

Penelitian ini bertujuan untuk mengetahui dan menganalisis implementasi serta hambatan terkait pemberian hak restitusi terhadap anak sebagai korban tindak pidana kekerasan seksual dalam sistem peradilan pidana anak khususnya pada wilayah hukum Pengadilan Negeri Yogyakarta, dan untuk mengetahui upaya yang dilakukan dalam menjamin implementasi hak restitusi terhadap anak sebagai korban tindak pidana kekerasan seksual.

Metode penelitian yang dilakukan adalah penelitian hukum normatif dan empiris. Pada penelitian hukum normatif penulis menggunakan bahan kepustakaan yang berkaitan dengan pembahasan. Kemudian dilakukan penelitian hukum empiris yakni penelitian melalui wawancara langsung kepada narasumber yang kompeten dibidangnya dan berkaitan dengan masalah yang diteliti antara lain dari pihak Kepolisian, Penuntut Umum, Hakim, LPSK dan KPAID. Data yang diperoleh kemudian diolah dengan metode penelitian deskriptif.

Berdasarkan hasil penelitian ditemukan fakta bahwa kasus-kasus kekerasan seksual terhadap anak tidak berlanjut sampai kepada putusan pengadilan menyebabkan belum pernah terlaksananya pemberian hak restitusi di Kota Yogyakarta. Aparat penegak hukum menilai apabila pemberian hak restitusi diterapkan terdapat beberapa hambatan dalam implementasinya *pertama*, penolakan untuk mengikuti prosedur pengajuan permohonan hak restitusi; *kedua*, pandangan akan status sosial tidak dapat menjamin pelaku mampu memenuhi tanggung jawab membayar hak restitusi kepada korban; *ketiga*, fakta akan ketimpangan nominal yang dimohonkan kepada LPSK dengan nominal yang terlaksana sangat jauh berbeda; *keempat*, terjadi kendala terkait koordinasi aparat penegak hukum dalam memberikan advokasi kepada korban akan adanya hak restitusi. Di masa yang akan datang perlu ditingkatkan koordinasi antara sub sistem para aparat penegak hukum, khususnya memberi perhatian lebih untuk berfokus pada dibahasnya mengenai tata laksana hak restitusi terhadap anak sebagai korban. Selain itu pasca hadirnya UU TPKS dan Perma Restitusi dapat menjadi pedoman bagi aparat penegak hukum dalam menciptakan perubahan terkait implementasi hak restitusi terhadap anak sebagai korban tindak pidana kekerasan seksual.

Kata Kunci : Hak Restitusi, Anak Korban, Tindak Pidana Kekerasan Seksual.

This study aims to find out and analyze the implementation and obstacles related to the granting of restitution rights to children as victims of sexual violence crimes in the juvenile criminal justice system, especially in the jurisdiction of the Yogyakarta District Court, and to find out the efforts made in ensuring the implementation of restitution rights for children as victims of sexual violence crimes.

The research methods carried out are normative and empirical legal research. In normative legal research, the author uses literature related to the discussion. Then empirical legal research was carried out, namely research through direct interviews with competent speakers in their fields and related to the problems studied, including from the Police, Public Prosecutors, Judges, LPSK and KPAID. The data obtained are then processed with descriptive research methods.

Based on the results of the study, it was found that cases of sexual violence against children did not continue until the court's decision caused that there had never been a grant of restitution rights in Yogyakarta City. Law enforcement officials assess that if the granting of restitution rights is applied there are several obstacles in its implementation first, refusal to follow the procedure for submitting an application for restitution rights; second, the view of social status cannot guarantee the perpetrator is able to fulfill the responsibility of paying the right of restitution to the victim; third, the fact of nominal inequality requested to the LPSK with the nominal carried out is very different; fourth, there are obstacles related to the coordination of law enforcement officials in advocating to victims for the right of restitution. In the future, coordination between the sub-systems of law enforcement officials needs to be improved, especially paying more attention to focusing on the discussion of the management of restitution rights for children as victims. In addition, after the presence of the TPKS Law and perma Restitution, it can be a guideline for law enforcement officials in creating changes related to the implementation of restitution rights for children as victims of sexual violence crimes.

Keywords : *Restitution Rights, Child Victims, Criminal Acts of Sexual Violence.*