

ABSTRAK

Angka kekerasan seksual terhadap anak terus meningkat setiap tahunnya. Hal tersebut menjadi permasalahan serius bagi pemerintah Indonesia karena konstitusi telah mengamanatkan untuk memberikan perlindungan bagi anak. Berbagai upaya dilakukan oleh Pemerintah Indonesia termasuk menjatuhkan sanksi pemasangan alat pendeteksi elektronik bagi mantan narapidana kekerasan seksual terhadap anak. Namun hingga saat ini belum adanya aturan turunan berupa petunjuk teknis dalam bentuk Peraturan Menteri untuk memberikan pengaturan yang lebih komprehensif mengenai tindakan pemasangan alat pendeteksi elektronik *a quo*. Tujuan penelitian untuk mengetahui urgensi pemasangan alat pendeteksi elektronik pada mantan narapidana kekerasan seksual serta untuk mengkaji formulasi petunjuk teknis pelaksanaan tindakan pemasangan alat pendeteksi elektronik pada mantan narapidana kekerasan seksual di masa yang akan datang. Metode penelitian ini menggunakan penelitian normatif. Sumber data dalam penelitian ini menggunakan sumber data sekunder yang terdiri dari bahan hukum primer, sekunder, dan tersier. Penelitian ini menggunakan pendekatan undang-undang dan konseptual. Teknik analisis data menggunakan kualitatif, Teknik penyajian data secara deskriptif, analitis, dan preskriptif. Berdasarkan hasil penelitian, pemasangan alat pendeteksi elektronik pada mantan narapidana kekerasan seksual terhadap anak sangat penting dilakukan. Karena, kekerasan seksual terhadap anak marak terjadi, tindakan pemasangan alat pendeteksi elektronik sejalan dengan prinsip *double track system* dalam hukum pidana, adanya kepastian hukum dalam hal terdakwa dijatuhi tindakan pemasangan alat pendeteksi elektronik, agar mantan narapidana kekerasan seksual dapat diawasi setelah menjalani pidana pokok serta mengantisipasi terjadinya residivis. Formulasi petunjuk teknis pelaksanaan tindakan pemasangan alat pendeteksi elektronik pada mantan narapidana kekerasan seksual terhadap anak di masa yang akan datang harus komprehensif mengatur pihak yang berwenang melakukan persiapan, pelaksanaan, pengawasan, pemilihan bentuk, hingga pelepasan alat pendeteksi elektronik. Selain itu, perlu adanya reformulasi Pasal 81 ayat (7) UU Perlindungan Anak dari yang semula bersifat kumulatif menjadi kumulatif/alternatif.

Kata Kunci: Kekerasan Seksual Anak, Petunjuk Teknis, Alat Pendeteksi Elektronik, Sanksi Tindakan

ABSTRACT

The number of sexual violence against children continues to increase every year. This is a serious problem for the Indonesian government because the constitution has mandated it to provide protection for children. Various efforts have been made by the Government of Indonesia to impose sanctions on the installation of electronic detection devices, including former sexual violence against children. However, until now there has been no derivative rule in the form of technical instructions in the form of a Ministerial Regulation to provide a more comprehensive regulation regarding the installation of a quo electronic detection devices. The purpose of the study was to determine the urgency of installing electronic detection devices for sexual violence and to review technical instructions for the installation of electronic detection devices for former violence in the future. This research method uses normative research. The data sources in this study used secondary data sources consisting of primary, secondary, and tertiary legal materials. This study uses a legal and conceptual approach. The data analysis technique uses qualitative, descriptive, analytical, and prescriptive data presentation techniques. Based on the results of the study, the installation of electronic detection devices for former child sexual abuse is very important. Because, sexual violence against children is rife, the act of installing electronic detection devices is similar to the principles of the double track system in criminal law, there is legal certainty in terms of the act of installing electronic detection devices, so that sexual violence can be carried out after serving the main crime and anticipating the occurrence of recidivism. . Formulation of instructions for the implementation of the act of installing electronic detection devices for former violence against children in the future comprehensively on the part of those who carry out preparation, implementation, supervision, selection of forms, to electronic detection devices. In addition, there is a need for reformulation of Article 81 paragraph (7) which is the basis of Article 81 protection/alternatives.

Keywords: Child Sexual Violence, Technical Instructions, Electronic Detection Devices, Action Sanctions