



## Fulfillment of Rights of Victims of Rape in the Decision of the Court for State Number: 512 / Pid.Sus / 2017 / Pn.Bil

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### **Abstract**

The purpose of writing this article is the Fulfillment of the Rights of Children of Rape Victims in District Court Decision Number: 512 / Pid.Sus / 2017 / Pn.Bil. The study method uses a statutory approach (statue approach), a case approach (case approach), and a conceptual approach (Conceptual Approach). The rape crime is very worrying especially if the victim is a child who is still under age, because this will affect the psychological development of the child and cause lifelong trauma. Rape according to the legal construction of Indonesian law (KUHP) is an act of forcing a woman who is not his wife to have intercourse with him with violence or threats of violence. The state provides protection by regulating it in various laws, one of which is contained in Article 76D of the Child Protection Act. Based on the explanation above, the writer is interested in conducting a research related to the issue of "Fulfilling the Rights of Children of Rape Victims in the Decision of the District Court of Part Number: 512 / Pid.Sus / 2017 / Pn.Bil". Because in this case the writer is very sad about the verdict, what about the victim's witness whether the criminal sentence given to the defendant's children's rights has been fulfilled. Considering the crime of rape is often experienced by children, girls, adult women, including those who are mentally, physically and socially vulnerable who are sensitive to various threats from within and from outside their family. The threat of violence from outside his family, his house can often be driven out, because it can be seen by the surroundings.

**Keywords:** *Child Protection; Criminal Code; Child Rape*

### **Introduction**

Children are vulnerable to becoming victims of crime. Under any circumstances and still have to be protected child protection as a victim based on the SPPA Law, besides that there is also in the SPPA Law the protection of the rights of child victims is based on the Child Protection Law and Law of the Republic of Indonesia Number 31 of 2014 amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims. However, in the regulation of children's rights, the SPPA Law is more regulated therein. In the international worldview, children's rights were actually discussed in 1924, namely the birth of the Geneva Convention which groups human rights in the field of welfare, which in this convention also contains children's rights.

Rape itself is a crime against decency regulated in Chapter XIV of the Criminal Code (hereinafter referred to as the Criminal Code), concerning crimes against decency. Rape is a cruel and dirty act, it is not obscene because it violates decency, decency. Rape is all forms of actions, whether done to oneself or done to others regarding and relating to genitals or other body parts that can stimulate social appetite (Adami Chazawi, tahun 2017).

The rape crime is very worrying especially if the victim is a child who is still under age, because this will affect the psychological development of the child and cause lifelong trauma. Apart from that their future is bleak and they have no future. The crime of rape in the Criminal Code is regulated in Article 285 which states:

"Anyone with violence or threat of violence forces a woman who is not his wife to have intercourse with him, convicted of raping with a prison sentence of twelve years." Article 285 of the Criminal Code can be concluded that (a) a rape victim must be a woman without age limit; (b) victims must experience violence or threat of violence. "

In cases of rape that often become victims are children, girls, adult women, including those who are mentally, physically and socially vulnerable who are sensitive to various threats from within and from outside their family. The threat of violence from outside his family, his house can often be driven out, because it can be seen by the surroundings. But the threat of violence in the home by family members is often hard to see by outsiders. In general, those who experience violence are wives, mothers, daughters, female domestic workers. They often do not dare to report partly because of family ties, certain social values, certain good names and difficulties that are expected to arise if the person concerned reports. (Arif Gosita, Tahun 2001)

Rape according to the legal construction of Indonesian law (KUHP) is an act of forcing a woman who is not his wife to have intercourse with him with violence or threats of violence. The words "force" and "with violence or threat of violence" here already show how terrible the rape is. Forced sex with women who do not want it will cause great pain in the woman. What's more accompanied by physical violence. Severe pain can occur not only limited to physical, but also in terms of psychological. Legal protection is the most important thing in the elements of a rule of law, because legal protection is the right of every citizen and the obligation of the state as the organizer of the protection. The state provides protection by regulating it in various laws, one of which is contained in Article 76D of the Child Protection Act which states: "Everyone is prohibited from committing violence or the threat of violence forcing children to have intercourse with her or with others."

The impact of crime causes casualties and losses. Losses that can arise can be suffered by the victim himself, or by other parties indirectly. The latter can depend on relatives or others who depend their lives directly. Likewise, the crime of rape is considered to be degrading to women and damage their dignity. Whereas women are mothers of humanity, because it is from the woman's Womb that human children are born. In the case of rape of a child as a victim, the police and prosecutors on the pretext of assisting the interests of the victim, but in practice the victim is actually helping the institution in carrying out its duties, because the child victim is positioned as a witness who is none other than as evidence in the verification process. (Siswanto Sunarso, tahun 2012)

The settlement of criminal cases places too much emphasis on justice for the suspect or defendant, while justice for the victim's child is ignored and only placed as evidence that provides information that is only as a witness so that the possibility for the victim to gain freedom in a sense of justice for him is very small. In this case what about the rights of children as victims of rape? As stated in the SPPA Law, the Child Protection Act and the Witness and Korba Protection Actn.

As an example in this study is the case of rape of a minor child as a victim witness, named 58-year-old MISBACHUDIN Bin MARZUKI whose address is in Taping hamlet Rt / 006 Rw / 003, Watukosek Village, Gempol District, Pasuruan District. Based on the District Court Decision number: 512 / Pid.Sus / 2017 / Pn.Bil. The criminal prosecution filed by the public prosecutor against MISBACHUDIN Bin MARZUKI stated that MISBACHUDIN Bin MARZUKI committed the crime of rape of a minor and violated article 81 paragraph (2) of the Republic of Indonesia Number 35 of 2014 concerning amendments to the Law of the Republic of Indonesia Number 23 of 2002 concerning child protection (hereinafter referred to as the Child Protection Act) which reads: every person who intentionally commits violence or threat of violence forces the child to have intercourse with him or with another person, is convicted with a maximum imprisonment of 15 (fifteen) years at the most short 3 (three) years and a maximum fine of Rp. 300,000,000 (three hundred million rupiahs) at least Rp. 60,000,000 (sixty million rupiah). In their demands the Public Prosecutor gave advice and / or input for the judge to impose a criminal sentence against a defendant with a 12-year prison sentence reduced during detention, with the defendant's order still being held, and fined with a sum of Rp.800,000,000.- (Eight Hundred Million Rupiah). Based on the demands of the Public Prosecutor as well as based on witness testimony, the judge handed down the defendant's decision because he had been legally proven guilty of committing the crime of rape to a victim witness PRINCESS DINA KHOIRIYAH, with a threat of violence forcing a child to have intercourse with him. Based on the demands of the public prosecutor as well as testimonies of witnesses and evident evidence, the judge sentenced the defendant to 12 years in prison with a fine of Rp. 250,000,000 (two hundred and five thousand million rupiahs), provided that if the fine is not paid then it will be replaced with a prison sentence of 6 (six) months.

Based on the explanation above, the writer is interested in conducting a research related to the issue of "Fulfilling the Rights of Children of Rape Victims in the Decision of the District Court of Part Number: 512 / Pid.Sus / 2017 / Pn.Bil". Because in this case the writer is very sad about the verdict, what about the victim's witness whether the criminal sentence given to the defendant's children's rights has been fulfilled. Considering the crime of rape is often experienced by children, girls, adult women, including those who are mentally, physically and socially vulnerable who are sensitive to various threats from within and from outside their family. The threat of violence from outside his family, his house can often be driven out, because it can be seen by the surroundings. But the threat of violence in the home by family members is often hard to see by outsiders. In general, those who experience violence are wives, mothers, daughters, female domestic workers. They often do not dare to report partly because of family ties, certain social values, certain good names and difficulties that are expected to arise if the person concerned reports. (Arif Gosita, Tahun 2001)

The rape crime that often occurs in the reality of daily life results in women arising from fear, anxiety and insecurity. Moreover, the position of victims who are often powerless in criminal justice processes. That is, the suffering of the victim is not bridged by law enforcement.

### **Method**

The approach used by the author is the statute approach and the case approach. The statute approach is carried out by examining all laws and regulations relating to the legal issues being handled, (Peter Mahmud Marzuki, 2010) namely the legislation relating to "Fulfilling the Rights of Victims' Children Rape in the Decision of the District Court of Part Number: 512 / Pid.Sus / 2017 / Pn.Bil ". Case approach is carried out when the writer finds cases that are considered by the author in conducting this research. There are cases that the authors consider to be interesting so that in this study the writer is interested in raising the title "Fulfilling the Rights of Children of Rape Victims in the Decision of the Bagil District Court Number: 512 / Pid.Sus / 2017 / Pn.Bil "based on existing cases.

## **Results and Discussion**

### **A. Analysis of the fulfillment of the rights of child victims of rape in the district court decision Number: 512 / Pid.Sus / 2017 / Pn.Bil**

#### 1. Victim's Rights in District Court Decision Number: 512 / Pid.Sus / 2017 / Pn.Bil

According to Arif Gosita, it is stated that if the victim wants to provide protection to the victim, it is necessary to consider the rights of victims related to a case, namely: (a) The victim is entitled to compensation or restitution for his suffering in accordance with the ability of the giver of compensation or restitution of the victim in making a crime. with such liquidity and deviation, (b) has the right to refuse compensation or restitution for the benefit of the victim (not willing to be given because he does not need it). Furthermore, (c) Has the right to receive compensation or restitution for his heirs if the victim has died due to the act, (d) Has the right to receive guidance and rehabilitation, (e) Has the right to recover his property, (f) Has the right to get protection from the threat of the party the victim maker when reporting and becoming a witness, (g) Entitled to obtain legal counsel assistance, (h) Entitled to obtain legal remedies. (Lilik Mulyadi, 2010)

#### 2. Constraints faced in fulfilling the Rights of Raping Victims in District Court Decision Number: 512 / Pid.Sus / 2017 / Pn.Bil

The fulfillment of the rights of children as victims of rape in the Decision of the District Court of Bagil Number: 512 / Pid.Sus / 2017 / Pn.Bil by the Integrated Service Center for Empowering Women and Children (P2TP2A) and the Office of Women's Empowerment for Protection of Children and Family Planning (DP3AKB) proves that it is not only legislation that regulates children's rights but in the process of completing the fulfillment of children's rights as victims of rape there must be an institution that participates in the fulfillment of the children's rights.

Furthermore, (d) Lack of sympathy on the part of educators in schools, where victims go to school while undergoing a healing process for the event they experienced also has a lack of quality. The majority of the teaching staff considered talking about the things experienced by the victims secretly as a normal thing to happen in the interaction between educators and students. They do not consider talking about things experienced by victims secretly as behavior that is contrary to social norms.

As described above, that the nature of children can not protect themselves. This should make the environment to participate in child protection. Especially in the case of fulfilling the rights of children as victims of rape in District Court Decision Number: 512 / Pid. Sus.Anak / 2017 / PN Bil should make the community in the environment help to recover the victim's child as usual if not the other way around, which is an obstacle in the recovery process.

### **B. Analysis of the Decision of the District Court of Part Number: 512 / Pid.Sus / 2017 / Pn.Bil in the perspective of justice for victims**

#### 1. Case Position in District Court Decision Number: 512 / Pid.Sus / 2017 / Pn.Bil

That he was Defendant MISBACHUDDIN bin MARZUKI, on Saturday, March 4, 2017 at around 05.00 WIB, or at least at certain times in March 2017, took place in the Al IKHLAS DARUT TAQWA Islamic Boarding School in Ds. Watukosek Kec. Gempol Kab. Pasuruan or at least in a place that is still within the jurisdiction of the Bangil District Court, intentionally commits deception, a series of lies, or entices the child to have intercourse with her or with others against the victim of PRINCESS DINA KHOIRYAH who is still 12 years old or still aged children, which is done by the following actions or methods:

That he was Defendant MISBACHUDDIN bin MARZUKI, on Saturday, March 4, 2017 at around 05.00 WIB, or at least at certain times in March 2017, took place in the Al IKHLAS DARUT TAQWA Islamic Boarding School in Ds. Watukosek Kec. Gempol Kab. Pasuruan or at least in a place that is still within the jurisdiction of the Bangil District Court, intentionally commits deception, a series of lies, or entices the child to have intercourse with her or with others against the victim of PRINCESS DINA KHOIRYAH who is still 12 years old or still aged children, which is done by the following actions or methods.

That in accordance with the Photocopy of Birth Certificate Number 2369211006 dated November 28, 2006 signed by ACHMAD SUJIYANTO, M.Si as Head of the Population and Civil Registry Office of Kab. Sidoarjo which explained DAUGHTER OF DINA KHOIRIYAH, date of birth October 21, 2006 and in accordance with Visum et Repertum Number: VER / SA125861 / RSBPORONG dated March 27, 2017 signed by Dr. SAKINA as a doctor on duty at Bhayangkara Public Hospital Pusdik Sabhara POLRI has examined PRINCESS DINA KHOIRIYAH with examination results At the examination of a woman who claimed to be twelve years old was found a long tear in the hymen to the bottom at two o'clock and eleven o'clock due to blunt violence.

That in accordance with the Photocopy of Birth Certificate Number 2369211006 dated November 28, 2006 signed by ACHMAD SUJIYANTO, M.Si as Head of the Regency Population and Civil Registry Office. Sidoarjo which explained DAUGHTER OF DINA KHOIRIYAH, date of birth October 21, 2006 and in accordance with Visum et Repertum Number: VER / SA125861 / RSBPORONG dated March 27, 2017 signed by Dr. SAKINA as a doctor on duty at Bhayangkara Public Hospital Pusdik Sabhara POLRI has examined PRINCESS DINA KHOIRIYAH with examination results At the examination of a woman who claimed to be twelve years old was found a long tear in the hymen to the bottom at two o'clock and eleven o'clock due to blunt violence.

### **C. Judge's Consideration**

Judge's considerations are basically based on the indictment of the Public Prosecutor, legal evidence as well as the subjective and objective conditions of a person can be sentenced to criminal so that it is referred to as the judge's decision. Judges' decisions are often referred to as court decisions, i.e. statements of judges which are pronounced in open court hearings which can be in the form of free or free criminal prosecution, as well as in the manner stipulated in the Act. Judges do not and easily impose sentences without judicial, sociological, psychological, philosophical and age consideration of the perpetrators even though all of them are not stated in the decision. In the Penal Code it is also clearly reflected that, the Judge must not impose a crime on someone unless if with at least two valid evidences he gains the conviction that a criminal act actually occurred and that the defendant is guilty of committing it. Therefore the verdict handed down by the judge, is also based on evidence of legal facts revealed in the trial.

In connection with that for the sake of justice based on the Almighty God, the Terrified Court of Bangil who examined and tried the Criminal Case Decision of the District Court Number: 512 / Pid. Sus.Anak / 2017 / PN Bil, and after hearing the statements of witnesses and the defendant's statements and evidence of letters, legal facts can be obtained as considerations as follows.

Considering, that the trial of the Public Prosecutor requested that the statements of Experts on behalf of DIGDO SURYAGAMA, S.Farm, Apt be read out in court because the expert's residence was far away;

Considering, that the Tribunal provides an opportunity for the Public Prosecutor to read the statement of the Expert, but in accordance with the provisions of the Criminal Procedure Code, states that the Expert statement is the statement given in court, so in this case the Assembly will not consider the Expert's statement;

Considering, that the Public Prosecutor submitted the following evidence:

1. 1 (one) green veil.
2. 1 (one) shirt in a blue woman.
3. 1 (one) long-sleeve pink t-shirt with white combination.
4. 1 (one) long blue skirt.
5. 1 (one) blue underpants image of a monkey.

Considering, that the evidence has been confiscated legally according to law and after being examined by the Panel of Judges, it is then shown to witnesses and defendants, so that their existence can be accepted as evidence in this case;

Considering, that the trial had also read out the results of the examination of the results of Visum et Repertum Number: VER / SA125861 / RSBPORONG dated March 27, 2017 signed by dr. SAKINA as a doctor on duty at Bhayangkara Public Hospital Pusdik Sabhara POLRI examined the PRINCESS OF DINA KHOIRIYAH with examination results at the examination of a woman who claimed to be twelve years old was found a long tear in the hymen to the bottom at two o'clock and eleven o'clock due to blunt violence.

Considering, that based on the statements of witnesses and the statements of the defendant as well as being connected with the existence of evidence and examination of the visum et repertum submitted in this case, the Assembly has found the legal facts in court as follows:

- That the witness PRINCESS OF DINA KHOIRIYAH was born on October 21, 2006 in accordance with Birth Certificate number. 019091/2006 or under the age of 18 years;
- That the witness PRINCESS DINA KHOIRIYAH was born at the AL IKHLAS DARUT TAQWA boarding school where the defendant was his guardian;

Considering, that furthermore the Panel of Judges will consider whether based on the statements of witnesses and defendants as well as evidence and and documentary evidence, the Defendant may be declared to have committed a criminal act charged with him;

Considering, that the Defendant has been indicted by the Public Prosecutor with the following indictments:

First: as stipulated in Article 81 paragraph (2) of the Law of the Republic of Indonesia Number: 35 of 2014 concerning Amendment to Law Number 23 of 2002 concerning Child Protection;

Or

Second: as regulated in Article 81 paragraph (1) jo. Article 76D of the Republic of Indonesia Law Number 35 Year 2014 concerning Amendment to Law Number 23 of 2002 concerning Child Protection;

Considering, that the Public Prosecutor has prepared his indictment alternatively;

Considering, that in order to prove the indictment systematically, the Assembly will consider the First indictment first;

Considering, that the elements that need to be considered in the First Indictment are as follows:

1. The Element of Everyone;
2. The element of deliberately making a ruse, a series of lies or persuading a child to have intercourse with her or with another person.

### **Ad.1 Elements of Everyone**

Considering, that what is meant by "Everyone" is every supporter of the rights and obligations of both persons and legal entities that can be held accountable for their actions;

Considering, that Defendant MISBACHUDDIN Bin MARZUKI at the trial stated that he justified his identity in the indictment of the Public Prosecutor's Indictment, the Defendant could also answer the questions posed to him clearly, and the Defendant was not in a state of madness, had normal reason and was not under the prosecution. , so that the Defendant is able to account for his actions;

Considering, that based on the legal facts, in this case there was no "ERROR IN PERSONA" so the Panel of Judges concluded that the element "Everyone" refers to the Defendant MISBACHUDDIN Bin MARZUKI;

Considering, that based on the above mentioned considerations, the element of "Everyone" has been fulfilled;

### **C. Judge Considerations**

Judge's considerations are basically based on the indictment of the Public Prosecutor, legal evidence as well as the subjective and objective conditions of a person can be sentenced to criminal so that it is referred to as the judge's decision. Judges' decisions are often referred to as court decisions, i.e. statements of judges which are pronounced in open court hearings which can be in the form of free or free criminal prosecution, as well as in the manner stipulated in the Act. Judges do not and easily impose sentences without judicial, sociological, psychological, philosophical and age consideration of the perpetrators even though all of them are not stated in the decision.

In the Penal Code it is also clearly reflected that, the Judge must not impose a crime on someone unless if with at least two valid evidences he gains the conviction that a criminal act actually occurred and that the defendant is guilty of committing it. Therefore, the verdict handed down by the judge, is also based on evidence of legal facts revealed in the trial.

In connection with that for the sake of justice based on the Almighty God, the Terrified Court of Bangil who examined and tried the Criminal Case Decision of the District Court Number: 512 / Pid. Sus.Anak / 2017/PN Bil, and after hearing the statements of witnesses and the defendant's statements and evidence of letters, legal facts can be obtained as considerations as follows.

Considering, that the trial of the Public Prosecutor requested that the statements of Experts on behalf of DIGDO SURYAGAMA, S.Farm, Apt be read out in court because the expert's residence was far away;

Considering, that the Tribunal provides an opportunity for the Public Prosecutor to read the statement of the Expert, but in accordance with the provisions of the Criminal Procedure Code, states that the Expert statement is the statement given in court, so in this case the Assembly will not consider the Expert's statement;

Considering, that the evidence has been confiscated legally according to law and after being examined by the Panel of Judges, it is then shown to witnesses and defendants, so that their existence can be accepted as evidence in this case;

Considering, that the trial had also read out the results of the examination of the results of Visum et Repertum Number: VER / SA125861 / RSBPORONG dated March 27, 2017 signed by dr. SAKINA as

a doctor on duty at Bhayangkara Public Hospital Pusdik Sabhara POLRI has examined PRINCESS DINA KHOIRIYAH with examination results at the examination of a woman who claimed to be twelve years old was found a long tear in the hymen to the bottom at two o'clock and eleven o'clock due to blunt violence.

Considering, that based on the statements of witnesses and the statements of the defendant as well as being connected with the existence of evidence and examination of the visum et repertum submitted in this case, the Assembly has found the legal facts in court as follows:

- That the witness PRINCESS OF DINA KHOIRIYAH was born on October 21, 2006 in accordance with Birth Certificate number. 019091/2006 or under the age of 18 years;
- That the witness PRINCESS DINA KHOIRIYAH was born at the AL IKHLAS DARUT TAQWA boarding school where the defendant was his guardian;

Considering, that furthermore the Panel of Judges will consider whether based on the statements of witnesses and defendants as well as evidence and and documentary evidence, the Defendant may be declared to have committed a criminal act charged with him;

Considering, that the Defendant has been indicted by the Public Prosecutor with the following indictments:

First: as stipulated in Article 81 paragraph (2) of the Law of the Republic of Indonesia Number: 35 of 2014 concerning Amendment to Law Number 23 of 2002 concerning Child Protection;

Or

Second: as regulated in Article 81 paragraph (1) jo. Article 76D of the Republic of Indonesia Law Number 35 Year 2014 concerning Amendment to Law Number 23 of 2002 concerning Child Protection;

Considering, that the Public Prosecutor has prepared his indictment alternatively;

Considering, that in order to prove the indictment systematically, the Assembly will consider the First indictment first;

Considering, that the elements that need to be considered in the First Indictment are as follows:

3. The Element of Everyone
4. The element of deliberately making a ruse, a series of lies or persuading a child to have intercourse with her or with another person

#### **Ad.1 Elements of Everyone**

Menimbang, Considering, that what is meant by "Everyone" is every supporter of the rights and obligations of both persons and legal entities that can be held accountable for their actions;

Considering, that Defendant MISBACHUDDIN Bin MARZUKI at the trial stated that he justified his identity in the indictment of the Public Prosecutor's Indictment, the Defendant could also answer the questions posed to him clearly, and the Defendant was not in a state of madness, had normal reason and was not under the prosecution., so that the Defendant is able to account for his actions;

Considering, that based on the legal facts, in this case there was no "ERROR IN PERSONA" so the Panel of Judges concluded that the element "Everyone" refers to the Defendant MISBACHUDDIN Bin MARZUKI;

Considering, that based on the above mentioned considerations, the element of "Everyone" has been fulfilled;

### 3. Victims' Rights in District Court Decision Number: 512 / Pid.Sus / 2017 / Pn.Bil

According to Arif Gosita, it is stated that if the victim wants to provide protection to the victim, it is necessary to consider the rights of victims related to a case, namely: (a) The victim is entitled to compensation or restitution for his suffering in accordance with the ability of the giver of compensation or restitution of the victim in making a crime. with such liquidity and deviation, (b) has the right to refuse compensation or restitution for the benefit of the victim (not willing to be given because he does not need it). Furthermore, (c) has the right to receive compensation or restitution for his heirs if the victim has died due to the act, (d) Has the right to receive guidance and rehabilitation, (e) Has the right to recover his property, (f) Has the right to get protection from the threat of the party the victim maker when reporting and becoming a witness, (g) Entitled to obtain legal counsel assistance, (h) Entitled to obtain legal remedies. (Lilik Mulyadi, 2010)

Fulfillment of the rights of children as victims of rape in the Decision of the District Court Bagil Number: 512 / Pid.Sus / 2017 / Pn.Bil which explains that based on Article 68 (1) of the Law of the Republic of Indonesia Number: 11 of 2012 concerning the Criminal Justice System for Children is the fulfillment of children's rights in the ruling by the Integrated Service Center

The fulfillment of the rights of children as victims of rape in the Decision of the District Court of Bagil Number: 512 / Pid.Sus / 2017 / Pn.Bil by the Integrated Service Center for Empowering Women and Children (P2TP2A) and the Office of Women's Empowerment for Protection of Children and Family Planning (DP3AKB) proves that it is not only legislation that regulates children's rights but in the process of completing the fulfillment of children's rights as victims of rape there must be an institution that participates in the fulfillment of the children's rights.

### 4. Constraints faced in fulfilling the Rights of Raping Victims in District Court Decision Number: 512 / Pid.Sus / 2017 / Pn.Bil

Constraints contained in the fulfillment of children's rights, namely: (a) Lack of victim's legal awareness, lack of client knowledge about sex education causes perpetrators of this rape to have more confidence to harass clients, (b) Lack of community legal awareness, with pay attention to aspects of prevention that involve citizens and also involve children who aim to provide protection to children but when an incident occurs one of the communities does not support the protection of the rights of child victims, namely when an incident occurs one community disseminates the case through Facebook social media.

As described above, that the nature of children can not protect themselves. This should make the environment to participate in child protection. Especially in the case of fulfilling the rights of children as victims of rape in District Court Decision Number: 512 / Pid. Sus.Anak / 2017 / PN Bil should make the community in the environment help to recover the victim's child as usual if not the other way around, which is an obstacle in the recovery process.

## **Punish**

- (1) Declaring the defendant MISBACHUDDIN Bin MARZUKI has been proven legally and convincingly guilty of committing a crime "Deliberately persuading a child to have intercourse with him"

- (2) Punishing the defendant MISBACHUDDIN Bin MARZUKI, therefore, with a prison sentence of: 12 (twelve) years, and a fine of Rp.250,000,000.00 (two hundred and fifty million rupiah) provided that the fine is not paid then replaced with imprisonment for: 6 (six) months;
- (3) Establish the period of arrest and detention that has been served by the defendant deducted entirely from the criminal sentence;
- (4) Ordering the defendant to remain detained;
- (5) Establish evidence in the form of: 1 (one) green veil, 1 (one) blue women's T-shirt, 1 (one) pink white combination long sleeve shirt, 1 (one) long color skirt blue dongker, 1 (one) blue panties picture of a monkey Confiscated to be destroyed;
- (6) Imposing court fee for the defendant in the amount of Rp. 2,000, - (two thousand rupiah).

### **Author Analysis**

Fulfilling the rights of children as victims of rape is different from fulfilling the rights of victims of other crimes as well as the settlement procedures. The process of fulfilling children's rights as victims of rape is carried out with special attention to children's rights. First, the rights of children as victims of rape have been listed in the Act. Among them are the Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights, the Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Justice System, and the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to the Law of the Republic of Indonesia Number 23 Year 2002 on Child Protection. Second Implementation of the fulfillment of children's rights regarding Decision Number: 512 / Pid. Sus.Anak / 2017 / PN Bil in the jurisdiction of the Bangil District Court conducted by the Integrated Service Center for Women and Children Empowerment (P2TP2A) and the Office for Women's Empowerment, Child Protection and Family Planning (DP3AKB) is in accordance with applicable laws and regulations. Fulfillment of the rights of children as victims of rape is given in accordance with the rights of victims, including: the right of assistance, the right to health services, the right of guidance, the right of protection, the right of legal certainty, and the report of recommendations. Third, the lack of community legal awareness, lack of sympathy from educators and the Lack of Human Resources of the Office of Women's Empowerment, Child Protection and Family Planning (DP3AKB) can have a negative impact on the mentality of victims. Including the lack of legal awareness of the victim, namely the lack of knowledge of rape victims 12 about sex education, causes the perpetrators of this rape to have more confidence to commit a crime, especially the rape crime against children.

### **Conclusion**

Fulfillment of Victims' Rights by judges in District Court Decision Number: 512 / Pid.Sus / 2017 / Pn.Bil. The judge in passing the verdict on a child case in the Bangil District Court on the Decision of the Bagil District Court Number: 512 / Pid.Sus / 2017 / Pn.Bil has been appropriate and in fulfilling the victims' rights by the judge Fulfilling the rights of children as victims of rape different from fulfilling the rights of victims of other criminal acts as well as the settlement procedures. The process of fulfilling children's rights as victims of rape is carried out with special attention to children's rights. First, the rights of children as victims of rape have been listed in the Act. Among them are the Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights, the Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Justice System, and the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to the Law of the Republic of Indonesia Number 23 Year 2002 on Child Protection. Second Implementation of the fulfillment of children's rights regarding Decision Number: 512 / Pid. Sus.Anak / 2017 / PN Bil in the jurisdiction of the Bangil District Court conducted by the Integrated Service Center for Women and Children Empowerment (P2TP2A) and the Office for Women's Empowerment, Child Protection and Family Planning (DP3AKB) is in accordance with applicable laws and regulations.

The perspective of justice for victims in the Decision of the District Court of Part Number: 512 / Pid.Sus / 2017 / Pn.Bil. Fulfillment of the rights of children as victims of rape is given in accordance with the rights of the victims, including: the right of assistance, the right to health services, the right of guidance, the right of protection, the right of legal certainty, and the report of recommendations. However, from the perspective of the victims themselves, the justice obtained is still not enough because the actions committed by the perpetrators have damaged the child's future and although the amount of fines imposed by the judge is very high, the money entered into state income is not used for recovery of children after the act the criminal rape he has felt. The satisfaction felt by the victim in the opinion of the author is only in the form of feeling because the perpetrator has been punished and deprived of his rights for some time.

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