

PROSPEK PENJATUHAN TINDAKAN PEMASANGAN ALAT PENDETEKSI ELEKTRONIK TERHADAP PELAKU TINDAK PIDANA KEKERASAN SEKSUAL PADA ANAK DI INDONESIA

INTISARI

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Penelitian ini bertujuan untuk menelusuri dan menganalisis hambatan dan prospek penjatuhan tindakan pemasangan alat pendeteksi elektronik terhadap pelaku tindak pidana kekerasan seksual terhadap anak di Indonesia.

Penelitian ini merupakan penelitian hukum normatif-empiris dan bersifat deskriptif. Jenis data yang digunakan adalah data primer dan data sekunder. Data primer bersumber dari wawancara terstruktur dengan responden dan narasumber. Data sekunder diperoleh melalui studi kepustakaan. Penelitian lapangan dilaksanakan di kantor aparat penegak hukum (Pengadilan Negeri dan Kejaksaan Negeri) dan pemerintahan (Kantor Wilayah Kementerian Hukum dan Hak Asasi Manusia Daerah Istimewa Yogyakarta). Responden dan Narasumber ditetapkan menggunakan metode *purposive sampling*. Data yang diperoleh dari lapangan kemudian diolah menggunakan metode kualitatif-deskriptif.

Berdasarkan hasil penelitian dan pembahasan dapat disimpulkan bahwa hambatan penjatuhan tindakan pemasangan alat pendeteksi elektronik digolongkan dalam tiga golongan utama, yaitu hambatan pada *legal structure* (struktur hukum), *legal substance* (substansi hukum), dan *legal culture* (budaya hukum). Pada kenyataannya, sudah ada beberapa kasus yang dapat dijatuhi tindakan pemasangan alat pendeteksi elektronik di Indonesia dan tindakan pemasangan alat pendeteksi elektronik sudah digunakan di berbagai negara seperti California, Inggris, Korea Selatan, Australia, hingga Thailand. Oleh karena itu, agar tindakan pemasangan alat pendeteksi elektronik (*electronic monitoring*) dapat dijatuhkan di Indonesia maka ada beberapa hal yang dapat Pemerintah lakukan, yaitu perbaikan peraturan, sosialisasi, pengadaan alat pendeteksi elektronik, kerjasama antar instansi yang berwenang dan kajian lebih lanjut mengenai pemasangan alat pendeteksi elektronik.

Kata Kunci : Tindakan Pemasangan Alat Pendeteksi Elektronik, Kekerasan Seksual, Anak.

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PROSPECTS FOR THE IMPOSITION OF ELECTRONIC DETECTION DEVICES AGAINST PERPETRATORS OF CHILD SEXUAL ABUSE IN INDONESIA

ABSTRACT

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This study aims to explore and analyze the obstacles and prospects for the imposition of electronic detection devices on perpetrators of sexual violence against children in Indonesia.

This research is a normative-empirical legal research and is descriptive research. The types of data used are primary data and secondary data. Primary data comes from structured interviews with respondents and resource persons. Secondary data is obtained through literature study. Field research was conducted in the offices of law enforcement officials (District Court and District Attorney) and government (Regional Office of the Ministry of Law and Human Rights of Special Region of Yogyakarta). Respondents and resource persons were determined using purposive sampling method. The data obtained from the field was then processed using a qualitative-descriptive method.

Based on the results of the research and discussion, it can be concluded that the obstacles to the imposition of measures to install electronic detection devices are classified into three main groups, namely obstacles to legal structure, legal substance, and legal culture. In fact, there have been several cases that can be sentenced to the installation of electronic detection devices in Indonesia and the installation of electronic detection devices has been used in various countries such as California, England, South Korea, Australia, and Thailand. Therefore, so that the action of installing electronic detection devices (electronic monitoring) can be imposed in Indonesia, there are several things that the Government can do, namely improving regulations, socialization, procurement of electronic detection devices, cooperation between authorized agencies, and further studies on the electronic monitoring.

Keywords : Electronic Monitoring, Sexual Violence, Child.

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