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CRIMINAL PUNISHMENT FOR CRIMINALS WHO DELIBERATELY INCITE MINORS TO HAVE SEXUAL INTERCOURSE (CASE STUDY CASE NO. 215/PID.SUS/2024/PN SBR)

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Abstract:

Background. In the case of criminal acts involving minors as victims, criminal sanctions have a more complex aspect, as they focus not only on punishment for the perpetrator, but also on the protection of

vulnerable victims. The act of sexual intercourse of minors is included in the category of moral crimes, where behaviors, actions, or conversations related to norms of decency must be maintained and protected by law.

Aims. This aims to realize order and morality in community life. This study aims to outline the rules of criminal law and the sanctions imposed on perpetrators of criminal acts who deliberately persuade minors to have sexual relations, both with themselves and others.

Methods. This study uses a normative juridical approach by examining the theory, concept, laws, and regulations of the Source District Court Decision No. 215/Pid.Sus/2024/PN Sbr.

Result. The results of this study conclude that criminal acts involving children as victims are a category of special criminal acts, which are regulated in special laws and regulations regarding child protection, criminal provisions are also applied to every individual who deliberately using deception, a series of lies, or persuading a child to have intercourse with himself or with others, and criminal sanctions against the perpetrators of criminal acts in case No. 215/Pid.Sus/2024/PN Sbr. based on the provisions on child protection have been fulfilled, where the Panel of Judges sentenced the defendant to imprisonment, with a prison sentence of 10 (ten) years and a fine of Rp. 500,000,000.00 (five hundred million rupiah).

Conclusion. Criminal acts involving children as victims are categorical special criminal acts, are regulated in special laws and regulations governing child protection, such as Law No. 17 of 2016, a double amendment to Law No. 23 of 2002 on Child Protection.

Implementation. Criminal penalties are imposed on individuals who intentionally use force, series of lies, persuade a child to have sexual intercourse with themselves or with another person

Keywords: minors, intercourse, child protection, criminal.

A. INTRODUCTION

Indonesia is a country of law that upholds justice, not just power. Law enforcement is carried out through development in the legal field based on Pancasila and the 1945 Constitution. It also includes respect for human rights and guarantees of the rights of Indonesian citizens. Therefore, to ensure that each individual can enjoy the rights of others without reducing or infringing on their rights, government establishes various regulations to provide a balance in implementing these rights.

A part of the entire law that applies in the community or in the state is criminal law, which contains the basics of the rules to determine the prohibited acts accompanied by threats that are punishable by the punishment of anything that violates the prohibition. When crimes are rampant everywhere, range from crimes of a minor nature to serious crimes that result in the loss of a person's life, sexual crimes such as molestation, , sexual intercourse. Morel is worried about the child's inability to be a victim. hall made the community concerned about the safety of their children.¹

Children are the next generation of wards that must be protected. As regulated in the Law of Record No. 231 Year 2002 on the protection of children as amended by Law RIL No. 17 Year 2016 on Child Protection. Article 11 2, reads: protection of children is all activities to

¹ Ledenl Marpaung, *Crime Against Morality and Its Prevention Problems*, Jakarta: Sinarl Grafika, 2004, 1p. 3

guarantee and protect children and the rights of children so that they can live, and develop and optimally under the values and dignity of humanity, Sertal gets protection from violence and discrimination.² Children cannot protect themselves from various threats in their lives. Therefore, require the protection of the people against various criminal acts that can endanger the safety of the people in the past.

the people are responsible for ensuring children's protection.

Sexual assault can children. often become victims because they are more vulnerable to being persuaded, seduced, cheated by the perpetrator. This crime has been regulated in Article 811 paragraph (1) and (2) Law No. 171 of 2016 on Schedule Changes to Law RII No. 23 of 2002 on Child Protection, which states as follows:

- (1) Each person who violates the provisions as referred to in Article 76DI shall be punished with a prison sentence of at least 51 (five) per year and a maximum of 151 (fifteen years) a maximum of Rp. 5,000,000,000.00L (Limal Miliarl Rupiah)
- (2) The provisions of the criminal law as intended in paragraph (1) apply to every person who intentionally commits a trick, a set of lies, persuades a child to have intercourse with another person.

In fact, are many cases of sexual intercourse with children as victims. This situation has attracted serious attention from the government, law enforcement officials, providing legal protection to the community, children.

Children who become victims of sexual crimes will experience negative impacts, physical and psychological, can affect them in the future. A case of sexual intercourse against a child occurred in Cirebonl Regency which has been decided by the Sumberl Sumberl District Court in the Decision 1 No. 215/Pid.sus/2024/PNI Sbrl : Atasl named the defendant "A" who committed a criminal act of sexual intercourse with "S" a child who was 14 years old.

Problem Summary

1. What are the penal provisions for a person who intentionally persuades a minor to have sexual intercourse with someone else or someone else?
2. How does the district court determine criminal sanctions against offenders who commit criminal acts by intentionally persuading a child under the age of consent to have sexual intercourse with another person?

² Wiyono, *Court of Human Rights in Indonesia*, Jakarta: Kencana Prenadal Medial Group, 2006, p. 98

Objectives And Benefits Of Scientific Work

The purpose of writing this journal is as follows:

- a. To analyze and understand the legal provisions that govern criminal sanctions for perpetrators who persuade children to engage in sexual intercourse in the Indonesian criminal justice system.
- b. To understand the extent of the legal protection of children who are victims of sexual harassment and the protection mechanisms provided by the state.
- c. To analyze the factors that influence the case of sexual intercourse against children among social media people.

In addition to the above objectives, journal is expected to be useful for various halls, including:

- a. Theoretical Benefits

To deepen understanding of criminal law, related to the protection of children from sexual crimes.

- b. Practical Benefits

Discussing the problems in this journal is expected to increase the understanding of the general public and the parties involved in the legal field. addition, journal is expected to provide input to law enforcement officials in considering the imposition of a prison sentence against a child sexual assault under the age of 10.

Place Of Execution

This research was carried out with the location of the Police Department (Unitl PPAI - Protection of Women and Children). Sections visited: Women's and Children's Protection Unit (PPA), rooms, case reporting sections. Objectives: To conduct the investigation and investigation process against cases of child sexual coercion, To assist investigators in gathering evidence.

METHODS

This research uses a normative-empirical method, combines normative legal aspects with empirical data as support. The method of the law covers the application of normal legal in practical terms of how the normal function is in various legal events that occur in society.

This research uses secondary data, as laws, books, expert other This secondary date is used as complementary information from the primary date source.

DISCUSSION

Definition of Criminal Sanctions

Criminal sanctions are legal consequences that are given to the perpetrator of a criminal act as a form of accountability for his actions. Criminal is the suffering that is given by the state to a person who violates the criminal law.³ Criminal sanctions are intended to provide a deterrent effect, good for the perpetrators and the general public, serral to execute the law.

In criminal cases involving children who are underage as victims, sanctions have more complex aspects, because they do not always focus on punishment for the perpetrator, they are also protective of vulnerable victims.

Sexual Harassment of Children Under the Age of Consent

In criminal law, persuasion can be considered as a form of participation in criminal acts. The Penal Code regulates persuasion in Article 55, states that a person who persuades can be punished like the main perpetrator. In the context of sexual intercourse with underage children influences or either Law No. 351 of 20141 on Child Protection emphasizes that anyone who persuades a child to commit sexual intercourse can be subject to severe criminal sanctions.

Legal Protection Against Children as Victims

Children are legal subjects who receive special protection in the criminal justice system. This protection is regulated in various regulations, as:

- Law No. 351 of 2014 on Child Protection
- Law No. 171 of 20161 which regulates the punishment of more than one person for sexual crimes against children
- Law No. 111 Year 20121 on the Juvenile Criminal Justice System

In the context of handling sexual intercourse cases, protection for the victim's child is not only focused on criminal sanctions for the perpetrator, it also includes the rights of the victim to obtain assistance, psychological rehabilitation.

³ Moeljatno,1 *Principles of Criminal Law*,12008,1 Jakarta: Rinekal Cipta.

Criminal Charges of Sexual Assault Against Children Under the Age of Custody

Criminal penalties for perpetrators of sexual intercourse with minors are regulated in several legal provisions, others:

- Criminal Code: Article 811 Ayat (2) Child Protection Law which regulates the punishment of children who persuade children to commit sexual intercourse, with a maximum criminal threat of 151 per year imprisonment and a maximum fine of Rp51 billion.
- Law No. 171 of 2016: Provides additional punishment for chemical abuse against children, for victims of sexual violence against children.
- The Law of Attraction: If persuasion is carried out through electronic media or the Internet, the perpetrator can be punished under the Law of Attraction, with additional penalties for disseminating content that violates morality.

Criminal Procedure for Sexually Assaulting a Child Who Is Sexually Assaulted

Sexual intercourse is included in the category of immorality in the legal dictionary; it is defined as behavior or conversation that is related to the normal norms of decency that must be punished and protected by law. This hall aims to realize order and order in social life.

Criminal acts by intentionally persuading a minor to have intercourse, with oneself or with another person, are regulated in the Criminal Code (KUHP).

Each criminal act contains elements that indicate the existence of a criminal act. Pasal 2781 paragraph (1) of the Criminal Code (KUHP), contains the following elements:

a. Subjective Elements

1. Whoever, in the hall of this person, commits intercourse as a person entrusted in Article 2871 ayat (1) KHUP
2. Outside of marriage, person who commits sexual intercourse is not in a marital relationship with the woman he has sex with. An actual marriage can prove this hall.
3. It is known that the woman has not been 15 years old, it is generally unclear.

b. Objective Elements

1. you, you.

Sexual intercourse with a minor child is an act of sexual intercourse that does not occur in the course of the sexual act. be viewed as sexual intercourse unless it is an act of sexual immorality.⁴

2. Object, with a woman outside of marriage
3. Generally, it is not 15 years (fifteen years) or if the marriage age is unclear.

In addition to the provisions contained in the Criminal Code (KUHP), sanctions for offenders of criminal acts of sexual intercourse against juveniles have been regulated specifically in Law No. 17 of 2016, which is a double amendment to Law No. 23 of 2002 on Child Protection, or with another person.

The criminal provisions of Article 76D are found in Article 81, reads as follows:

- (1) Every person who violates the provisions as referred to in Article 76D shall be punished with a fine of at least 51 (five) year and a maximum of 151 (fifteen years) and a maximum of 15 l's (fifteen years) and a maximum of Rp. 500,000,0001 (limal miliarl rupiah).
- (2) The provisions of the criminal law as intended in paragraph (1) apply to every person who intentionally commits a trick, series of lies, persuades a child to have sexual intercourse with another person.
- (3) In the hall of criminal acts as intended as the words of the ayatl (1) are carried out by the guardian, the child advocate, the educator, the education taul tenagal, the criminal offense is added 1/31 (one-third) of the criminal threat as intended by the word ayatl (1).
- (4) In addition to the criminal offense as referred to in paragraph (3), addition of 1/31 (one-third) the criminal threat is imposed on the offender who is convicted of committing a criminal offense as referred to in Article 76D.
- (5) In the hall of criminal offenses as referred to in Article 76 of the Criminal Code, the victim is more than 11 (one) person, causes serious injury, mental disturbance, contagious disease, disturbed or loses reproductive function, and/or the victim dies, perpetrator is sentenced to death, A lifetime, prison sentence is at least 10l (ten) and the maximum sentence is 20l (two ten) years.
- (6) In addition to being charged with criminal offences as intended as a criminal offence (1), sentence (3), sentence (4), and conviction (5), perpetrator can be charged with additional criminal charges based on the announcement of the identity of the perpetrator.
- (7) Such a person shall be subject to the provisions of paragraphs (4) be subject to the use of chemical substances and the installation of electronic detectors.

⁴ S.R. Sianturi, *Criminal Law*, Rinekal Cipta: Jakarta, 2007

(8) Actions as intended in paragraph (7) are decided with the principal criminal court by satisfying the time frame for implementing the action.

The elements contained in Article 811 paragraph (2) of Law No. 171 Tahun 2016 on the amendment of Law No. 231 Tahun 2002 on Child Protection, as follows:

1. Elements of each person

That is what is meant by each person or corporate entity who is the subject of an individual or a corporate entity charged as a criminal offender and presented by the Public Prosecutor in the trial as a defendant.

2. An element of intentional deception is a series of lies or persuades a child to have intercourse with another person. That is meant by deliberate acting, that the act is prohibited by the law or the standard norms that apply in society, the perpetrator will still do it.⁵

- a. Intentionality is the intent of the word; is the intention and purpose of the perpetrator.
- b. Intentionality with a sense of certainty; Intentionality with the awareness of the certainty of the main thing is an act done by the perpetrator, even though the act is intended to cause the consequence. However, the perpetrator still commits the act and knows the result will follow his or her act.
- c. A sense of foreboding and a sense of possibility; Intentionality with the awareness of the possibility of the main act is the actual consequence of the alleged act, but the perpetrator still commits the act, and is aware of the possibility of other consequences that arise from his or her actions.

Furthermore, subtle elements of trickery, a series of lies, or persuasion of children with an alternative nature are artful so that each can replace the other. If one element has been met, other elements do not need to be considered and considered to have been met. Of tricks is self-referential to the purpose of misleading a person to obtain profit.⁶

What is meant by a series of lies is that one lie alone is not enough to create a series of stories that appear to be true.⁷ Seduction can be interpreted as seduction.

A child is an individual who has not yet reached the age of 18 (eighteen years), those who are pregnant with child, as regulated in Article 1 of Law No. 23 of 2002 concerning Child Protection.

⁵ No. 215/Pid.Sus/2024/PNI Sbr; pp. 24-25

⁶ No. 215/Pid.Sus/2024/PNI Sbr; p. 25

⁷ R.1Susilo, *Kitabl Hukum Jurilawl Criminal Sertal Complete Commentaries Pasall Demil Articles*, Politeia, Bogor: 1994, p. 261

Based on the elements that have been mentioned, criminal act that meets these criteria can be subject to criminal sanctions. for Child Protection.

In criminal law, the principle of *lex specialis* is a specialist legal derogation from the general rule, *which* means that the rules that are more specific will override rules that are of a general nature. Based on the above description, provisions of the Law on Child Protection in particular Article 81 on criminal sanctions against sexual offences against children, Offences can be said to be Article 2871 paragraph (1) of the Criminal Code (KUHP) be applied to the offender of criminal acts of sexual intercourse against children, because the provisions of the criminal law for sexual intercourse have been regulated in a special way in Article 81 of the Child Protection Law, so that in the Child Protection Law Article 81 is a *specialist law* of Article 2871 paragraph (1) of the Criminal Law (KUHP). criminal designation, Law on the Protection of Children Article 81 is prioritized under Article 287 paragraph (1) of the Criminal Code (KUHP).

Thus, sanction for the perpetrator of criminal acts of sexual intercourse against a child is regulated in Article 2871 paragraph (1) the Criminal Code (KUHP). Special provisions for criminal sanctions for such criminal acts are also regulated in the Law of Criminal Law No. 17 of 2016, which is a double amendment to the Law No. 23 of 2002 on Child Protection especially in Article 81.

In the act of intercourse, can be concluded that the main condition for sexual intercourse is the penetration of the male genital into the female genitalia. Because of this, sexual intercourse is different from sexual activity; it is not required to have penetration in the male sex with the female genitalia.

Criminal Sanctions Against Offenders Who Commit Criminal Acts By Intentionally Persuading A Child To Have Sexual Intercourse With Someone Else, Analysis of the Decision of the State Court Source, Based on the Analysis of Decision No. 215/Pid.sus/2024/PNI Sbrl

Previously, discussing criminal sanctions for criminal offenders who intentionally persuade underage children to have intercourse, with themselves or with other people, Decision No. 215/Pid.Sus/2024/PNI Sbr, the researcher will first describe the case's position in the criminal sentencing process by the Judicial Panel of the Source State Court, based on the analysis of Decision No. 215/Pid.Sus/2024/PNI Sbrl :

Identity of the Defendant

The Sumberl District Court, which examined and adjudicated the criminal case at the first level of the examination, pronounced the following verdict in the Defendant's case:

"A" No. Identity 3209150211050004, Nationality: Indonesian citizen, Gender: male, place/date of birth: Cirebon, 02 November 2005, age 18 years, student occupation, Islamic religion, Address: Block Kembangl RT. 001 RW. 003 Desal Gegesik Kec. the middle of the Kabbalah. Cirebon.⁸

Possible Case

The defendant "A" padal awall in January 2024, or at least in the year 2024, located in Cirebon, Block of flowers, Desal Gegesikl Kec. am in the middle of Tanil Cab. Cirebonl ataul at least the place where the priest is included in the legal area of the District Court of Sumberl who is authorized to examine and judge this percaral, by intentionally committing a trick, a series of lies, or persuade the victim's child who is 13 (thirteen) Based on the Actual Birth Number XXXXXXXXXXXXl dated November 1, 2010, having intercourse with another person, defendant committed the act in the following ways:

The victim's son explained that in January, the defendant suddenly contacted the victim's child through social media (WhatsApp), and the victim got the victim's child's number from the mobile phone, which had the initials "TI", which was used in the group. Later, the victim's child and the defendant had a romantic relationship through video calls, phone calls, and long-distance relationships for less than 3 months, a long-distance relationship between the victim and the defendant. The defendant promised to be engaged to the victim. Not lamal daril itul anak korban want to meet the defendant lalul buy a ticket for the train fire, setelah sampail dil Cirebonl padal haril Friday, 19l April 2024l around 08.00l WIBl anak victim dil invite the defendant. Later, at around 09.00 a.m., the defendant took the victim's child to the house and found the defendant's son after they went out to eat, at 1.00 p.m., the defendant took the victim's child to the hotel.

They do the same thing 4 times. the end of the day, when the victim is in a relationship with the victim, he asks, "How are you doing?" The Defendant replied "If you are pregnant and you will be responsible" after the victim is in a relationship with the victim and the victim is in a relationship with the victim again. Later, around 04:00, the defendant returned to his house

⁸ No. 215/Pid.Sus/2024/PNI Sbr; p. 1

and the victim's son was left alone. Around 07:00, the defendant came to the hotel to check out, before he checked out, the defendant forced the victim to have sex again

The victim's son explained that he did not know or hear the victim's testimony other than the victim's previous testimony. The victim's testimony demonstrated that the defendant had not been convicted of murder.

Dated April 19, 2024, the victim's father asked the victim's son because he did not know his whereabouts. Then the victim's father asked for help from the victim's uncle, who was on duty at the Police Headquarters, to track down the victim's cellphone. Then, around 11:30 a.m. local time, the victim's cellphone became active. The victim's father called the victim's son while he was playing, but did not explain the behavior of the Cirebonl, and then told him to shrilla Sharlocl. Then the cellphone was directly disabled.

Around 17:00l WIBl the victim's father informed that the victim's son could practice in Cirebonl until the victim's father and the victim's mother around 20:30l WIBl daril rumah l rented to go to the Cirebonl area to determine the location of the Hpl milikl l the victim's child around 00:00l WIBl but when it was time for the victim to be arrested to ensure the location of the victim's child. Then, the defendant greeted the victim's child when he wanted to check out with the defendant at 07:00 a.m. on Saturday, 20, 2024. Then, the victim immediately secured and reported to the Cirebon City Police Department.

As a result of the defendant's actions, victim's child experienced minor intellectual impairment was seen to have limitations in functional thinking and adaptability. The level of intelligence is based on the category of intellectual disability, so it requires more time to interact with the environment than children of their age.

Indictment of the Public Prosecutor

The Public Prosecutor has charged the defendant with an alternative charge, namely:

1st: Pasal 81 ayatl (1) Law RI No. 17 Yearl 2016l on the Establishment of Government Regulations instead of Law No. 11 Yearl 2016l on Changes to the Schedule of Laws RII No. 23l Year 2002l on the protection of children under the law (as in the prosecution of the First Prosecutor);

2 nd: Article 81 ayat (2)) Law RI No. 17 Yearl 2016l on the Establishment of Government Regulations in place of Law No. 11 Yearl 2016l on Changes to the Schedule of Laws RII No. 23l Year 2002l on the protection of children under the law (as in the prosecution of the Public Prosecutor's SUBSIDAIR);

1. Proof in the Court
2. In the trial process, Public Prosecutor presented witnesses who had heard the trial testimony under oath, on Decision No. 215/Pid.Sus/2024/PNI Sbr.
3. Public Prosecutor's Demands
4. Stating that the defendant "A" is proven to be a good judge and convincing that he is guilty of committing a criminal act of "sexual intercourse with a child" regulated and criminally charged in the indictment under article 8 paragraph (1) Law RII No. 17 Yearl 2016l on the Establishment of Government Regulations instead of Law No. 1 Yearl 2016l on Changes to the Schedule of Laws RI No. 23l Year 2002l on Child Protection.
5. To sentence the defendant "A" with a criminal penalty of 10l (ten) annum and a fine of Rp. 500,000,000,-(limal hundred rupees) the stipulation that the fine will not be paid and replaced with imprisonment for 6 (six) months;
6. Stipulating that the defendant "A" pay the perkaral fee of Rp. 5,000 (rupiah).

Legal Counsel Defense

1. Stating that the defendant "A" cannot be held accountable for his actions and convinces him to commit a criminal act as a criminal offense according to Article 81l paragraph (2) of the Law No. 17l Yearl 2016l on the Establishment of Government Regulations instead of Law No. 11 Yearl 2016l on Changes to the Schedule of Laws RII No. 23l Year 2002l on child protection, because it was released from all legal guidance.
2. Restore the property's good name and the dignity of the defendant. "A"l pedal the situation again.
3. To pay the full cost of the project to the state.
4. The Judicial Council of Judges has a different opinion, the Court of Appeals for the fairest verdict.
5. Considerations of the Judicial Assembly

Considering that based on the legal facts of the trial, the incident occurred on Friday, 19 April 2024, at 13.00 WIB, in Desal Kertawinangun, Kedawung sub-district, Cirebon regency, located in the hotel. Initially, the defendant invited the victim to go out to eat around 11.00 WIB. 13.00 WIB, defendant asked the victim's child to the hotel and they had sexual intercourse as many as 4l (four) times. After having intercourse, the victim's child asked, "What if you are pregnant?" The defendant replied, "If you are I will be responsible." After that, the two returned to have a relationship like a married couple.

Around 04.00 a.m., defendant returned home, leaving the victim alone in the hotel.

Around 07.00 WIB, the defendant returned to the hotel to check out, but before the check-out, the defendant invited the victim's child to have sex again. Considering that the Jury believes that the words of the defendant believe that the words of the defendant are to be convincing and that if something happens the defendant will be held responsible, and will not leave the victim's witness, is a series of sentences that have the nature of persuasion that can convince the victim's witnesses to obey the words of the defendant or get the It is called jugal by seducing the victim's accomplice so that the victim's witness mau does what the defendant wants. Consider that based on the actual Birth Quotation No. XXXXI on the name of the victim "S" which was issued by the Head of the Population and Family Records Office of the South Tangerangl Family, the victim's birth certificate on November 11, 2010, that it is related to the time of the incident, The victim thought that based on the series of acts of the defendant as described above, act was carried out consciously and was realized in a real form. Therefore, defendant's act was done intentionally, that the element of persuading the child to have sexual intercourse with the defendant has been fulfilled.

In the trial, Panel of Judges did not find any reason that could remove criminal responsibility, in the form of a justification or an excuse for forgiveness. Thus, defendant must be held accountable for his actions. Because the defendant cannot account for his actions, he must be declared guilty and sentenced to a criminal sentence.

In the defendant's case, was charged with a cumulative criminal threat of imprisonment and a fine. Therefore, Judicial Panel will impose criminal penalties by considering the number of mass prisoners with appropriate fines. In addition, mass detention carried out by the defendant as soon as it is valid must be considered and reduced by the total sentence imposed.

Before sentencing the defendant, Jury considered the factors that would aggravate and mitigate the defendant. The incriminating factor is that the defendant's actions caused racial embarrassment and trauma to the victim, and that it degraded the dignity of women. Temporarily, mitigating factor is that the defendant admits his guilt, not to repeat his actions, has not been convicted before.⁹

Amarl Verdict

1. Stating that the Defendant "A" is not proven guilty of any criminal act and convincing that he is guilty of committing a criminal act as a matter of public prosecutor's primary;

⁹ No. 215/Pid.Sus/2024/PNI Sbr

2. Acquittal of the Defendant from the Primary Prosecutor's Charge;
3. Stating that the Defendant "A" is proven to be a legitimate and convincing defendant of committing a criminal act "by intentionally persuading the child to commit sexual intercourse" in the indictment of the Subsidair
4. Imposing a criminal penalty by the Defendant on the Defendant with a prison sentence of 10l (ten) year and a fine of Rp. 500,000,000 (limal hundred rupees worth rupiah) apabilal dendall is not paidl makal is replaced with a prison sentence for 6l (six) months;
5. Stipulate that the mass arrests and detentions that the Defendant has carried out are reduced in all the criminal charges that have been imposed;
6. To determine whether the defendant will remain in custody;
7. To charge the Defendant to pay the percaral fee of Rp. 5,000,- (limal ribul rupiah);

The Panel of Judges, in examining criminal cases, is tasked with disclosing and proving the facts that arise during the trial process, while still being guided by the formulation in the indictment letter filed by the Public Prosecutor. Based on the position of the case described earlier, can be concluded that the allegations filed by the Public Prosecutor in the percaral case No. 215/Pid.sus/2024/PNI The Sbrl uses an alternative indictment, because it is based on the actions Defendant "A", which shows that it is a criminal offense. The first defendant was charged with violating Article 81l paragraph (2) *Jol* Pasall 76DI Law RII No. 17l Yearl 2016l on the amendment of the Law RII No. 23l of the Year 2002l on the Protection of Children and the dual allegation of Pasall 81l paragraph (1) *Jol* Article 76 of the Law No. 17 of 2016 on the Double Amendment of the Law of the Republic of Indonesia No. 23 of 2002 on the Protection of Children and the third allegation of the Law of the Republic of Indonesia No. 17 of the Year 2016 on the Double Amendment of the Law of the Republic of Indonesia Number 23 of the Year 2002l on the Protection of the Children. Based on the facts revealed during the trial process submitted by the Public Prosecutor. Judicial Panel of the Sumberl State Court stated that the elements of criminal offense have been fulfilled with the delikl formulation found in Article 81, paragraph (2), *Jol* Pasall 76DI Law RII No. 23l of 2002 on Child Protection.¹⁰

As for the elements of criminal acts of sexual intercourse that are regulated in Article 81l paragraph (2) *Jol* Pasall 76D of Law No. 17 of 2016 on the Amendment of Law No. 23 of 2002 on Child Protection, in the decision No. 215/Pid.sus/2024/PNI Sbr,l as follows:

- a. Elements a person

¹⁰ No. 215/Pid.Sus/2024/PNI Sbr

That means every person or property is a subject, either individually or as the defendant in the trial. In the case of the defendant, referring to the indictment, Public Prosecutor, testimony of witnesses, and testimony of the defendant at trial, the Panel of Judges' opinion is that which is intended for each person in this case is Defendant "A."

- b. Elements that intentionally do tricks, a series of persuasion to engage in sexual intercourse. What I mean by intentional is that the act has been realized and wanted by the perpetrator, who knows and knows that the act is prohibited by the Law or the norms that apply¹¹

In the decision No.1 215/Pid.sus/2024/PNI Sbr, according to the researcher The Panel of Judges in imposing a criminal sentence on defendant, a criminal imprisonment for 10 (ten) years and a fine amount Rp. 500,000,000.00 (five hundred million rupiah) is not appropriate, the defendant should be sentenced more than in accordance with act, due to the defendant's actions hurt the victim's child and traumatized and also caused damage to the victim's children.

CONCLUSION

Criminal acts involving children as victims are categorical special criminal acts, are regulated in special laws and regulations governing child protection, such as Law No. 17 of 2016, a double amendment to Law No. 23 of 2002 on Child Protection.

Criminal penalties are imposed on individuals who intentionally use force, series of lies, persuade a child to have sexual intercourse with themselves or with another person. Criminal sanctions against criminal offenses in perkaral No. 215/Pid.Sus/2024/PNI Sbr. Based on the determination of the Judicial Assembly, the defendant was sentenced to a prison sentence of 10 (ten) years and a fine of Rp. 500,000,000.00 (rupiah).

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¹¹ No. 215/Pid.Sus/2024/PNI Sbr; p. 24

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