Reorientation of Justice in the Political Law of Criminal Sexual Violence Against Children

Dzulkarnain, The Student of Law Doctoral Programme UNISSULA*

Mahmutarom HR, Faculty of Law, Unwahas Semarang

Widayati, Lecturers Of Faculty Of Law, UNISSULA, Semarang

Abstract: Most cases of sexual violence against children which include cases of sexual abuse against children, basically occur as a result of various problems in the community, especially economic problems that result in the breakdown of family governance which results in various aggressive attitudes of each family member and community including sexual violence which often makes children their objects. This paper tries to explore the implementation of protection and recovery of child victims of sexual violence in Indonesia today. The problem discussed in this article is the implementation of the recovery and protection of children victims of sexual violence and the reorientation of justice in the politics of criminal law to protect children from sexual violence. The method in this paper is normative juridical. In its development, the implementation of the protection and recovery of child victims of sexual violence in Indonesia has not been effective. Therefore it is necessary to have a reconstruction of the protection and recovery of child victims of sexual violence based on religious values and Pancasila.

Keyword: Re-orientation of Justice, Politics of Criminal Law, Sexual Violence

Introduction

Various cases of sexual violence against children which include cases of sexual abuse against children, basically occur as a result of various problems in the community, especially economic problems. The problem of poverty will result in every poor community ignoring her environment and her family which is the smallest social basis. This situation results in the neglect of moral education which in turn results in low moral issues, the low morale in the current era of information technology advancement is getting worse with the crime of pornography in cyberspace. It was then that triggered high cases of sexual abuse.In addition, high poverty rates can also trigger the birth of various child trafficking crimes, including trade in children as commercial sex workers.

In March 2018 the Kompas daily noted that the level of economic inequality reached 0.389.This problem has resulted in the attainment of social welfare and social justice which is mandated by the state's objectives as stipulated in paragraphs of the 1945 Constitution. This includes not achieving the protection of children's human rights as stipulated in Article 28B number 2 and Article 28G of the 1945 Constitution of the Republic of Indonesia 1945 and Article 52, Article 53, Article 57, Article 58, Article 64, Article 65, and Article 66 of Law Number 39 of 1999.

In addition to the various problems that cause cases of molestation in Indonesia. The issue of the criminal justice system in obscene cases in Indonesia is also very interesting to discuss. The various explanations above show that there is a need for all parties' support for the victim. The Criminal Justice System in Indonesia has been neglecting child victims of molestation. Victims as justice seekers are not given space in the process of investigation and investigation and justice. This results in the victim having a small opportunity to fight for her rights and restore her condition as a result of the crime of sexual abuse.

In its development the criminal justice system in Indonesia only positions child victims of molestation as reporters and witnesses. This is clearly unfair for victims who suffer material and non-material losses. Meanwhile the position of the perpetrators of crime is getting more attention in the speech justice system in this country, this is indicated by the application of treatment of offenders, social adaptation, socialization, remission, amnesty, rehabilitation, and abolition.This situation is clearly unfair because the suffering suffered by the victim is only a basic instrument for sentencing for the perpetrators, while the suffering of the victim cannot really be recovered in the development of the criminal justice system.

Furthermore, various issues that arise as a result of the unfairness of the criminal justice system for victims of molestation meet a bright spot, the application of restitution is an alternative in an effort to protect and restore the rights of victims who are injured as a result of criminal acts of sexual abuse. Regarding restitution in its development, it has been clearlyregulated in the United Nations Declaration on The Prosecution and

**Corresponding Author: Dzulkarnain, Email: syifadzul@gmail.com*

Article History: Received: July 05, 2019, Accepted: Sep 28, 2019

Assistance of Crime Victims in item 4 part 1 of the General Principles. In the declaration of the United Nations it was stated that:

> Reparation by the offender to the victim shall be an objective of the process of justice. Such reparations may include (1) the return of stolen property, (2) monetary payment for loss, damages, personal injury psychological trauma, (3) payment for suffering, and (4) service to the victim. Reparation should be completed by the correctional process.

Meanwhile, the restitution regulation in the national legal regulation is clearly regulated in Law Number 31 of 2014. In Article 1 number 11 of Law Number 31 of 2014 it is stated that "restitution is compensation given to victims or their families by perpetrators or parties third. "Furthermore Article 7A number 1 of Act Number 31 of 2014 states that:

> Criminal victims are entitled to get restitution in the form of:
>
> a. compensation for loss of wealth or income;
> b. compensation resulting from direct suffering as a result of a criminal offense; and / or
> c. reimbursement of medical and / or psychological care costs.

Furthermore Article 3 of the Government Regulation of the Republic of Indonesia Number 43 Year 2017 Concerning the Implementation of Restitution for Children Who Become Victims of Crime states that:

> Restitution for children who are victims of crime in the form of:
>
> a. compensation for loss of wealth;
> b. compensation for suffering as a result of not being criminal; and / or
> c. reimbursement of medical and / or psychological care costs.

In its development the implementation of restitution on the recovery of child victims of sexual abuse has not been effective in 2017. That is because Article 7 of the Government Regulation of the Republic of Indonesia Number 43 of 2017 still contains administrative conditions that still complicate the victim, so that the magic party should be able to facilitate the fulfillment of administrative requirements as regulated in Article 7 of the Government Regulation of the Republic of Indonesia Number 43 of 2017. Besides the perpetrators of criminal acts are reluctant to pay for restitution on the grounds of economic inability, it becomes increasingly unfair because the inability of the offender to pay restitution is only replaced by a criminal subsider in the form of prison for 2 to 3 months. In addition, the time for receipt of restitution by child victims of sexual abuse is also quite long in view of the long trial process, not to mention the perpetrators who are in custody or subject to capital punishment which can then be a reason for not doing restitution.

Then in 2018 the government issued Government Regulation No. 7 of 2018 regarding the Granting of Compensation, Restitution and Assistance to Witnesses and Victims. But in its development, the implementation of compensation as an alternative to restitution is also not easy, this is due to the absence of an agency designated in the Government Regulation to interpret the loss suffered by the victim, but it is also not yet clearly regulated which state institutions are authorized to channel compensation from country to child victims of molestation. In addition, administrative requirements for submitting compensation requests by victims that are so complex will also be a problem for victims.

Furthermore, when talking about the crime of molestation against children, then in the case of court proceedings, of course using the Criminal Procedure Code which does not contain clearly about compensation for children victims of crime. The Law Number 35 Year 2014 also does not specifically include the issue of restitution and compensation for child victims of crime, including acts of sexual abuse.

It has been explained before that the consequences of sexual violence against children including sexual abuse can result in physical or psychological harm. Until now it cannot be said that compensation and restitution can recover the psychological loss of child victims of sexual violence. That is because psychological violence can have both short and long effects. Short impact is the form of threats to the safety of children, damage to family structure, and mental and mental disorders. While the long-term impact of the involvement of children in adulthood as perpetrators of violence. Traumatic and experiences of being victims of violence result in children becoming perpetrators of violence in their adult years. This can be seen with the symptoms of aggression, phobia, insomnia, low self-esteem, and depression. These various things cause children to be involved in violence in intimate relationships in their adult life.

Then the next alternative is imprisonment for perpetrators of sexual violence which is basically still full of various problems. One of them is the problem of interaction between the perpetrators of crime in prison that produces criminals with new expertise through the process of social interaction in prison cells. Erwin H. Sutherland and D. Cressey stated that crime is an act that is learned through a process of interaction.This clearly makes many perpetrators of sexual violence against children including child molestation not effectively deterrent and turn into good human beings, given the condition is also exacerbated by the problem of poverty and low education.

Besides that, with the paradigm regarding imprisonment of child molesters, of course, it causes other problems, another problem is the issue of the capacity of LAPAS (Penitentiary) which is increasingly unrepresentative. Recorded in January 2018 the number of prisoners reached 233,662 people while the capacity

of LAPAS in Indonesia only reached 123,117 people. This can clearly have an impact on conflicts in Lapas which lead to various problems in holding prisoner prison by prisoners who feel they are not paying attention to the government. So it can be said that up to now there has not been a truly effective criminal method in creating a deterrent effect for perpetrators of sexual offenses. Therefore, the appropriate Penalty is through the recovery of victims through restitution and compensation as well as psychological recovery of victims, which until now has been lacking due attention to the criminal law paradigm that places victims as witnesses, reporters, and instruments in imposing crimes on perpetrators. Departing from the various explanations above, it is clear that there is a need for further discussion regarding the "Reorientation of Justice in the Political Law of Criminal Sexual Violence Against Children".

Problem Statement

The issues that will be discussed in this paper are related to the implementation of the recovery and protection of child victims of sexual violence and the reorientation of justice in the politics of criminal law to protect children from sexual violence.

Methodology

The method used is a sociological juridical method, where legal analysis is not only on the textual perspective of the law, but also on the perspective of the implementation of law in society.

Discussion

1. Comparison of the Protection and Recovery System of Children Victims of Sexual Violence in Several Countries

Different legal systems in various countries have juridical implications for the protection and recovery system of children victims of sexual violence in the world.

1. Criminal Code of Japan

The offense of Japanese morals is regulated in Chapter XXII Book II, entitled "Crimes of Independence, Rap, and Bigamy" (articles 174-184). This chapter includes arrangements about:

(a) Public indecency violations;
(b) Distribution of obscene reading and so on (distribution of obsceneliterature etc);
(c) Indecent through compulsion;
(d) Rape (Rape);
(e) Sub (c) and (d) actions above for people who are not aware / unable to resist (constructive compulsory indecency and rape);
(f) Encouraging / persuading people to engage in illicit sex (inducement to ilicitintercouse);
(g) Doing "bigamy".

The interesting thing in Japan is that the rape and indecent / obscene offenses committed by force are offenses (Article 180 of the Indonesian Penal Code). Rape (rape) in Japan is limited only to intercourse / intimate relations with violence or intimidation (intimidation) against women.

2. Criminal Code of the State of Thailand

In the Criminal Code Thailand there is no chapter entitled "criminal offenses against decency". there is a chapter on "Crimes related to sexuality" (offences relating to sexuality), namely in chapter IX, articles 276-287. This chapter regulates acts related to sexual intercourse / sexual acts and obscene acts. Including those related to the business of prostitution and distribution of obscene goods. Then what is interesting about the Thai Penal Code is that the act which is formulated as an offense is not called "qualifying" so that it is not found, for example the term "rape and so on as can be used in several other Penal Codes.

3. Penal Code of the Polish State

The Delict of Decency is regulated in chapter 23 with the title Offences Against Decency (articles 173-177), namely:

(a) Disseminate writings, printed matter, photographs or other objects of a pornographic nature (article 173).
(b) Persuade prostitution or take advantage of prostitution (Article 174)
(c) Sexual relations in family relationships or in adoption relationships (article 175).
(d) The act of arousing lust for people under 15 years (article 176).
(e) Indecent acts with persons under 15 years (article 177).

The interesting thing in Poland is that indecent acts / obscene acts against insane people (article 169) and indecent acts by abusing dependency relations (article 170) and rape (article 168) are not included in the list of offense offenses above, but are included in chapter 22 concerning "offences Against Liberty" (Criminal Acts against independence). Rape offenses are threatened with a minimum of three years' crime of deprivation of liberty and constitute complaint offense.

*Corresponding Author: Dzulkarnain, Email: syifadzul@gmail.com
Article History: Received: July 05, 2019, Accepted: Sep 28, 2019

2. Implementation of Protection and Recovery System for Children Victims of Sexual Violence Now in Indonesia

It has been explained before that the consequences of sexual violence against children including sexual abuse can result in physical or psychological harm. Until now it cannot be said that compensation and restitution can recover the psychological loss of child victims of sexual violence. That is because psychological violence can have both short and long effects. Short impact is in the form of threats to the safety of children, damage to family structure, and mental and mental disorders. While the long-term impact of the involvement of children in adulthood as perpetrators of violence. Traumatic and experiences of being victims of violence result in children becoming perpetrators of violence in their adult years. This can be seen with the symptoms of aggression, phobia, insomnia, low self-esteem, and depression. These various things cause children to be involved in violence in intimate relationships in their adult life.

Then the next alternative is imprisonment for perpetrators of sexual violence which is basically still full of various problems. One of them is the problem of interaction between the perpetrators of crime in prison that produces criminals with new expertise through the process of social interaction in prison cells. Erwin H. Sutherland and D. Cressey stated that crime is an act that is learned through a process of interaction. This clearly makes many perpetrators of sexual violence against children including child molestation not effectively deterrent and turn into good human beings, given the condition is also exacerbated by the problem of poverty and low education. Besides that, with the paradigm regarding imprisonment of child molesters, of course, it causes other problems; another problem is the issue of the capacity of LAPAS (Penitentiary) which is increasingly unrepresentative. Recorded in January 2018 the number of prisoners reached 233,662 people while the capacity of LAPAS in Indonesia only reached 123,117 people. This can clearly have an impact on conflicts in Lapas which lead to various problems in holding prisoner prison by prisoners who feel they are not paying attention to the government.

Such a situation results in the recovery and protection of child victims of molestation is ineffective. This can be seen from the following research data. According to the Pati District Court, there have been 10 cases of molestation of children who entered the Pati District Court in 2017, which was carried out by three perpetrators who were children and seven perpetrators who were adults. Then in 2018, the cases of molestation which entered the Pati District Court were reduced to 5 cases which were carried out by three children and two adults. Then in 2019 cases of molestation of children entering the Pati district court were reduced again to four cases committed by adult offenders. The following table relates the number of sexual abuse cases:

Table 1. Number of Sexual Abuse Cases in Pati District Court

No	Year	Child Offender	Adult Offender	Total
1	2017	3 Orang	7 Orang	10 Kasus
2	2018	3 Orang	2 Orang	5 Kasus
3	2019	-	4 Orang	4 Kasus
Total				19 Kasus

Furthermore, in the Rembang Court there were 30 cases of molestation which were mostly carried out by adult and juvenile offenders to victims who were still children. Although in the Pati District Court and the Rembang District Court according to data from the Registrar of the District Courts each is quite low, in reality it can also be said that the protection and recovery of child victims of molestation has not yet been effectively implemented. This can be seen from the various cases that were tried at the Pati District Court and Rembang District Court. In the case with case number No. 2 / Pid.Sus-Anak / 2017 / PN Pati and case with case number No. 229 / Pid.Sus-Anak / 2017 / PN Pati convicts named TubagusAndhiSiswoyo and M. Agung Pranoto were convicted and sentenced to prison. For the case of M. Agung Pranoto, the judge's decision is a five-year prison sentence and a sixty million rupiah fine, and if the fine cannot be paid, the offender must replace it by carrying out a one-month criminal sentence. It is clear that the judge only focused on retaliation against the perpetrators, and the choice of substitute if the perpetrators cannot carry out a fine sentence that is replaced with a one-month prison sentence is very unfair, bearing in mind that it is unable to restore the condition of the victim. Then in the TubagusAndhiSiwoyo case, the judge's decision is more dilemmatic when compared to the judge's decision in the Pati District Court against M. Agung Pranoto. The judge's decision against TubagusAndhiSiwoyo was only in the form of imprisonment in the LPKA or the Institute for Special Development of Children and a criminal in the form of work training at the Social Welfare Organizing Institute. The decision related to three months of work training in Pati LPKS is much unrelated to the problem of recovery of victims of sexual abuse. Clearly this ruling is also incorrect.

Then in the case of molestation with case number No. 07 / Pid.Sus-Anak / 2018 / PN Pati, convicts were sentenced to criminal sanctions in the form of seven years imprisonment and criminal in the form of work training for one year. This also shows that the decision of the judge did not pay attention to the recovery of

victims. This situation also occurs in the case of child molestation with case number No. 07 / Pid.Sus-Anak / 2019 / PN Pati which provides sanctions to child molestors in the form of prison for 12 years and fines of as much as tens of millions of rupiah, and if the perpetrators cannot pay fines then they can be replaced with imprisonment for three months. Meanwhile in Rembang the issue of sanctions also occurs, it can be seen from several case decisions in the Rembang District Court. Case with case number No. 5 / Pid.Sus.Anak / 2017 / PN Rembang shows that sanctions imposed on perpetrators of molestation in the form of an eight-month prison sentence and a fine of ten million rupiah and if the offender is unable to pay the fine can be replaced with a felony sentence of fifteen days. Then in the case with case number No. 1 / Pid.Sus.Anak / 2019 / PN Rembang, perpetrators of child molestation are sanctioned in the form of imprisonment for two years and a fine of sixty million rupiah. Based on the various decisions in Pati and Rembang Regency as explained above, it is very clear that the verdict focused only on retaliation against victims while the perpetrators' obligation to restore the condition of the Korba was not clearly seen.

3. Re-orientation of Justice in the Politics of Criminal Law for the Protection of Childhood and Sexual Violence

Based on the various kinds of explanations above, it is necessary to do a political reconstruction of the law in relation to the protection of children victims of sexual violence based on justice. In its development the values contained in Pancasila are the ideals to be addressed or called by Kaelan called das sollen and for this reason Pancasila becomes the basis for the law to create noble ideals that exist in the real world or by Kaelan called das sein. So it is clear that Pancasila is the source of all sources of law in Indonesia. Similar to PERPU Number 1 of 2016 which must be in accordance with the ideals of the nation and the objectives of the state as crystallized in Pancasila and the fourth paragraph of the Preamble of the 1945 Constitution, namely respect for humanitarian values or human rights of all groups both victims of sexual violence as well as human rights from violent criminal offenders sexual as explained above. It is intended to create a criminal balance so that criminal sanctions are not only able to provide retaliation but are also able to provide education and awareness in the community, so that people are not just afraid of the law but are also aware of the law so that harmony between textual mandate and legal norms will be achieved the law for all related groups, in this case SPP or criminal law or criminal sanction or criminal sanctions are not only prosecuted as the last remedy in dealing with sexual violence crimes but political criminal law must also be able to prevent the occurrence of criminal sexual violence against children with a humanitarian approach as well as being able to realize legal justice for victims and perpetrators of criminal acts of sexual violence for children.

With regard to the development of criminal law politics regarding chemical castration sanctions which should be based on Pancasila values, Sri Endah suggested that:

> If what is aspired by national law is the Pancasila legal system, then it is fitting to study and develop criminal law that contains Pancasila values meaning that criminal law is oriented to the Godhead value of God Almighty, criminal law which is oriented to the values of Fair and Civilized Humanity, criminal law which is based on the value of Unity, and criminal law which is imbued with the values of Society Led by Wisdom Wisdom in Consultation / Representation and the value of Social Justice for All Indonesian People.

In line with the views of Sri Endah above, Notonagoro stated that:

> The benchmarks for the practical philosophy of Indonesian national law are Pancasila, which is an abstraction of the noble values of Indonesian society which contains national ideals, namely a just and prosperous society both materially and spiritually, and the life of the Indonesian people as a whole.

Furthermore related to criminal law based on Pancasila values, Ahmad Hanafi stated that:

> ..... a criminal is threatened by someone who is made with the intention that the people do not commit a radius, because a prohibition or simply will not be enough even though the crime itself is not a virtue or damage to the maker at least. But the sentence is needed because it can bring benefits to the community.

Based on Ahmad Hanafi's view, it is clear that criminal law is not the only means of combating crime, criminal law is only the last remedy for overcoming crime. In this regard Helbert L. Packer states that criminal law at one time can be a guarantor but at other times it can be a threat to human freedom. Criminal law as a guarantor if used sparingly and carefully and humanely and will be a threat if used indiscriminate and coercive. Opinion from the Packer shows that criminal law can make humanity happy, but it can also be a danger to humans if used incorrectly. Included in the case of PERPU Number 1 Year 2016 jo. Law Number 17 Year 2016. Therefore, it is necessary to have a humanitarian approach in developing criminal law. With regard to this view Barda Nawawi states that:

> The importance of a humanistic approach in the use of criminal sanctions does not only mean that sanctions imposed on violators must be in accordance with civilized human values, but must also be able to sensitize violators of the importance of human values and social values in society.

The view of Barda Nawawi shows that in carrying out PERPU Number 1 of 2016 jo. Law Number 17 Year 2016 is not solely based on retaliation, but rather on the coaching and awareness of the perpetrators in order

*Corresponding Author: Dzulkarnain, Email: syifadzul@gmail.com
Article History: Received: July 05, 2019, Accepted: Sep 28, 2019

to be better and more useful in society. In connection with this view Nigel Walker stated that in carrying out criminal law it must have a limiting principle which consists of:

1) Criminal law which is then abbreviated as HP cannot be used solely for the purpose of retaliation;
2) Cellphones cannot be used to punish acts that do not harm or endanger;
3) Cell phones cannot be used to solve problems that can be solved by other lighter means;
4) Cell phone cannot be used if it contains a loss greater than the act to be convicted;
5) Prohibitions contained in the cellphone do not contain elements that are more dangerous than the act to be criminalized;
6) Mobile phones do not contain restrictions that are not expressed and supported by the public;
7) Cellphones do not contain restrictions or decrees that cannot be carried out properly.

Walker's view shows that criminal law cannot be intended solely for acts of torture that go beyond the limits of perpetrators of sexual violence against children even if committed by the government. In line with this view Soedarto stated that:

> When talking about crime, it must talk about people who commit crimes. This person is the same as all of us, not in the slightest difference except that he has committed acts which are prohibited and found guilty by the judge. So that the renewal of the criminal law cannot be separated from the discussion of human funding so that it must not be separated from human values, is the value of compassion

Based on the various explanations above, it is clear that efforts to eradicate various acts of sexual violence against children need to use PERPU No. 1 of 2016 jo. Law No. 17 of 2016, however, philosophically it needs to be reviewed whether it is in accordance with Pancasila and human values or not at all. To do this, you can use the principle of maqsid al-Sharia which states that the law must be able to protect five things, while the five things are:

1) Religion;
2) Intellect;
3) Soul;
4) Property;
5) Heredity.

In this case the law is not merely used autonomously or repressively but is used progressively to create the greatest human happiness as intended by progressive law. Therefore Human Resources are needed both in the line of substance, structure, and culture that upholds humanity more than the ability of the profession.

In addition to using instruments in the form of PERPU Number 1 of 2016, it is also necessary to consider the formulation that is forcing the implementation of restitution and rehabilitation as well as compensation for children victims of sexual violence; this is intended to make efforts to recover victims more effective and equitable.

Conclusions

Based on the various explanations above, it is clear that efforts to protect child victims of sexual violence in Indonesia have not been effective, therefore it is necessary to carry out reconstruction of the protection of child victims of sexual violence based on religious values and Pancasila while continuing to use chemical castration criminal as an instrument and related policies. Restitution and rehabilitation are needed to child victims of sexual violence.

References

Book

[1] Atmasasmita, Romli, 1992, *PenulisanKaryaIlmiahTentangMasalahSantunanTerhadap Korban TindakPidana,* Badan PembinaanHukum Nasional, DepartemenKehakiman, Jakarta.
[2] EndahWahyuningsih, Sri, 2013, *Prinsip-PrinsipIndividualisasiPidanaDalamHukumPidana Islam Dan PembaharuanHukumPidanaIndonesia,* UNDIP, Semarang.
[3] Margaretha, RahmaniarNuringtyas, dan Rani Rachim, 2013, *Trauma Masa Kanak Dan KekerasanDalamRelasiIntim,* Makara Seri SosialHumaniora.
[4] Nawawi Arif, Barda, 1996, *BungaRampaiKebijakanHukumPidana,* Citra Aditya Bakti, Bandung.
[5] SatjiptoRahardjo, 2008, *BiarkanHukumMengalir, CatatanKritisTentangPergulatan Antara Manusia Dan Hukum,* Kompas Media Nusantara.

Other Litelature

[6] Ahmad Sofyan, *PemberianRestitusiKepadan Korban TindakPidanaDalamSistemPeradilanPidana Indonesia,* DiaksesMelalui business-law.binus.ac.id, Pada 12 Mei 2018.

[7] Ahmad Usman, *Penjara= Tempat "Pertobatan" AtauJustru "SekolahKejahatan",*DiaksesMelalaui inipasti.com, Pada 12 Mei 2018.
[8] Mv Ngo Tien HoA,High Speed And Reliable Double Edge Triggered D- Flip-Flop For Memory Applications",Journal of VLSI Circuits And Systems,1 (01), 13-17,2019
[9] Mohammad Alibakhshi Kenari, "Ultra Wideband Patch Antenna For Ka Band Applications",National Journal of Antennas and Propagation, Volume 1, issue 1, 2019
[10] AnjarWirawanDwiSasongko, *Data JumlahKasusPencabulan Di Pengadilan Negeri Pati,* Data diperolehmelalui data yang diberikan oleh paniteraPengadilan Negeri Pati pada 11 April 2019.
[11] AgusSukaryo, *Data JumlahKasusPencabulan Di Pengadilan Negeri Rembang,* WawancarapribadidenganpaniteraPengadilan Negeri Pati pada 11 April 2019.
[12] AriefMansyur, Didik dan ElistarisGultom, 2007, *UrgensiPerlindungan Korban Kejahatan Antara Norma dan Realita,* PT. Raja GrafindoPersada, Jakarta.
[13] Era.id, *PenyebabKonflikDilapas, DayaTampung Dan RebtanFasilitas,* Diakses Pada 12 Mei 2018.
[14] Kompas, *PendudukDesaSemakin,* edisiKamis 2 Agustus 2018.
[15] Mohammad Teja, *KondisiSosialEkonomi Dan KekerasanSeksual Pada Anak,* Majalah Info KesejahteraanSosialSingkat, Vol. VIII, No. 09, Mei 2016, hlm. 10-11, DiaksesMelaluiwww.slideshare.net, Pada 12 Mei 2018.
[16] Maya Indah S., 2014, *Perlindungan Korban, SuatuPerspektifViktimologi dan Kriminologi,* Kencana, Jakarta.
[17] Maria Advianti, *KPAI: PelakuKekerasanTerhadapAnakTiapTahunMeningkat,* DiaksesMelalui www. KPAI.go.id, Pada 12 Mei 2018.
[18] Sumartini, *Data PutusanDalamKasusPencabulanTerhadapAnak Di Rembang,* WawancarapribadidenganpaniteraPengadilan Negeri Rembang pada 12 April 2019.
[19] un-act.go, *The Penal Code of Thailand,* Diakses pada 20 Januari 2019
[20] www.cas.go.jp, *Penal Code of Japan,* Diaksespasad 22 Januari 2019
[21] www.imolin.org, *The Penal Code of Poland,*Diakses pada 20 Januari 2019

*Corresponding Author: Dzulkarnain, Email: syifadzul@gmail.com
Article History: Received: July 05, 2019, Accepted: Sep 28, 2019