

Juridical Analysis Of The Effectiveness Of Implementing The Laws Concerning Protection Of Children In Committing Decency Crime Against Children

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ABSTRACT

Children are part of the next generation of the nation's ideals in the future. At present crime against children is rife, one of which is sexual intercourse either committed by the child himself or by an adult. And the law must provide strict sanctions against perpetrators of intercourse with children so that it can provide a deterrent effect on perpetrators of intercourse, while the problem in this thesis is how to regulate the crime of intercourse with minors and how criminal sanctions are imposed on perpetrators who commit crimes crime of sexual intercourse with a minor. This type of thesis research uses normative legal research methods, that is, in its study it is based on legal materials from literature and serves as a procedure for obtaining legal rules, legal principles and legal doctrines to answer the legal issues being faced. While the problem approach used is the statutory and conceptual approach. In this study it can be concluded that the arrangements for the crime of intercourse with children are regulated in the Criminal Code Articles, 286 of the Criminal Code, Articles 287 and Article 288 of the Criminal Code and are specifically regulated in Article 81 of Law number 35 of 2014 concerning Protection of Children, while the sanctions imposed on perpetrators of intercourse with children in Law number 35 of 2014 concerning Protection of Children regulated in Article 81 is punishable by imprisonment for a maximum of 15 (fifteen) years, a minimum of 5 (five) years and a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah).

Keywords: *Children; Criminal act; Sexual Intercourse*

ABSTRAK

Anak merupakan bagian dari generasi penerus cita-cita bangsa di masa depan. Dewasa ini kejahatan terhadap anak marak terjadi, salah satunya adalah persetubuhan baik yang dilakukan oleh anak itu sendiri maupun oleh orang dewasa. Dan undang-undang harus memberikan sanksi yang tegas terhadap pelaku persetubuhan dengan anak sehingga dapat memberikan efek jera bagi pelaku persetubuhan, adapun permasalahan dalam tesis ini adalah bagaimana mengatur tindak pidana persetubuhan dengan anak di bawah umur dan bagaimana sanksi pidana yang dijatuhkan kepada pelaku. yang melakukan kejahatan tindak pidana persetubuhan dengan anak di bawah umur. Jenis penelitian tesis ini menggunakan metode penelitian hukum normatif, yaitu dalam kajiannya didasarkan pada bahan hukum dari literatur dan berfungsi sebagai prosedur untuk memperoleh aturan hukum, asas hukum dan doktrin hukum untuk menjawab permasalahan hukum yang sedang dihadapi. Sedangkan pendekatan masalah yang digunakan adalah pendekatan perundang-undangan dan konseptual. Dalam penelitian ini dapat disimpulkan bahwa pengaturan tindak pidana persetubuhan dengan anak diatur dalam Pasal KUHP, 286 KUHP, Pasal 287 dan Pasal 288 KUHP dan secara khusus diatur dalam Pasal 81 UU No. 35 Tahun 2014 tentang Perlindungan Anak, sedangkan sanksi yang dikenakan kepada pelaku persetubuhan dengan anak dalam Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak yang diatur dalam Pasal 81 diancam dengan pidana penjara paling lama 15 (lima belas) tahun, paling singkat 5 (lima) tahun dan denda paling banyak Rp. 5.000.000.000,00 (lima miliar rupiah).

Kata kunci: *Anak-anak; Tindak pidana; Hubungan Seksual*

A. INTRODUCTION

Increasingly modern technology apart from showing its superiority and providing convenience to humans, on the other hand technology also has a huge negative impact on society, especially teenagers who are about to grow up and are still looking for their identity to be themselves. This negative influence has a huge impact on teenagers, causing many crimes that are often committed by teenagers who are still in junior high and high school. As a result of unaccompanied curiosity and positive guidance from parents so that they (teenagers) find out in a way that is not in accordance with Islamic rules that have been taught and becomes a guide for Muslims to carry out His commands and stay away from His prohibitions. An easy-to-obtain internet connection makes it easy for teenagers to use the internet. Apart from that, it also features porn ads on the internet which always appear when opening Google at the start of our search for our destination. Teenagers often watch porn videos, read books containing sex and environmental influences due to wrong association. These factors make sexuality crimes against women and children.

Children are part of the younger generation as one of the human resources, are the potential and continue the ideals of the nation's struggle. Referring to the Big Indonesian Dictionary (KBBI) etymologically, a child is defined as a small human being or an immature human being.¹ In addition, children as part of the family are the fruit of the heart, the successor, and the hope of the family. And children are also a mandate as well as a gift from God Almighty, which we must always protect because they have inherent dignity and rights as human beings which must be upheld.² The phenomenon of acts of violence against children in Indonesia began to receive harsh scrutiny from various groups when many private television stations broadcast it vulgarly on criminal programs, such as: rape cases committed by the victim's family or someone close to the victim, sodomy cases, trafficking of children for exploitation into commercial sex workers to murder.

¹ W.J.S. Poerwadarminta, kamus besar Bahasa Indonesia, Balai Pustaka : Amirko, 1984, page 3

² Angger Sigit Pramukti, Sistem Peradilan Pidana Anak, Pustaka Yudisia, Yogyakarta, 2015, page 11

The large number of cases of child abuse that have occurred in Indonesia is considered an indicator of the poor quality of child protection.

Children are an integral part of the survival of human life and the survival of a nation and state. With this important role of children, children's rights have been expressly stated in the constitution, that the State guarantees that every child has the right to survival, growth and development and is entitled to protection from violence and discrimination.³ The best interests of children should be internalized, as the best interests for the survival of mankind.

This form of protection for children needs to be done early when the child is still in the womb of a mother until the child is not yet 18 (eighteen) years old, the Law on Child Protection stipulates by providing a form of protection for children based on the principle of non-discrimination, the interests what is best for the child, the child's right to life, and respect for the child in expressing his opinion.⁴

Sexual harassment is basically a reality in today's society that acts of violence against women are numerous and often occur everywhere, as well as sexual violence/harassment especially rape. Violence against women is a *lex et societatis*, "an act that is very inhumane, even though women have the right to enjoy and obtain protection of human rights and basic freedoms in all fields".

Crimes of decency or moral offenses and sexual harassment or sexual harassment are two forms of violations of decency which are not only a matter of national law in a country but are already a legal problem in all countries in the world or a global problem. The perpetrators of crimes of decency and sexual harassment are not dominated by those from the middle or lower economic class, let alone those with little or no education at all, but rather the perpetrators have penetrated all social strata, from the lowest to the highest. In recent times there has often been what is called immoral harassment committed by an adult male against minors, especially those faced by underage girls.⁵ This is where the legal review that I need to analyze is where the application of the law will be used by

³ Pasal 28 B ayat (2) Undang-undang Dasar Negara Republik Indonesia Tahun 1945.

⁴ Arini Fauziah Al haq, Santoso Tri Raharjo, & Hery Wibowo, Kekerasan Seksual Pada Anak Di Indonesia, Beranda > Vol 2, No 1 (2015) > Al haq,

⁵ Ni Made Ayu Dewi Mahayani, Perlindungan Hukum Terhadap Anak sebagai pelaku Tindak Pidana Pelecehan Seksual, Kertha Wicara, Vol. 08, No. 01 Tahun 2019

the judge in imposing a sentence on the perpetrator, because we know that the laws and regulations also regulate immoral acts.

In the case of the crime of sexual intercourse with a child, the legislation in Indonesia is actually quite complete, namely in the Criminal Code and Law No. 35 of 2014 concerning Amendments to RI Law No. 23 of 2002 concerning Child Protection, besides that it is also contained in Law Number. 4 of 1979 concerning Child Welfare. However, from time to time the crime always grows and develops in society.

The imposition of additional punishment sanctions for perpetrators of rape crimes against minors must be carried out, so as to be able to provide a deterrent effect for perpetrators. The increasing number of cases of rape crimes involving children as victims must be taken seriously. The government in responding to the increasing number of rape crimes against minors is by issuing Government Regulation in Lieu of Law (PERPPU) Number 1 of 2016 concerning the 2nd Amendment to Law Number 23 of 2002 concerning Child Protection.⁶ One of the Perpu regulates the punishment of chemical castration for sexual crimes. It is hoped that the existence of the Perpu can overcome public unrest, and can eliminate the crime of rape against minors.

Based on the description above, the authors are interested in analyzing the urgency of the recent emergency of sexual crimes against children. In this work the writer divides into 3 problem formulations namely. First, how are the regulations and legal sanctions against criminal acts of decency in Indonesia? Second, what are the judge's considerations in imposing a sentence on a criminal act of decency against a child?

B. Research Method

In writing scientific papers, it is important that the scientific work has a form of writing that is systematically arranged, directed and consistent in obtaining and analyzing scientific legal material.⁷ The methods used in this research are:

⁶ *Ibid.*

⁷ Amiruddin dan H. Zainal Asikin, Pengantar *Metode Penelitian Hukum*, Jakarta, PT Raja Grafindo Persada, 2018. Page 52

The type of normative legal research, namely the study based on legal materials from the literature.⁸

The statutory approach (Statute Approach) and the conceptual approach (Conceptual Approach), the statutory approach (Statute Approach) is carried out by examining all laws and regulations relating to the issues to be discussed in this study, while the conceptual approach (Conceptual Approach)) is an approach that departs from views within the science of law to clarify ideas regarding the definition of the science of law, concepts of law and legal principles that are significant to the issues to be discussed in this study.⁹ In compiling this research, legal materials obtained from library research were used, namely: primary legal materials and secondary legal materials, primary legal materials consisting of laws and regulations relating to the crime of intercourse, while secondary legal materials namely providing an explanation of primary legal materials, for example, such as legal science books, legal science journals and opinions from legal scholars.¹⁰

The collection of legal material is carried out by taking an inventory of books and legal regulations that are in accordance with the issues under study. In writing this research, the analysis of legal materials collected uses a descriptive method, namely by compiling legal materials that have been selected systematically so as to form a scientific work..

C. Finding & Discussion

1. Regulations and Sanctions for perpetrators of decency crimes against children

Intercourse is included in the criminal act of decency, sexual intercourse occurs because of persuasion so that it causes intimate relations. According to Soesilo's view¹¹ in his book, the Criminal Code along with the complete comments on its articles, gives the view that intercourse can occur due to union between members of the male sex. and female genitals so that they secrete semen.

⁸ *Ibid*, page 53

⁹ Suteki dan Galang Taufani, *Metodologi Penelitian Hukum (Filsafat, Teori, dan Praktik)*, Depok, PT RajaGrafindo, 2018, page 97

¹⁰ Soerjono Soekanto, *Pengantar Penelitian Hukum*, Jakarta, UI Press, 2008, page 36

¹¹ Leden Marpaung, *Kejahatan Terhadap Kesusilaan dan Masalah Prevensinya*, Sinar Grafika, Jakarta, 2013, page 79

So in simple terms, intercourse can be said to be an intimate relationship that is usually carried out to get sexual satisfaction or a way to get offspring, intercourse is a humane act so that intercourse is not a form of crime, but if this sexual activity is done not in accordance with the applicable legal rules, then it is said to be a crime. the act committed as a crime of sexuality.

Sexual intercourse with rape is often interpreted as the same, based on what has happened, perpetrators of sexual intercourse with children who are not old enough are given lighter sentences than perpetrators of rape whose victims are more mature women. Intercourse with obscenity also has differences, obscenity does not require sexual relations; the act is seen as violating decency because it is included in the scope of lust, while intercourse requires sexual relations.¹²

Basically the regulations regarding the crime of intercourse to protect children from sexual crimes, intercourse occurs because of persuasion without any coercion or threat of violence. The crime of intercourse is included in the crime against decency, which is regulated in chapter XIV book II of the Criminal Code (KUHP) Article 286, Article 287 and Article 288 of the Criminal Code Article 286 of the Criminal Code formulates intercourse with a woman who is unconscious with the threat of imprisonment for a maximum of nine years, Article 287 of the Criminal Code regulates intercourse with a woman out of wedlock who is not yet 15 years old with a maximum imprisonment of 9 years whereas, Article 288 of the Criminal Code regulates sexual intercourse in marriage with a woman who is not yet ready to marry, if the act causes injury is subject to a maximum imprisonment of 4 years; if, the action causes serious injury, the threat is punishable by imprisonment for a maximum of 8 years, and if it results in the loss of a person's life, it is subject to a maximum imprisonment of 12 years.

Sexual intercourse with minors has also been stipulated in Article 81 of Republic of Indonesia Law 35 of 2014 amendment to Law 23 of 2002 concerning child protection. Article 81 of the Child Protection Law regulates in general the actions committed by perpetrators of intercourse with children by explaining the

¹² Ibid, page 81

actions of perpetrators who commit violence or with threats of violence by justifying methods that can be used such as ruse, series of lies or by using persuasion, by giving a heavier sentence than stated in Article 287 of the Criminal Code.

The criminal sanctions regulated in the Criminal Code (KUHP) regulate criminal acts of sexual intercourse where the victim is a minor when compared to the Child Protection Act, criminal sanctions that can be applied to perpetrators of sexual intercourse with minors in accordance with RI Law Number 35 of 2014 Jo. Law 23 of 2002 concerning Protection of Children consists of:¹³

- 1) Imprisonment punishable by imprisonment for a minimum of 3 years to 5 years and a maximum of 10 years to 15 years.
- 2) The maximum fine in the Child Protection Act reaches Rp. 20,000,000.00 (twenty million rupiah) to Rp. 5,000,000,000.00 (five billion rupiah).

With the existence of the Law on the Protection of Children, especially as regulated in Article 81, Article 287 of the Criminal Code does not apply to perpetrators of intercourse because in the provisions of Article 81 of the Law on Protection of Children, it has been specifically regulated regarding criminal provisions against perpetrators of intercourse with children.¹⁴ Article 81 of the Law on the Protection of Children applies the *lex specialis* principle. *lex generalist derogat* of Article 287 of the Criminal Code, so Article 81 should take priority over Article 287 of the Criminal Code (Hamzah, 2009). Protection can be interpreted as a human right given to the community so that they can enjoy their rights granted by law for protection or protection is a legal remedy given by law enforcement officials to the community so that they can provide a sense of security from various threats from any party.

According to Satjipto Raharjo's view¹⁵ that the form of legal protection means providing protection for human rights (HAM) who are harmed and this form of protection can be given to the community so that they can obtain their rights granted by law. Meanwhile, Philipus M. Hadjon said that legal protection

¹³ Nashriana, *Perlindungan Hukum Bagi Anak Di Indonesia*, Grafindo Presada, Jakarta, 2011, page 142

¹⁴ Abdul Wahid & Muhammad Irfan, *Perlindungan Terhadap Korban Kekerasan Seksual*, Cetakan Pertama, RefikaAditama, Jakarta, 2001, page 104

¹⁵ *Ibid*, page 105

is a form of protection for human dignity and recognition of human rights (HAM) based on legal provisions of arbitrary actions (Waluyo, 2012).

Legal protection for child victims of decency crimes, which is regulated in Article 69A of Law Number 35 of 2014 amendments to Law Number 23 of 2002 concerning Protection of Children can be carried out through the following efforts:¹⁶

- 1) Providing knowledge about the importance of reproductive health, religious values and decency; 2) Social rehabilitation; 3) Provide psychosocial assistance from treatment to recovery; 4) Provide protection and assistance up to the inspection level.

Sexual crimes, especially criminal acts of child sexual intercourse who are victims of sexual intercourse, will feel afraid and ashamed if the public finds out about an incident that happened to them, because this sexual crime is a disgrace to themselves and their families.¹⁷ then strict sanctions are needed to take action against perpetrators of intercourse with children so that the rights of children as victims can really be protected.

2. Considerations of Judges in Imposing Criminal Acts of Equality Against Children

The judge's consideration is one aspect that is very important to realize the value of a judge's decision which contains justice (*ex aequo et bono*) and contains legal certainty, besides that there are also benefits for the parties concerned so that this judge's consideration must be addressed carefully, both and careful.¹⁸ If the judge's consideration is not thorough, good and careful, then the judge's decision originating from the judge's consideration will be canceled by the High Court / Supreme Court.

In examining cases the judge must pay attention to evidence, because the results of the evidence will later be used as material for consideration in deciding the case. Evidence is a very important stage in the examination at trial.¹⁹ The

¹⁶ *Ibid*, page 107

¹⁷ Gede Nyoman Gigih Anggara , *Perlindungan Hukum Terhadap Anak Sebagai Korban Kekerasan*, Kertha Wicara, Vol. 07, No.05 Tahun 2018

¹⁸ Hwian Christianto, *Kejahatan Kesusilaan; Penafsiran Ekstensif dan Studi Kasus*, Yogyakarta, Suluh Media, 2017, page 38

¹⁹ Leden Marpaung, *Op.Cit*, page 76

purpose of proof is to obtain certainty that an event/fact submitted has actually occurred, in order to obtain a correct and fair judge's decision. The judge will not be able to pass a decision before it becomes clear to him that the event/fact actually happened, that is, the truth is proven, so that there appears to be a legal relationship between the parties.²⁰

1) Things that must be included in the judge's consideration

The judge's decision is closely related to how the judge expresses his opinion or considerations based on facts and evidence at trial and the judge's belief in a case.²¹ Therefore the judge has a central role in passing court decisions. In the court's decision there must be considerations regarding the aggravating and mitigating matters of the decision, these considerations are used as an excuse by the judge in making his decision, whether in the form of other sentencing decisions and so on.

Considerations regarding the aggravating and mitigating circumstances for the defendant are regulated in Article 197 letter d and 197 letter f of the Criminal Procedure Code Article 197 letter d reads "Considerations compiled briefly regarding the facts and circumstances along with the means of evidence obtained from the trial examination which became the basis for determining the accused's guilt." Whereas Article 197 letter f reads "Articles of laws and regulations which form the basis of punishment or acts and laws and regulations which form the legal basis of decisions, accompanied by aggravating and mitigating circumstances for the defendant".

As law enforcers, judges have duties in the judicial field, namely receiving, examining, deciding and settling every case submitted to them. Justice seekers certainly desire cases brought to court to be decided by judges who are professional and have high moral integrity, so that decisions can be made in accordance with statutory rules.²²

2) Factors that influence the judge's judgment

²⁰ *Ibid*, page 77

²¹ Mohammad Taufik M dan Weny Bukamo dan Syaiful Azri, *Hukum Perlindungan Anak Dan Penghapusan Kekerasan Dalam Rumah Tangga*, Jakarta, PT Rineka Cipta, 2013, page 61

²² Abdussalam, R.H. *Hukum Perlindungan Anak*, Jakarta, Restu Agung, 2007, page 39

There are several factors that influence judges in making their decisions, divided into subjective factors and objective factors. Subjective factors include:²³

- a) The attitude of a priori behavior, namely the attitude of judges who from the beginning have considered that the accused being examined and tried is a person who is indeed guilty and must be punished.
- b) Emotional behavior, namely the court's decision will be influenced by the judge's temperament. Judges who have a temperament easily offended will be different from the temperament of judges who are not easily offended.
- c) The attitude of arrogance power, namely another attitude that influences a decision is "arrogance of power", here the judge feels himself to be powerful and smart, more than other people (prosecutors, defenders, or defendants).
- d) Moral, namely the morale of a judge because after all a judge's personality is covered by behavior based on the judge's personal morals in examining and deciding a case.

Objective factors include:²⁴

- a) Cultural background, namely culture, religion, one's education certainly influences the judge's decision. Even though the cultural background is not deterministic, this factor at least influences the judge in making a decision.
- b) Professionalism, namely the intelligence and professionalism of a judge influences his decision. The difference in a decision is often influenced by the professionalism of the judge.

In accordance with the decision of the Sidoarjo District Court which has obtained permanent legal force above. "The defendant admitted that he had committed an immoral act by having intercourse with a victim named Listia Nuraini who was a minor with 15 years of age. After the case enters court and then the judge examines the case and before imposing a criminal decision, the judge has legal considerations, that the elements of the panel of judges consider the following :

1. Everyone's Elements

²³ Waluyadi, *Hukum Perlindungan Anak*, Bandung, CV Mandar Maju, 2009, page 136

²⁴ Riska Saraswati, *Hukum Perlindungan Anak di Indonesia*, Bandung, PT Citra Aditya Bakti, 2015, page 126

Considering that what is meant by everyone is anyone, both male and female, who is physically and mentally healthy, who can be held criminally responsible for a criminal act against which he was charged, and in this case that the defendant Abdul Kasni is a man who is physically healthy and his spiritual life, for which he can be held criminally responsible for the actions he was accused of, and also that before the trial the defendant has acknowledged and justified all of his identities as set out in the single indictment from the public prosecutor, thus the elements of every person have been fulfilled.

2. The element of deliberately committing violence or threats of violence forces a child to have intercourse with him or with another person.

Considering, that what is meant by intention is to refer to the intention of the perpetrator to commit an act unlawfully, even though the perpetrator is fully aware that what he is doing is wrong, while what is meant is violence, so the violence or threat of violence committed by the perpetrator does not always have to be physically, but it is possible that the perpetrator by coercion through his voice has mastered the situation, or if by acting suddenly he can avoid the resistance that the victim will carry out, this already includes the meaning of violence or threats of violence, while what is meant by a child is what is meant in article 1 point 1 of Law no. 23 of 2002 amended by Law no. 35 of 2014. Regarding what is meant by having intercourse is having intercourse in which the male genitalia enters the female genitalia. That in this case based on the facts revealed at trial, namely that the defendant had sexual intercourse with the victim Lsytia 3 times, namely on Wednesday 12 February 2014 at the defendant's house, the second on Sunday 9 March 2014 hours. 08.00 WIB in the morning at the victim's house, the third on Monday 23 June 2014 at 15.00 WIB at the defendant's house. In addition, the defendant's house was close to the victim's house, and because the victim lived with his grandmother, the victim was always at the defendant's house every day and always ate at the defendant's house. This started at the beginning of the first incident when the victim came home from school on Wednesday 12 February 2014 at around 13.00 WIT, and when he entered the defendant's house to eat the victim asked the defendant for money and the defendant answered if you want money come come with me to sleep , at that time

the victim said he didn't want to then the defendant forced him by pulling the victim's hand while threatening his eyes bulging, so that the victim did not scream and was afraid because he was often yelled at and while being pulled the victim was taken walking to the room, then the victim was able to leave the room at that time and outside pretended to be urinating, and the victim heard the defendant shouting the victim's name out loud, but the victim could only remain silent, so the defendant then looked for the victim, and after meeting the victim he was pulled into the room, at that time the victim was afraid to see the defendant angry with his eyes widened, so the victim was silent when the defendant took off his pants and put his collar on him. After that the defendant took off the victim's pants then the victim was told to lie down while the defendant pulled the victim's hand, then the defendant kissed the victim's breasts, but the victim did not move because she was afraid, and the defendant pushed his genitals into the victim's genitals and then the defendant released white liquid from his genitals and spilled on the bed. Immediately the victim screamed in pain, so the defendant covered the victim's mouth, and the defendant continued to insert his genitals into the victim's genitals, after the defendant had sexual intercourse with the victim, the victim was given Rp. 10,000 in cash and the victim used it to buy snacks. Whereas the result after the defendant had sexual intercourse with the victim was that the victim's genitals were bleeding and if he urinated it hurt for 2 days. The second, on Sunday 9 March 2014 at the victim's house, the way the defendant had intercourse with the victim the second time was the same as the first time, namely before that the victim asked for money but I had to go to sleep with the defendant before being given Rp. 10,000. And the third, on Monday 23 June 2014 at 15.00 WIB at the defendant's house when the victim was watching TV at that time the victim's hand was pulled and forced to follow the defendant into the room while the victim refused to be invited but the victim was still forced into the defendant's room the defendant pulled the victim's hand inside went into the room and the victim was told to take off her pants but the victim did not want to, then the victim forced the defendant to take off her underwear and the defendant's pants were also taken off then the victim was told to lie down on the bed, then the victim did what the defendant wanted and the defendant kissed her on the cheek and breast then put

his genitals in her inside the victim's genitals and was pushed around until not long after that the victim felt wet and then white liquid came out, after that the victim was given Rp. 5,000 by the defendant. As a result of having intercourse with the defendant, the victim became pregnant and gave birth to a son in October 2014, according to the Panel of Judges, by taking into account the whole series of actions the defendant committed against the victim mentioned above, it is clear that the second element in this article has been fulfilled.

3. The element of the next action.

Considering, that what is meant by continuing actions refers to actions that the perpetrator commits to the victim repeatedly, meaning that the action is not only carried out at one time, but the same action is repeated at another time. And in this case based on the facts revealed in court where the defendant committed sexual intercourse with the victim 3 times, the first on Wednesday 12 February 2014 at the defendant's house, the second on Sunday 9 March 2014 hours. 08.00 WIB in the morning at the victim's house, the third on Monday 23 June 2014 at 15.00 WIB at the defendant's house, thus according to the Panel of Judges this third element has been fulfilled.

The judge also considered that because the defendant was able to take responsibility, he must be found guilty and sentenced to a sentence. In this case the judge sentenced the defendant to 10 years in prison. With reduced detention time.

D. Conclusion

Setting the criminal act of intercourse against a minor, intercourse is included in the scope of the crime of decency, it can be said that intercourse is a meeting between the sexes of a man and a woman which is generally carried out to obtain sexual pleasure and to obtain offspring (children). Intercourse occurs because of persuasion without coercion and threats of violence, the crime of sexual intercourse is regulated in chapter XIV book II of the Criminal Code and has been regulated more specifically in Article 81 of RI Law Number 35 of 2014 amendment to RI Law Number 23 of 2002 concerning Protection Against Child. Criminal sanctions imposed on perpetrators who commit a criminal act of

intercourse with minors should be carried out more strictly, carefully but carefully. The judge's considerations in deciding cases of immoral acts by adult men against underage girls in the jurisdiction of the Bojonegoro District Court include the element of every person, the element of intentionally committing violence or threats of violence forcing a child to have intercourse with him or another person, the element of an act he continued. In addition to these elements, the judge also considers the evidence in the trial, namely witness statements, the defendant's statement and other evidence such as clothing equipment and considers the circumstances or the mitigating and aggravating circumstances of the defendant..

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