

ABSTRAK

Tindak pidana kekerasan seksual terhadap anak semakin marak terjadi dan mengalami peningkatan setiap tahunnya. Kekerasan seksual terhadap anak dapat dikenakan ancaman Pasal 81 dan Pasal 82 Undang-Undang tentang Perlindungan Anak dengan ancaman maksimal 15 tahun penjara, dan maksimal denda Rp 5.000.000.000 (lima miliar rupiah). Pelaku tindak pidana kekerasan seksual terhadap anak dapat dihukum dengan pidana tambahan berupa tindakan kebiri kimia dan pengumuman identitas terdakwa sesuai dengan Peraturan Pemerintah Republik Indonesia Nomor 70 Tahun 2020. Penerapan tindakan kebiri kimia diharapkan memberikan keadilan kepada korban dan efek jera kepada pelaku dan calon pelaku kekerasan seksual terhadap anak dan diharapkan memperbaiki kelakuan terpidana setelah selesai menjalani pidana pokoknya. Dalam penelitian ini akan dibahas mengenai beberapa masalah mengenai perbedaan putusan hakim dalam menimbang kasus serta pertimbangan hukum hakim dalam menjatuhkan Putusan Nomor 11/Pid.Sus/2022/Pn Wno dan Nomor 858/Pid.Sus/2022/Pn Bjm. Jenis penelitian dalam penulisan skripsi ini tergolong penelitian hukum normatif. Teknik pengumpulan sumber bahan hukum yang digunakan dalam penelitian ini adalah teknik penelitian pustaka. Penelitian keputusan melakukan pengkajian terhadap data sekunder berupa bahan hukum primer (peraturan perundang-undangan), bahan hukum sekunder (buku-buku hukum, makalah hukum, jurnal hukum, tulisan-tulisan yang dimuat di website-website internet).

Kata Kunci : analisa, kebiri kimia, kekerasan seksual, pidana khusus

ABSTRACT

The incidence of sexual violence against children is increasingly rampant and has been on the rise each year. Sexual violence against children can be subject to Articles 81 and 82 of the Child Protection Law with a maximum penalty of 15 years imprisonment and a maximum fine of Rp 5,000,000,000 (five billion Indonesian rupiah). Perpetrators of sexual violence against children may also face additional penalties such as chemical castration and the disclosure of the defendant's identity in accordance with Government Regulation of the Republic of Indonesia Number 70 of 2020. The implementation of chemical castration is expected to provide justice to the victims, deterrence to perpetrators and potential perpetrators of sexual violence against children, and hopefully rehabilitate the behavior of the convicted after serving their primary sentence. This study will discuss various issues regarding the differences in judges' decisions in assessing cases and the legal considerations of judges in issuing Decisions Number 11/Pid.Sus/2022/Pn Wno and Number 858/Pid.Sus/2022/Pn Bjm. This research falls under normative legal research, employing the technique of library research to collect legal source materials, including primary legal sources (legislation) and secondary legal sources (legal books, legal papers, legal journals, articles published on internet websites).

Keywords: analysis, chemical castration, sexual violence, special punishment