

PERAN PENUNTUT UMUM DALAM PEMENUHAN HAK RESTITUSI ANAK KORBAN TINDAK PIDANA KEKERASAN SEKSUAL

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INTISARI

Penelitian ini bertujuan untuk menganalisis bagaimana penuntut umum mengimplementasikan pemenuhan hak restitusi anak yang menjadi korban tindak pidana kekerasan seksual dan kendala yang dihadapi jaksa sebagai penuntut umum dalam pemenuhan hak restitusi bagi anak korban tindak pidana kekerasan seksual dan mengkaji serta merumuskan peran penuntut umum dalam memenuhi hak restitusi anak korban kekerasan seksual di masa mendatang.

Penelitian ini merupakan penelitian hukum normatif-empiris dengan metode penelitian literature dan wawancara terhadap narasumber dan responden, kemudian kedua data tersebut dianalisis secara deskriptif kualitatif. Penelitian ini secara spesifik menganalisis data dari Kejaksaan Negeri Aceh Tamiang, Kejaksaan Negeri Jakarta Selatan, Kejaksaan Negeri Kabupaten Cirebon, dan Kejaksaan Negeri Kulonprogo.

Penelitian menemukan: *pertama*, Penuntut Umum pada Kejaksaan Negeri Aceh Tamiang, Kejaksaan Negeri Jakarta Selatan, Kejaksaan Negeri Kabupaten Cirebon, dan Kejaksaan Negeri Kulonprogo telah mulai melaksanakan pemenuhan hak restitusi bagi anak korban tindak pidana kekerasan seksual sesuai dengan ketentuan Peraturan Pemerintah Nomor 43 Tahun 2017 tentang Pelaksanaan Restitusi Bagi Anak Yang Menjadi Korban Tindak Pidana. Namun pelaksanaan pemenuhan hak restitusi bagi anak korban tindak pidana kekerasan seksual belum maksimal. Hal ini disebabkan karena belum tersedianya aturan internal Kejaksaan yang mengatur tentang restitusi bagi anak yang menjadi korban tindak pidana, keterbatasan pengetahuan Penuntut Umum tentang restitusi bagi anak yang menjadi korban tindak pidana, dan Lembaga Perlindungan Saksi dan Korban (LPSK) yang hanya ada di Jakarta sehingga menyulitkan Penuntut Umum berkoordinasi dan berkomunikasi. *Kedua*, Peran Penuntut Umum sangat penting dalam pemenuhan hak restitusi bagi anak korban tindak pidana kekerasan seksual. Peningkatan kapasitas dan pengetahuan Penuntut Umum diperlukan untuk merubah pola pikir dan meningkatkan kemampuan Penuntut Umum dalam penanganan perkara tindak pidana khususnya dalam hal pemenuhan hak-hak korban tindak pidana.

Kata Kunci : *Peran Penuntut Umum, Restitusi, Anak Korban, Tindak Pidana Kekerasan Seksual.*

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PUBLIC PROSECUTORS ROLE IN FULFILLING CHILD VICTIM RESTITUTIONAL RIGHTS OF SEXUAL VIOLENCE CRIMINAL

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ABSTRACT

This research is aimed to determine and analyze the public prosecutor's implementation of fulfilling the restitution rights of children who are victims of sexual violence and the obstacles faced by prosecutors as public prosecutors in fulfilling restitution rights for children victims of sexual violence and reviewing and formulating the role of public prosecutors in fulfilling their rights restitution of children victims of sexual violence in the future.

This research is a normative-empirical legal research using literature research methods and interviews with interviewees and respondents, both of the acquired data then being analyzed in a qualitative-descriptive manner. This study specifically analyzed data from the Aceh Tamiang District Attorney, South Jakarta District Attorney, Cirebon District Attorney, and Kulonprogo District Attorney

The research found: *first*, the Public Prosecutor at the Aceh Tamiang District Attorney, South Jakarta District Attorney, Cirebon District Attorney, and Kulonprogo District Attorney Office had started fulfilled the restitution rights for children victims of sexual violence in accordance with Government Regulation Number 43 of 2017 concerning Implementation Restitution for Children Who Become Victims of Criminal Acts. However, the implementation of the fulfillment of restitution rights for child victims of sexual violence has not been maximized. This is due to the unavailability of internal technical procedure for submitting claim of restitution for children who are victims of crime, limited knowledge of the Public Prosecutor about restitution for children who are victims of criminal acts, and The Witness and Victim Protection Agency (LPSK) which only exists in Jakarta that makes the Public Prosecutor difficult to coordinate and communicate. *Second*, the role of the Public Prosecutor is very important in fulfilling the right of restitution for child victims of criminal acts of sexual violence. Increasing the capacity and knowledge of the Public Prosecutor is needed to change the mindset and increase the ability of the Public Prosecutor in handling criminal cases, especially in terms of fulfilling the rights of victims of criminal acts.

Keywords: *Role of Public Prosecutors, Restitution, Child Victims, Crimes of Sexual Violence.*

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