

Law Enforcement Against Children As A Criminal Act Of Sexual Harassment (Case Study of Decision Number 7/Pid.Sus-Anak/2020/PN.Srg)

Cici Aputri

Faculty of Social Sciences, Political Science and Law University Serang Raya
Jl. Raya Cilegon Km 5, Taman Drangong, Kec. Taktakan, Serang City, Banten
E-mail: ciciaputri30@gmail.com

Hasuri

Faculty of Social Sciences, Political Science and Law University Serang Raya
Jl. Raya Cilegon Km 5, Taman Drangong, Kec. Taktakan, Serang City, Banten
E-mail: majalah.assaadah@gmail.com

DOI: <http://dx.doi.org/10.51825/nhk.v4i2.12474>

Info Artikel

| **Submitted:** 11 August 2021

| **Revised:** 13 December 2021

| **Accepted:** 15 December 2021

How to cite: Cici Aputri, Hasuri, Rokilah, "Law Enforcement Against Children As A Criminal Act Of Sexual Harassment (Case Study of Decision Number 7/Pid.Sus-Anak/2020/PN.Srg)", *Nurani Hukum : Jurnal Ilmu Hukum*, Vol. 4 No. 2, (December, 2021)", P. 83-92.

ABSTRACT

Adolescence a child experiences the development of psychosexuality and emotionality that can affect a child's behavior. The developmental process experienced by adolescents can cause various kinds of problems for adolescents themselves from people who are close to their environment. Actions limited to juvenile delinquency that eventually lead to criminal acts require serious legal handling that provides protection of children's rights in the criminal justice process. Sexual abuse by children is a big problem that really needs special attention from the government. perpetrators of sexual harassment itself can occur in adults and children. The purpose of providing legal protection for perpetrators of criminal acts is to respect the rights of the perpetrators so that their fate is not hanging, there is legal certainty for perpetrators and to avoid arbitrary and unfair treatment. This study aims to determine the factors that cause the crime of sexual abuse among children in Cilegon City, to find out and to find out the judge's decision in law enforcement against children as perpetrators of sexual abuse among children in Cilegon City. The approach used in this study is a qualitative approach.

Keywords: *Legal Protection of Children, Sexual Harassment, Perpetrators*

ABSTRAK

Masa remaja seorang anak mengalami perkembangan psikoseksualitas dan emosionalitas yang dapat mempengaruhi tingkah laku seorang anak. Proses perkembangan yang dialami remaja dapat menimbulkan berbagai macam permasalahan bagi remaja sendiri dari orang-orang yang berada dekat dengan lingkungannya. Perbuatan sebatas kenakalan remaja hingga akhirnya menjurus pada perbuatan kriminal ini membutuhkan penanganan hukum secara serius yang memberikan perlindungan hak-hak anak dalam proses peradilan pidana. Pelecehan seksual yang dilakukan oleh anak merupakan suatu masalah besar yang sangat memerlukan perhatian khusus dari pemerintah. pelaku pelecehan seksual itu sendiri bisa terjadi pada orang dewasa maupun anak-anak. Tujuan diberikannya perlindungan hukum bagi pelaku tindak pidana adalah untuk menghormati hak asasi si pelaku agar nasibnya tidak terkatung-katung, adanya kepastian hukum bagi pelaku serta menghindari perlakuan sewenang-wenang dan tidak wajar. Penelitian ini bertujuan untuk mengetahui faktor-faktor yang menyebabkan tindak pidana pelecehan seksual sesama anak di Kota Cilegon, untuk mengetahui dan Untuk mengetahui putusan hakim dalam penegakan hukum terhadap anak sebagai pelaku tindak pidana pelecehan seksual sesama anak di Kota Cilegon. Pendekatan yang digunakan dalam penelitian ini adalah Pendekatan Kualitatif.

Kata Kunci: *Perlindungan hukum Anak, Pelecehan Seksual, Pelaku.*

Introduction

Children are the greatest gift given by the Creator to his trusted living creatures. Children are a deposit and a mandate from the Creator, therefore every human being who is in pairs and has been given offspring is of course very grateful and very very caring for the deposit, therefore he does not want anyone or anything that will hurt his child.¹

One of the crimes that often appear in people's lives is about crimes of decency or criminal acts of decency, such as sexual intercourse, rape, obscenity and others which are very disturbing and detrimental to society, especially for women and the elderly. Every crime is against morality, morality is rooted, in a social sense and more deeply embedded than anything else. decency is one of the rules of association, ironically this crime of decency does not only afflict adult women, but also afflicts minors and is also carried out by children who also need legal protection of children's rights.

The crime of sexual abuse committed by children against children is regulated in Law Number 3 of 1997 concerning Juvenile Courts². Article 1 paragraph (2) of this Law states that a naughty child is a child who commits a criminal act or a child who commits an act that is declared prohibited for a child, according to the laws and regulations as well as according to the applicable legal regulations in the community concerned.

Adolescence a child experiences the development of psychosexuality and emotionality that can affect a child's behavior. The developmental process experienced by adolescents can cause various kinds of problems for adolescents themselves from people who are close to their environment.

The problem faced by teenagers for their environment is sexual activity which seems to lead to negative things. This is said

to be negative because teenagers behave and behave in deviant ways. This can be evidenced by the existence of various kinds of wrong behavior, which is usually triggered by the occurrence of sexual crimes by children, namely the influence of an unfavorable environment, pornographic reading, pornographic images, pornographic films and VCDs that are widely used in the community. These factors can cause stimulation and influence for those who read and see it, as a result there are many sexual deviations, especially by teenagers.³

Nowadays, sexual abuse is very common among children. Based on the records of the Indonesian Child Protection Commission (KPAI) which states that the number of victims of sexual abuse against children is increasing every year.⁴ These problems are often found in the association of teenagers who are no longer different in urban areas and have even penetrated into rural areas today. Actions limited to juvenile delinquency that eventually lead to criminal acts require serious legal handling that provides protection of children's rights in the criminal justice process. Sexual harassment committed by children is a big problem that really needs special attention from the government because things like this are related to the morality of the nation's successors, in this case the court as an agency that handles legal issues needs to pay attention to cases related with children, especially in cases of sexual abuse.

This has an impact on the victim either directly or physically or indirectly, such as through social media for a teenager is a mental disorder. Teenagers will experience mental trauma when interacting with strangers they meet for a longer time will cause depression and mental disorders.

The process of juvenile criminal justice and adult criminal justice is very different, considering the characteristics and

¹ Faried. Femmy Silawasty, "Optimalisasi Perlindungan Anak Melalui Penetapan Hukuman Kebiri," *Jurnal Serambi* 11, no. 1 (2017): 41.

² "Law Number 3 of 1997 concerning Juvenile Court" (n.d.).

³ Luh Putu Suryani Desi Nellyda, I Nyoman Sujana, "Perlindungan Hukum Terhadap Anak Sebagai Pelaku Pelecehan Seksual Menurut UU No 35 Tahun 2014," *Jurnal Prefensi Hukum* 1, no. 2 (2020): 63.

⁴ Davit Setyawan, "KPAI: Pelecehan Seksual pada Anak Meningkatkan 100%," <https://www.kpai.go.id/>, 2016, <https://www.kpai.go.id/publikasi/kpai-pelecehan-seksual-pada-anak-meningkat-100>.

characteristics of children. Children involved in criminal acts who are facing and undergoing a judicial process must be remembered that a child has special characteristics and characteristics so that the handling of children in the legal process requires special approaches, services, treatment, care and protection. Legal protection for children in conflict with the law must prioritize the development and restoration of their rights without being subject to excessive punishment, so that children still have hope to look to their future without having to be hampered by the suffering of their past traumas that have experienced excessive legal action in the community Court.

The purpose of providing legal protection for perpetrators of criminal acts is to respect the rights of the perpetrators so that their fate is not hanging, there is legal certainty for perpetrators and to avoid arbitrary and unfair treatment. Therefore, there is a need for legal guarantees for child protection activities. Legal certainty needs to be sought for the continuity of child protection activities and to prevent abuses that have undesirable negative consequences in the implementation of child protection activities.

Based on the explanation above, what motivated the author to discuss this is that the author took the data file at the Cilegon District Attorney but the decision was at the Serang District Court, because in Cilegon City there was no District Court, and also until now the court's decision still prioritizes imprisonment even though this is related to children. who are underage.

One of the cases of criminal acts committed by minors (15 years) in the case of criminal acts of harassment is a high school student in Cilegon City, Warnasari Village, Citangkil District, where the victim is a 16 (sixteen) year old girl. The criminal act committed is forcing a child to commit a criminal act of sexual harassment.

This case was sentenced by the Serang District Court judge who stated that the defendant was legally proven to have violated Article 81 paragraph (2) of Law Number 35 of 2014 concerning Child

Protection.⁵ and convincing guilt in committing a criminal act of abuse, namely by deliberately forcing children to commit acts of sexual harassment. The judge sentenced him to 2 (two) years and 6 (months) imprisonment at the Class I Tangerang Special Child Development Institute (LPKA) and Job Training for 3 (three) months. and pay the court fees charged to the child perpetrators of Rp. 2,000 (two thousand rupiah).

Methods

In this research, the writer uses normative legal research method. This method is defined as research on the rules of law, both in terms of the hierarchy of legislation and the harmonious relationship of legislation⁶ This study begins by analyzing the decision of the case Number 7/Pid.Sus-Anak/2020/PN.Srg. and analyze judges' considerations in deciding cases of sexual abuse committed by children. To complete the data from the results of research that is library research, field research is needed, namely by interviewing investigators from the Cilegon Police, prosecutors from the Cilegon Prosecutor's Office and judges from the Serang District Court.

This study uses a qualitative method, which is carried out to explain and analyze phenomena, events, social dynamics. qualitative research results are to understand meaning, understand uniqueness, construct phenomena and find hypotheses.⁷ The main data collection tools are by conducting interviews and reviewing the decision files. The data collected is in the form of words, pictures and not numbers.

The legal sources used in this study are primary legal materials, secondary legal materials and tertiary

⁵ "Law number 35 of 2014 concerning Child Protection" (n.d.).

⁶ Elisabeth Nurhaini Butarbutar, *Metode Penelitian Hukum* (Bandung: PT Refika Aditama, 2018).

⁷ Sugiyono, *Metode Penelitian Kualitatif* (Bandung: Alfabeta, 2020). P. 9.

legal materials⁸. Primary legal materials are in the form of subject opinions (respondents), secondary legal materials in the form of laws and regulations, including Law Number 11 of 2012 concerning the Juvenile Criminal Justice System⁹, Law Number 35 of 2014 concerning Child Protection and books related to the theme. And tertiary legal materials in the form of the Big Indonesian Language Dictionary (KBBI), Legal Dictionary, Encyclopedia and so on.

Results and Discussion

1. Factors that lead to criminal acts of sexual harassment

This sexual deviation can not be separated from the factors that influence it, including:¹⁰

- a. Psychological factors, are one of the factors in relation to the psychological state of a person who can feel happy or not, which can be caused by the background of the sufferer having experienced sexual harassment in his childhood.
- b. Sociocultural factors (social and cultural), can also affect a person's behavior. The progress of science and technology is increasingly rapid, various kinds of entertainment are presented such as entertainment in cyberspace or what is known as the internet, which contains various types of information both from within and outside the country, ranging from positive information to negative information. inside it. One

of them is inappropriate pornographic sites shown can now be enjoyed by everyone.

- c. Education and family factors. Education in the family is useful for shaping one's personality. In a sense, that the foundation stone for the formation of personality is education. In this case, the exemplary factor and habituation by the family are the determining factors in laying the foundation of the child's personality. Because the attitudes and actions of parents are imitated and then they are used to become patterns of behavior. In this case, pedophilic behavior can be caused by a lack of love or attention from parents during childhood.
- d. Physiological (biological) factors are also very important in determining physically healthy behavior, being sick continuously will interfere with a person's mental condition, one of which includes the biological need to fulfill his high sexual desire. While the victims of pedophilic behavior are children, because for them children are the right object, innocent and easily deceived with little persuasion in the form of gifts they like, children will want do whatever they want.

According to the results of the study, there are several factors regarding The causes of the perpetrators to commit the crime of sexual abuse by children in the city of Cilegon include the following:

a. Family Factor

The lack of guidance from parents such as the lack of parental firmness to limit the child, ignore the child, allow the child to freely use the cellphone then with the internet they can search or browse or watch adult films.¹¹ lack of ethical and moral education from home, lack of religious education from home, lack of attention from parents. Many parents are

⁸ Palmawati Tahir., Muhamad Muslih., dan Rani Sri Agustina, "MUI HALAL CERTIFICATION ON MILKFISH SATAY AS AN EFFORT TO SUPPORT NATIONAL FOOD SECURITY," *LEGAL STANDING JURNAL ILMU HUKUM* 4, no. 1 (2020): 233-46, <https://doi.org/http://dx.doi.org/10.24269/ls.v4i1.2670>.

⁹ "Law number 11 of 2012 concerning the Juvenile Criminal Justice System" (n.d.).

¹⁰ Yatimin, *Etika Seksual dan Penyimpangan Dalam Islam* (Pekanbaru: Amzah, 2003). P. 84-88.

¹¹ "Interview with Attorney M. Ikbal Hadjarati S.H., M.H.," n.d.

wrong in applying attention, in the sense of devoting a form of attention only in material form. Like giving enough money, providing enough needs, enough food but many forget that nowadays the real form of attention is a form of attention in the form of affection. Pay attention, invite communication.¹²

b. Educational Factor

Lack of understanding of higher education for sexual crimes in the environment providing education and other knowledge to their children such as education about religion, knowledge about which body members should not touch or other terms Sex Education.

c. Environmental Factors

Environmental factors greatly affect the development of children, especially entering adolescence. Must be good at choosing friends, especially in the world of education, namely at school. Especially in a social environment such as social media, because nowadays it is easy to access the internet and this can be a negative thing for children. Many children face temptations on social media, especially sexual activity which is now increasingly accessible everywhere. To tackle the crime of sexual harassment committed by children in the city of Cilegon, the Women and Children Service (PPA) of the Cilegon Police and the Cilegon District Attorney made various efforts, including:

- 1) Cooperating with child care institutions, such as P3KC (Cilegon Service and Protection Center), dp3akb (Women's Empowerment Service, Child Protection, Population and Family Planning).¹³
- 2) Coordinate with relevant government agencies that care for children. To continue to carry out

socialization, environmental monitoring, school observers, etc. because that is part of their job.

- 3) Providing counseling to the community, namely conducting counseling to schools, the surrounding community environment such as community leaders, village heads so that they can socialize their families by providing knowledge and providing descriptions of the impact in the event of immoral acts related to child crimes. and broadcasting on the radio of the Republic of Indonesia Serang through the Prosecutor Greet Program, scheduled to broadcast once a month.¹⁴

2. Judge's Decision in Law Enforcement Against Children as perpetrators of Sexual Harassment

Law enforcement against children as perpetrators of criminal acts

sexual abuse among children, namely by referring to the Child Criminal Justice System Act number 11 of 2012 concerning the Juvenile Criminal Justice System.

The forms of law enforcement against the criminal act of sexual abuse of children in the Criminal Code (KUHP) and the Child Protection Law Number 35 of 2014 have explained that the criminal act of sexual abuse against minors is a crime of decency which for perpetrators should be given the appropriate punishment. The purpose and objective is to impose punishment on the perpetrators to reduce and prevent violations of the law from sexual crimes against children.¹⁵

Cases of sexual harassment committed by children in Cilegon City are stable, in the sense that they do not increase because every month there are 4-

¹² "Interview with Attorney Wandy Batubara EP, S.H., M.H.," n.d.

¹³ "Interview with IPTU Desy Wulandari, S.H at Cilegon Resort Police," n.d.

¹⁴ "Interview with Attorney Wandy Batubara EP, S.H., M.H."

¹⁵ "Wawancara dengan Jaksa Rully Nasrulloh S.H., M.H.," n.d.

7 cases of child sexual abuse reported to the Cilegon Resort Police per month. According to data from the Cilegon Resort Police, there were 37 cases of child sexual abuse in Cilegon City in 2020, while in 2021 from January to August there were 32 cases.

The following is the biodata of the Sexual Harassment Case on behalf of Muhammad Ilham Akbar bin (late) Pracoyo Heru Kusumo and Satrio Tabah Saputra Als Rio bin Muhammad Abral on decision Number 7/Pid.Sus-Anak/2020/PN.Srg "The child of perpetrator 1 is full name Muhammad Ilham Akbar bin (late) Pracoyo Heru Kusumo, born in Cilegon on January 7, 2005, male, Muslim, Indonesian citizen, work as a student having his address at Komplek TWI FWA jl. Cempaka No. 18 rt. 004 RW. 005 Warnasari Village, Citangkil District, Cilegon City. And the child of Perpetrator II named Satrio Tabah Saputra Als Rio bin Muhammad Abral, born in Cilegon on August 10, 2004, male, Muslim, Indonesian citizen, work as a Student having his address at Komplek TWI FWA 157 No. 19 rt. 004 RW. 007 Warnasari Village, Citangkil District, Cilegon City.

The prosecution (Requisitoir) of the public prosecutor against the Children of Perpetrators I and II on behalf of Muhammad Ilham Akbar bin (late) Pracoyo Heru Kusumo and Satrio Tabah Saputra Als Rio bin Muhammad Abral on decision Number 7/Pid.Sus-Anak/2020/PN.Srg Ria Ramadhayanti SH, M.Kn (First Public Prosecutor) and Wandy Batubara EP SH, MH (Second Public Prosecutor) filed a claim against the child perpetrators, namely by using an alternative indictment, with the first indictment "that the children of perpetrators I and II have deliberately tricked , a series of lies, or persuading a child to have sexual intercourse with him or with another person and is subject to criminal sanctions in Article 81 paragraph 2 of Law no. 17 of 2016

concerning Stipulation of Government Regulation Law no. 1 of 2016 concerning the second amendment to Law no. 23 of 2002 concerning Child Protection became Law no. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection Jo. Article 55 Paragraph 1 of the Criminal Code". The second indictment "that the children of perpetrators I and II are prohibited from committing violence or threats of violence, coercing, intentionally committing tricks, a series of lies, or persuading the child to have sexual intercourse with him or with other people and are threatened with imprisonment in Article 82 Paragraph 1 of Law no. 17 of 2016 concerning Stipulation of Government Regulation in Lieu of Law No. 1 of 2016 concerning the Second Amendment to Law no. 23 of 2002 concerning Child Protection into Law no. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection Jo. Article 55 Paragraph 1 of the 1st Criminal Code."

In Decision Number 7/Pid.Sus-Anak/2020/PN.Srg, the Judge considered that what is meant by the element of everyone is every person as a legal subject who can commit a criminal act and the act can be legally accounted for, the public prosecutor at trial has proposed the son of perpetrator I Muhammad Ilham Akbar bin (late) Pracoyo Heru Kusumo and the son of perpetrator II Satrio Tabah Saputra als Rio bin Muhammad Abral, where after having their full identity checked it turned out to be in accordance with the identity on the indictment and other documents in the case file and the child the perpetrator is physically and mentally healthy so that the actions of the perpetrator's child can be legally accounted for, so that the first element of "everyone" has been legally fulfilled.

The Panel of Judges considered that the element had committed a trick, a series of lies, or persuaded a child. that the child here refers to the object or victim of a criminal act, namely witness Maharani

Nada Pratiwi binti (late) Endang Sukendar aged 16, year born in Cilegon January 4, 2004 based on the quote from the birth certificate number AL. 622.0013853 signed by the head of the Bekasi Regency Population and Civil Registry Service H.M Toha, S.Sos NIP. 010097494, Which at the time of the crime of sexual intercourse against the child, the witness was still 15 years old, this is reinforced by the photocopy of the family card and the child's birth certificate.

The panel of judges considers the elements of having intercourse with him or with other people. The Panel of Judges considered the elements of those who did, ordered them to do it and who participated in doing it.

Considering, that based on these considerations, it turns out that the child's actions have fulfilled all the elements of the public prosecutor's indictment, so that the judge concludes that the child has been legally and convincingly proven to have committed the crime he was accused of, namely violating Article 81 paragraph 2 of Law number 17 of 2016 concerning the stipulation of government regulations in lieu of law number 1 of 2016 concerning the second amendment to law number 23 of 2002 concerning child protection into law number 35 of 2014 concerning amendments to law number 23 of 2002 concerning child protection jo. Article 55 paragraph 1 to 1 of the Criminal Procedure Code.

Considering whereas in order to impose a sentence on a child, it is necessary to first consider the aggravating and mitigating matters;

- a. Aggravating things:
 - 1) Children's actions are disturbing the community;
- b. Easing things:
 - 1) Courteous child in court;
 - 2) The perpetrators' children have never been punished;
 - 3) Children regret their actions;

The judges of the Serang District Court have sentenced the child perpetrators to imprisonment for 2 (two) years and 6 (six) months respectively at the Class 1 Tangerang Special Child Development Institute (LPKA) and Job Training for 3 (three) months.

In this case the author is of the opinion that the criminal sentence that was decided was not appropriate, based on Article 81 paragraph (2) explaining "The criminal provisions as referred to in paragraph (1) also apply to anyone who intentionally commits a trick, a series of lies, or persuades a child to have sexual intercourse. with him or with someone else." In this case, the perpetrators of children are not included in the category of children anymore, but have been said to be adults. hormonally they can be said to be adults and according to Islamic law they are said to be adults because they have experienced what is called Baligh. And in Islamic law there is an age limit that is said to be baligh for women and men, namely 9 years for women and 12 years for boys. While in this case the perpetrators are 15 years old. This is also not the intention to override Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, article 5 paragraph (1) which explains that "The Juvenile Criminal Justice System must prioritize the Restorative Justice approach" but in this case the settlement of diversion and restoration cannot be used because This case is not an ordinary juvenile delinquency case but an extraordinary juvenile delinquency which is about adultery.

Thus, the author concludes that the results of the decision made by the Serang District Court of Justice were not correct. In the author's opinion, the prison sentence given should not have a deterrent effect on the perpetrators, should be sentenced to prison more than what the judge decided. For example 3 years or maybe 4 years. Because this is included in the category of extraordinary

juvenile delinquency because he has committed adultery which has caused a woman's chastity to be lost and cannot be returned as before because of her actions.

The theory of restorative justice that the author has explained above can be used as a reference for law enforcement to minimize the punishment of child offenders. In law enforcement in Indonesia, law enforcement officers, especially the police, prosecutors and judges, as well as other law enforcement officers, prioritize the principle of restorative justice. Restorative justice has an application that is carried out by conducting deliberation, approaches with kinship between perpetrators, victims, and the community so as to prevent children from being punished.

The increasing number of children sentenced to imprisonment continues to grow, on that basis it is important to remind law enforcement officials the importance of the perspective of child protection and the best interests of children in handling criminal cases, so that children are not easily included in criminal proceedings. Therefore, the researcher advises the government to carry out regular evaluations through national strategies that have been encouraged by various ministries. Especially regarding the practice of juvenile justice.

Conclusion

Based on the results of the analysis and discussion of the data, the authors obtain conclusions that can be drawn from the research.

1. The factors behind the criminal act of sexual harassment, among others: a) Psychological factors are one of the factors in relation to the mental state of a person who can feel happy or not, which can be caused by the background of the sufferer having experienced sexual harassment during his childhood. his childhood. b) Sociocultural factors (social and

cultural), affect a person's behavior. c) Education and family factors. Education in the family is useful for shaping one's personality. d) Physiological (biological) factors determine healthy physical behavior, being sick continuously will interfere with a person's mental condition, one of which includes the biological need to fulfill his high sexual desire.

2. The judge's decision in law enforcement against children as perpetrators of criminal acts of sexual abuse among children, namely by referring to the Law on the Juvenile Criminal Justice System number 11 of 2012 concerning the Juvenile Criminal Justice System. in the decision given by the judge, namely imprisonment for 2 years 6 months and job training for 3 months. The criminal sentence that was decided was inappropriate, based on Article 81 paragraph (2) explaining "The criminal provisions as referred to in paragraph (1) also apply to anyone who intentionally commits a trick, a series of lies, or persuades a child to have intercourse with him or with another person. " In this case, the perpetrators of children are not included in the category of children anymore, but have been said to be adults. hormonally they can be said to be adults and according to Islamic law they are said to be adults because they have experienced what is called Baligh. And in Islamic law there is an age limit that is said to be baligh for women and men, namely 9 years for women and 12 years for boys. While in this case the perpetrators are 15 years old. This is also not the intention to override Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, article 5 paragraph (1) which explains that "The Juvenile Criminal Justice System must prioritize the Restorative Justice approach" but in this case the settlement of diversion

and restoration cannot be used because This case is not an ordinary juvenile delinquency case but an extraordinary juvenile delinquency which is about adultery. Thus, the prison sentence given does not have a deterrent effect on the perpetrator, should be sentenced to prison more than what the judge decided. For example 3 years or maybe 4 years. Because this is included in the category of extraordinary juvenile delinquency because he has committed adultery which has caused a woman's chastity to be lost and cannot be returned as before because of her actions.

References

- Butarbutar, Elisabeth Nurhaini. *Metode Penelitian Hukum*. Bandung: PT Refika Aditama, 2018.
- Desi Nellyda, I Nyoman Sujana, Luh Putu Suryani. "Perlindungan Hukum Terhadap Anak Sebagai Pelaku Pelecehan Seksual Menurut UU No 35 Tahun 2014." *Jurnal Prefensi Hukum* 1, no. 2 (2020): 63.
- "Interview with Attorney M. Ikbal Hadjarati S.H., M.H.," n.d.
- "Interview with Attorney Wandy Batubara EP, S.H., M.H.," n.d.
- "Interview with IPTU Desy Wulandari, S.H at Cilegon Resort Police," n.d.
- Law number 11 of 2012 concerning the Juvenile Criminal Justice System (n.d.).
- Law Number 3 of 1997 concerning Juvenile Court (n.d.).
- Law number 35 of 2014 concerning Child Protection (n.d.).
- Palmawati Tahir., Muhamad Muslih., dan Rani Sri Agustina. "MUI HALAL CERTIFICATION ON MILKFISH SATAY AS AN EFFORT TO SUPPORT NATIONAL FOOD SECURITY." *LEGAL STANDING JURNAL ILMU HUKUM* 4, no. 1 (2020): 233-46. <https://doi.org/http://dx.doi.org/10.24269/lis.v4i1.2670>.
- Setyawan, Davit. "KPAI: Pelecehan Seksual pada Anak Meningkatkan 100%." <https://www.kpai.go.id/>, 2016. <https://www.kpai.go.id/publikasi/kpai-pelecehan-seksual-pada-anak-meningkat-100>.
- Silawasty, Faried. Femmy. "Optimalisasi Perlindungan Anak Melalui Penetapan Hukuman Kebiri." *Jurnal Serambi* 11, no. 1 (2017): 41.
- Sugiyono. *Metode Penelitian Kualitatif*. Bandung: Alfabeta, 2020.
- "Wawancara dengan Jaksa Rully Nasrulloh S.H., M.H.," n.d.
- Yatimin. *Etika Seksual dan Penyimpangan Dalam Islam*. Pekanbaru: Amzah, 2003.