

# Policy of Criminal Left in Overcoming the Impact of Criminal Actions of Pedophilia in Indonesia

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**ABSTRACT.** Sexual crimes against children destroy the future generations of the nation. The increasing number of cases of sexual violence against children has prompted the Government to adopt a policy of chemical castration punishment. Everyone has the right to recognition, guarantee, protection, and legal certainty that is just and equal treatment before the law. The realization of legal certainty (legality) and justice in all its forms ensures that all Indonesian people prosper. The Legal System in the Criminal Policy Policy for additional chemical castration punishment which is regulated under Law No. 17 of 2016 concerning the Second Amendment of Law Number 23 of 2002 concerning Child Protection to Law and its implementing regulations based on Government Regulation of the Republic of Indonesia Number 70 of 2020 concerning Procedures for Implementing Chemical Castration, Installing Electronic Detection Devices, Rehabilitation, and Announcement of Identity Perpetrators of Sexual Violence Against Children to realize State protection to prevent sexual crimes (pedophilia) and get a deterrent effect for the perpetrators of crimes. This research method is juridical empirical. Analytical descriptive research specification. Data obtained through literature study. The approach used in this research is the statutory approach and concept analysis approach.

**Keywords:** Policy, Pedophilia, Castration.

## 1. INTRODUCTION

Indonesia is one of the countries in the world that adheres to the rule of law understanding. The process of law enforcement in the juvenile criminal justice system is a form of protection for children as one of the human resources that is a potential and a successor to the ideals of the nation's struggle and has a strategic role. Protection of children has unique characteristics and characteristics to ensure complete, harmonious, and balanced physical, mental and social growth and development. Based on Article 59 paragraph (2) letter j "Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection," it states special protection for children: against child victims of sexual crimes. [1]

The Indonesian State Policy on the protection of child victims of sexual crimes with additional penalties through chemical castration as the purpose and objective of providing a deterrent effect on the implementation of castration rehabilitation in controlling and reducing pedophilia crimes. Additional penalties for castration against pedophiles in Indonesia were created under

"Government Regulation instead of Law (Perppu) Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection." "Government Regulation instead of Law (Perppu) Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection has been stipulated as Law Number 17 of 2016". [2]

Based on various sources, it is stated that there are a total of 321,752 sexual crimes against children and sexual violence in the second rank in Indonesia, with the form of the crime of rape in the amount of 72% or 2,3899 cases, sexual abuse of 18% 601 cases and sexual harassment in the amount of 10% (266 cases) As many as 21,000 cases of victims of sex crimes, among them were on the island of Java. [3] And for the first time, the Mojokerto District Court Decision number 69 / Pid.sus / 2019 / PN.Mjk dated May 2, 2019. with case register number 695 / PID.SUS / 2019 / PT.SBY, dated July 18, 2019, has given a verdict to the defendant. MA has given an additional sentence of chemical castration and subsequently in the Surabaya District Court.

The implementation of the law enforcement process for the addition of chemical castration penalties for the criminal act of pedophilia in Indonesia has a deterrent effect on the perpetrators. As an illustration, the existing legal rules have worked. They have even contributed to the courage of law enforcement officials to impose sanctions on perpetrators of pedophilia crime, so they do not repeat their actions in order to realize legal protection for the future continuity of children due to the impact of trauma, bodily injury, and being ostracized in the environment. The community, as a result, has become victims of violence and sexual crime harassment.

As a legal process, punishment is linked to the basics and the workings of elements of the criminal justice system and the extent to which the implementation of the deviation control agency's operation in overcoming existing problems. [4]

Emphasizing the political nature of law, according to Satjipto Rahardjo, is the activity of choosing and the means to be used to achieve specific social and legal goals in society. The politics of law cannot be separated from the ideals of the Welfare State in the constitution. [5] Furthermore, Subekti argues that "the legal system as an orderly arrangement or rule, a whole consisting of parts related to one another, arranged according to a plan or pattern, is the result of a study to achieve a goal." [6] Furthermore, Bellefroid states that the legal system is a series of legal regulations arranged in an orderly manner according to its principles. [7] Then, Scholten was quoted by Utrecht as giving the opinion that the legal system is a unity; in the legal system, there are no legal regulations that conflict with other legal regulations of the legal system. [8] According to Lawrence Friedman, "the legal system elements consist of a legal structure, legal substance, and legal culture." [9]

The imposition of additional penalties in castration as a concrete force to achieve social and legal objectives in child protection. Changes in the law affect social change; it is in line with one of the functions of law, namely law as a means of social change. According to Mochtar Kusumaadmadja, political law is a law and legislation in legal reform with legal; political instruments carried out through law.

The enactment of Law of the Republic of Indonesia Number 17 of 2016 concerning Stipulation of Government Regulations instead of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 Concerning Child Protection Into Law and Government Regulation Number 70 of 2020 concerning Procedures The implementation of chemical castration, installation of electronic detection

devices, rehabilitation, and announcement of the identity of perpetrators of sexual violence against children has resulted in rejection from the Indonesian Doctors Association. The Indonesian Doctors Association's refusal was stated in the Fatwa of the Ethical Ethics Council (MKEK PB IDI) Number 01 of 2016 dated June 8, 2016, Regarding Chemical Castration, in essence, they cannot accept directly acting as the executor of chemical castration. The attitude of rejection affects legal certainty and justice for written legal norms, which have been used as guidelines for the imposition of additional sanctions in the form of castration for perpetrators of sexual crimes against children (pedophilia) with the aim of not repeating the same actions in order to promote children's human rights.

This research focuses on the additional castration criminalization policy that applies in Indonesia in realizing legal certainty and justice in the criminal act of pedophilia in Indonesia.

## **2. RESEARCH METHOD**

This research method is juridical empirical. Namely, to examine the laws and regulations on additional chemical castration and its application at the Court level to imposition chemical castration convictions. Specifications in descriptive-analytical research describe legal issues, legal systems, laws, and regulations and reviewing or analyzing according to reality. Legal events apply at certain times depending on the situation and dynamics of the developing society. Types and sources of data used are secondary legal materials, namely data obtained through literature studies, namely literature on criminal acts of sexual violence, other criminal court decisions for chemical castration, KUHP, KUHAP, Child Protection Law, and Government Regulation Number 70 of 2020 as well as other related regulations. The approach used in this research is the statutory approach and concept analysis approach.

## **3. RESULTS AND DISCUSSION**

### **3.1 Criminal Policy**

The policy is a set of decisions taken by political actors to choose goals and achieve legal goals based on a paradigm of thinking based on wisdom. [8] Policy (policy) is not only related to criminal policy (criminal policy) and not public policy (public policy) on things that must be done by public officials based on *freies ermesen* in the field of State Administrative Law (HAN), and also not administrative policies in law criminal (administrative penal law policy).

Related to criminal policies are actions carried out by agencies or organizations rationally as a social reaction to crime. [10] The criminal policy talks

about crime prevention policies. [11] The criminal policy is a reasonable effort from society as their reaction to crime to tackle crime. [12] Administrative policies in criminal law (administrative penal law policy) in connection with the imposition of administrative sanctions through criminal prosecution which must be in line with the principle of a systematic specialty (logic specialty) or logical specificity (logical specialties) to avoid legal uncertainty in the administration of the State government.

Furthermore, the policy refers to a broader meaning of the policy, which includes a set of decisions taken by political actors (politicians) to choose goals and achieve those goals based on paradigms. Policies must be seen as wisdom and must be based on politics, so that policy products will become wise, and formulating and applicable policies also become wiser. To make a policy in a democratic country, of course, it must involve government and legislative institutions; both must carry out legal politics in overcoming legal problems wisely by exploring the values that develop in society to be normalized in law. Policies as the Government's choice determine steps to do or not do (to do or not to do), including a series of action concepts proposed by a person or group of people or the Government in a particular environment by showing the obstacles and opportunities in order to achieve specific goals.

### **3.2 Additional Convictions in Indonesia**

Based on the provisions of Article 1 point 2 of the Republic of Indonesia Government Regulation Number 70 of 2020 concerning Procedures for the Implementation of Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence Against Children, what is meant by chemical castration is the administration of chemical substances through injection or methods. Another, which is committed to a perpetrator who has been convicted of committing violence or threats of violence forcing the child to have intercourse with him or with other people, resulting in more than 1 (one) victim, resulting in serious injury, mental illness, infectious disease, disturbance or loss of function. Reproduction and the victim die to suppress excessive sexual desire, accompanied by rehabilitation.

Additional penalties (*Bijkomende Straf*) are intended to develop criminal measures and prevention patterns against lawbreakers, which are expected to develop effectively to prevent and cause a deterrent effect (deterrent effect) from various types of crimes in society to create dynamic social control mechanisms. It is hoped that the additional penalties given to perpetrators of sexual crimes

against children are more capable of deterring the perpetrators' evil intentions, given their binding, firm nature and causing significant losses and the severity of the punishment.

### **3.3 Sexual Offense Management**

In Indonesia, the legal basis that regulates the punishment of perpetrators of sexual crimes against children includes:

#### *1. Articles in the Criminal Code (KUHP)*

The provisions of the Criminal Code have stipulated several articles, namely: (1) Article 290 of the Criminal Code paragraph (2) and (3) by providing maximum imprisonment of seven years; (2) Article 292 of the Criminal Code provides for a maximum imprisonment of five years; (3) Article 293 of the KUHP paragraph (1) as a threat of imprisonment for a maximum of five years, and (4) Article 294 of the KUHP paragraph (1) states that the threat of punishment is a maximum of seven years.

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The provisions of Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection state in (1) Article 81 paragraph (1) and paragraph (2) with a maximum imprisonment of fifteen years and a maximum fine of three hundred million rupiahs; (2) Article 82 with a maximum imprisonment of fifteen years and a maximum fine of three hundred million rupiahs; and Article 88 provides a maximum penalty of ten years and a maximum fine of two hundred million rupiahs.

Based on the Republic of Indonesia Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, states in (1) Article 81 paragraph (1), (2) and (3) the threat of imprisonment at most fifteen years and a maximum fine of five billion rupiahs; (2) Article 82 paragraph (1) and (2) with a maximum penalty of fifteen years and a maximum fine of five billion rupiahs; and (3) Article 88 with a maximum imprisonment of ten years and a maximum fine of two hundred million rupiahs.

The provisions of Law of the Republic of Indonesia Number 17 of 2016 imposition concerning Stipulation of Government Regulations instead of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 Concerning Child Protection Into Law. The general explanation

states that the state needs to take optimal and comprehensive steps by providing criminal sanctions, implementing preventive forms by providing measures in chemical castration, installing electronic detection devices, and rehabilitation for perpetrators of sexual violence against children.

### 3. *Legal System and Law Enforcement*

The legal system theory pioneered by Lawrence M Friedman in the work "The Legal System A Social Science Perspective" states that the legal system consists of a set of legal structures, legal substances, and legal culture. Legal structure (legal structure) as a framework that provides understanding and forms for the existing system's operation with predetermined limits. The legal structure can be interpreted as an institution that carries out law enforcement with all its processes. [13]

The legal substance is the rules, norms, and patterns of human behavior in the legal system. The legal substance is a rule made based on the authorities in the legal system, either in the form of decisions that have been issued or new regulations that will be made. The legal substance is not only in written law (law in the book) but also includes the living law. [14]

Legal culture is a human attitude towards law and the legal system. This community attitude includes beliefs, values, ideas, and community expectations of the law and the legal system. Legal culture is a social force that determines how laws are implemented, avoided, or even how laws are abused. Changes in penalties and fines are made heavier because the criminal system considers the act violates strict laws. After all, perpetrators of sexual crimes are dominated by those closest to the victim they often meet and know so that children as victims do not have the slightest suspicion of the person's behavior. Closest, so that sexual crime ensued.

### 4. *The urgency of Additional Criminal Policy for Chemical Castration*

Legislation and court decisions. The enforcement of the law as a tool to achieve the goals of the state must also function and always be based on four basic principles of legal ideals (*rechtsidee*), namely: (1) Protecting all elements of the nation for the sake of integrity (integration); (2) Realizing social justice in the economic and social fields; (3) Realizing people's sovereignty (democracy) and the rule of law (nomocracy); (4) Creating tolerance based on humanity and civilization in religious life. [15] Furthermore, according to Bintan Saragih, explaining legal politics is a policy taken (pursued) by the state (through its institutions or officials) to determine which laws need to be replaced, or need to be changed, or which laws need to be maintained, or about what needs to be changed. Regulated or issued so that the state administrators and the Government

can run adequately and orderly so that the state's goals (such as the people's welfare) can be realized gradually and in a planned manner.

The policy taken by the state through legal politics is related to the additional criminal regulation of chemical castration punishment for sexual violence as a form of refinement of the previous legal rules in order to reduce sexual crimes against children (pedophilia) as a form of guaranteeing legal certainty and justice in its implementation.

Criminal law is not a necessity because, in essence, controlling or overcoming crime by using the criminal law is a social problem and a policy problem. [2]

The state guarantees children's rights to survival, growth, and development, and protection from sexual violence. Sexual violence against children from year to year is increasing and threatening the future of children as a generation of the nation and state so that the state takes a policy against perpetrators of sexual violence against children by issuing policies in the form, namely:

- a. First, amending Law Number 23 of 2002 concerning Child Protection as amended by Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection;
- b. Second, Law Number 23 of 2002 concerning Child Protection as amended by Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection;
- c. Third, the President has stipulated a Government Regulation instead of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection;
- d. Fourth, stipulate a government regulation instead of law number 1 of 2016 into law. Law of the Republic of Indonesia Number 17 of 2016 concerning Stipulation of Government Regulations instead of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection Into Law.
- e. Fifth, the President stipulates Government Regulation Number 70 of 2020 concerning Procedures for the Implementation of Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity Perpetrators of Sexual Violence Against Children on December 7, 2020.

State protection for sexual violence against children by the regulations that have been enacted and linked to the provisions of the articles of weighting as stated in the Government Regulation instead of Law

Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection, namely:

- Article 81 paragraph (4) states that *"apart from the perpetrator as referred to in paragraph (3), an additional 1/3 (one third) of the criminal penalty is also imposed on the perpetrator who has been convicted of having committed a criminal act as referred to in Article 76 D. Law Number 35 the Year 2014 regarding Child Protection"*;
- Article 81 paragraph (5) states that *"with the threat of death penalty, life or a maximum imprisonment of twenty years"*;
- Article 81 paragraph (7) states that *"the perpetrator may be subject to actions in the form of chemical castration and the installation of electronic detectors"*;
- Article 82 paragraph (3) that *"an additional sentence for the perpetrator is one-third of the criminal penalty"*;
- Article 82 paragraph (4) states, *"the penalty is added by one-third of the criminal penalty as referred to in paragraph (1)"*;
- Article 82 paragraph (6) states, *"the perpetrator may be subject to additional criminal action in the form of rehabilitation and installation of electronic detection devices."*

The starting point of adding the castration penalty against pedophile perpetrators has been carried out at the Mojokerto District Court with Case Decision Number 69 / Pid.sus / 2019 / PN.Mjk dated May 2, 2019, in conjunction with the Surabaya High Court Decision Number 695 / PID.SUS / 2019 / PT. SBY dated July 18, 2019, by making a verdict on the defendant MA by imposing a decision that the defendant MA was found guilty of violating Article 76 D in conjunction with Article 81 paragraph (2) of the Republic of Indonesia Law Number 23 of 2002 concerning Child Protection with a sentence of 12 years in prison and a fine of Rp. Additional in the form of chemical castration. Then, at the Surabaya District Court, the RSS Defendant was subjected to a sentence of imprisonment for 12 (twelve years), a fine of 100,000,000, - (one hundred million rupiahs) subsidiary 3 (three) months, an additional 3 (three) years of castration. The consistency of law enforcement agencies in the application of castration punishment is in line with Lawrence Friedman's view, namely, the legal system consisting of the legal structure of the Police, the Attorney General's Office, and the Court as an institution that administers and carries out law enforcement with all the processes stipulated in it relating to pedophile crimes. Legal substance (legal substance) Government policy through regulations made based

on the authorities within the legal system, either in the form of laws that have been enacted or new Government Regulations that will be made to overcome sexual violence and provide a deterrent effect on the perpetrator. The legal substance is understood and limited to written law (law in the book) and includes the living law. Sexual violence against children damages the future of the nation's generation, injures justice, and violates children's human rights.

Furthermore, legal culture is a human attitude towards law and the legal system. It is hoped that the punishment of castration punishment will lead to community obedience to the law, especially crimes of sexual violence, to achieve the legal objective of preventing and creating welfare for the community. According to the opinion of "Plato" and "Aristotle," which says that *"the punishment imposed is not because someone has done evil but so that he does not commit another crime."*

##### 5. *The implementation of castration to create legal certainty and justice for pedophilia in Indonesia*

The prevention of pedophilia crimes by the Government is a significant problem. The protection of children's rights is realized through exceptional treatment and approaches to children's cases based on the "Declaration of the Right of The Child and SMR-JJ (Beijing Rules)." According to the rules of "5.1 Beijing Rules," there are two essential goals or objectives, namely advancing children and the principle of proportionality. [16]

The Government's firmness to protect and protect children from all threats that can hinder their growth and development by issuing Government Regulation Number 70 of 2020 concerning Procedures for Implementing Chemical Castration, Installing Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence Against Children as mandated to implement the provisions of Article 81 A paragraph (4) and Article 82 A paragraph (3) of Law No. 17 of 2016 concerning the Stipulation of Government Regulation instead of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection into Law.

As stipulated in Article 1 point 2, "RI Government Regulation Number 70 of 2020 concerning Procedures for the Implementation of Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence Against Children", which clearly states that: "chemical castration is giving chemical substances through injection or other methods, which is carried out to perpetrators who have been convicted of violence or threats of violence forcing

children to have intercourse with them or with other people, resulting in more than 1 (one) victim, resulting in serious injuries, mental disorders, infectious diseases, impaired or loss of reproductive function, and the victim dies, to suppress excessive sexual desire, accompanied by rehabilitation ". The implementation of chemical castration is based on Article 2 paragraph (3) of the Republic of Indonesia Government Regulation Number 70 of 2020 that the implementation is based on the order of the Prosecutor after coordinating with the ministry that organizes government affairs in the social sector And Article 5 states that "Chemical Castration is imposed for a maximum period of 2 (two) years. Article 6, Chemical Castration is carried out through stages, namely (a) clinical assessment; (b) Conclusion; and (c) implementation" Furthermore, Article 9 letter states that, "the implementation of chemical castration is attended by the prosecutor, representatives from the Ministry that administers government affairs in the social sector, and the ministry that administers government affairs in the health sector."

Based on the provisions of the articles above, the Government's regulations through the Republic of Indonesia Government Regulation Number 70 of 2020 provide legal certainty and justice in the implementation of chemical castration as a form of preventive action to save children from pedophile sexual crimes.

- Legal certainty and justice in the implementation of chemical castration convictions In line with Jan Michiel Otto's opinion, who stated that "real legal certainty has a dimension of legal regulation (juridical)." Furthermore, the limits on legal certainty are defined, which include:
  - *"There are rules that are clear (clear), consistent and easily accessible";*
  - *"The ruling (government) institutions apply these legal rules consistently and also obey and obey them";*
  - *"Citizens in principle adapt their behavior to these rules";*
  - *"Judges (judiciary) who are independent and impartial apply the rules of law consistently when they resolve legal disputes and, concretely implemented judicial decisions."* [17]

Furthermore, referring to Gustav Radbruch's opinion, which states that law contains/has 3 (three) fundamental values , which include the value of justice, which accumulates philosophical things, the Value of Certainty which accumulates juridical things, and the Value of Benefit which accumulates things - things that are sociological aspects. [18]

The public often understands the law as a set of rules made/formed by the state as the most prominent organization where these regulations bind citizens with various sanctions to ensure maximum law enforcement. The modern state currently has the right to force the imposition of sanctions for all acts that violate applicable laws and agreed upon, where the perpetrator will and need to be found guilty by a court decision that has permanent legal force. [19]

Legal certainty determines the existence of legal, regulatory efforts in legislation. Agree with the opinion of Mahfud MD, who stated that, "in the concept of a rule of law, Indonesia accepts the principle of legal certainty in rechtsstaat as well as the principle of a sense of justice in the rule of law and spiritual values in religious law. Written law and all its procedural provisions are accepted in the constitutional state of Indonesia in the framework of upholding justice". [20]

Regarding this, referring to the Fatwa of the Hoth rule of law of Medical Ethics for the Executive Board of the Indonesian Doctors Association (MKEK PB IDI) Number 01 of 2016 dated June 8, 2016, concerning Chemical Castration which states that "the profession of doctors in Indonesia is very much it Indonesia's constitutional state can accept acting directly as the executor of chemical castration "and with the issuance of" PP Number 70 of 2020 concerning Procedures for Implementing Chemical Castration Actions ", Installation of Electronic Detection Devices, Rehabilitation, and Announcement of Identity of Sexual Violators against Children as implementing regulations of the provisions of the Law No. 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection into Law, the Fatwa of the Honorary Council of Medical Ethics for the Board of the Indonesian Doctors Association (MKEK PB IDI) Number 01 of 2016 dated June 8, 2016, is no longer legally binding. Law.

#### **4. CONCLUSION**

Additional punishment for chemical castration as regulated under Law No. 17 of 2016 concerning the Second Amendment of Law Number 23 of 2002 concerning Child Protection to Law and its implementing regulations based on Government Regulation of the Republic of Indonesia Number 70 of 2020 concerning Procedures for Implementing Chemical Castration, Installing Electronic Detection Devices, Rehabilitation, and Announcement of Identity Perpetrators of Sexual Violence Against Children to realize State protection to prevent sexual crimes (pedophilia) and get a deterrent effect for the perpetrators of crimes. The provisions of Article 1 paragraph (3) and the provisions of Article 28 D of the 1945 Constitution of the Republic of Indonesia, which states "everyone has the right to recognition,

guarantees, protection and legal certainty that is just and equal treatment before the law." Moreover, as a constitutional state, the state is obliged to guarantee a judicial institution that is free from other powers and impartiality, guarantees the protection of human rights, especially children's rights, is kept away from all forms of violence that cause serious injuries, mental disorders, infectious diseases, impaired or loss of reproductive function, and the victim died. Moreover, applying the principle of legal certainty (legality) in all its forms ensures that all Indonesian people are prosperous.

## REFERENCES

- [1] M. R. Ghoni and P. Pujiyono, "Legal Protection for Children Facing the Law through the Implementation of Diversion in Indonesia," *J. Pembang. Huk. Indonesia.*, 2020, DOI: 10.14710/phi.v2i3.331-342.
- [2] N. H. Hasanah and E. Sopyono, "Criminal Law Policy on Chemical Castration Sanctions in the Perspective of Human Rights and Indonesian Criminal Law," *J. Magister Huk. Udayana (Udayana Master Law Journal)*, 2018, DOI: 10.24843/jmhu.2018.v07.i03.p03.
- [3] A. Yuriswanto and A. Mahyani, "CELEBRATION AS AN ADDITIONAL CRIMINAL IN SEXUAL CRIME," *DiH J. Ilmu Huk.*, 2018, DOI: 10.30996/dish.v0i0.1592.
- [4] M. A. Yani, "Social Control of Crime (An Overview of the Problem of Punishment in a Sociological Perspective)," *J. CITA Huk.*, 2015, DOI: 10.15408/jch.v2i1.1842.
- [5] S. Rahardjo, "PROGRESSIVE LAW: A LAW THAT EXCLUDES," *Huk. Progressive*, 2005.
- [6] Y. T. Fauzi Harahap and I. Ikhwanasyah, "Orientation Paradigm of Seeking Material Truth in the Authentication Process of Authentic Deeds," *J. CITA Huk.*, 2018, DOI: 10.15408/jch.v6i1.8273.
- [7] Sunaryo Wignydiputo, *Ilmu Hukum*, II. Bandung: Alumni, 1979.
- [8] Jonaedi Efendi, *Basic Reconstruction of Judges' Legal Considerations*, Issue Pert. Depok: Prenada Media Group, 2018.
- [9] M. Solly Lubis, *Public Policy*. Bandung: Mandar Maju, 2007.
- [10] G. P. Hoefnagels, *The Other Side of Criminology An Inversion of the Concept of Crime*. 1973.
- [11] Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana: Perkembangan Penyusunan Konsep KUHP Baru*. Jakarta: Kencana, 2011.
- [12] Mahmud Mulyadi, *Criminal Policy, Pendekatan Integral Penal Policy dan Non-Penal Policy Dalam Penanggulangan Kejahatan Kekerasan.* Medan: Pustaka Bangsa Press, 2008.
- [13] D. M. Roper and L. M. Friedman, "The Legal System: A Social Science Perspective.," *Polit. Sci. Q.*, 1976, DOI: 10.2307/2148447.
- [14] Marlina, *Peradilan Pidana Anak di Indonesia*. Bandung: PT Rfika Aditama, 2009.
- [15] Mahfud MD, *Membangun Politik Hukum, Menegakkan Konstitusi*. Jakarta: Pustaka LP3ES Indonesia, 2006.
- [16] Marlina, *Peradilan Pidana Anak di Indonesia*. Bandung: PT Rafika Aditama, 2009.
- [17] Manullang E.Fernando M, *Menggapai Hukum Berkeadilan*. Jakarta: Buku Kompas, 2007.
- [18] Adji Samekto, *Pergeseran Pemikiran Hukum Dari Era Yunani Menuju Postmodernisme*. Jakarta: Konpress, 2015.
- [19] T. Prasetyo, *Kriminalisasi Dalam Hukum Pidana*. Bandung: Nusa Media, 2010.
- [20] Moh. Mahfud MD, *Perdebatan Hukum Tata Negara Pasca Amandemen Konstitusi*, Jakarta: PT. Rajagrafindo Persada, 2010