

## **JURIDICAL ANALYSIS OF THE HIGH CRIMINAL ACTIONS OF CHILD ABUSE CASES IN THE FRAMEWORK OF IMPLEMENTING JUSTICE IN INDONESIA AS A LEGAL COUNTRY (CASE STUDY IN ANAMBAS ISLANDS DISTRICT)**

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### **Abstract**

Obscenity is one of the sexual crimes resulting from changes that have occurred in the structure of our society. Sexual abuse is a type of crime that has a very bad impact, especially on the victims, because sexual abuse violates human rights and can damage human dignity, especially the soul, mind and offspring. The victims in these crimes are often children. The increase in criminal acts of sexual abuse committed by children occurred in Anambas Islands Regency in 2020 by 5 cases, then in 2021 there were 6 cases, in 2022 there were 7 cases, and in 2023 there was 1 case. The problems in this research are First; What is the legal regulation of criminal acts of sexual abuse against children in Indonesia?; Second: How is the implementation of the high level of criminal acts of sexual abuse against children in the context of upholding justice in Indonesia as a rule of law (case study in Anambas Islands Regency)?; Third: What factors are obstacles or obstacles and efforts to eradicate the high level of criminal acts of sexual abuse against children in the context of upholding justice in Indonesia as a rule of law? This research uses a descriptive method with normative and sociological research types using a normative approach (legal research) to obtain primary data through field research (research). The research results show that First; The legal regulation of criminal acts of sexual abuse against children in Indonesia is to impose a crime below a special minimum, the judge has deviated from the Child Protection Law which regulates the provisions for minimum sanctions that have been regulated for each special crime; Second; Implementation of the High Crime of Child Abuse Cases in the Context of Upholding Justice in Indonesia as a Rule of Law State (Case Study in Anambas Islands Regency); In accordance with the rules in Article 7 paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. that diversion can only be given to children who have committed a crime with a prison sentence of less than 7 (seven) years and is not a repetition of the crime. Meanwhile, in the case of sexual abuse, perpetrators of criminal acts are subject to imprisonment for a maximum of 15 (fifteen) years, therefore diversion cannot be applied to children who commit criminal acts of sexual abuse. Third: Factors that become Obstacles or Obstacles and Efforts in Eradicating the High Rate of Criminal Offenses Cases of Child Abuse in the Context of Upholding Justice in Indonesia as a State of Law are the presence of factors such as (1) Factors of Legal Rules and Legislation; (2) Factors of Law Enforcement Officials; (3) Supporting Facilities or Facilities Factors; (4) Community Factors; (5) Cultural Factors.

**Keywords:** *Crime, Obscenity, Children*

### **1. INTRODUCTION**

Indonesia is a country that upholds the law. Law is a power that regulates and compels and has strict sanctions for those who violate it. In essence, the purpose of creating law is to create harmony and peace in social life. However, in reality, various criminal acts still emerge in society. This shows that the objectives of the law have not been fully realized. In the context of social life, every person cannot escape from various reciprocal relationships and interrelated interests between one another which can be viewed from various aspects, for example from religious, ethical, socio-cultural, political, and also legal aspects. . Judging from the plurality of interests, it often gives rise

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to conflicts of interest, which ultimately give rise to what are called criminal acts. To protect these existing interests, rules and/or legal norms are created that must be obeyed. Against people who violate the rules of law and cause harm to other people, action will be taken in the form of compensation or fines, while for someone who has committed a criminal act, criminal sanctions will be imposed in the form of corporal punishment in the form of imprisonment, imprisonment and/or fines.

Changes in the legal sector are an urgent problem that needs to be addressed, considering the complexity of legal problems including the rise of crime/criminality which continues to occur along with developments in time, science and technology, the Indonesian government through agencies and/or agencies and enforcement apparatus. law (police, prosecutors and courts as well as correctional institutions) are expected to be able to carry out real and accountable law enforcement efforts in accordance with applicable legal regulations so that a safe and orderly social and national order can be achieved as much as possible. Effort is not a simple and fast process as imagined, because it is related to so many factors that influence it. The main problem related to law enforcement actually lies in the factors that influence it. These factors are as follows: (1) The legal factors themselves; (2) Law enforcement factors, namely the parties who form and implement the law; (3) Facilities or facility factors that support law enforcement; (4) Community factors, namely the environment in which the law applies or is implemented; (5) Cultural factors, namely as a result of work, creativity and feelings that are based on human intention in social life.

The lack of available jobs and the problem of demands for living needs (economics) in society have led to the emergence of various kinds of crimes/criminals. One of them is a crime of morality with violence. In various mass print and electronic media there has been a lot of news about the morals committed by the perpetrator by using violence or threats of violence to force a woman who was not his wife to have sex with him. In fact, the Criminal Code (KUHP) has stipulated provisions regarding criminal sanctions against perpetrators of violent sexual abuse, but in reality this crime still occurs in many places and is hidden in people's lives. It is not uncommon for these cases to escape the legal trap, some even stop at the level of investigation by the police or prosecutor's office so that they do not reach the court process. To realize the success of law enforcement in eradicating the rampant cases of violent sexual abuse, it is very necessary to strengthen serious cooperative coordination between the police, prosecutors and judges in court. The decisions of judges examining cases of violent sexual abuse in various courts vary. There were even cases of violent sexual abuse which were only sentenced to six months in prison. This can be justified because within the maximum and minimum limits (one day to twelve years) the judge is free to move to obtain the appropriate sentence. In implementing the criminal law administration system (Criminal Justice System), crime occupies a central position. This is because the criminal decision will have far-reaching consequences, especially if the criminal decision is deemed inappropriate, it will cause a "controversial" reaction, because the truth in this case is relative depending on where we look at it. .

This criminal issue is very complex and contains very deep meaning, both juridical and sociological. As is known, criminal acts are the actions of people, basically those who can commit criminal acts are humans (*natuurlijke personen*). The person's actions are the connecting point and basis for the award of punishment. It is not enough for a person to be punished if the person has committed an act that is contrary to the law or is against the law, however, for a punishment to

occur, the requirement is that the person who committed the act has a fault or is guilty (subjective guilt).

Criminal acts are actions that are prohibited by a legal rule, which prohibition is accompanied by threats or sanctions in the form of certain penalties. Criminal acts can also be said to be criminal acts, namely acts that are prohibited and threatened by a legal rule, as long as it is remembered that the prohibition is aimed at acts, namely a condition or an event caused by the behavior of the person who caused the incident. Events cannot be prohibited if the person causing them is not a person. Obscenity is one of the sexual crimes resulting from changes that have occurred in the structure of our society. Sexual abuse is a type of crime that has a very bad impact, especially on the victims, because sexual abuse violates human rights and can damage human dignity, especially the soul, mind and offspring. Cases of criminal acts of sexual immorality are currently common in Indonesia. The victims in these crimes are often children.

Basically, a person who has committed a criminal act can be subject to criminal witness if his actions fulfill the elements of a criminal act. The elements of a criminal act that must be fulfilled include, among others, an act that meets the formulation of the law and is against the law, carried out by a person or group of people who are deemed capable of being responsible. The crime of obscenity with violence is threatened in Article 285 of the Criminal Code which decides: "Anyone who uses violence or threats. "Violence forcing a woman to have sexual intercourse with him outside of marriage is punishable for committing immorality with a maximum penalty of twelve years."

Children are an infinite gift from God, the presence of a child is an invaluable joy for parents. Every parent must try their best to protect their child from all danger. However, in everyday life there are many dangers that threaten the security and safety of a child's life. Among the forms of religious threats is the widespread crime of sexual abuse/crimes against children, both in big cities and in rural areas. According to Juvenal, what is meant by a child is someone born from the relationship between a man and a woman. Meanwhile, what is defined as a child is someone who is still under age, immature and unmarried. Convention On The Rights Of Children(1989) which has been ratified by the Indonesian government through Presidential Decree Number 39 of 1990 states that a child is someone who is before 18 years of age. . The age limit for children as criminal victims is regulated in Article 1 point 1 of Law Number 23 of 2002 concerning Child Protection. A child is defined as someone who is not yet 18 (eighteen) years old, including children who are still in the womb. Meanwhile, in Article 1 paragraph (3) of Law no. 11 of 2012 concerning the Juvenile Criminal Justice System also explains that children in conflict with the law are children who are 12 (twelve) years old, but not yet 18 (eighteen) years old who are suspected of committing a criminal act<sup>17</sup>

The increase in criminal acts of sexual abuse committed by children occurred in Anambas Islands Regency in 2020 by 5 cases, then in 2021 there were 6 cases, in 2022 there were 7 cases, and in 2023 there was 1 case, thus giving rise to concern and restlessness among the community regarding the development and growth of children, looking at the many cases that have occurred, the author is trying to find the cause of the increase in the crime of child molestation in the Anambas Islands Regency, where is the fault, whether from within the child himself, the family environment, wrong relationships or factors such as formal and non-formal education. This is a social phenomenon that is very worrying for the future of children. Based on the background description above, the author is interested in conducting a juridical study of violations of the code of ethics committed by members of the National Police in the form of a thesis with the title:

"Judicial Analysis of the High Crime of Child Abuse Cases in the Context of Upholding Justice in Indonesia as a Rule of Law (Case Study in Islands Regency Anambas)".

## **2. RESEARCH METHODS**

### **2.1 Research Approach**

This research is descriptive analysis, namely research that attempts to describe the real facts and situations relating to the high level of criminal acts of sexual abuse against children in the context of upholding justice in Indonesia as a rule of law. The approach method used in this research is normative juridical and empirical, that this approach is carried out by studying and reviewing the legal rules that apply, especially with regard to the high level of criminal acts of sexual abuse against children in the context of upholding justice in Indonesia as a rule of law.

### **2.2 Data Sources and Data Collection Tools**

The data sources in this research are primary data and secondary data. Primary data comes from interviews at data sources obtained directly in the field, namely conducting interviews with police officers at the Anambas Police Station. Secondary data collection is carried out through library research by reviewing books, journals, research results, conventions and statutory regulations as well as through internet media regarding matters related to research problems. Primary data was obtained by conducting field research by interviewing members of the Anambas Police Department and respondents related to the object of this research.

### **2.3 Data analysis**

The data that has been obtained, both primary data from field research, and secondary data obtained from library research are generalized and then analyzed qualitatively. This data analysis is an effort to systematically search and organize data to increase the researcher's understanding of the problem being studied and present it as a research finding.

## **3. DISCUSSION AND ANALYSIS**

### **3.1 Legal Regulation of the Crime of Child Abuse in Indonesia**

- **The crime of child molestation is based on the Criminal Code**

The crime of child molestation under the Criminal Code is contained in Article 290 paragraphs (2) and (3), 292, 293 and 294 paragraphs (1) of the Criminal Code, namely:

- Article 290 of the Criminal Code

“Threatened with a maximum imprisonment of seven years:

- a) Any person who commits an obscene act with a person even though he knows or should reasonably suspect that the person is not yet fifteen years old or, if the age is not clear, the person concerned is not yet ready to get married;
- b) Any person who persuades a person whom he knows or should reasonably suspect is not yet fifteen years of age or if the age of the person concerned is not clear or if it is not yet the time for them to get married, to commit or allow obscene acts to be committed, or to have sexual intercourse outside of marriage with another person."



- Article 292 of the Criminal Code

"An adult who commits an obscene act with someone of the same sex, whom he knows or should reasonably suspect is not yet an adult, is threatened with imprisonment for a maximum of five years."

- Article 293 paragraph (1) of the Criminal Code

"Whoever, by giving or promising money or goods, abuses the bearer arising from a relationship of circumstances, or by deliberate misdirection induces a minor and of good behavior to commit or allow obscene acts to be committed with him, even though his minor is known or should reasonably be suspected. , is threatened with imprisonment for a maximum of five years."

- Article 294 paragraph (1) of the Criminal Code

"Anyone who commits an obscene act with his child, step-child, adopted child, child under his supervision, who is not yet an adult, or with a minor whose care, education or care is entrusted to him or with his servant or underling who is not yet an adult, is threatened with imprisonment a maximum of seven years in prison."

- **The crime of child molestation is based on the Law on Child Protection**

The Law on Child Protection emphasizes that the accountability of parents, families, communities, government and the state is a series of activities carried out continuously for the protection of children's rights. This series of activities must be sustainable and targeted to ensure children's growth and development, both physically, mentally, spiritually and socially. This action is intended to create the best life for children who are expected to become potential successors of the nation, who are strong, have nationalism imbued with noble morals and Pancasila values. Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop and participate optimally in accordance with human dignity, as well as receive protection from violence and discrimination. The aim to be achieved through this law is to ensure that children's rights are fulfilled and protected in order to create Indonesian children who are of high quality, have noble character and are prosperous. The criminal act of sexual abuse committed by an adult against a child is charged under Articles 76D and 76E of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, namely as follows; Article 76D, namely:

"Every person is prohibited from using violence or threats of violence to force a child to have sexual intercourse with him or with another person." Article 76E, namely "Everyone is prohibited from committing violence or threatening violence, forcing, committing deception, committing a series of lies, or persuading a child to commit or allow obscene acts to be committed." Parents whose children are victims of criminal acts of sexual abuse immediately receive medical assistance. Apart from that, this medical procedure is necessary to obtain a Visum et Repertum. The criminal procedure law explains that Visum et Repertum can be included as evidence (written) that an incident of sexual abuse has occurred against the victim. Visum et Repertum including one of the 5 (five) valid pieces of evidence regulated in Article 184 paragraph (1) in conjunction with Article 187 of the Criminal Procedure Code (KUHAP), namely documentary evidence. Regarding sexual abuse that occurs to children, the results of the Visum et Repertum from the doctor play an important role because this letter shows that it is really medically proven that the child experienced a criminal act of sexual abuse.

## **1.2 Implementation of the High Crime of Child Abuse Cases in the Context of Upholding Justice in Indonesia as a Rule of Law State (Case Study in Anambas Islands Regency)**

Criminal sanctions are a punishment for cause and effect, the cause is the case and the consequences are the law, someone affected by the consequences will receive sanctions, either going to prison or being subject to other punishment from the authorities. Criminal sanctions are a type of sanction in the nature of punishment that is threatened or imposed on acts or perpetrators of criminal acts or criminal acts that can disturb or endanger legal interests. Criminal sanctions are basically a guarantee to rehabilitate the behavior of the perpetrator of the crime, but it is not uncommon for criminal sanctions to be created from a threat to human freedom itself.

The use of the term criminal itself is interpreted as criminal sanctions. For the same meaning, other terms are also often used, namely punishment, punishment, punishment, imposition of sentence, punishment, and criminal punishment. In the "Black's Law Dictionary" it is said that a crime is any fine or punishment imposed on a person through the authority of a law and the verdict and decision of a court for a criminal act or violation committed by him, or because of his negligence in carrying out an obligation imposed by the rule of law. .

Thus, it can be concluded that criminal law contains the following elements and characteristics:

- a) Punishment is essentially an imposition of suffering or misery or other unpleasant consequences.
- b) The punishment is given intentionally by a person or body who has power (by the authority).
- c) This punishment is imposed on someone who has committed a criminal act according to the law.
- d) The crime is a statement of censure by the state against a person for breaking the law.

Based on the characteristics above, it can be interpreted that the meaning of criminal sanctions is the imposition of suffering on someone who is found guilty of committing a crime or criminal act through a series of judicial processes by authority or law. In the Criminal Code (KUHP) it is emphasized that a person can be held responsible for his actions because the person concerned has self-awareness and he also understands that the action is prohibited according to the applicable law.

Sanctions themselves are defined by the author as punishment that is received and must be carried out as responsibility for the actions committed. Here we discuss the sanctions and punishment that children must receive as perpetrators of criminal acts of sexual abuse. According to the author, the actions carried out by children are not only done to vent their desires, but there are other elements such as wanting to try because of their high curiosity, having seen it and so on. The application of criminal sanctions against perpetrators of criminal acts of sexual immorality is not only applied to adults, but is also applied to children who commit criminal acts of sexual immorality. The definition of children can be found in Law of the Republic of Indonesia Number 35 of 2014 concerning Child Protection (abbreviated as UUPA).

Article 1 point 1 of the Child Protection Law (UUPA) defines a child as someone who is not yet 18 (eighteen) years old, including those who are still in the womb. In the case of children as perpetrators of criminal acts of sexual abuse, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System is used. Children in conflict with the law are children who are 12 (twelve) years old, but not yet 18 (eighteen) years old who are suspected of committing a crime.

In the case of a child who commits a criminal act of sexual abuse by first seducing the victim, then this act violates Article 76E of the UUPA, which states: "Everyone is prohibited from committing violence or threatening violence, forcing, deceiving, committing a series of lies or persuading a child to commit or allow obscene acts to be committed."

The punishment for violating Article 76E of the UUPA, regulated in Article 82 of the UUPA is: (1) Every person who violates the provisions as intended in Article 76E shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine. a maximum of IDR 5,000,000,000 (five billion rupiah). (2) In the event that the criminal act as intended in paragraph (1) is committed by a parent, guardian, child caretaker, educator or educational staff, then the penalty is increased by 1/3 (one third) of the criminal threat as intended in paragraph (1).

Children who commit criminal acts will be held accountable if they reach 14 years of age. If the child is over 12 years old but not yet 14 years old then when committing a criminal offense the sanction imposed is only a maximum of 1/2 (half) of the adult prison sentence (Article 69 paragraph 2 of Law Number 11 of 2012 concerning the Criminal Justice System Child). This is in line with the term double track system in juvenile criminal law, which means that children who commit criminal acts can be subject to sanctions in the form of punishment or action. The types of criminal sanctions in the UUSPPA are regulated in Article 71 which consists of main penalties and additional penalties. The main punishment consists of:

- a) Warning penalty
- b) Sentencing with conditions (development outside the institution, community service or supervision)
- c) Work training
- d) Coaching in institutions, and
- e) Additional criminal imprisonment consists of: Confiscation of profits obtained from criminal acts and Fulfillment of customary obligations. Article 81 paragraph 2 UUSPPA confirms that the prison sentence imposed on children is a maximum of ½ (one half) of the maximum threat of imprisonment for adults.

Article 81 paragraph 6 UUSPPA emphasizes that if a criminal offense committed by a child is a criminal offense punishable by the death penalty or life imprisonment, the penalty imposed is a maximum imprisonment of 10 (ten) years. Meanwhile, in the Criminal Code (KUHP) it is emphasized that a person can be held accountable for his actions because the person concerned has self-awareness and he also understands that the action is prohibited according to the applicable law. In the case of criminal acts of sexual immorality committed by children, based on Article 82 paragraph (1) UUPA, there is no reason to abolish the crime if the child is capable of responsibility (physically and spiritually healthy).

The forms of sanctions imposed on children based on Article 82 paragraph 1 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System include:

- a) Return to parent/guardian
- b) Handing over to someone
- c) Treatment in a mental hospital
- d) Treatment at LPKS
- e) Obligation to attend formal education and/or training provided by the government or private bodies
- f) Revocation of driver's license and/or

- g) Repairing the consequences of criminal acts UUSPPA seeks to implement restorative justice through diversion in dealing with children in conflict with the law.

This is an effort to fulfill and protect the rights of Indonesian children as contained in the 1945 Constitution, the Convention on the Rights of the Child, the Human Rights Law and the Child Protection Law.

Accountability for minors, after Articles 45, 46 and 47 of the Criminal Code were revoked, the Criminal Code still does not clearly regulate the maturity of children. As a comparison, Article 45, Article 46 and Article 47 of the Criminal Code stipulate that minors who commit criminal acts:

- a) If a crime is committed by a child aged 9 years to 13 years, it is recommended that the judge return the child to his parents or guardian without being punished.
- b) If the crime is committed by a child aged 13 to 15 years and the crime is still at the level of an offense as regulated in articles 489, 490, 492, 496, 497, 503, 505, 514, 517, 519, 526, 531, 532, 536, and 540 of the Criminal Code, the judge can order that the perpetrator be handed over to the government or a private legal entity to be educated until he is 18 years old.

The judge imposes a sentence on the perpetrator, then the maximum main sentence is reduced by one third. If the crime carries the death penalty, he can be sentenced to a maximum of 15 years and the additional punishment as stated in Article 10 of the Criminal Code, letters b, numbers 1 and 3, is not imposed in Article 47 of the Criminal Code. Sudarto stated that in juvenile justice there are activities for examining and disposing of cases which are aimed at the interests of the child, namely that all activities carried out by the police, prosecutors, judges and other officials must be based on a principle, namely for the welfare of the child and the interests of the child.

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System seeks to implement restorative justice through diversion in dealing with children in conflict with the law. In the juvenile criminal justice system, diversion must be pursued starting from the level of investigation, prosecution and case examination at trial. The aim of pursuing diversion is contained in Article 6 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, namely:

- a) Achieve peace between victims and children
- b) Resolving children's cases outside the judicial process
- c) Prevent children from deprivation of liberty
- d) Encourage the public to participate
- e) Instill a sense of responsibility in children

To implement diversion for children in conflict with the law, there are conditions that must be met. This is regulated in Article 7 paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System which states that diversion can only be attempted for criminal acts that are punishable by imprisonment for less than 7 (seven) years and are not a repetition of a criminal act.

This condition is cumulative or both must be met, if one is not met then diversion cannot be implemented. In cases of criminal acts of sexual abuse committed by children who violate Article 76E of the UUPA, diversion cannot be attempted, because in this case violators of Article 76 of the UUPA are subject to a maximum imprisonment of 15 (fifteen) years and a maximum fine of IDR 5,000,000,000. ,- (five billion rupiah) (Article 82 paragraph (1) UUPA). Therefore, in cases of criminal acts of sexual abuse committed by children, the judge cannot give a decision in the form



of diversion, but in the form of action sanctions in accordance with Article 82 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

### **3.3 Factors that become Obstacles or Obstacles and Efforts in Eradicating the High Crime of Child Abuse Cases in the Context of Upholding Justice in Indonesia as a Rule of Law State**

#### **1. Obstacles or Obstacles in Overcoming the Crime of Child Abuse**

Crime as a social phenomenon is influenced by various aspects of life in society such as politics, economics, socio-culture and matters related to national defense and security efforts. The criminological perspective is dynamic and experiences shifts from social change and sustainable development. Pay attention to the criminological perspective on crime and its problems. So researchers explore the causes of crime by using law enforcement theory which explains all the causes of crime. Before discussing further the factors that cause immoral acts against children, the author will first present data regarding criminal acts of immoral acts that occurred in Batam City which were obtained through direct research in the field. In order to obtain data, the author conducted research at the Anambas Islands Police Station. From the data obtained, the author can find out the factors that cause immoral acts against children and the efforts made to overcome them. In reality, dealing with criminal acts of sexual abuse against children often encounters obstacles. This makes talking about children interesting to discuss, in an effort to protect the law against criminal acts of child abuse as victims. In this case, there are several important factors in law enforcement against criminal acts of child molestation, namely:

##### **a. Factors of Legal Rules and Legislation**

There are no obstacles to the legal rule factor in legal protection for children as victims of criminal acts of sexual abuse, because the legal rules given to children as victims have been specifically regulated in Law Number 35 of 2014, an amendment to Law Number 23 of 2002 concerning Child Protection. Meanwhile, criminal sanctions for criminal acts of sexual abuse against children have been amended in Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection.

##### **b. Factors of Law Enforcement Officials**

The law enforcement factor is still an obstacle, which can be seen from the way law enforcement officials provide criminal sanctions to perpetrators of criminal acts of sexual abuse against children in the name of the perpetrator Imam Wijaya who has been legally and convincingly proven guilty of committing a criminal act by deliberately inducing a child to have sexual intercourse with him, which The minimum criminal sentence of 5 (five) years should be imposed in Article 82 of the Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection, but there are law enforcement officials who only provide criminal sanctions. 4 (four) months and a fine of IDR 50,000,000.00 (fifty million rupiah) provided that if the fine is not paid it will be replaced by imprisonment for 1 (one) month in prison.

Based on this, the author concludes that law enforcement officers do not understand the implementation of new regulations, namely Law Number 35 of 2014, amendments to Law Number 23 of 2002 concerning Child Protection in conjunction with Government Regulations in Lieu of Law Number 1 of 2016 concerning Second Amendment to Law Number 23 of 2002 concerning Child Protection. If law enforcement officials understand the new regulations, it is impossible to still use the old regulations.

c. Supporting Facilities or Facilities Factors

One of the supporting facilities and facilities factors that is an obstacle is training facilities, namely the lack of training facilities available to provide the Police with an understanding of handling juvenile crimes, as well as knowledge about the law. According to the author, the lack of training facilities has resulted in the police appearing less prepared in handling child criminal cases. The author believes that one of the training tools that must be provided is training that includes strategies for approaching victims to reveal the occurrence of criminal acts of sexual abuse.

d. Community Factors

The inhibiting factor in law enforcement is the absence of community participation to monitor legal protection for children who are victims of criminal acts of sexual abuse. The law should come from the community and return to the community. The community should help in socializing legal protection for children who are victims of criminal acts of sexual abuse. The author believes that the lack of public awareness regarding legal protection for children is one of the factors inhibiting law enforcement, especially regarding the protection of victims of criminal acts of sexual abuse.

e. Cultural Factors

Culture is always diverse and changing. There are many cultures that tend to be negative resulting in criminal acts of sexual immorality, cultures that are often carried out by people that are not in accordance with legal regulations can give rise to new problems. Basically, culture has a very influential function in people's daily lives, because culture is one of the habits that society always develops. The author concludes that society does not pay attention to criminal acts of sexual immorality, the main factor being dating relationships. The inhibiting factors in the process of handling cases of criminal acts of sexual abuse against children that occur in the jurisdiction of the Anambas Islands Regency Police, namely:

- Summoning Witnesses

Usually the victim witnesses and their families feel embarrassed and consider this a disgrace, so they are not willing to come to undergo an examination at the police. Even though the witness was summoned by the Police Investigator with a valid summons with a clear reason to comply with the summons based on Article 112 paragraph (1) of the Criminal Procedure Code and he was obliged to appear based on Article 112 paragraph (2) of the Criminal Procedure Code.

- The victim's statement is not frank

Victims are usually embarrassed or afraid to tell what happened to them, so they do not provide honest information. This is because the victim feels embarrassed and is still traumatized and afraid, so he often gives false information. In fact, in this case the victim as a witness is obliged to provide true information based on Article 116 paragraph (2) of the Criminal Procedure Code.

- The perpetrator is complicated in providing information

To evade the crime committed, the perpetrator is usually convoluted/dishonest in providing information. Even though the perpetrator is always convoluted and dishonest with the intention of avoiding criminal responsibility, this still will not make law enforcement officials completely trust them. Because the statement from the perpetrator must be accompanied by other evidence based on Article 189 paragraph (4) of the Criminal Procedure Code.

- The victim's family still holds a grudge

The victim's family is trying to judge the perpetrator of the crime of child molestation themselves, because they have tarnished their child. The victim's family was not satisfied with the process of handling the case by law enforcement officials. It is imperative for the victim's family to be tolerant in responding to any criminal sanctions imposed by law enforcement. Because in the case of perpetrators of criminal acts, they must be treated humanely and free from torture. The efforts to overcome obstacles in the process of handling cases of criminal acts of sexual abuse against children in the jurisdiction of the Binjai Police are as follows:

a. Witness Pickup

The victim's witness statement is the main thing during the initial investigation at the police level to find clues, so that the case can be continued or not. If the witness's testimony is strong enough then the case can be continued. Picking up victim witnesses is a very effective measure because if the witness is reluctant to appear, the case examination process will become unclear because investigators lack guidance. If the witness cannot attend for obvious reasons, the investigator will go to the witness' residence to be questioned based on Article 113 of the Criminal Procedure Code.

b. Bringing a Companion for Child Victims

Because witnesses to child victims usually only remain silent and even cry when asked for information by the police, making it difficult for the police to find clues. The police asked his parents/guardians to be his companion due to his immature psychological and mental condition. This is in accordance with Article 23 paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

c. Make every effort to get the perpetrator to tell the truth

This is done to minimize the possibility that the perpetrator will fabricate his statement during the trial. These actions include bringing in witnesses against the defendant and, if necessary, bringing in experts. If it is felt that they are still dishonest, law enforcers will ask the perpetrator to prove their statement clearly with evidence

d. Explain to the victim's family that the case handling process has been carried out by law enforcement officials to the fullest extent

Law enforcement officials explained that the victim's family must be willing to accept the legal process that has been carried out and must be sincere with all decisions given. Explain to the victim's family that the case handling process has been carried out optimally by law enforcement officials. Notifying the maximum performance of the authorities to the victim's family has been proven to be able to minimize anarchic efforts by the victim's family to take actions that could harm the applicable legal process.

## 2. Anambas Islands Regency Police's Efforts to Tackle the Crime of Child Abuse

There are various terms known in the Police's efforts to overcome criminal acts, including penal policy, criminal policy, or strafrechtspolitik which is an effort to overcome criminal acts through rational criminal law enforcement, namely fulfilling a sense of justice and efficiency. In order to overcome criminal acts, there are various means as a reaction that can be given to perpetrators of criminal acts, in the form of criminal and non-criminal legal means which can be integrated with one another.

Police efforts need to always look at the interests of the community in carrying out their duties and authority. In general, police efforts can be carried out either through penal or non-penal

means. Penal means can be carried out by determining the commission of a criminal act and determining appropriate sanctions for the criminal act, then non-penal means can be carried out by providing prevention through social means to prevent the commission of the criminal act. There are three main things in dealing with criminal acts empirically, namely:

a. Pre-emptive

Pre-emptive efforts are initial efforts carried out by the Police to prevent criminal acts from occurring. The efforts made to prevent criminal acts pre-emptively instill good norms so that these norms are internalized within a person. Even though there is an opportunity to commit a criminal act, if there is no intention to do so, a criminal act will not occur.

b. Preventive

This preventive effort is a follow-up to pre-emptive efforts which are still at the level of prevention before a criminal act occurs. In preventive efforts, the emphasis is on eliminating opportunities for criminal acts to be committed.

c. Repressive

Repressive efforts are carried out when a criminal act has occurred in the form of law enforcement by imposing penalties. Repressive efforts are conceptual efforts to overcome criminal acts that are taken after a criminal act occurs.

Countermeasures with repressive efforts to take action against the perpetrators according to their actions and correct them again so that they are aware that the actions they have committed are unlawful and detrimental to society, so that they do not repeat them and other people will not do so considering that the sanctions they bear are very heavy. According to Barda Nawawi Arief, the implementation of criminal law politics must go through several policy stages, namely:

a. Hold the formulation

The formulation stage is the stage of enforcing criminal law in abstracto by the law-making body. In this stage, legislators carry out activities to select values that are appropriate to current and future circumstances and situations, then formulate them in the form of criminal legislation to achieve the best legislative results in the sense of fulfilling the requirements of justice and justice. usability. This stage is called the legislative policy stage

b. Application stage

The application stage is the stage of criminal law enforcement (the stage of applying criminal law) by law enforcement officials from the Police to the Courts. In this stage, law enforcement officials are tasked with enforcing and implementing criminal laws and regulations that have been made by law makers. In carrying out this task, law enforcement officials must adhere to the values of justice and efficiency. This stage can be called the judicial stage.

c. Execution stage

The execution stage is the stage of concrete enforcement (implementation) of the law by criminal implementing officers. In this stage, criminal implementing officials are tasked with enforcing criminal laws and regulations that have been made by legislators through the application of criminal penalties that have been determined in court decisions. The stages in the three stages of criminal law enforcement above are a law enforcement process that is complementary and interconnected with each other, where in carrying out the law enforcement process the values of justice must be upheld to achieve a goal for the continuity and legal order.



There are 2 (two) means for efforts to control or overcome crime, namely:

- Criminal policy with penal means

Penal means are crime prevention using criminal law in which there are two central problems, namely:

- a. What actions should be considered a criminal offense?
- b. What sanctions should be used or imposed on violators?

- Penal policy using non-penal means

The policy of preventing crime using non-penal means includes the use of social means to improve certain social conditions, but indirectly influences efforts to prevent crime. As explained above, a penal policy is a repressive policy after a criminal act has occurred by determining two central issues, namely what actions should be made into criminal acts and what sanctions should be used or imposed on the offender.

Meanwhile, non-penal policy is a policy that is more in the nature of preventing criminal acts or before a criminal act occurs by overcoming the factors of the crime. Tackling criminal acts does not only require a law enforcement policy, but there must also be value in it. Such as facing the crime of sexual immorality, which is an act that is inappropriate/disgraceful in society and violates religious values. In determining the criminal threat of a criminal act, it is also necessary to pay attention to the criteria, namely the actual aim of criminal law, the determination of whether an act is a criminal act or not, the comparison between means and results, and the ability of law enforcement agencies to enforce the law in society.

The Anambas Islands Regency Police's efforts to tackle criminal acts of sexual abuse against children are as follows:

- a. Pre-emptive efforts

Pre-emptive efforts are efforts to detect early conditions, prevention carried out early through educational activities with the target of influencing the factors that cause criminal acts of sexual abuse against children. This pre-emptive effort requires the role of intelligence to provide information. The Anambas Islands Regency Police are making efforts to tackle criminal acts of sexual abuse against children in a pre-emptive manner by approaching the community and implementing a pattern of appeals regarding good and educational values and morals to the community in order to eliminate the opportunity factors that encourage the emergence of criminal acts of sexual abuse. , thus creating conducive conditions in the community environment.

- b. Preventive efforts

The Anambas Islands Regency Police's efforts to tackle criminal acts of sexual abuse against children in a preventive manner, namely where the Anambas Islands Regency Police take preventive measures against these criminal acts. Preventive efforts are a continuation of pre-emptive efforts. invites the community to work together to protect children in their environment. Inviting the public to coordinate if they see a crime of decency against a child occurring, to immediately report it to the authorities, provide counseling and invite parents to pay more attention to their children.

The implementation of various preventive efforts is intended so that the public can directly assist the Anambas Islands Regency Police to prevent criminal acts of sexual abuse against children. It is hoped that this preventive effort can reduce the number of criminal acts of sexual abuse against children that occur in the jurisdiction of the Anambas Islands Regency Police.

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c. Repressive efforts

After carrying out preventive efforts to deal with criminal acts of sexual abuse against children, the Anambas Islands Regency Police took repressive measures if such criminal acts had occurred. Repressive actions can be carried out by law enforcement. In enforcing the law on criminal acts of sexual abuse against children, the Anambas Islands Regency Police refer to Law Number 35 of 2014 concerning Child Protection and Government Regulations in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection. This repressive effort aims to provide sanctions for perpetrators of criminal acts of sexual abuse against children.

The perpetrators who are suspected of committing criminal acts of molestation against children will be questioned and investigated to look for initial evidence which will then be carried out to determine the crime they committed. After obtaining a lot of evidence and witnesses, it can be forwarded to court and the judge will receive a decision. This repressive effort is an effort that is more in the nature of action/eradication after a criminal act of sexual abuse against a child has occurred. Based on the results of research at the Anambas Islands Regency Police, the repressive effort carried out was to arrest the perpetrators of criminal acts of sexual abuse against children. The process of enforcing criminal law, including criminal acts of sexual abuse against children, is carried out through a system consisting of four process stages, namely:

- a. Investigation/investigation stage;
- b. Prosecution stage;
- c. Punishment stage; And
- d. Implementation stage.

The problem of criminal acts of sexual abuse against children is a complex problem and requires cooperation, especially in handling cases and protecting victims to ensure that victims get their rights to protect the victim's personal security, confidentiality of personal identity, but due to the lack of cooperation from the government sector in carrying out their respective main tasks, so This results in victims not being able to experience maximum protection and this also results in law enforcement rights where the suspect/perpetrator ends up receiving a sentence that is not optimal according to his actions.

Law Enforcement of the Crime of Child Abuse by the Anambas Islands Regency Police  
The complexity of the problem of criminal acts of sexual abuse against children and the efforts that must be made to overcome these crimes. Of course there must be efforts from various parties to save the nation's children. The police as the front guard in law enforcement have quite a big responsibility to synergize the duties and authority of the police as regulated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia.

In accordance with its function in Article 2 of Law Number 2 of 2002 which contains:

"The function of the police is one of the functions of state government in the field of maintaining security and public order, law enforcement, protection, protection and service to the community."

The process for handling criminal cases involving child molestation as victims at the police level is:

1. Receiving a report from the victim and/or his family, the victim is placed in the Special Service Room (RPK);
2. Carrying out inspections;

3. Give contraceptive medication (if needed);
4. Establish collaboration with psychiatrists; And
5. Providing a safe house (shelter) for victims

Legal protection for children as victims of criminal acts of sexual abuse can be interpreted as an effort to legally protect various children's freedoms and human rights as well as various interests related to children's welfare. Article 89 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System explains that child victims and/or child witnesses are entitled to all protection and rights regulated in statutory provisions.

The legal protection carried out by the Anambas Islands Regency Police in handling cases of criminal acts of sexual abuse against children is as follows:

1. Keeping the victim's identity a secret. Regarding the secret of the victim's identity, the aim is to provide safety and comfort services for the victim's survival when they experience criminal acts of sexual abuse when a report has been made to the police. The obligation to keep the victim's identity confidential is regulated in Article 17 of Law Number 35 of 2014 concerning Child Protection.
2. There are rehabilitation efforts. Legislative regulations have stipulated that there is an obligation to carry out rehabilitation efforts, namely in Article 6 of Law Number 31 of 2014 concerning Protection of Witnesses and Victims, as well as Article 69A of Law Number 35 of 2014 concerning Child Protection .
3. Victims have the right to receive legal aid and other assistance. The state, government, community, family and parents have a duty to be responsible for providing protection and ensuring the fulfillment of children's rights in accordance with existing legal regulations, both written and unwritten.
4. Providing protection and assistance during the prosecution investigation process until the trial process. Investigations, prosecutions, until the trial process must be accompanied, because we never know if there are elements at play and there are overlapping existing processes and there is inconsistent application of the law. in accordance. There may even be a termination of investigations or prosecutions by law enforcement officials for no fundamental reason.
5. Obtain information regarding the progress of the trial and always monitor developments and situations in the area where the victim lives. Information is always needed, especially for victims, information is one way for them to find out what developments are taking place. With information, victims can find out the progress and situation of the trial they are currently undergoing. This must always be monitored, whether the victim asks the police or law enforcement officers who actively provide information to the victim.

The most important thing in legal protection for victims of criminal acts of sexual abuse against children is to think about the future because victim protection should not only be carried out until the verdict is finalized but must continue until the child is truly fit for life again and can live and develop in accordance with what the child must accept. Regarding children's rights that can be related to the protection of children who are victims of criminal acts of sexual abuse, they can be described as follows:

1. Convention on Children's Rights with Presidential Decree Number 36 of 1996, as the implementation of children's rights contained in the convention is based on 4 (four) basic principles, namely:

- a. Non-discrimination principle;
  - b. The best interests of the child (best interest of the child);
  - c. Principles of the right to life, continuity and development (the rights to life, survival and development);
  - d. Maintenance of the child's opinion (respect for the view of the child).
2. Constitution of 1945

In general, the 1945 Constitution clearly regulates legal protection for minors, which the state should provide for full survival against discrimination and even sexual violence against children. This is stated in Article 28B Paragraph (2) of the 1945 Constitution.

3. Law Number 8 of 1981 concerning the Criminal Procedure Code. In the Criminal Procedure Code regarding the protection of the rights of witnesses (victims), these include:
- a. The right to file a report or complaint;
  - b. The right to provide information freely without pressure;
  - c. The right to a translator or spokesperson;
  - d. The right to be free from ensnaring questions; And
  - e. Right to Obtain Compensation.

4. Criminal Code (KUHP)

This legal protection is stated in Article 290 of the Criminal Code.

5. Law Number 4 of 1979 concerning Child Welfare

There are several children's rights in Law Number 4 of 1979 concerning Child Welfare which can be linked to legal protection for children who are victims of criminal acts of sexual abuse, namely:

- a. The right to receive treatment, care and guidance;
- b. The right to protection of the environment.

6. Law Number 31 of 2014 regarding amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims

Legal protection for victims of criminal acts of sexual abuse in Law Number 31 of 2014 concerning Protection of Witnesses and Victims can be linked to the rights of witnesses and victims regulated in Article 5 of Law Number 31 of 2014 Amendment to Law Number 13 of 2006 concerning Witness and Victim Protection.

7. Law Number 35 of 2014 regarding amendments to Law Number 23 of 2002 concerning Child Protection. The child protection principles stated in the law in question are:

- a. Children cannot fend for themselves;
- b. The best interests of the child; And
- c. Life cycle threats (life circle approach).

#### 4. CONCLUSION

1. The legal regulation of criminal acts of sexual abuse against children in Indonesia has been implemented well. In imposing a sentence below the special minimum, the judge has deviated from the Child Protection Law which regulates the provisions for minimum sanctions that have been regulated for each special crime. Apart from that, the Criminal Code only determines limits in the form of general minimums and general maximums. In determining the general pattern of criminal imposition, the lowest penalty applicable to each criminal act is determined, namely imprisonment as regulated in Article 12 paragraph (2) of



the Criminal Code which states that the general minimum provision for imprisonment is 1 (one) day and imprisonment is regulated in Article 18 paragraph (1) of the Criminal Code is a minimum imprisonment of at least 1 (one) day. Both are generally applicable. Meanwhile, the maximum provisions vary in each article. The general maximum provision for imprisonment is 15 (fifteen) years consecutively and can be imposed 20 years in prison for crimes which carry a criminal penalty. The judge may choose between the death penalty, life imprisonment and for a certain period of time between life imprisonment and imprisonment. during a certain time, as well as this 15 (fifteen) year limit, this can be exceeded due to additional penalties due to concurrent, repetition, or because of Article 52 of the Criminal Code.

2. Implementation of the High Crime of Child Abuse Cases in the Context of Upholding Justice in Indonesia as a Rule of Law State (Case Study in Anambas Islands Regency).

The crime of sexual abuse against children is a very complex problem compared to crimes committed by adults. This is because children are potential future generations of the nation. If since childhood they have been pestered by things that damage their mentality, then what will they become when they grow up? Therefore, to protect the rights of Indonesian children, the government enacted the Child Protection Law (UUPA) and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. so that the rights of Children in Conflict with the Law can remain protected. If a child commits a criminal act of sexual abuse, diversion cannot be attempted. In accordance with the rules in Article 7 paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. that diversion can only be given to children who have committed a crime with a prison sentence of less than 7 (seven) years and is not a repetition of the crime. Meanwhile, in the case of sexual abuse, the perpetrator of the crime is subject to a maximum prison sentence of 15 (fifteen) years, therefore diversion cannot be applied to children who commit the crime of sexual abuse.

3. Factors that become Obstacles or Obstacles and Efforts in Eradicating the High Crime of Child Abuse Cases in the Context of Upholding Justice in Indonesia as a Rule of Law state show the existence of factors such as (1) Factors of Legal Rules and Legislation; (2) Factors of Law Enforcement Officials; (3) Supporting Facilities or Facilities Factors; (4) Community Factors; (5) Cultural Factors.

To overcome the crime of sexual immorality in Anambas Regency, self-awareness, emotional control, the practice of fasting, praying diligently, joining organizations and other actions are needed. Parents have an important role in protecting children from immoral crimes by providing attention, educating and motivating children so that they do not become victims.

Efforts to overcome immoral crimes against children in Anambas Regency include pre-emptive action, preventive action and repressive action. Apart from that, it is also important to prioritize moral values, religious norms, ethics, and direct individuals to obey the laws and regulations that apply in Indonesia.

## 5. SUGGESTION

1. The people of the Anambas Islands are expected to improve their mentality, morality, as well as faith and devotion which aims to have strong self-control so that they are not easily tempted to do something that is not good, and also to prevent bad thoughts and intentions in their hearts and minds.

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2. It is hoped that the Anambas Islands Government can eradicate films or reading material that contain pornographic elements because pornography is one of the causes of criminal acts of sexual immorality. It is hoped that this action can prevent or reduce the occurrence of immoral crimes against minors. It is hoped that the Anambas Islands Police will be able to provide legal protection for victims by providing psychiatric assistance to protect their mental health from feeling trauma caused by this immoral crime.
3. There needs to be socialization from investigators regarding the existence of free legal aid facilities (prodeo) and application procedures for children and people who come from underprivileged families. Anambas Islands Police investigators can also collaborate with universities in the Riau Islands which have Legal Aid Institutions, apart from being able to help underprivileged people to access legal aid rights, this collaboration can also be used as a place for lecturers to carry out community service, and students Law faculties can develop empirical legal knowledge and experience regarding the resolution of legal cases with guidance from lecturers.

#### REFERENCES

- Achmad Ali, *Revealing Legal Theory and Judicial Theory*, Prenada Media Group, Jakarta, 2012
- Ahmad AK Muda, *Complete Indonesian Dictionary*, Reality Publishers, Jakarta, 2016
- Andi Hamzah, *Indonesia's Criminal and Sentencing System from retribution to reform*. Pradnya Paramita, 2015
- Bambang Sutiyoso, *Legal Discovery Method*, UII Press, Yogyakarta, 2016
- Carl Joachim Friedrich, *Historical Perspective Legal Philosophy*, Bandung: Nuansa and Nusamedia, 2014
- Darsono P, *Karl Marx Political Economy and Revolutionary Action*, Diadit Media, Jakarta, 2016
- Darji Darmodiharjo & Shidarta, *Principles of Legal Philosophy, What and How is Indonesian Legal Philosophy*, PT Gramedia Pustaka Utama, Jakarta, 2015
- Darsono P, *Karl Marx Political Economy and Revolutionary Action*, Diadit Media, Jakarta, 2016
- Hans Kelsen, *General Theory of Law and State*, translated by Rasisul Muttaqien, Bandung, Nusa Media, 2012
- John Rawls, *A Theory of Justice*, London: Oxford University press, 1973, which has been translated into Indonesian by Uzair Fauzan and Heru Prasetyo, *Theory of Justice*, Yogyakarta: Student Library, 2016
- LJ van Apeldoorn, *introduction to legal science*, PT Pradnya Paramita, Jakarta, 2018
- The Mix Legal System is a combination of several legal systems which can be seen in its implementation enforcing legislation (Continental Europe), Customary Law, Islamic Law (Muslim Law System), and Jurisprudence (Common Law)
- Romli Atmasasmita, *Integrative Legal Theory Reconstruction of Developmental Legal Theory and Progressive Legal Theory*, Yogyakarta: Genta Publishing, 2012
- R. Soeroso, *Introduction to Legal Studies*, Jakarta: Sinar Graphics, 2019
- Shidarta, *Characteristics of legal reasoning in the Indonesian context, Legal reasoning in the context of Indonesia*. Bandung: CV Utomo, 2016

F. Budi Hardiman, *Public Space: Tracking "Democratic Participation" from Polis to Cyberspace*, Yogyakarta: Kanisius Publishers, 2019

Sudikno Mertokusumo, *Legal Discovery An Introduction*, Yogyakarta, Liberty, 2018

\_\_\_\_\_ and A. Pitlo, *Chapters on Legal Discovery*, Bandung, Citra Aditya Bakti, 2013

\_\_\_\_\_. *Legal Discovery Methods*, Jakarta, Reality Publishers, 2017

Sugiyono. *Quantitative Qualitative Research Methods And R&D*. Bandung: Alfabeta, 2012

Wirjono Prodjodikoro, *Principles of Criminal Law in Indonesia*, Bandung; PT. Refika Aditama, 2018

1945 Constitution of the Republic of Indonesia

Law Number 4 of 1979 concerning Child Welfare

Law Number 23 of 2002 concerning Child Protection

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System

Criminal Code (KUHP)

Criminal Procedure Code (KUHAP)]

Government Regulation Number 70 of 2020 concerning Procedures for Implementing Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence Against Children

[https://id.wikipedia.org/wiki/perlindungan\\_Hukum](https://id.wikipedia.org/wiki/perlindungan_Hukum),

<http://kbbi.web.id/case>,

<http://www.pengertianpakar.com/2015/03/pengertian-praperadilan.html#>,