

ANALYSIS OF BROTHER ANGELO CHILD SEXUAL ABUSE CASE UNDER CRIMINAL LAW AND CONTROL THEORY

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Abstract

The topic of child sexual abuse and child abuse in general has been a growing topic within Indonesia, as awareness of the issue nationwide has risen within past years. One landmark case of child sexual abuse in Indonesia is about brother Angelo, the founder of Kencana Bejana Rohani orphanage who was allegedly arrested for sexually abusing at least 3 children in his own orphanage. This academic journal will focus on analyzing the positive criminal laws and regulation surrounding Angelo's crime of child sexual abuse as well as examining the brother Angelo case under Travis Hirschi's control theory. This research is conducted under normative legal research method that relies on data available and deriving a qualitative analysis.

Keywords: *Child sexual abuse, Criminal law, Control theory*

A. Introduction

The English word society is derived from the French word “*société*”, which had its origins from Latin “*societas*”, which roughly translates to “friendly association with others,” and from the term “*socius*” meaning “companion, associate, comrade or business partner.” Thus, the meaning of society is closely related to what is considered to be social.

According to Aristotle in his book of politics:

“... man is by nature a political animal. He who is without a city through nature rather than chance is either a mean sort or superior to man;”¹

With reference to the quote and the explanation in the paragraph above about society, we can conclude humans are indeed social creatures that need to be in a society. In consequence we need to govern our actions and interactions with each other, hence the

¹ Aristotle, , and Benjamin Jowett. *Aristotle's Politics.* , 1943. Print.

creation of law. We deemed things lawful and unlawful, good and evil, righteousness and sin. Hence the need of law to control our actions.

The country of Indonesia is a law based Country which is heavily influenced by religion. Though the origin of the law in Indonesia was taken from the Dutch. This is due to the fact that after fighting for our independence, the founding fathers do not want to create a vacuum of law. Vacuum of law happens when there is no law and everyone would do whatever they want, For example looting, raping, murdering and more. There would have been chaos if there was a vacuum of law.

As the Social bonds theory have implied by Travis Hirschi², humans are evil in nature. He further explains that there are 4 elements that would lead humans to not become evil. And it revolves around one thing, which is social bonds. The four elements are attachment, commitment, involvement and believe. There are also multiple philosophers who would agree the same thing even though they have not read such theories. For example, Hsun Tzu³ and Immanuel Kant⁴. We can also conclude that because of this inherent evil nature humans have, the world is a *Homo homini lupus*. There is a Latin proverb that would mean/indirectly translates to "a man is a wolf to another man".

A different version of this Latin proverb appeared in line 495 in the play *Asinaria* by Plautus: "*Lupus est homo homini, non homo, quom qualis sit non novit*"⁵, which has been translated as "Man is no man, but a wolf, to a stranger" or "a man is a wolf rather than a man to another man, when he hasn't yet found out what he's like." which was originally played in 254 to 184 BC. And because of this we can understand that this is not a new idea that just came out of nowhere. The idea of humans with evil nature is something that is in us from back then too.

While the occurrence of crimes can happen from either intent or negligence, the focus of this paper will discuss further on crimes where the offender commits the act with his full knowledge of the consequence. Evil nature within humans does exist and its manifestations are shown many times within society as a form of crimes. Even more so, there are many depths and scales of crimes that differentiates one from another. Take for example, the act of theft where the offender steals a valuable from another person. The intention of the act is clear and fairly easy to comprehend. Take another example, the act of child sexual abuse

² Wickert, C., 2019. *Social bonds theory (Hirschi)*. [online] SozTheo. Available at: <<https://soztheo.de/theories-of-crime/control/social-bonds-theory-hirschi/?lang=en>> [Accessed 17 February 2021].

³ Zhang WB. (2000) Hsün Tzu (298–238 bc): Human Nature is Evil. In: Confucianism and Modernization. Palgrave Macmillan, London. https://doi.org/10.1057/9780230287303_8

⁴ Plato.stanford.edu. 2021. *Kant's Moral Philosophy (Stanford Encyclopedia of Philosophy)*. [online] Available at: <<https://plato.stanford.edu/entries/kant-moral/#NET>>

⁵ TheLatinLibrary.com. 2021. *Plautus: Asinaria*. [online] Available at: <<http://www.thelatinlibrary.com/plautus/asinaria.shtml>>

committed by an adult. This type of crime is of several levels of depravity higher than the former example and is harder for people to understand the intention behind such action.

Under Indonesian law, the act of child sexual abuse is categorised as a particular type of criminal act that is regulated under Law No.35 of Year 2014 on Changes regarding Law No.23 of Year 2002 on Child Protection, better known as the Child Protection Law. Under such law, the act of child sexual abuse is prohibited under Article 76E and carries a sanction located under Article 82 which would be an imprisonment of 15 years maximum and monetary sanction of 5 Billion Rupiah maximum. The definition is as follows: “Every person is prohibited from committing violence or threat of violence, trickery, deceit, or persuading a child to do or let do a perverted act”.

While so, it is also important to differentiate if the condemned act also includes having sex with the minor as the law aforementioned was amended through Law No.17 of Year 2016 and now has a heavier punishment for forcing to have sex with a minor. Now in Article 76D it states “Every person is prohibited from committing violence or threat to force a child to have sex with him/her.”. This Article now also carries a heavier sentence with the judge’s ruling that may also include chemical castration to the offender.

Take the case of Lukas Lucky Ngalngola, or better known as Brother Angelo, who is the founder of Kencana Bejana Rohani orphanage.⁶ On September 14th 2019 he was arrested by police after 3 children had reported him under charges of sexual abuse. Unfortunately for these kids, Angelo did not end up in prosecution and was released on December 9th 2019. Additionally, he was reported to have opened a new orphanage and recruited more kids after this incident.

From what has been written in background, the Author would like to explain that this paper will be about criminology in the extent of sociological and criminal law point of view. Hence we concluded on the title of “**Analysis of Brother Angelo Child Sexual Abuse Case Under Criminal Law and Control Theory**”

1.2 Formulation of Issues

In regards to the topic “**Prosecution of child sexual abuser, on the perspective of criminology and Indonesian Law**”, the Author will discuss the following formulation of issues:

1. How the law views on child sexual abuse and on the case of Brother Angelo

⁶ Alfian Putra Abdi & Aulia Adam. “Kasus Bruder Angelo: Negara & Gereja Gagal Menghukum Pemeriksa Anak”, *Tirto.id*, Tirto.id, 31 Aug. 2020, <https://tirto.id/kasus-bruder-angelo-negara-gereja-gagal-menghukum-pemeriksa-anak-f1Uk>

2. Which Control theory would be best to understand Brother Angelo and his criminal actions in the orphanages?

1.3 Research Purposes

The Author's purpose of writing this thesis is to answer the formulation of issues stipulated above, namely:

1. To fulfill one of the Tridharma of university, which is research and development
2. To know how the law and sociology theories view child sexual abuse

1.4 Research Method

This research shall be conducted under normative legal research method that relies on databases available from online sources, books and journals to derive a qualitative analysis from the case examined.

B. Result and Discussion

B. 1. Case of brother Angelo⁷

Arrest of Brother Angelo

Lukas Lucky Ngalngola, or more commonly known as brother Angelo, identifies himself as a Catholic monk with a status of Brother. He was also known as the founder and caretaker of Kencana Bejana Rohani orphanage in Depok, yet 3 reports of children from that orphanage being sexually harassed by brother Angelo himself resulted in his arrest by the Metro Depok police on 14th September 2019.

After further investigations around brother Angelo's identity, on 19th September 2019 Bogor diocese under Mgr. Paskalis gave out a statement in a letter stating that Lukas Lucky Ngalngola's status as a brother is currently rejected, meaning that he is not admitted by the Catholic communities.

⁷ Ibid 6

It is also noted that regarding the arrest of brother Angelo, Indonesia Child Protection Commission (KPAI) had played a vital role in formulating a report to Depok police. Not only that, but they also secured the 3 childrens who are the victims of this incident to a secure location in Cipanas (West Java), Cempaka Putih (Central Jakarta), and Cipete.

Events Leading Up to Brother Angelo's Arrest

Prior to his arrest, a KPAI commissioner, Susianah Affandy, had suspected his actions from her visit to Kencana Bejana Rohani orphanage on 25th June, 2019. Brother Angelo at that time came to the Ministry of Women's Empowerment and Child Protection (PPPA) with childrens from his orphanage to express concern that "the nation should help the childrens who are stranded".

Afterwards, as a KPAI Commissioner, Susi conducted a meeting with membuat pertemuan dengan Ministry of Social Affairs, Ministry of Health, PPPA Ministry, Depok Social Service Agency, Depok Health Service Agency, and a few other agency to discuss her suspicions on brother Angelo. After the meeting, her suspicions were validated as 3 children from Kencana Bejana Rohani orphanage reported to their school principal of the rape conducted by Angelo. From there, the KPAI and Farid Arifandi, a child protection activist, made their report and submitted it to the Depok police.

Victims of Brother Angelo

During an interview on 12th August 2019 and the criminal lawsuit on 12th September 2019, the 3 children of Angelo's vile acts spoke of their point of view regarding this incident. Surprisingly, they initially had doubts on whether they should report Angelo as they felt that they owe him a debt of gratitude for all the education and daily necessities that he has given them. "We were confused. What about our education? Our parents cannot provide for us so it's not possible for us to come home. Where do we get the transportation money in the first place?" Stated, Lorenzo, one of the children victims

Another victim child, named Joni, views Angelo differently in which he wants Angelo to be arrested as he stated that "he (Angelo) never felt remorse. I don't want our younger ones to become his victims". After the arrest, these 3 childrens are secured to a safe location in Cipanas (West Java), Cempaka Putih (Central Jakarta), and Cipete.

Chronology of Angelo's criminal acts⁸

Case 1, child from Angelo's orphanage, initial J. When J was sleeping in the orphanage, he was woken up due to a strange feeling in his stomach lower side. There he found Angelo had raped him. Angelo ran away, later came back and expressed deep regret and fault to what he had done to J.

⁸ Abdi, Alfian Putra, and Fahri Salam. "Kisah Anak Panti Asuhan Korban Pencabulan 'Bruder Angelo'", *Tirto.id*, Tirto.id, 31 Aug. 2020, www.tirto.id/kisah-anak-panti-asuhan-korban-pencabulan-bruder-angelo-f2xQ

Case 2, Angelo's friend who lives with Angelo since he was 13 years old, initial P. In 2016 he watched as Angelo committed a perverted act with the orphanage's children 3 times with a different child each time. His modus operandi is always the same, he would commit his act while they were asleep. Every time he is caught, he always says how sorry he is, how he will never do it again and treats them to a movie.

Case 3, child from Angelo's orphanage, initial G. G is a child with dark skin, and it is suspected that due to his color of skin, Angelo often behaves roughly and sometimes even turning violent to him. When G was coming home from his friend's birthday party, he was kicked and verbally cursed at multiple times by Angelo because he did not ask for permission from Angelo first. Only G who is a child with dark skin receives such treatment from Angelo, while other white skinned children of the orphanage receive sexual abuse instead.

Concluding what both cases have in common, Angelo is a sex offender to the childrens of his own orphanage that conducts his actions sneakily while his target were all asleep. It is also noted that when he got caught and had to explain himself, he always tries to convince his victims through words and treats that he is sorry and will never do such actions again. That is in fact just a front for him to get away from his actions as he will do anything to make sure that any authoritative does not catch wind of his actions.

Ending of Brother Angelo's Case

At the end of Brother Angelo's case, the report was repealed by Farid Arifandi on 7th December 2019. Angelo was released from his arrest on 9th December 2019. There are a few factors which lead to the progression of such event, which are:

- Public Prosecutor requests that the case files are completed with detailed evidence regarding the victim's testimony.
- Bogor diocese did not have any further involvement or help regarding Brother Angelo's case, thus making it harder to find valid evidence.
- KPAI did not help Farid Arifandi with gathering valid evidence after they both completed and submitted the report to Depok police.
- Police also failed on finding more valid evidence to the case

With the only one left to handle the case being Farid Arifandi, he also failed to proceed the case and fell under stress. Thus he repealed and dropped the case on Angelo.

B. 2. Indonesian laws regarding children sexual abuse

Sexual abuse around children and women are viewed very seriously in Indonesia that in 2016 the Indonesian government ratified one of the most cruel punishment for child sexual abuse which is the punishment of chemical castration. Before discussion around that, we will discuss from the start regarding all the Indonesian laws regarding children sexual abuse.

Crimes, different from misdemeanor, are already a cruel act that is condemned and carries a punishment based on the article that constitutes each criminal act. These articles are

codified within the Indonesian Criminal Code that takes almost all of its articles from Dutch laws. Crimes around children are treated with more care as it is viewed to be more cruel than general types of crime. Therefore, Law No.35 of Year 2014 regarding Changes Made to Law No. 23 of Year 2002 or better known as Child Protection Law, is put into force.⁹

The crime of children sexual abuse is prohibited under Article 76D to 76E. In here, the articles differentiate between sexual abuse which is articulated in 76D and the act of perversion in 76E. Regardless, both acts carry the same weight of punishment which is a minimum of 5 years imprisonment and 15 years maximum imprisonment with an additional monetary sanction of 5 Billion Rupiah maximum.

Nonetheless, according to a data report from lokadata in 2015 there has been 1.975 reported case of child abuse and increases to 6.820 reported case in 2016.¹⁰ With an increasing number of reported child abuse and most of which are sexual abuse, Indonesian president Joko Widodo voiced his concern regarding this and stated that the phenomena is like a giant iceberg that was mostly left unreported. With such consideration, the president commanded many measures for the government to tackle this issue. One of which is the stipulation of Law No.17 of Year 2016 which now adds the punishment of chemical castration to a repeating offender of Article 76D in Child Protection Law.¹¹

Yet even though the law regarding chemical castration has been put into force, until now no such punishment had been enforced yet onto any case. This is largely due to the punishment having a contradiction with the Indonesian doctor's oath that every licensed medical doctor in Indonesia has to take.¹² Hence it becomes a problem to the criminal prosecution of such cases and making Law No.17 of Year 2016 not relevant until this problem is taken care of.

Furthermore on the topic of chemical castration, while Indonesia has legalised the punishment that is considered as one of the most cruel punishment that is currently enforced, other countries such as Ukraine as of July 2019¹³ and 9 states in the US as of July 2019¹⁴

⁹ Article 76 Indonesia Law No. 35 Year 2014 Regarding Changes to Law No.23 Year 2002 about Child Protection

¹⁰ Pinandhita, Vidya. "2020 Kekerasan Pada Anak Tak Menurun." *Lokadata.ID*, Lokadata.id, 1 Oct. 2020, www.lokadata.id/artikel/2020-kekerasan-pada-anak-tak-menurun.

¹¹ Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2016 Tentang Perubahan Kedua Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak Menjadi Undang-Undang

¹² Harsono, Andreas. "Dispatches: Indonesia's Doctors Say 'No' to Chemical Castration." *Human Rights Watch*, 28 Oct. 2020, www.hrw.org/news/2016/06/14/dispatches-indonesias-doctors-say-no-chemical-castration

¹³ Rfe/rl, RFE/RL. "Ukrainian Parliament Approves Forced Chemical Castration Of Pedophiles." *RadioFreeEurope/RadioLiberty*, Ukrainian Parliament Approves Forced Chemical Castration Of Pedophiles, 12 July 2019, www.rferl.org/a/ukrainian-parliament-approves-chemical-castration-of-pedophiles/30051406.html

have legalised the punishment of chemical castration to children sexual abusers. It is still widely known that this punishment is one of the controversial laws in the few countries that have passed it.

Children sexual abuse case, 2016-2019

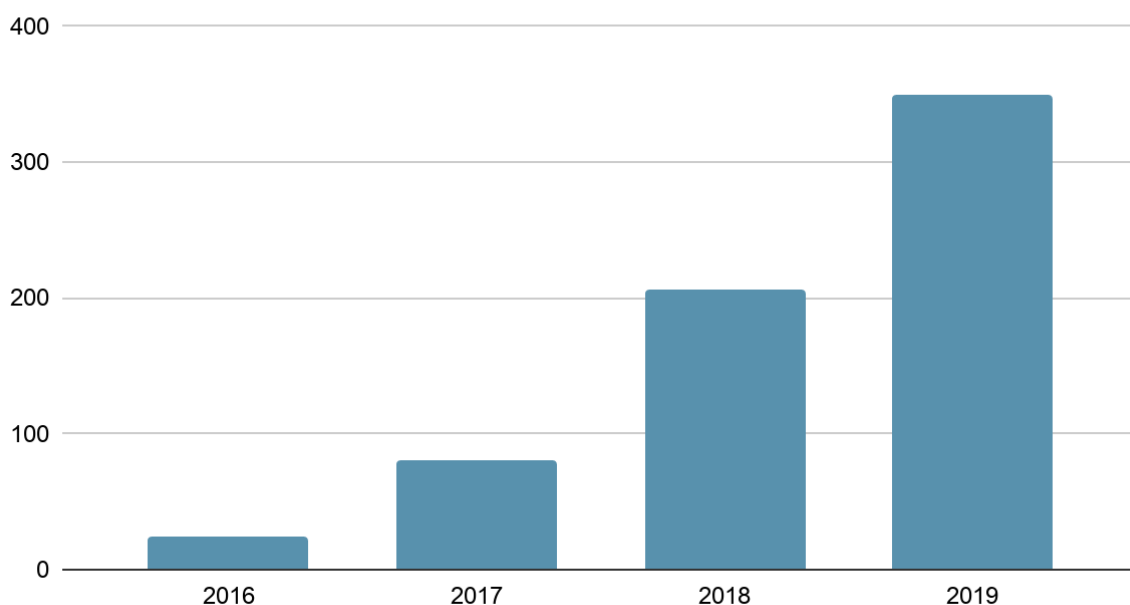


Fig. 1. Children sexual abuse case from 2016-2019, taken from *Witness and Victim Protection Agency (LPSK)*

As the graph above shows, even though the law Law No.17 of Year 2016 has passed and is in motion, the number of children sexual abuse case from 2016-2019 only dramatically rises. This is largely attributed to the increasing public awareness of child abuse since president Joko Widodo has executed his campaign to tackle the problem in Indonesia. The campaign consists of 3 effort to lower the number of child abuse in Indonesia. First is the preventive measure such as involving family, school and society and educating them on the topic. Second is optimization of the report system and complaint service for cases around child abuse. Third is a large reformation to the management that handles child abuse. While the data shows increasing number of child sexual abuse, the issue is slowly being realised by society and so is the real scale of the problem at hand.

B. 3. Control Theory

¹⁴ English, John. "Chemical Castration in The United States: What You Need to Know!" *SexCrimeAttorneys.com*, 8 July 2019, www.sexcrimeattorneys.com/chemical-castration-in-the-united-states/.

What is Control Theory?

The theory became well known in the 1960s, one year after the publication. This is when sociologists were trying to find a reason why people do criminal actions. Other theories were talking about why people would do such deviant behaviour, while control theories talked about what refrains people from doing such actions¹⁵. The theory talked about what are the factors that would stop an individual from doing such actions. This idea was concluded from the truth that working for money is so much harder compared to just stealing it. Control theories argue that if a person were to be deprived of social bonds, criminal actions are an inevitable outcome¹⁶.

Due to the fact that this theory is still famous even after 50+ years, it has been empirically researched extensively. The control theory of Travis Hirschi dominates the literature, but Gerald Patterson and associates, Michael Gottfredson and Travis Hirschi, and Robert Sampson and John Laub have extended Hirschi's theory in important ways. Ronald L. Akers wrote a review on Travis Hirschi's paper that critiques his own theory, and concluded that although this theory is not concrete, it was one of the best theories for criminology. Furthermore Ronald L. Akers stated that Travis Hirschi's theories are very solid and logical that people from all around the world would like to disprove the theory. Ronald also concluded that this theory is going to be famous for the decades to come. The report was posted in 1990, and it is still one of the most empirically researched by everyone now in 2021.¹⁷ There are many theories that have developed after the years of Travis Hirschi's control theory, but 2 theories that are dominating between scholars are stake in conformity theory, and finally self control theory (not in ascending order).

Self Control Theory¹⁸

This sub theory was one of the newer control theories that Travis Hirschi and Gottfredson released, the theory talked about how self control was one of the most heavy factors for a person to do or not to do criminal actions. There are few names that people have used for this theory, for example another name it goes by is Internal control theory. But essentially it all has the same definition and the same theory.

¹⁵ Akers, Ronald L., and Christine S. Sellers. *Criminological Theories: Introduction, Evaluation, and Application*. Los Angeles, Calif: Roxbury Pub, 2004. Print.

¹⁶ Lilly, J R, Francis T. Cullen, and Richard A. Ball. *Criminological Theory: Context and Consequences*. Thousand Oaks, Calif: SAGE Publications, 2011. Print.

¹⁷ Cappell, Charles L., and Gresham Sykes. "Prison Commitments, Crime, and Unemployment: A Theoretical and Empirical Specification for the United States, 1933–1985." *Journal of Quantitative Criminology*, vol. 7, no. 2, 1991, pp. 155–199. *JSTOR*, www.jstor.org/stable/23365746. Accessed 8 Apr. 2021.

¹⁸ Gottfredson, Michael R., and Travis Hirschi. *A General Theory of Crime*. Stanford, Calif: Stanford University Press, 1990. Print.

The first few things that Travis Hirschi and Gottfredson talked about are some definitions. They defined that crimes are actions done out of impulsive order where they do only think of instant gratification and have near to non long term benefits. They also defined two words which were crime and criminality. Crime is the action that is unlawful, whilst Criminality is the likelihood of a person to do criminal actions.

Travis Hirschi and Gottfredson explained that self control is the main and only important reason why a person would do criminal actions. In their research, Travis Hirschi and Gottfredson stated that any other factors outside of self control does not matter. An example of the factors that were unimportant were motive and opportunity. Another unimportant factor that was written about in the paper was societal influence, Travis Hirschi and Gottfredson explained that it is due to the person's weak self control that he was able to be influenced by the people he hung around with.

Self Control theory is where people with lower grades of self control would do criminal acts. Self control is developed during a young age, and people do not change much or drastically as they grow old. Travis Hirschi and Gottfredson also stated in the paper that all the empirical research done to say otherwise are just anomalies on the research itself and not his theory.

Self control is the personal belief and understanding of crime and criminal acts. Most people develop their self control from direct control, religious beliefs and stake in conformity. If from young they were thought that criminal actions are wrong the person will most likely avoid such groups of people. Furthermore there was also a stake in conformity where if the subjected person were to do criminal actions, he would first think about how people that he was attached to feel about him doing such crimes. Two examples of this is how his parents would feel when they see him doing criminal actions, and another example is how his spouse would feel when they see him doing criminal actions.

Hence if the subjected person does not have any direct attachment and was not directly controlled during his childhood, will conclude the person may form an amoral orientation to crime (The subject finds criminal actions to be not right or wrong). This will conclude the subjected person to have weak self control (can be tempted by crime simply).

Travis Hirschi and Gottfredson give a profile of people who have weak self control. They concluded that if the subject person were to score low on one of the personality traits then the person would score similarly low with other personality traits. The personality traits are people who lack self control will tend to be impulsive, insensitive, physical (as opposed to mental), risk-taking, short-sighted, and nonverbal.

Travis Hirschi and Gottfredson assumed that crime happens in the order of (1) an impulsive personality to (2) lack of self-control to (3) the withering of social bonds to (4) the opportunity to commit crime and delinquency to (5) deviant behaviour¹⁹

Critiques

Modern research has concluded that low self control leads to a high chance of criminality rather than crime.²⁰ It means that we cannot conclude that people with low self control does not mean that they will indefinitely do crime, but rather it would just increase the chances of people doing such crimes.

This theory could not apply to all types of crime. First of all criminal actions that are acted upon from low self control is only applicable to cases that are impulsive/ not deeply preplanned.²¹

Why this theory is applicable to this paper

Although the critique was empirically proven and has led to a conclusion that self control does not lead to crime but rather criminality. It does not disprove that the theory itself is flawed.

Secondly, this theory can be applied to this case because the criminal did open an orphanage with a good faith but because of his low self control which leads him to commit crime.

Stake in conformity²²

Stake in conformity or in simpler terms would be social bonds. This is one of the social factors that are deterring people from doing crimes according to Travis Hirschi. Social bonds include **attachment** to the family, **commitment** to socially accepted norms and institutions, **involvement** in activities and **belief** that these things are important.

Attachment is about a bond between the person and the society around him. This can include family, friends, spouse/ girlfriend and more. Familial relationship is more important as it is one of the ways of how one would think of their actions and consequences from it by their reactions. Attachment prevents an individual from deviating as long as the society or circle that the individual hung out with does not represent deviant norms.

¹⁹ Siegel, Larry J, and Christopher R. McCormick. *Criminology in Canada: Theories, Patterns, and Typologies*. Australia: Thomson Nelson, 2006. Print.

²⁰ PRATT, T. and CULLEN, F., 2000. THE EMPIRICAL STATUS OF GOTTFREDSON AND HIRSCHI'S GENERAL THEORY OF CRIME: A META-ANALYSIS. *Criminology*, 38(3), pp.931-964.

²¹ *Ibid* 8

²² *Ibid* 2

Commitment is the level of commitment an individual has for conventional standards and goals. If the individual has already a level of investment on it to develop their goals or conventional standards, they have more to lose if they were to have deviant behaviour. An example of this is a university student who has studied hard to get a valedictorian which has a good reputation and was in the third year of university would less likely throw all their hard work for deviant behaviours. Compared previously to university students who are first years and do not even attend their classes are more likely to have deviant behaviour.

Involvement can be interpreted many ways, but what Travis Hirschi meant if the individual is busy doing something else, the individual has less time to do criminal activity. Furthermore involvements like sharing quality time with your spouse or raising a child strengthen an individual's self discipline. This only applies if the spouse does not have deviant behaviour.

Belief of value and norms is an important factor as actions done outside of value and norms are looked down upon. The value and norms are the values and norms of the society, not of an individual person's. The more an individual believes in values and norms, the harder it is for them to violate them. It is very evident in Indonesia everywhere you go, from the cities to the countryside.

Travis Hirschi concluded that one of the reasons that stopped people from doing crimes or deviant acts is because of direct control.^{23 24 25 26} For example, laws and officers (Officials) who are directly looking over you. There are multiple figures that can have direct control, and what was given before is just an example. Other examples are parents, teachers (school officials), coworkers and even neighbourhood residents. But it was stated that the most dominant direct control was from parents. Direct control can be separated into 3 different components: Setting rules, Monitoring behaviours, Sanctioning crime.

Although all the components are very straight forward, it is very important and has been heavily empirically tested and proven to be accurate. Furthermore if this was being practiced by the parents, it is most likely that they will have a lasting effect on the person. The parents can clearly explain and define criminal actions(E.g. Eating ice cream before

²³ Costello, B., 2021. *Hirschi, Travis: Social Control Theory*. [online] Sage Publications. Available at: <https://study.sagepub.com/system/files/Hirschi%2C_Travis_-_Social_Control_Theory.pdf>

²⁴ Ibid 2

²⁵ Law.jrank.org. 2021. *Crime Causation: Sociological Theories - Control Theory*. [online] Available at: <<https://law.jrank.org/pages/816/Crime-Causation-Sociological-Theories-Control-theory.html#:~:text=Control%20theory%20goes%20on%20to,the%20major%20restraints%20to%20crime.>>>

²⁶ Madon, N., n.d. *Chapter 12: Social Control and Self-Control Theories*. [online] Children.gov.on.ca. Available at:

<http://www.children.gov.on.ca/htdocs/English/professionals/oyap/roots/volume5/chapter12_social_control.aspx#:~:text=Hirschi's%20social%20control%20theory%20asserts,or%20are%20not%20well%20established.>>

dinner) and setting sanctions from it (E.g. No sweets for 1 month). This would also stop people from associating with people they can engage with or they could not engage with.

For direct control there is direct supervision where the parents or authorities are actively looking and monitoring. There is also indirect control where parents or someone with authority to ask where he has been going or where he is going to, asking people around him how he usually acts, or even casually calling the children asking what he is doing.

Finally sanctioning criminal actions for an effective direct control. Parents are supposed to properly punish their children if they were to not follow the rules that they have set up. The punishment that they set up must be fair/unbiased, not harsh and most importantly consistent.

Critiques

Research to disprove the theory also stated that social control theory cannot apply to all crimes. Furthermore they have classified that white collar crimes goes against the study of Travis Hirschi's theory of social control theory. And have concluded that his theory only applies to blue collar crimes. During Travis Hirschi's research, the empirical research that had been done was all done biasedly towards males. This idea was further proven by Nofziger²⁷ that woman tends to have higher social control than man.

Why this theory is applicable to this paper

The criminal activity that Brother Angelo did was not a white collar crime, but instead it is a blue collar crime. Sociologist and criminologist Edwin Sutherland defines white collar crime as non-violent crimes with a financial nature usually. The case study that is going to be studied on this paper is about a deviant who called himself Brother Angelo, whose gender is a male. It can be concluded that the theory and empirical research done to back the theory up by Travis Hirschi is applicable towards Brother Angelo.

Analysis of Control theory towards the case of Brother Angelo

Control theory is different compared to other criminology theory where other criminology explained that deviant behaviour is abnormal and would like to find out the reason that would lead people to do such things. Whilst control theory on the other hand, their first few statements said that earning money from work is so much harder than stealing money. Travis Hirschi concluded that the act of not doing crime is what makes people abnormal. Hence the theories that were written above and analysed below for the case study shall be viewed this way.

²⁷ Nofziger, Stacey. "A Gendered Perspective on the Relationship Between Self-Control and Deviance." *Feminist Criminology*, vol. 5, no. 1, Jan. 2010, pp. 29–50, doi:10.1177/1557085109353892.

_____ Direct control theory by Travis Hirschi talked about 3 types of components which is , Setting rules, Monitoring behaviours, Sanctioning crime. There are regulations that state that molestation and sexual abuse of children are wrong. Law No.35 of Year 2014 on Changes regarding Law No.23 of Year 2002 regarding Child Protection ensures that any sexual abuse, molestation and perverted acts are condemned through Article 76D and 76E. There are governmental bodies that are made to stop all kinds of criminal actions, but the effectiveness of the governmental bodies is near to none. In this case study they have failed to act quickly and gather as much evidence as possible. Furthermore the person who helped report the complaint to the police only did that and did not help the children further.

In regards to the effectiveness of the sanction, the condemned acts above carries a heavy sanction, which is a minimum of 5 years imprisonment and a maximum 15 years imprisonment with an additional monetary sanction of 5 Billion Rupiah maximum. The Indonesian government has made efforts to add an additional chemical castration punishment for any repeating offenders, yet so far it goes not fully executed as the Indonesian doctor's oath forbids any doctor from executing such punishment, hence the final execution of chemical castration punishment so far has been left ignored.

It is further concluded that because of the lack of Direct control by the government (authorities) Brother Angelo does not feel pressured that he will get caught. Brother Angelo is already 40 years old hence does not have a parents that could reprimand him. From case study and Travis Hirschi's theory, the Author concluded that Brother Angelo was either neglected as a kid or the parents did not teach Brother Angelo rules that prohibit criminal behavior. Failing to teach Brother Angelo about the wrongs of criminal actions, became neutral allowing him to be easily tempted to do criminal actions when the chances arose.

Furthermore after being found out of sexually molesting/beating/raping children, instead of stopping, he instead still does the crime. This can further conclude that the punishment given to him was not severe enough. Hence the lack of Direct Control allowed Brother Angelo to do such crimes. Getting away scotch free without any bruises also allows Brother Angelo to think that only light punishment shall be sanctioned allowing him to think it is a misdemeanor instead of an offense punishable by law.

Travis Hirschi and Gottfredson both agreed that the only biggest and main factor for individuals to do or not do deviant acts are self control. It was also further explained that weak self control will lead to an individual easily tempted to do deviant behaviour. Whilst people who have good self control would not be tempted to do deviant behaviour. Self control is developed during younger age and further developed with the help of your parents. Teaching the individual that crimes are wrong and should never do it, teaching that crime might be tempting but not the solution. Travis Hirschi and Gottfredson both agreed that humans do not change much(drastically) when they reach adulthood. In conclusion control theory is first built and developed at a young age.

Travis Hirschi and Gottfredson further conclude that people who have bad personality traits in one of the 5 choices, where if the individual were to score low on one would also score low on the other 4. The personality traits are people who lack self control will tend to be impulsive, insensitive, physical (as opposed to mental), risk-taking, short-sighted, and nonverbal.

Majority of these personality traits can be applied to Brother Angelo, For example, Brother Angelo was just walking past the dorms where the individual “J” had rested and caught a glimpse of her sleeping with no looking very vulnerable. With Brother Angelo’s Personality trait where he is impulsive, insensitive, risk - taking and short sightedness made him go and went to relief himself on individual “J” (which is rape). But as he was caught on the act, he ran away directly, which can lead to an understanding that what he did was wrong and should have not done it. But he had no self control and ended up raping individual “J”.

Case 3 further explains his other personality traits where he beat up a kid physically and did not think about the amount of pain that the kid had experienced making Brother Angelo insensitive .

Finally Social bonding or stake in conformity, requires Brother Angelo have a relationship and bonding with people. It seemed that others who met him all assumed him to be normal and did not have deviant behaviours. Brother Angelo also went to a government agency and asked for a bill to protect the children who are less fortunate. Social bonds include attachment to the family, commitment to socially accepted norms and institutions, involvement in activities and belief that these things are important.

Brother Angelo does not have any familial attachment since his parents have passed away and no information regarding siblings. Brother Angelo does have a good commitment to society following the norms and practices of a church. And even often visiting the government agency fighting for the rights of unfortunate children who are financially unstable or poor. Finally for beliefs, there is a hard social norm in Indonesia but it feels like he is not pressured by social bonds at all. Maybe the bonds he created between him and people are superficial and do not have actual connections. If this prediction is correct then Brother Angelo does not have any social bond.

C. Conclusion

Based on all the literature reviewed and analyzed, we have drawn a few conclusions from this paper. There are 2 points for question number one. Firstly, the criminal justice system in Indonesia still needs many improvements, so that future cases similar to Brother Angelo will not go discontinued. Secondly, The public awareness in the issue of child abuse in general needs to be increased as it will also increase the public alert for child abuse cases and notifying proper authorities so that case could be properly taken care of.

As for the answer for question number two, the most appropriate way to understand brother angelo just based on online research is the Self Control theory. Fulfilling the check mark of becoming a textbook weak self control. Furthermore all his actions have made logical understanding from the theory alone and could have predicted more about the person without actually meeting Brother Angelo. Furthermore, the public parents and parents should teach their young ones self control.

Thank you for reading, and we hope this academic journal is as fruitful as our findings as it is for you, the reader.

BIBLIOGRAPHY

Laws and regulations

- Indonesia Law No. 35 Year 2014 Regarding Changes to Law No.23 Year 2002 about Child Protection
- Government Regulation in Lieu of Law No.1 Year 2016 Regarding second changes to Law No.23 Year 2002 about Child Protection

Books

- Aristotle, and Benjamin Jowett. *Aristotle's Politics.* , 1943. Print.
- Akers, Ronald L, and Christine S. Sellers. *Criminological Theories: Introduction, Evaluation, and Application.* Los Angeles, Calif: Roxbury Pub, 2004. Print.
- Lilly, J R, Francis T. Cullen, and Richard A. Ball. *Criminological Theory: Context and Consequences.* Thousand Oaks, Calif: SAGE Publications, 2011. Print.
- Gottfredson, Michael R, and Travis Hirschi. *A General Theory of Crime.* Stanford, Calif: Stanford University Press, 1990. Print.
- Siegel, Larry J, and Christopher R. McCormick. *Criminology in Canada: Theories, Patterns, and Typologies.* Australia: Thomson Nelson, 2006. Print.
- PRATT, T. and CULLEN, F., 2000. THE EMPIRICAL STATUS OF GOTTFREDSON AND HIRSCHI'S GENERAL THEORY OF CRIME: A META-ANALYSIS. *Criminology*, 38(3)
- Nofziger, Stacey. "A Gendered Perspective on the Relationship Between Self-Control and Deviance." *Feminist Criminology*, vol. 5, no. 1, Jan. 2010, doi:10.1177/1557085109353892.

Internet Media

- Zhang WB. (2000) Hsün Tzu (298–238 bc): Human Nature is Evil. In: Confucianism and Modernization. Palgrave Macmillan, London.
https://doi.org/10.1057/9780230287303_8
- Wickert, C., 2019. *Social bonds theory (Hirschi)*. [online] SozTheo. Available at: <<https://soztheo.de/theories-of-crime/control/social-bonds-theory-hirschi/?lang=en>> [Accessed 17 Febuary 2021].
- Johnson, Robert and Adam Cureton, "Kant's Moral Philosophy", *The Stanford Encyclopedia of Philosophy* (Spring 2021 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/spr2021/entries/kant-moral/>>.
- Thelatinlibrary.com. 2021. *Plautus: Asinaria*. [online] Available at: <<http://www.thelatinlibrary.com/plautus/asinaria.shtml>>
- Alfian Putra Abdi & Aulia Adam. "Kasus Bruder Angelo: Negara & Gereja Gagal Menghukum Pemerkosa Anak", *Tirto.id*, Tirto.id, 31 Aug. 2020, <https://tirto.id/kasus-bruder-angelo-negara-gereja-gagal-menghukum-pemerkosa-anak-f1Uk>
- Abdi, Alfian Putra, and Fahri Salam. "Kisah Anak Panti Asuhan Korban Pencabulan 'Bruder Angelo'", *Tirto.id*, Tirto.id, 31 Aug. 2020, www.tirto.id/kisah-anak-panti-asuhan-korban-pencabulan-bruder-angelo-f2xQ

- Pinandhita, Vidya. "2020 Kekerasan Pada Anak Tak Menurun." *Lokadata.ID*, Lokadata.id, 1 Oct. 2020, www.lokadata.id/artikel/2020-kekerasan-pada-anak-tak-menurun
- Harsono, Andreas. "Dispatches: Indonesia's Doctors Say 'No' to Chemical Castration." *Human Rights Watch*, 28 Oct. 2020, www.hrw.org/news/2016/06/14/dispatches-indonesias-doctors-say-no-chemical-castration
- English, John. "Chemical Castration in The United States: What You Need to Know!" *SexCrimeAttorneys.com*, 8 July 2019, www.sexcrimeattorneys.com/chemical-castration-in-the-united-states/.

Journal

- Cappell, Charles L., and Gresham Sykes. "Prison Commitments, Crime, and Unemployment: A Theoretical and Empirical Specification for the United States, 1933–1985." *Journal of Quantitative Criminology*, vol. 7, no. 2, 1991, pp. 155–199. *JSTOR*, www.jstor.org/stable/23365746. Accessed 8 Apr. 2021.
- Costello, B., 2021. *Hirschi, Travis: Social Control Theory*. [online] Sage Publications. Available at: https://study.sagepub.com/system/files/Hirschi%2C_Travis_-_Social_Control_Theory.pdf

Media Journal

- Madon, N., n.d. *Chapter 12: Social Control and Self-Control Theories*. [online] Children.gov.on.ca. Available at: http://www.children.gov.on.ca/htdocs/English/professionals/oyap/roots/volume5/cha/pter12_social_control.aspx#:~:text=Hirschi's%20social%20control%20theory%20asserts,or%20are%20not%20well%20established.>
- Law.jrank.org. 2021. *Crime Causation: Sociological Theories - Control Theory*. [online] Available at: <https://law.jrank.org/pages/816/Crime-Causation-Sociological-Theories-Control-theory.html#:~:text=Control%20theory%20goes%20on%20to,the%20major%20restraints%20to%20crime.>>