

**ANALISIS YURIDIS PEMBERIAN DAN PENOLAKAN RESTITUSI
TERHADAP ANAK SEBAGAI KORBAN TINDAK PIDANA
KEKERASAN SEKSUAL (TELAAH PUTUSAN-PUTUSAN PENGADILAN
DI INDONESIA)**

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INTISARI

Kekerasan seksual saat ini semakin mengkhawatirkan. Istilah darurat kekerasan seksual menggambarkan fenomena meningkatnya kasus kekerasan seksual, khususnya dialami oleh anak-anak. Anak yang menjadi korban tindak pidana kekerasan seksual mempunyai dampak yang sangat kompleks. Sehingga, diperlukannya pemulihan terhadap anak korban tindak pidana kekerasan seksual. Bentuk pemulihan tersebut dapat melalui restitusi. Tujuan penelitian ini yaitu untuk memahami dan menganalisis pertimbangan hakim terhadap lima putusan dalam menerima maupun menolak permohonan restitusi terhadap anak sebagai korban tindak pidana kekerasan seksual dan menganalisis perlindungan anak sebagai korban tindak pidana kekerasan seksual yang tidak mendapatkan hak restitusi. Penelitian ini menggunakan metode penelitian hukum normatif yang menggunakan data sekunder. Serta menggunakan pendekatan perundang-undangan dan pendekatan kasus. Teknik pengumpulan data pada penelitian ini yaitu melalui studi Pustaka dan analisis data menggunakan kualitatif yang bersifat deskriptif. Hasil penelitian ini yaitu pertimbangan majelis hakim dalam menerima maupun menolak restitusi terhadap putusan nomor 297/Pid.Sus/2-24/PN Btl, putusan nomor 54/Pid.Sus/2024/PN Wgp, putusan nomor 71/Pid.Sus-Anak/2024/PN Pwk mempertimbangkan hak anak korban terkait pemulihan atas kerugian yang diderita anak korban tindak pidana kekerasan seksual dan putusan nomor 29/Pid.Sus-Anak/2022/PN Tjk dan putusan nomor 34/Pid.Sus/2023/PT Tte, majelis hakim menolak restitusi karena tidak sesuai dengan aturan hukum. Serta bentuk perlindungan yang diberikan selain restitusi yaitu dapat berupa rehabilitasi medis maupun sosial dan diperlukannya upaya paksa terhadap sita harta terdakwa untuk membayar restitusi. Kesimpulan penelitian ini yaitu bahwa hakim dalam menerima dan menolak restitusi terhadap anak korban tindak pidana kekerasan seksual melihat dari bentuk kerugian yang diderita dan aspek prosedural.

Kata Kunci: *Pertimbangan Hakim, Pelindungan anak, Restitusi, Tindak Pidana Kekerasan Seksual.*

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**JURIDICAL ANALYSIS OF THE GRANTING AND REFUSAL OF
RESTITUTION TO CHILDREN AS VICTIMS OF SEXUAL VIOLENCE
(A STUDY OF JUDICIAL DECISIONS IN INDONESIA)**

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ABSTRACT

Sexual violence is currently becoming increasingly concerning. The term 'emergency of sexual violence' describes the phenomenon of rising cases of sexual violence, especially experienced by children. Children who are victims of sexual violence crimes suffer very complex impacts. Therefore, recovery for child victims of sexual violence crimes is necessary. This form of recovery can be through restitution. The purpose of this research is to understand and analyze the judges' considerations regarding five decisions in accepting or rejecting restitution requests for children as victims of sexual violence crimes, and to analyze the protection of children as victims of sexual violence crimes who do not receive restitution rights. This research uses normative legal research methods that employ secondary data. It utilizes legislative and case approaches. The data collection technique in this research is through literature study and qualitative analysis that is descriptive in nature. The results of this research indicate the considerations of the panel of judges in accepting or rejecting restitution for decisions number 297/Pid.Sus/2-24/PN Btl, decision number 54/Pid.Sus/2024/PN Wgp, and decision number 71/Pid.Sus-Anak/2024/PN Pwk, taking into account the rights of the child victim regarding recovery for the damages suffered by the child victim of sexual violence. In the decisions number 29/Pid.Sus-Anak/2022/PN Tjk and number 34/Pid.Sus/2023/PT Tte, the panel of judges rejected restitution as it did not comply with legal regulations. In addition to the restitution, the forms of protection provided may include medical or social rehabilitation and the necessity of coercive efforts against the defendant's property to pay restitution. The conclusion of this study is that judges in accepting and rejecting restitution for child victims of sexual violence offenses consider the nature of the losses suffered and procedural aspects.

Keywords: *Child Protection, Judge's Consideration, Restitution, Sexual Violence Crimes.*

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