

PENDEKATAN KEADILAN RESTORATIF DALAM PENYELESAIAN PERKARA EKSIBISIONIS MELALUI MEDIA ELEKTRONIK

INTISARI

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Penelitian ini bertujuan untuk mengetahui dan menganalisis urgensi pendekatan keadilan restoratif dalam penyelesaian tindak pidana eksibisionis melalui media elektronik. Selain itu, penelitian ini juga bertujuan untuk menganalisis prospek penerapan pendekatan keadilan restoratif dalam penyelesaian tindak pidana eksibisionis melalui media elektronik.

Penelitian ini merupakan penelitian hukum normatif. Penelitian ini menggunakan data primer dan data sekunder. Pengumpulan data primer dilakukan dengan wawancara kepada narasumber, sedangkan pengumpulan data sekunder dilakukan melalui studi pustaka. Data tersebut dianalisis secara kualitatif dengan pendekatan perundang-undangan

Penelitian ini menunjukkan dua kesimpulan. Pertama, urgensi penerapan pendekatan keadilan restoratif terhadap perkara eksibisionis melalui media elektronik telah memenuhi landasan filosofis yang terdapat pada sila kedua dan keempat Pancasila serta Pasal 28D ayat (1) dan Pasal 28H ayat (1) Undang-Undang Dasar 1945; landasan sosiologis terhadap kebutuhan akan pemenuhan hak dan kebutuhan korban dan pelaku secara nyata, seperti hak atas restitusi dan rehabilitasi; serta landasan yuridis mengenai kebutuhan hukum terhadap limitasi implementasi pendekatan keadilan restoratif terhadap perkara eksibisionis melalui media elektronik berdasarkan Pasal 23 Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual yang kurang efektif. Kedua, pendekatan keadilan restoratif memiliki prospek untuk dapat diterapkan di kepolisian melalui Peraturan Kepolisian Republik Indonesia Nomor 8 Tahun 2021 tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif dan di peradilan melalui Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2024 tentang Pedoman Mengadili Perkara Pidana Berdasarkan Keadilan Restoratif dengan memperhatikan dampak psikologis korban (*distress*), relasi kuasa, dan validitas kondisi kejiwaan pelaku yang mengalami gangguan eksibisionis (*exhibitionistic disorder*). Penelitian ini juga merumuskan pendekatan keadilan restoratif terintegrasi yang dapat menjadi model penyelesaian tindak pidana eksibisionis melalui media elektronik tanpa menghentikan proses pidana, namun tetap menjamin pemulihan korban dan pertanggungjawaban pelaku.

Kata kunci: *eksibisionis, media elektronik, pendekatan keadilan restoratif*

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THE RESTORATIVE JUSTICE APPROACH IN RESOLVING EXHIBITIONISM CASES THROUGH ELECTRONIC MEDIA

ABSTRACT

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This study aims to determine and analyze the urgency of the restorative justice approach in resolving exhibitionist crimes through electronic media. In addition, this study also aims to analyze the prospects of applying the restorative justice approach in resolving exhibitionist crimes through electronic media.

This research is normative legal research. This research uses primary and secondary data. Primary data collection was conducted through interviews with informants, while secondary data collection was conducted through literature study. The data were analyzed qualitatively using a legislative approach.

This study shows two conclusions. First, the urgency of applying a restorative justice approach to exhibitionism cases through electronic media has fulfilled the philosophical basis contained in the second, fourth, and fifth principles of Pancasila and Article 28D paragraph (1) of Undang-Undang Dasar 1945; sociological foundations regarding the need to fulfill the rights and needs of victims and perpetrators in real terms, such as the right to restitution and rehabilitation; and legal foundations regarding the legal need for limitations on the implementation of a restorative justice approach to exhibitionism cases through electronic media based on Article 23 of Undang-Undang Nomor 12 Tahun 2022 about Tindak Pidana Kekerasan Seksual, which is ineffective. Second, the restorative justice approach has the prospect of being applied in the police force through Peraturan Kepolisian Republik Indonesia Nomor 8 Tahun 2021 about Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif and in the courts through Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2024 about Pedoman Mengadili Perkara Pidana Berdasarkan Keadilan Restoratif by taking into account the psychological impact of the victim (distress), power relations, and the validity of the mental condition of the perpetrator who suffers from exhibitionistic disorder. This study also formulates an integrated restorative justice approach that can serve as a model for resolving criminal acts of exhibitionism through electronic media without halting criminal proceedings, while still ensuring the recovery of victims and the accountability of perpetrators.

Keywords: *exhibitionism, electronic media, restorative justice approach*

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