

**SENTENCING FOR MINORS WHO COMMITTED SEXUAL ABUSE IN
KEBUMEN REGENCY
UNDERGRADUATE THESIS**



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APPROVAL PAGE

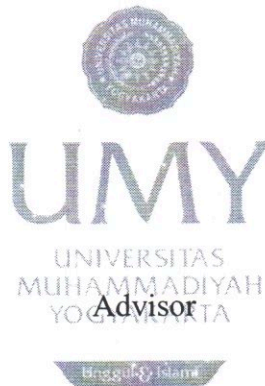
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DECLARATION PAGE

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the Undergraduate Thesis which is entitled “**SENTENCING FOR MINORS WHO COMMITTED SEXUAL ABUSE IN KEBUMEN REGENCY**” is the work of my own and all sources cited or referred to have been declared correctly. If in the later my thesis is proven of plagiarism from others, I am ready to bear the risk/ sanction accordance with the applicable regulation.

Written by:

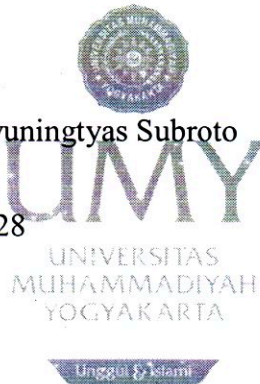
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Yogyakarta, 20 July 2020



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MOTTO

“Failure Will Never Overtake Me If My Determination To Succeed Is Strong
Enough.” - Og Mandino



DEDICATION

This Undergraduate Thesis is dedicated to:

My Lord, Allah SWT

Prophet Muhammad SAW

My beloved family:

Papa Edi Subroto, S.H

Mama Marheni

Sister Heidy Eka Putri, S.E



FOREWORD

Alhamdulillah *rabbi'l'alamiin*, all the praise to Allah, the lord of the universe, the most gracious, the almighty, who has given his blessing, and guidance. Finally, I was able to survive the obstacles during the thesis work, so that the writer can complete the thesis with the title: Sentencing for Minors who Committed Sexual Abuse in Kebumen Regency at International Program for Law and Sharia, Faculty of Laws, Universitas Muhammadiyah Yogyakarta.

This thesis is a requirement for achieving a Bachelor of Laws the Faculty of Laws, Universitas Muhammadiyah Yogyakarta. Thanks for the confidence and support from some people morally and materially, which made the author finally faced and overcome the difficulties and obstacles well, so this thesis could be completed. On this occasion, the author would like to express gratitude to a few parties where the assistance, guidance, and encouragement so that I can finish this thesis, namely to:

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13. My classmate at my college, IPOLS 2016.

Hopefully, this paper can be useful and guide the students who will carry out the thesis as well as to the various parties that need it. In the final word the author realized that in the writing of this thesis is still far from perfection. Therefore, the

authors allow if any suggestions and criticisms which is built for the sake of perfection and may be useful for all of us.

Yogyakarta, 20 July 2020

Devy Wahyuningtyas Subroto

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LIST OF STATUTES

Law No.23 of 2004 concerning the Elimination of Domestic Violence.

Law No.11 of 2012 concerning the Juvenile Court System.

Law Number 17 of 2016 concerning the second amendment of Law Number 23 of 2002 on Child Protection.

The Penal Code (*Kitab Undang-undang Hukum Pidana/KUHP*).



LIST OF ABBREVIATIONS

LPSK	: <i>Lembaga Perlindungan Saksi Korban</i> (Witness and Victim Protection Agency)
PPA	: <i>Pelayanan Perempuan dan Anak</i> (Head of the Children Services Unit)
POLRES	: <i>Kepolisian Resor</i> (Sub Regional Police)
KUHP	: <i>Kitab Undang-undang Hukum Pidana</i> (Penal Code)
WvS	: <i>Wetboek van Strafrecht</i>
SPPA	: <i>Sistem Peradilan Pidana Anak</i> (Juvenile Court System)
PTSD	: Post-Traumatic Stress Disorder
KDRT	: <i>Kekerasan Dalam Rumah Tangga</i> (Elimination of Domestic Violence)
ABH	: <i>Anak Berhadapan dengan Hukum</i> (Children Confronted to The Law)
PPA	: <i>Perlindungan Hak Perempuan dan Anak</i> (Head of the Division Protection the Rights of Women and Children)
Dispermades P3A	: <i>Dinas Pemberdayaan Masyarakat dan Desa dan Pemberdayaan Perempuan dan Perlindungan Anak</i> (Community and Village Empowerment Agency and Women's Empowerment and Child Protection Services)

HIV	: Human Immunodeficiency Virus
AIDS	: Acquired Immune Deficiency Syndrome
STIs	: Sexually Transmitted Infections
P2TP2A	: <i>Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak Kebumen</i> (Service Center for Empowering Women and Children Kebumen)
KUHAP	: <i>Kitab Undang-Undang Hukum Acara Pidana</i> (Criminal Procedure Code)
LPKS	: <i>Lembaga Penyelenggaraan Kesejahteraan Sosial</i> (Social Welfare Management Institutions)
RSUD	: <i>Rumah Sakit Umum Daerah</i> (Regional Hospital)
LPKA	: <i>Lembaga Pembinaan Khusus Anak</i> (Child Special Development Institution)
PSMP	: <i>Lembaga Pembinaan Khusus Anak</i> (Child Special Development Institution)
PSMP	: <i>Panti Sosial Marsudi Putra</i> (Marsudi Putra Social Institution)
BAP	: <i>Berita Acara Pemeriksaan</i> (Police Investigation Report)
BAPAS	: <i>Balai Pemasyarakatan</i> (Correctional Center)
MTs	: Madrasah Tsanawiyah

MA

: Madrasah Aliyah



ABSTRACT

In this era, sexual abuse is not only done by adults, but also by minors. Legal process for minors who commit sexual abuse will be based on the Law Number 11 of 2012 on the Juvenile Court System. The research aims to find out the factors that stimulate minors committing sexual abuse and the consideration of the judges in sentencing the minors who have committed sexual abuse in Kebumen Regency. The type of this research is a combination of normative and empirical legal research. It is found there are two classifications of factors that stimulate minors committing sexual abuse, namely internal factor and external factor. With regard to the liability issue, the panel of judges relies on both juridical and non- juridical consideration. The sentences given to minors as perpetrators of sexual abuse in Kebumen District Court are criminal sanction and criminal substitute fines for conducting work training. Judges in imposing a sentence for children must have a deterrent effect so that children do not repeat the actions that violates the law. The role of parents is needed in order to give more attention and educate children to reduce the number of children to commit the sexual abuse

Keywords: *Minors, Sexual Abuse, Factor, Sentencing.*

