

ABSTRAK
ANALISIS PEMENUHAN HAK RESTITUSI SEBAGAI BENTUK
PERLINDUNGAN HUKUM TERHADAP KORBAN
KEKERASAN SEKSUAL OLEH DOSEN
(Studi Putusan Nomor : 349/Pid.B/2024/PN Tjk)

Oleh
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Kekerasan seksual di lingkungan perguruan tinggi oleh dosen terhadap mahasiswa merupakan pelanggaran hak asasi manusia berat yang menimbulkan trauma fisik, psikologis, dan sosial berkepanjangan, diperparah relasi kuasa timpang yang membuat korban rentan terhadap intimidasi dan stigma. Penelitian ini merumuskan dua masalah utama: bagaimana mekanisme pemenuhan hak restitusi sebagai bentuk perlindungan hukum bagi korban kekerasan seksual dalam Putusan Nomor 349/Pid.B/2024/PN Tjk, dan faktor-faktor apa yang menghambat pelaksanaan restitusi secara efektif dalam sistem peradilan pidana Indonesia.

Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan studi putusan pengadilan. Data penelitian bersumber dari bahan hukum sekunder yang meliputi peraturan perundang-undangan terkait, literatur hukum, serta Putusan Nomor 349/Pid.B/2024/PN Tjk. Data tersebut dianalisis secara kualitatif untuk mengkaji secara mendalam bagaimana pemenuhan hak restitusi diposisikan sebagai bentuk perlindungan hukum bagi korban kekerasan seksual serta kendala yang muncul dalam praktik peradilan.

Hasil penelitian dan pembahasan bahwa dalam pengertian restitusi secara hukum adalah pengembalian kondisi korban seperti semula melalui ganti rugi materiil (medis, psikologis) dan immateriil (trauma, reputasi) berdasarkan Pasal 7-19 UU

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TPKS jo. Pasal 6 UU No. 31/2014. (1) Menunjukkan dalam Putusan 349/Pid.B/2024/PN Tjk, hakim menjatuhkan restitusi Rp17.080.000 bersamaan penjara 8 tahun 6 bulan dan denda Rp60 juta, namun mekanisme lemah karena minim saksi langsung, keterlambatan pelaporan akibat trauma korban, dan perhitungan kerugian tanpa standar jelas sehingga pemenuhan belum optimal. (2) Mengungkap faktor penghambat berupa ketidakmampuan finansial pelaku, koordinasi buruk LPSK-pengadilan, serta budaya patriarki, stigma sosial, dan victim blaming yang menghambat eksekusi amar putusan secara empiris.

Saran penelitian ini adalah agar aparat penegak hukum yakni (1) Kepolisian dan Kejaksaan disarankan memaksimalkan bukti alternatif seperti visum psikologis, rekam medis, dan saksi tidak langsung guna memperkuat mekanisme restitusi. (2) Perguruan tinggi wajib membentuk Satgas PPKS independen sesuai Permendikbudristek Nomor 30 Tahun 2021 dengan saluran pelaporan anonim dan eliminasi stigma melalui edukasi *anti-victim blaming*.

Kata Kunci: Restitusi, Perlindungan Hukum, Kekerasan Seksual.

ABSTRACT

ANALYSIS OF THE FULFILLMENT OF RIGHTS TO RESTITUTION AS A FORM OF LEGAL PROTECTION FOR VICTIMS OF SEXUAL VIOLENCE BY LECTURERS (Study Decision Number: 349/Pid.B/2024/PN Tjk)

By

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Sexual violence within the higher education environment committed by lecturers against students constitutes a grave human rights violation that inflicts prolonged physical, psychological, and social trauma. This issue is exacerbated by unequal power relations, leaving victims vulnerable to intimidation and social stigma. This research formulates two primary problems: the mechanism for fulfilling the right to restitution as a form of legal protection for victims of sexual violence in Decision Number 349/Pid.B/2024/PN Tjk, and the factors hindering the effective implementation of restitution within the Indonesian criminal justice system.

The research method employed is normative legal research with a case study approach. The research data is derived from secondary legal materials, including relevant laws and regulations, legal literature, and Court Decision Number 349/Pid.B/2024/PN Tjk. The data were analyzed qualitatively to examine in depth how the fulfillment of restitution rights is positioned as a form of legal protection for victims and the obstacles that arise in judicial practice.

The results indicate that legally, restitution is the restoration of the victim's condition to its original state through material compensation (medical, psychological) and immaterial compensation (trauma, reputation) based on Articles 7-19 of the TPKS Law in conjunction with Article 6 of Law No. 31/2014.

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(1) In Decision 349/Pid.B/2024/PN Tjk, the judge awarded restitution of IDR 17,080,000 alongside a sentence of 8 years and 6 months imprisonment and a fine of IDR 60 million. However, the mechanism remains weak due to a lack of direct witnesses, delayed reporting caused by victim trauma, and the absence of clear standards for calculating losses, resulting in suboptimal fulfillment. (2) The study reveals hindering factors such as the perpetrator's financial inability, poor coordination between the Witness and Victim Protection Agency (LPSK) and the courts, as well as a patriarchal culture, social stigma, and victim-blaming that empirically impede the execution of court rulings.

This research suggests that: (1) Law enforcement officials, specifically the Police and Prosecutors, should maximize alternative evidence such as psychological visum et repertum, medical records, and indirect witnesses to strengthen the restitution mechanism. (2) Higher education institutions must establish independent Task Forces for the Prevention and Handling of Sexual Violence (Satgas PPKS) in accordance with Minister of Education Regulation Number 30 of 2021, providing anonymous reporting channels and eliminating stigma through anti-victim-blaming education.

Keywords: Restitution, Legal Protection, Sexual Violen