provides an additional legal framework to provide comprehensive protection for victims, strengthen efforts to prevent, handle, and restore the rights of victims of sexual violence.¹³

Law enforcement against the sexual harassment case carried out by AKBP Fajar Widyadharma Lukman, Ngada Police Chief faces complex structural obstacles. Some of the challenges faced are: power asymmetry between perpetrators and investigators that leads to potential intervention and manipulation of legal processes, stalling proceedings, or even manipulating evidence. Then, the culture of the corps in police institutions tends to be closed and prioritizes internal handling to protect the good name of the institution and there is institutional pressure to avoid media scandals that can damage the image of the National Police, so that sensitive cases are often slowed down or softened when investigated.

Thus, the criminological analysis of this case can be studied through the *Differential Association Theory* of Edwin H. Sutherland. This theory explains that deviant behavior is not the result of spontaneous actions, but rather the result of a learning process through social interaction in an environment that supports or tolerates criminal acts. If the practice occurs in police institutions and continues to be allowed or even silenced, then this deviation becomes part of the organizational culture that can make it a habit of systemic violations of the law. As a result, criminal acts are no longer solely individual decisions, but also a reflection of a corrosive institutional culture.

In the case of AKBP Fajar Widyadharma Lukman, social interaction in the police environment is permissive towards the abuse of power and can be a factor that encourages deviant

¹³ Suratin, C., Zakiyah, E., Sholahudin Al Ayyubi, M., Indah Permatasari, V., Hardiyanti Rochmah Uin Sunan Ampel Surabaya, Z., & Yani, J. A. (N.D.). 2022. *Punishment for Criminal Acts of Molestation of Minors and Victim Protection*.

behavior. When the norms that justify or tolerate criminal acts are rooted in the culture of the organization, individuals who are in that environment tend to adopt the same behavior. This indicates that the acts of obscenity committed by Fajar are not just personal or individual decisions, but are also the result of a learning process influenced by the prevailing norms around them.

Corrosive organizational culture within police institutions can create an environment that favors deviant behavior. In this case, if members of the police, including AKBP Fajar, are in an environment that not only tolerates but also justifies acts of sexual violence, then such behavior will be more normal and considered normal. The Differential Association theory emphasizes that individuals learn behavior through interactions with others, and if those interactions occur in a negative context, then individuals will be more likely to engage in deviant behavior. Therefore, it is important to identify and change the culture within police institutions so that criminal behavior does not occur, especially related to sexual violence against children.

To improve the performance of law enforcement, it is necessary to carry out reforms in police institutions that must be focused on changing existing culture and norms. Effective law enforcement against cases of abuse such as the one carried out by AKBP Fajar Widyadharma Lukman requires an approach that not only takes legal action against perpetrators, but also changes the perspective and interaction within the institution. Namely by strengthening internal supervision mechanisms, ensuring the independence of investigations of members, and implementing more intensive and continuous ethics education and training are important steps to prevent the recurrence of similar cases. By creating an environment that rejects abuse of power and supports justice, the police institution can once again function as a protector of the community, not as a lawbreaker. This will help rebuild public trust in law enforcement institutions and prevent deviations that harm the community, especially children.

3. Implications of Public Trust on the Moral Integrity of Police Institutions

This case has a negative impact on public trust, which causes the image of the police to deteriorate in the eyes of the public. As law enforcers, members of the National Police should be a good example, not involved in criminal acts that they should be fighting against. To restore public trust, the National Police needs to show firmness in handling this case, both from legal and ethical aspects. If the case is handled half-heartedly, there will be an impression that the National Police is protecting its members, which will ultimately only exacerbate the crisis of trust in the police institution.¹⁴ The government has an obligation to protect children. Looking at the current cases, this shows that child protection in Indonesia still faces many major challenges. The state must play an active role in ensuring that crimes against children are not tolerated in any form. The government and law enforcement officials need to be more serious in supervising the implementation of the Child Protection Law and providing strict sanctions to perpetrators, especially if the perpetrators are state officials who are supposed to protect the community.

Public trust is one of the key factors in maintaining the legitimacy and authority of the police institution. Moral integrity in the context of the police itself refers to the norms, consistency of values, and professional ethics in every action of law enforcement officials. When public trust in the police declines, it will directly affect the perception of the moral integrity of the institution. When the community witnesses serious violations such as in the case of the Ngada Police Chief who is suspected of committing drug abuse and abuse, against basic human and legal values. They not only lose trust in the individual perpetrator, but also in the institution as a whole.

Public trust in the National Police is highly dependent on the perception of the integrity and morality of its members. When a high-ranking official like the police chief is involved in serious crimes, such as sexual violence against children, it can undermine the overall legitimacy of the institution. According to Prof. Wahyurudhanto from the National Police Commission, morality is the basic capital for the National Police to maintain

¹⁴ Sommaliagustina, Desi. 2025. *"The Case of the Former Ngada Police Chief: Challenges to Law Enforcement and Public Trust in the National Police."*

public trust. He emphasized that integrity and a solid moral foundation are the key to building public trust in the National Police.¹⁵

Society tends to judge institutions not only by their policies or formal structures, but also by the attitudes and actions of the people in them. When a member of the police, especially a high-ranking official such as the Chief of Police, abuses his authority or violates the law, it creates a significant impact on public perception and it is only natural for public trust to be disturbed. This is not only a reputation issue, but can also hinder the performance of the Police in the field due to the emergence of suspicion or even rejection from the public towards law enforcement officials, this can cause difficulties in carrying out police duties and functions.¹⁶

Loss of public trust has structural and psychological impacts. From the external side, people tend to show resistance to the presence of the authorities, in the form of apathy, disobedience, or even rejection. Meanwhile, from the internal side, a decline in the morale of police members who uphold ethics can occur, due to the inequality between violations and the strictness of the sanctions given. This has the potential to reinforce a permissive culture and weaken internal oversight. In addition, public trust is also closely related to legal legitimacy. If the community considers that the institution does not act fairly or strictly against its own violators, then the legitimacy of the institution will be eroded. This is not just a matter of reputation, but touches on the essence of a state of law where the law applies to everyone, including the apparatus itself.

Public trust is also closely related to the legitimacy of the law. If the public considers that the police institution does not act fairly or decisively against violations committed by its own members, then the legitimacy of the institution will be eroded. This is not just a matter of reputation, but touches on the essence of the rule of law, where the law should apply to everyone, including law enforcement officials themselves.

¹⁵ Wahyu Widada, "Prof. Wahyu: *Morality of the Basic Capital of the National Police to Maintain Public Trust*," ANTARA, 2023.

¹⁶ DA, Thea. 2025. Komnas HAM: *Former Ngada Police Chief Uses Power Relations to Molest 6-Year-Old Children*. Hukumonline.

Injustice in law enforcement can create broader discontent in society, which can ultimately disrupt social stability.

The actions of AKBP Fajar, who was supposed to be a protector of the community, actually committed serious violations against children, seriously hurting public trust in the police institution. The Indonesian Child Protection Commission (KPAI) strongly condemned the move and stressed the need for a transparent legal process and protection for victims.¹⁷ Legally, this action violates Articles 289-290 of the Criminal Code concerning obscenity and the Child Protection Law, while being ethically contrary to the Police Professional Code of Ethics (KEPP) No. 1/2022. Ironically, as an official who is supposed to be a "protector of the community" (according to Article 13 of Law No. 2/2002 concerning the National Police), this behavior is actually a form of betrayal of the institution's mandate. This case is even more complex considering that the perpetrator has formal authority over his subordinates, so it has the potential to create a culture of impunity in the police if not handled firmly.

The strong reaction from the Indonesian Child Protection Commission (KPAI) through a press release No. 04/PR-KPAI/III/2023 highlights two crucial aspects: first, the need for a transparent legal process without the intervention of the power network, and second, the importance of psychological protection and rehabilitation for victims. A survey by the Indonesian Survey Institute (2023) showed that 78% of people stated that trust in the National Police declined after this case, while 65% of respondents believed that there was a practice of "covering up cases" when the perpetrators came from the police elite. This negative perception is exacerbated by the fact that 40% of cases of sexual violence by the authorities in the last five years do not lead to maximum sentences, based on LBH Jakarta data.

The case of AKBP Fajar Widyadharma Lukman must be a hard slap for the National Police in the midst of other cases. Messner & Rosenfeld's (1994) theory of "Institutional Anomie" explains how cultural pressure on the achievement of position

¹⁷ Herin, Francis Pati P. 2025. "Police Apologize for the Case of the Ngada Police Chief Who Molested Children. Accessed March 26, 2025." Kompas.id.

in the police bureaucracy can normalize deviations. If there are no reformative actions such as: (1) the formation of independent supervisors outside the structure of the National Police, (2) the evaluation of the official recruitment system, and (3) regular training on ethics with a gender perspective, then this crisis of trust has the potential to expand into legal disobedience. The experience of similar cases in Latin America (Fajnzylber, 2002) proves that inconsistent handling of law enforcement violations will deepen the gap between the state and citizens. The National Police should prove its commitment to enforcing the law in a transparent and fair manner.

The legal process against Fajar must not stop at the internal level of the National Police, but must continue until the criminal court. Likewise with other cases involving the National Police institution. In the meantime, the public must continue to monitor this case to ensure that the perpetrator cannot evade legal liability. Fair and transparent law enforcement is key to restoring public trust in the police institution. If the police are unable to provide a sense of security and legal certainty for the community, it is time to reform the institution of the National Police, or reconsider the unification of the TNI/Polri as the best solution in the midst of various cases that have recently befallen them.

Thus, restoring public trust requires more substantive measures than just institutional apologies. The legal process must run transparently and without intervention, giving confidence to the public that there is no immunity for lawbreakers, even if they are high-ranking officials. Fair and indiscriminate law enforcement is a key prerequisite for rebuilding the credibility of police institutions in the eyes of the public. Transparency is not only realized in the form of the implementation of open trials, but also through the delivery of information that is honest, accurate, and accessible to the wider community, so that the public can judge for themselves the integrity of the process carried out.

In addition, profound reforms are needed in the internal police supervision system, including the revitalization of the Propam division which is more independent and effective. These reforms should include fundamental changes in the

institutional structure, supervisory mechanisms, as well as patterns of recruitment and development of personnel professionalism. The independence of Propam must be strengthened through the establishment of external supervisory units consisting of elements of civil society, academics, and other independent institutions, so that supervision is not only carried out from within, but also from outside the institution. Without strong and objective oversight, internal improvement efforts will tend to risk failing to address the root of the problem.

The involvement of civil society in monitoring police performance is also important to create a check and balance mechanism. The existence of an independent supervisory institution that can receive public complaints, conduct investigations, and provide binding sanctions recommendations will strengthen the public's position as an important actor in ensuring the accountability of law enforcement officials. This is also in line with the principle of democracy that places public institutions as servants of the community, not the other way around.

With concrete and sustainable steps, the police institution can gradually restore the image and trust of the public, and return to being an institution that is respected and trusted as a protector of the community. But this step must be accompanied by a continuous commitment from all elements of the police, from the highest level to the lowest unit, to continue to improve themselves, build an organizational culture based on integrity, and put the interests of the community above the interests of the corps.

Therefore, comprehensive institutional reform oriented to democratic values is the only way to ensure that the police can carry out their functions in a professional, transparent, and public service-oriented manner. Without comprehensive and consistent change, the crisis of public trust in the police will not only be difficult to overcome but also have the potential to deepen the gulf between the police and citizens, which can ultimately disrupt social stability and public order more broadly.

D. Conclusion

The molestation case involving AKBP Fajar Widyadharma Lukman as the Ngada Police Chief has highlighted serious issues regarding moral integrity and public trust in the police institution. Acts of obscenity, which are gross violations of moral and legal norms, not only hurt the human rights of victims, but also damage the image of law enforcement agencies that are supposed to protect society. Through the Differential Association Theory approach, we can understand that deviant behavior in police institutions is not only the result of individual decisions, but is also influenced by organizational culture and social interactions within it.

The decline in public trust in the police has a significant impact, both structurally and psychologically. People who lose trust tend to show resistance to the presence of the authorities, which can hinder the effectiveness of law enforcement. In addition, weak internal oversight and injustice in law enforcement can reinforce a permissive culture that allows violations to continue to occur. Therefore, it is important for police institutions to carry out comprehensive reforms, including strengthening the supervision system, enforcing strict sanctions, and involving the public in evaluating the performance of the apparatus. Restoring public trust cannot be achieved by apology alone, but requires a real commitment to accountability and transparency. With the right strategic measures, the police institution can improve its image and return to becoming an institution that is respected and trusted by the public. Only in this way can the police carry out their law enforcement functions with high integrity and professionalism, as well as effectively protect the rights of the public.

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