

ABSTRAK

KAJIAN VIKTIMOLOGI PERLINDUNGAN HUKUM TERHADAP ANAK KORBAN KEKERASAN SEKSUAL (Studi Putusan Perkara Nomor. 294/Pid.Sus/2023/PN Jkt.Pst)

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Perlindungan hukum adalah segala upaya pemenuhan hak dan pemberian bantuan untuk memberikan rasa aman kepada saksi dan korban, namun dalam pelaksanaan masih ditemukan ketidakefektifan perlindungan hukum dan tidak sedikit pemenuhan hak-hak korban yang tidak terlaksana. Putusan Perkara Nomor. 294/Pid.Sus/2023/PN Jkt.Pst merupakan putusan pengulangan perkara tindak pidana kekerasan seksual yang terjadi terhadap anak dibawah umur. Berdasarkan Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak jo Pasal 64 ayat (1) KUHP menjatuhkan pidana penjara selama 15 tahun oleh penuntut umum terhadap terdakwa, beserta denda dan kewajiban membayar restitusi sebesar Rp. 15.429.000,00 kepada korban. Secara viktimologi, penelitian ini akan mengkaji kajian viktimologi perlindungan hukum terhadap anak sebagai korban kekerasan seksual yang dilakukan oleh pria dewasa dan faktor penghambat pelaksanaan perlindungan hukum terhadap anak korban kekerasan seksual.

Metode penelitian yang digunakan penulis adalah pendekatan yuridis empiris dan yuridis normatif. Data yang digunakan adalah data primer, data sekunder, dan data tersier. Narasumber dalam penelitian ini adalah Hakim Pengadilan Negeri Jakarta Pusat, Pengurus Lembaga Perlindungan Anak Indonesia Kota Metro dan Dosen Pidana Fakultas Hukum Universitas Lampung, Analisis data ini menggunakan analisis kualitatif.

Hasil penelitian dan permasalahan menunjukkan bahwa berdasarkan teori viktimologi korban dalam perkara ini termasuk kategori *vulnerable victim* yang dimana korban merupakan anak dibawah umur, keterbatasan usia yang masih anak-anak, serta keterbatasan pengetahuan memiliki keterbatasan usia dan pengetahuan, sehingga belum mampu melindungi diri dan memahami hak-hak hukumnya. Selain itu, korban juga mengalami *secondary victimization* berupa penderitaan berlapis akibat stigma, dan penanganan perkara yang lamban., Dari aspek perlindungan hukum, penanganan perkara masih berfokus pada upaya represif melalui pemidanaan pelaku, selanjutnya upaya preventif tetap dijalankan, seperti LPAI melakukan sosialisasi rutin ke sekolah-sekolah dan masyarakat dan menjalin kerja sama dengan LBH, LPSK dan DPPPA.

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Dari faktor penghambat perlindungan hukum terdapat; Pertama, faktor kaedah hukum, mengenai arutan pemberian sanksi yang lebih berat agar memberikan efek jera kepada pelaku. Kedua, faktor penegakan hukum, lemahnya koordinasi antarpengak hukum. Ketiga, faktor sarana atau fasilitas, keterbatasan dana hibah dan fasilitas yang tidak memadai. Keempat, faktor masyarakat, kurangnya edukasi dan pemahaman masyarakat. Kelima, faktor budaya, norma dan kebudayaan dalam masyarakat yang menganggap aib dalam melaporkan kekerasan yang menimpa korban.

Saran dalam penelitian ini adalah perlunya regulasi undang-undang dengan pemberatan hukuman bagi pelaku kekerasan seksual terhadap anak, seperti pemberian hukuman mati dimungkinkan. Melakukan upaya pencegahan terjadinya kekerasan seksual terhadap anak sebagai kekerasan seksual dibutuhkan peran keluarga, masyarakat, penegak hukum, dan lembaga terkait, agar jika terjadi suatu kekerasan seksual tersebut masyarakat harus tanggap dan melaporkan kepada pihak yang berwajib serta diperlukan professional dalam menangani kejahatan yang terjadi di tengah masyarakat.

Kata Kunci : Viktimologi, Perlindungan anak, Kekerasan seksual,

ABSTRACT

VICTIMOLOGY STUDY ON LEGAL PROTECTION FOR CHILDREN AS SEXUAL ABUSE VICTIMS (Study of District Court Decision Number 294/Pid.Sus/2023/PN Jkt.Pst)

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Legal protection is essentially the effort to uphold rights and provide assistance to ensure the safety and security of witnesses and victims. However, in practice, the implementation of legal protections often falls short, and many victims' rights remain unfulfilled. The verdict in Case Number 294/Pid.Sus/2023/PN Jkt.Pst is a ruling on a repeated sexual violence case involving a minor. Sus/2023/PN Ikt Pst is a ruling on a repeated sexual violence case involving a minor. Based on Law Number 35 of 2014 on Child Protection with Article 64 paragraph (1) of the Indonesian Criminal Code (KUHP), the Public Prosecutor sought the imposition of a sentence of 15 (fifteen) years' imprisonment against the Defendant, in addition to a fine and an order requiring the Defendant to pay restitution to the victim for Rp 15,429,000.00. Besides a victimological perspective, this research aims to analyze the victimology aspects related to legal protection for children who are victims of sexual violence committed by adults, as well as the legal protections provided to child victims of sexual violence.

The author's research method combines empirical and normative juridical approaches. The data sources include primary, secondary, and tertiary data. The key informants in this study are judges from the Central Jakarta District Court, representatives from the Indonesian Child Protection Agency in Metro City, and lecturers specializing in criminal law at Lampung University Faculty of Law. The data analysis technique is qualitative.

The research findings that, based on victimology theory, the victim in this case is categorized as a vulnerable victim, because the victim is a minor with limited age and knowledge. This makes them unable to protect themselves or fully understand their legal rights. Furthermore, the victim experiences secondary victimization, which involves layered suffering due to stigma and the slow handling of the case. Regarding legal protection, the case handling still primarily emphasizes repressive measures, such as punishing the perpetrator. Meanwhile, preventive efforts are ongoing, including routine socialization in schools and communities by the

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Indonesian Child Protection Agency, as well as cooperation with legal aid organizations, the Witness and Victims Protection Agency (LPSK), and the National Population and Family Planning Agency (DPPPA). Several obstacles to effective legal protection have been identified, including: first, legal formalities, which call for harsher sanctions to act as deterrents; second, law enforcement coordination issues, which remain weak; third, limited facilities and infrastructure due to inadequate funding; fourth, societal factors, such as a lack of education and awareness among the community; and fifth, cultural factors, where social norms and traditions tend to consider reporting violence as shameful.

The recommendation from this study, based on these findings, the suggestions include the need for stronger legal regulations, such as harsher penalties including the possibility of the death penalty for perpetrators of sexual violence against children. Prevention efforts should also involve active roles from families, communities, law enforcement, and related institutions to respond to effectively and report cases of sexual violence. Additionally, professionals handling such cases must be trained and capable of managing these sensitive issues within society.

Keywords: Victimology, Child protection, Sexual violence