

CRIMINAL LAW ENFORCEMENT RELATED TO THE CRIME OF SEXUAL INTERCOURSE AGAINST CHILDREN (STUDY OF DECISION NUMBER 429/PID.SUS/2021/PN BDG)

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ABSTRACT

Indecency includes all acts related to sexual life that violate morality (propriety), including intercourse outside of marriage. The Criminal Code classifies the crime of indecency as a crime against morality. Currently, there is a rise in the crime of indecency, with children often being the victims. Children are part of the younger generation and a potential human resource; therefore, perpetrators of sexual crimes against children must face appropriate punishment. The position of children as the younger generation who will carry forward the noble ideals of the nation requires that their rights and protection be upheld and respected. This research aims to assess the protection provided to child victims of sexual crimes in the city of Pekanbaru, as well as the forms of protection that have been established and implemented in the jurisdiction of the Pekanbaru Police Department (Polresta Pekanbaru). The research was conducted in Pekanbaru, particularly at Polresta Pekanbaru. In terms of data collection techniques, the author used a normative juridical approach, guided by legislation, legal books or literature, and other materials related to the issues and discussions in this thesis. In this context, the important role of parents and the community or the environment is emphasized to provide attention and supervision, ensuring that acts against children as victims of sexual crimes do not occur. Furthermore, in the implementation of legal protection for child victims of sexual crimes, the involved parties must actively and responsibly carry out their duties to ensure the legal protection of child victims of sexual crimes.

KEYWORDS Crime, Law Enforcement, Indecency, Children



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INTRODUCTION

The development of an increasingly advanced society has an impact on the emergence of decency, which means that it is related to good manners, good manners, politeness and civilization, good order and customs, so that society

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considers that decency is a right and wrong behavior related to sexual acts seen from the scope of sexual violence, It is known that sexual intercourse is an act that violates decency and is included in the sphere of lust. The morals and aspirations of the nation for future generations can undoubtedly be compromised by a rise in the crime of child sexual abuse, irrespective of whether the perpetrator is an adult or a minor. This is due to the fact that the adolescent victim of sexual intercourse lacks the sexual allure characteristic of an adult.

Decency is related with excellent decorum, civility, civilization, order, and conventions, all of which are influenced by societal progress. This is the rationale behind the association of decency with these attributes. Consequently, society evaluates decency as suitable and unsuitable conduct concerning sexual behaviors in the context of sexual assault. Sexual encounters are regarded as expressions of desire and recognized as actions that infringe upon the dignity of others. The ethical standards of future generations are undeniably jeopardized by the rising incidence of sexual assaults against minors, irrespective of whether the perpetrator is an adult or the child involved. This is because the adolescent victim of sexual intercourse lacks the sexual attraction characteristic of an adult. This is the justification for the circumstance. This is due to the absence of erotic appeal in the adolescent participating in sexual behavior.

As the emerging generation tasked with upholding the nation's esteemed ideals, future leaders, and a beacon of hope for preceding generations, it is essential that children are afforded extensive opportunities for holistic growth and development across spiritual, physical, and social dimensions. It is essential that children be afforded the opportunity to grow and develop appropriately across all dimensions. Although children's rights remain inadequately fulfilled, incidents of sexual assault, sexual misbehavior, and analogous acts against minors persist frequently without accountability. Comparable offenses encompass sexual assault, sexual misbehavior, and analogous transgressions. In this situation, it is imperative to protect the rights of children and adolescents to mitigate the prevalence of unlawful conduct. Consequently, the initiative to protect the rights and welfare of children should be initiated by improving the existing framework of early childhood development within society. The genuine and untainted love and affection that parents possess for their children must serve as the cornerstone for establishing this pattern. The newborn will cultivate a sense of love and affection for others throughout their development. From this time onward, a civilization defined by harmony, stability, and elevated well-being will arise.

It is essential to enhance the safeguards afforded to adolescents due to the increasing incidence of this type of illicit conduct. The state is mandated to safeguard and enhance the psychological development of children, since they represent the future and embodiment of human destiny, the younger generation, and the inheritors of the nation's values. This undoubtedly influences the trajectory of history. Children are entitled to protection from the moment of conception until birth, since they are a divine gift from God Almighty. This is the justification for the presence of this circumstance. The infants in question possess the inherent dignity associated with a fully developed human being.

The term "child" refers to an individual under the age of eighteen, encompassing those in the embryonic stage, according to Article 1, paragraphs 1 and 2 of Law No. 35 of 2014, which amends Law No. 23 of 2002 on Child Protection. This concept was formed by the provisions of the legislation. The phrase "protection" refers to the collaborative effort to safeguard children's rights, aiming to facilitate their comprehensive development and prevent them from experiencing violence and discrimination. The Child Protection Law Number 35 of 2014 emphasizes the role of the State, Government, and Regional Governments in ensuring the protection, care, and welfare of children. This is accomplished by examining the rights and responsibilities of parents, guardians, or other legally accountable adults for children. The objective of this legislation was to ensure the safety, welfare, and care of minors.

Violence against children, or child abuse, encompasses physical, mental, and sexual maltreatment, usually inflicted by those entrusted with the care of children. This type of abuse is characterized by the jeopardization of children's health and welfare, as well as the imposition of harm. It is possible to inflict physical harm on the child's limbs to execute acts of violence against them. Moreover, hostility aimed at the child's psyche constitutes another sort of violence. This type of aggression may manifest as verbal abuse, such as yelling or cursing, which can adversely impact the child's mental development. The exploitation of minors constitutes a distinct form of violence, which may present as sexual assault or pornographic acts targeting youngsters.

The incorporation of Western cultural acculturation into Indonesian society has resulted in several ramifications, including a rise in sexual intercourse offenses throughout the nation. The amalgamation of Western and Indonesian cultures occurs by direct engagement among community members and external entities, or indirectly through technological advancements, especially through mass media networks. A consequence of globalization is the progress and proliferation of science and technology. This has led to an enhancement of individual liberty, subsequently resulting in the rise of promiscuity, which carries numerous adverse effects. An example of the common practice of sexual activity is sexual intercourse performed by individuals who are either unmarried or legally married.

A discussion on the Sexual misconduct with minors is essential, as it directly contravenes societal standards and legal statutes. It is imperative to protect and nurture children, as they represent the future of the nation. These truths are broadly acknowledged. In accordance with the provisions of the Republic of Indonesia Law No. 23 of 2002 on Child Protection, amended by Law No. 35 of 2014 and further amended by Law No. 17 of 2016, which stipulates Government Regulations in Lieu of Law No. 1 of 2016 regarding the Second Amendment to Law No. 23 of 2002, this document will henceforth refer to the Child Protection Law. Article 1, subsection two of the Constitution articulates: "Child protection encompasses all activities aimed at ensuring and safeguarding children and their rights, enabling them to live, grow, develop, and participate fully in accordance with human dignity, while receiving protection from violence and discrimination."

The environment in which a kid is nurtured is a significant determinant of their behavioral development. The growth of children needs guidance, education,

and safeguarding from parents, educators, and other adults. This is attributable to the above described reasons. The government has developed a protective framework for kids in the fight against sexual violence. Nonetheless, the offenders of the abuse continue their egregious deeds, notwithstanding the enactment of the Child Protection Law.

The National Commission on Violence Against Women (Komas Perempuan) indicated that 339,782 complaints pertained to gender-based violence (GBV), with 3,442 of these complaints filed to Komnas Perempuan. Intimate partner violence constitutes the most prevalent category of gender-based violence (GBV), with a total of 336,804 incidents reported. Komnas Perempuan received 2,098 cases, with the personal sphere representing 61% of the total complaints. Of the 2,978 cases registered in the public domain, 1,237 were reported to Komnas Perempuan. During this period, the only site where occurrences of violence within the state apparatus were recorded was Komnas Perempuan, which experienced a nearly twofold increase in incidences, rising from 38 in 2021 to 68 in 2022.

Komnas Perempuan's complaint data throughout 2022 shows sexual violence as the dominant form of violence against women (2,228 cases/38.21%) followed by psychological violence (2,083 cases/35.72%). Meanwhile, data from service institutions was dominated by physical violence (6,001 cases/38.8%), followed by sexual violence (4102 cases/26.52%%). If we look in more detail at the data of complaints to Komnas Perempuan in the public sphere, sexual violence is always the highest (1,127 cases), while in the personal sphere the most is psychological violence (1,494). In contrast to service institutions, the 2022 data shows that in the public and personal spheres, most of the violence is physical. From the background described above, namely regarding child sexual abuse of minors, the author is interested in raising the issue to analyze and get to know more deeply by raising the theme title: Criminal Law Enforcement Related to the Crime of Copulation Against Children (Study of Decision Number 429/Pid.Sus/2021/Pn Bdg).

RESEARCH METHOD

This study will be categorized as normative legal research. The methodology for this form of study involves the examination of the laws and regulations pertinent to a legal issue. A document containing laws, regulations, jurisprudence, or other library items may be the focus of study. This inquiry utilized both the case approach method and the statute approach. The utilized data was obtained from secondary sources. In the purpose of this inquiry, secondary data sources are categorized into three types: primary, secondary, and tertiary legal resources. The approach to gathering legal resources is literature review, also known as library research. The processes of inventory, identification, classification, systematization, and argumentation processing are applied to the collected legal materials. The examination of legal information is performed as a review process, which may encompass opposing, critiquing, endorsing, supplementing, or commenting on the research findings. Subsequently, the study findings are evaluated using legal analogy with theories applied in line with pertinent laws, jurisprudence, legal principles, doctrines, or legal theories related to the researched facts or legal events.

RESULT AND DISCUSSION

Application of the Law Against Perpetrators of Criminal Acts of Copulation Against Children

Zainal Abidin asserts that sexual intercourse transpires when the male genitalia penetrates the female genitalia, generally resulting in conception, or when the male genitalia expels semen into the female genitalia. In other words, sexual intercourse transpires when the male reproductive organ delivers semen into the female reproductive organ. Consequently, during a rape, the male genitals remain within the female genitals for an extended duration, however the male sperm has not been released. This is classified as an attempted rape rather than a completed rape.

While the definition of biological intercourse is a criminal offense where there is a possibility of pregnancy, therefore it is mandatory:

- a. Erectio penis;
- b. Penetration of the penis into the vagina; and
- c. Ejaculatio in the vagina.

The differentiation between sexual conduct and actions deemed impure is also a crucial aspect that warrants consideration. It is important to differentiate between these two facets, as obscene acts are utilized when the fundamental element of sexual action cannot be exhibited. Many folks equate sexual harassment with indecent conduct. Nonetheless, each of these activities is still considered a breach of decency.

The criminal law is categorized into two types: the first pertains to the crime of rape involving intercourse, as delineated in Article 285, and the second concerns the crime of rape involving indecent conduct, governed by Articles 289-296. Crimes of decorum are categorized under both classifications. Article 82 and Article 88 of Law Number 23 Year 2002 on Child Protection delineate the banned acts of indecency involving children. The Law on Child Protection regulates these categories of offenses when they pertain to minors.

Copulation is defined as sexual intercourse between a male and a female, involving physical contact between the sexes. The perspectives of these many authorities can substantiate this conclusion. In this instance, the male genitalia must penetrate the female genitalia.

Law Number 35 of 2014, which amends Law Number 23 of 2002, delineates the legislation pertaining to certain offenses against children. These requirements require that every child be provided with the utmost potential for optimal development, encompassing physical, mental, and social growth, along with the fostering of virtuous character. Moreover, protective measures must be instituted to safeguard the welfare of minors by ensuring the realization of their rights and equitable treatment. The term "child" refers to any anyone who has not reached the

age of eighteen, according to Law Number 35 of 2014. This definition includes unborn children.

The two forms of sexual activity that may occur simultaneously are lawful intercourse and unlawful intercourse. Engaging in sexual intercourse with a woman is legal if she is of legal age, not bound by a marriage contract with another man, and has provided her consent. In Indonesia, a woman attains legal age at 15 years old. It is asserted that she possesses the ability to recognize hazards at that age, hence enabling her to autonomously decide whether to consent to sexual engagement. Engaging in sexual intercourse with a lady without sound mind is deemed impolite, irrespective of her age, including if she is 15 years old. The marital bond may be construed as consent or permission for the husband to partake in sexual relations with his wife. If the sexual activity is performed contrary to the aforementioned rules, it is considered illegal and may lead to consequences.

Unlawful intercourse includes both illicit relations occurring within a marriage and those occurring outside of marriage, as delineated by the Criminal Code. The phrase "illegal intercourse committed within marriage" in this context denotes the act of engaging in sexual relations with one's underage spouse and the consequent harm incurred. The penalty is a maximum of four years' imprisonment, as specified in Article 288 of the Criminal Code. If the offense causes significant harm, the term is elevated to eight years; if it results in death, the sentence is extended to twelve years.

Illicit sexual activity occurring outside of marriage is described as sexual conduct between a man and a woman who is not his legally recognized spouse. The guy and woman involved in intimate contact do not share a bond akin to marriage. This conduct can be classified into two distinct types, as follows: a. Sexual conduct performed with the consent of the female participant, encompassing behaviors such as infidelity and sexual relations with a minor below the age of consent. b. Participating in sexual acts with another woman without the consent of the assaulted woman, encompassing cases of rape or sexual engagement with a woman incapable of providing consent.

Sexual activity with a woman who is younger than 15 years old and is not his spouse is regarded as sexual activity, as she has not yet reached the age of consent. This refers to sexual intercourse with a female who has not attained the legal age of consent. If the female is below the age of 12, this is categorized as a standard offense pursuant to Article 287 of the Criminal Code. If she is 12 years old but has not yet turned 15, this is considered a complaint. The meaning of carnal knowledge of an incapable woman is specified in Article 286 of the Criminal Code. Carnal knowledge of an incapable woman is described as engaging in sexual relations with a woman, who is not one's spouse, and whose mental state precludes her from providing consent or authorization. It is unfeasible to obtain the consent or approval of an unconscious, insane, or uninformed lady to engage in sexual behavior. The consent shall be considered invalid if it is granted by her. This scenario possesses the capacity to be exceedingly perilous.

Indonesian criminal law adheres to the principle of "lex specialis derogat lex generalis." This notion asserts that particular regulations hold greater significance than overarching rules. This aims to provide law enforcement professionals with legal clarity concerning the implementation of a statutory obligation. Considering that Article 81 of the Child Protection Law explicitly governs the substantive criminal provisions regarding sexual intercourse offenses against minors, one could contend that Article 287 of the Criminal Code is no longer relevant to individuals who perpetrate sexual intercourse with children. Article 81 of the Child Protection Law delineates regulations that expressly govern the material criminal statutes pertaining to sexual intercourse offenses against minors. Thus, in this instance, Article 81 of the Child Protection Law serves as a "lex specialis derogat lex generalis" in relation to Article 287 of the Criminal Code. This indicates that Article 81 of the Child Protection Law must be enforced before Article 287 of the Criminal Code in relation to offenses of sexual intercourse with minors. Article 287 of the Criminal Code delineates two distinct categories of criminal acts. The following formulae are shown below:

- a. Sexual intercourse with the consent of the woman with whom the sexual intercourse is committed, such as sexual intercourse with a woman who is not of age and adultery.
- b. Copulation without the consent of the woman being copulated with, e.g. rape and copulation with a helpless woman.

What is meant by sexual intercourse with a woman who is not yet of age is sexual intercourse with a woman who is not his wife and whose age has not yet reached 15 years. Pursuant to Article 287 of the Criminal Code, if the woman is not yet 12 years of age, this is an ordinary offense and if she is already 12 years of age but not yet 15 years of age, this is a complaint offense. Meanwhile, the definition of carnal knowledge of an incapacitated woman as described in Article 286 of the Criminal Code is carnal knowledge of a woman who is not his wife and whose mental health does not allow her to be asked for her consent or permission. An unconscious, insane or idiotic woman cannot possibly be asked for her consent or permission to be fucked, even if she gives her consent or permission, the consent must be considered invalid.

In Indonesian criminal law, the principle of "lex specialis derogat lex generalis" applies, where this principle states that special rules override general rules. This is to ensure legal certainty for law enforcement officials in applying a statutory regulation. With the existence of the Child Protection Law, especially Article 81, it can be said that Article 287 of the Criminal Code can no longer be applied to perpetrators of sexual intercourse committed against children, because Article 81 of the Child Protection Law specifically regulates the material criminal provisions of sexual intercourse offenses committed against children. So in this case Article 81 of the Child Protection Law is a "lex specialist derogat lex generalis" from Article 287 of the Criminal Code where in the application of the law for the offense of sexual intercourse committed against minors, the use of Article 81 of the

Child Protection Law must take precedence over Article 287 of the Criminal Code. In Article 287 of the Criminal Code, there are formulations that explain 2 (two) types of criminal offenses, namely:

- a. The crime of sexual intercourse with a child who is more than 12 (twelve) years old and does not reach the age of 15 (fifteen) years old. This crime is a complaint offense, which means that the offense can be prosecuted if there is a complaint or report from the victim of the crime;
- b. The crime of sexual intercourse with a child less than 12 (twelve) years of age and or causing serious injury, light injury, or sexual intercourse with a biological child, stepchild, adopted child, or servant. This crime is included in the ordinary offense, which means that the offense can be prosecuted even though there is no complaint or report against the victim who is harmed.

The elements contained in Article 287 of the Criminal Code are as follows:

- a. Objective element
 1. Clearly known; and
 2. It should be presumed
- b. Subjective Elements
 1. Intercourse;
 2. A woman;
 3. Outside of marriage;
 4. Not yet 15 (fifteen) years old; and 4.
 5. Not yet able to marry.

Based on Article 287 of the Criminal Code, the requirements to be considered as the crime of sexual intercourse must be committed outside of marriage. If the crime of coitus is committed by a legal wife, then it is not listed in the explanation of the article and cannot be prosecuted under the article, but with the allegations of other articles.

Protection of children against sexual violence

Article 1, paragraph 2 of Law Number 35 of 2014 regarding Child Protection delineates child protection as "all activities aimed at ensuring and safeguarding children and their rights to live, grow, develop, and participate optimally in accordance with human dignity, while receiving protection from violence and discrimination." This term broadly includes all efforts aimed at safeguarding children's rights. The word "child protection" includes all efforts to prevent, rehabilitate, and empower children who have suffered from neglect, exploitation, and abuse. This activity aims to ensure the children's survival and the natural evolution of their life, including their physical, mental, and social development.

Based on the description above, it can be concluded that basically the definition of child protection is all efforts or activities carried out against children with the intention of providing guarantees and protecting and preventing things that violate children's rights both physically, mentally and socially, so that the child can grow, develop and participate in the future. As a national movement, child

protection efforts involve all levels of society, including families, government, community social institutions, social organizations, religious leaders as well as academic institutions and experts to jointly realize children who are firm in their faith, healthy educated and able to compete and determine their own future.

Two legislative acts in Indonesia that explicitly protect and govern children are Indonesian Law Number 35 of 2014 regarding Child Protection and Law Number 11 of 2012 pertaining to the Juvenile Criminal Justice System. The aim of these two laws is to ensure that children's needs are addressed in a manner conducive to their optimal growth, development, and well-being, allowing them to engage fully in accordance with their human dignity while being protected from violence and discrimination. Before the enactment of Law No. 35/2014 on Child Protection and Law No. 11/2012 on the Juvenile Criminal Justice System, juvenile legislation underwent multiple legal codifications. The principal aim of both statutes was to protect youngsters. Article 13 of Law No. 35 of 2014 on Child Protection prohibits discrimination, exploitation (both economic and sexual), neglect, cruelty, violence, abuse, injustice, and other forms of mistreatment for all children under the custody of their parents, guardians, or other responsible parties.

b. The penalty for contravening paragraph (1) will be more stringent than that outlined in the preceding paragraph if a parent, guardian, or caregiver of a child engages in any form of treatment mentioned in the paragraph.

The safeguarding of children exemplifies justice within a society, hence being pursued throughout several domains of state and social life. The legal ramifications of acts undertaken to protect juveniles depend on both codified and uncodified legislation. Child protection encompasses all efforts aimed at preventing, rehabilitating, and empowering children who have suffered from maltreatment, exploitation, and neglect. This is executed with the aim of ensuring the children's survival and development in a natural manner, encompassing their physical, mental, and social growth.

Sexual violence includes any act that coerces an individual into sexual intercourse without their consent or against their will, or compels them to engage in sexual acts in a manner that is unnatural or undesirable to the victim, to satisfy the perpetrator's sexual desires. All of these activities constitute sexual violence. Law Number 35 of 2014 defines violence as any action that inflicts physical, psychological, sexual, or negligent harm onto children. This includes threats to perpetrate acts, coercion, or the unconstitutional deprivation of liberty. Furthermore, any action affecting kids is classified as violent. The word "sexual violence" refers to any action, either verbal or physical, perpetrated by an individual to manipulate another into engaging in sexual acts against their will. The fundamental aspect of sexual violence is the existence of compulsion or the lack of agreement from the other side. The second component is that the victim is either incapable or disinclined to give such consent. Sexual violence encompasses both of these elements.

The phrase "child abuse" refers to any circumstance in which a kid experiences physical, emotional, or sexual harm, usually inflicted by those accountable for the child's care. The most evident manifestation of violence that children endure is the persistent physical assault or beating that results in injuries or abrasions. It is essential to acknowledge that child abuse manifests in various forms, including physical violence, sexual exploitation such as pornography and assault, improper nutrition, neglect of education and health, and inadequate medical care.

Many experts argue that multiple factors contribute to understanding the causes of child sexual abuse. Numerous factors contribute to the challenges faced by children, including the perception of their weakness and helplessness, societal immorality—especially among perpetrators of sexual violence—the lack of parental oversight and awareness in preventing crimes against children, the unavailability of accessible educational programs from the government, and various other elements.

The community environment influences the emotional, social, and physical well-being of its members, as well as their overall health, according to environmental psychology. Various environmental elements can influence an environment, including physical architecture, density, availability of public space, personal space, and individual privacy. The optimal environmental setting would account for the varied demands of its inhabitants. The suitable environmental conditions will certainly enhance the well-being of the neighborhood's people. An improper environment will hinder several processes and adversely affect the community's well-being. Children are among the entities that occupy a social domain. Children are presently undergoing a phase of accelerated growth and development, encompassing both physical and psychological aspects, appropriate to their age. The suitable environmental setting is crucial for the successful execution of this process. The regrettable reality is that numerous circumstances in Indonesia hinder the proper growth and development of children, placing them in jeopardy.

Case Study Analysis of Decision Number 429/Pid.Sus/2021/Pn Bdg

Based on the case studied by the author, the public prosecutor used a single charge as stipulated in Article 81 Paragraph (2) of Law of the Republic of Indonesia Number 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection into Law.

In the "black's law dictionary" it is said that punishment is any fine or law imposed on a person through a legal authority and the verdict and decision of a court for a crime or offense committed by him, or because of his negligence of an obligation imposed by the rule of law. This it can be concluded that punishment contains the following elements and characteristics:

1. Criminal punishment is essentially a use of suffering or pain or other unpleasant consequences.
2. The punishment is administered intentionally by a person or body with power (by the authorities).
3. The punishment is imposed on a person who has committed a criminal offense under the Law.
4. Punishment is an expression of the state's condemnation of a person for violating the law.

The Child Protection Law governs several issues pertaining to sexual relations with minors, including sexual assault. Any person found in violation of the stipulations outlined in Article 76 D shall face a minimum imprisonment of five years and a maximum of fifteen years, along with a potential fine not exceeding five billion rupiah (Rp 5,000,000,000.00), as specified in the first paragraph of Article 81 of the Child Protection Law. The sanction specified in paragraph one of Article 81 applies to any person who consciously and willfully coerces a minor into sexual activity with themselves or another individual by violent means or threats of violence. This category includes the act of rendering an individual unconscious or incapacitated in relation to coercion.

For the purpose of giving a decision in a criminal case, particularly the case that was analyzed by the author, the court must concentrate on the laws and regulations and rely on the facts that were presented during the trial. These facts include the indictment that was submitted by the public prosecutor as well as the evidence. This penalty is applied to individuals who engage in sexual relations with a minor. The magistrate is theoretically required to make this conclusion. An indictment is a formal document that delineates the criminal charges against the defendant. The judge's examination occurs in the courtroom, and this formulation serves as the basis generated from the inquiry's outcomes. It is finished. Meanwhile, Article 184 of the Criminal Procedure Code has governed the evidence. This page encompasses the defendant's testimony, correspondence, directives, and expert testimonies.

The court considers both the minimum and maximum punishment provisions of the Act when determining the duration of the sentence. The Criminal Code delineates the minimum and utmost penalties for general offenses. Conversely, the penalties for specific offenses are delineated in a distinct statute that is not part of the Criminal Code framework. Judges in Indonesia are required to comply with the standards that have been established in the past when deciding cases involving sexual encounters involving minors. This serves as an illustration of Indonesia's commitment to the legal framework of Continental Europe, which prioritizes legislation as the primary source of authority.

Upon further examination of the decision, it is evident that the judge recognized the defendant's case's exceptional precision. The judge's decision is predicated on the legal circumstances that were presented to the court prior to the trial, as well as the relevant established law. The evidence, the elements of the offense being accused, the testimony of the defendant and witnesses, the accusations made by the Public Prosecutor, and extrajudicial aspects such as the

defendant's background, circumstances, and financial status are all included in this. Additionally, the court is obligated to determine whether the defendant's criminal conduct is consistent with the elements of the offense for which they have been charged.

The article utilized by the judge of the Bandung District Court adheres to the stipulated conditions, contingent upon the reader's meticulous attention. The author contends that the delivered sentence aligns with Law Number 23 of 2002 concerning Infant and Child Protection.

Due to the fact that it satisfies the requirements of Article 81, paragraph (2) of Law Number 23 of 2002 concerning Child Protection, the sanction is regarded as being appropriate. MUHAMAD BAYU NUGRAHA Bin SOLIHIN was given a sentence of six years in prison by the court. The court took into consideration the proven legal facts, the aggravating and mitigating elements, the statements made by witnesses, the declarations made by the defendant, and the behavior that was observed during the trial. In accordance with the provisions of Article 81, paragraph (2) of Law Number 35 of 2014, which incorporates amendments to Law Number 23 of 2002, this penalty was imposed. Ten years is the minimum penalty, while fifteen years is the highest sentence that can be handed out.

CONCLUSION

The legal framework governing sexual intercourse crimes involving child victims is based on Indonesian Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection, in conjunction with Indonesian Law Number 17 of 2016, which enacts Perpu Number 1 of 2016, amending Law Number 23 of 2002 on Child Protection, and Article 64, paragraph (1) of the Criminal Code. This ruling was identified in the Semarang District Court Decision Number: 429/Pid.Sus/2021/PN Bdg. The Criminal Procedure Code is utilized temporarily to handle official criminal law applications. The kinds of evidence offered in the author's study of the decision include witness testimony, the defendant's testimony, and other evidence, all grounded on established legal facts and evidence gathered during the court proceedings. Thus, the result aligns with the evidentiary framework of the Negativity Law and the protocols established in the standard Examination Procedure during the trial.

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