

# REORIENTASI NILAI KEADILAN PANCASILA DALAM PELAKSANAAN SANKSI PIDANA KEBIRI KIMIA TERHADAP PELAKU KEJAHATAN SEKSUAL

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## Abstract

*The increasing number of sexual violence against children has led the Joko Widodo government to issue a type of chemical castration sanction against perpetrators of sexual violence against children. However, this sanction is considered to violate human rights, especially for those who hold the thought of respecting human rights. So it is necessary to discuss the Reorientation of the Value of Pancasila Justice in the Implementation of the Criminal Sanctions for Chemical Castration Against Sexual Offenders. There is also a method used in this writing is sosological juridical. From the existing discussion, it can be concluded that the implementation of Article 81 PERPU Number 1 of 2016 has not effectively protected and been able to restore child victims of sexual violence. Then the factors that influence this are the factors of legal regulations that are still contrary to the respect for human rights as regulated in Pancasila and the 1945 Constitution of the Republic of Indonesia, then law enforcement factors that still do not pay attention to the recovery of children victims of sexual violence, a community culture that is still not able to effectively eradicate sexual violence against children because there is a culture that considers sexual violence against children as a family disgrace that no one should know.*

**Keywords:** *Sexual Crime, Chemical Castration, Justice, Pancasila, Reorientation*

## A. Background

In its development, children are the nation's next generation who will become capital for development to maintain, maintain and develop existing development results. Therefore, children need special protection and attention in order to ensure complete, harmonious and balanced physical, mental and social growth and development. This special protection and attention should not only be given by the government and parents, but also all members of the society who are also expected to be able to play an active role in protecting and protecting children's rights.

Based on data, victims of sexual crimes against children have increased every year. Director of the Solo Kaka Foundation, Shoim Sahriyati, explained that this increase reached 15 percent every year. In 2017 there were 33 victims 23 cases and from 2018 to November 2018 there were 37 cases. The average age of victims of this sexual crime is 13-15 years. Besides that, the trend of sexual crimes has also shifted. Previously, most of the victims of sexual crimes were high school (SMA) children, but now the victims are many children who are still in junior high school (SMP).<sup>1</sup>

In its development in order to eradicate these sexual crimes in order to provide a deterrent effect to the perpetrators, President Joko Widodo has issued a Government Regulation in Lieu of Law (Perppu) Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection. The increasing number of violence that leads to the safety of children's lives is one of the reasons for the president to issue the Perppu. Despite reaping the pros and cons of

1 Labib zamani, Cases of Sexual Crimes Against Children Increase 15 Percent, <http://solo.tribun-news.com/2016/12/04/kasus-kejkes-sexual-terhadap-anak-anak-men-Increase-15-persen>, accessed on 29 December 2016

Government Regulation in Lieu of Law (Perppu) Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection (Perppu Kebiri) was finally officially signed by President Jokowi.<sup>2</sup>

As has appeared in the public space, the Perppu Kebiri contains the death penalty threat and the announcement of the identity of the perpetrator as well as acts of chemical castration and the installation of presence detection devices (chips) against the perpetrators. Officially valid since being signed by President Jokowi. Along with the enactment of the Perppu Kebiri, still cannot be separated from the problems that accompany it.

The Perppu Procedure Issue is a type of statutory regulation that constitutionally reflects executive power to overcome a condition of “compelling urgency”. Constitutionally, “compelling urgency” is regulated as a form (variant) of the emergency condition which is very likely to be experienced by Indonesia, apart from “war conditions” and “other dangerous conditions”.

Article 22 paragraph (1) of the 1945 Constitution of the Republic of Indonesia stipulates that “In compelling crises, the President has the right to stipulate government regulations in lieu of law”. This provision is a subjective right of the President in an abnormal constitutional condition (noodverordeningsrecht) to act quickly, precisely and measurably so that the safety of the state can be guaranteed, however theoretically it is reminded that the expansion of the meaning of “compelling urgency” must be considered carefully because if done without restrictions, the Perppu will become an instrument of dictatorship in state administration.<sup>3</sup>

The main material to be regulated in the Perppu Kebiri is basically the weighting of criminal threats for perpetrators of sexual crimes against children on the basis of empirical reasons that so far punishment has not been able to provide a deterrent effect and has not been able to comprehensively prevent the occurrence of sexual violence against children, even though in the Law Number. 35 of 2014 concerning Child Protection has regulated a special minimum criminal threat and a weight of one third heavier in the event that the crime is committed by parents, guardians, child caregivers, educators, or education personnel so that based on Law Number 35 of 2014, the heaviest criminal which can be imposed by a judge against the perpetrator of sexual crimes against children is a maximum imprisonment of 20 years.

In the Perppu Kebiri, the existing criminal sanctions are wanted to be made heavier so that the Perppu includes the death penalty, life sentence, as well as an increase in the special minimum punishment from the previous ‘maximum 5 years in prison’ to ‘a maximum of 10 years in prison’. In addition, there are also additional criminal threats in the form of announcing the identity of the perpetrators and the most controversial is the idea of giving acts (maatregel) in the form of chemical castration and the installation of presence detection devices (chips) to the perpetrators.<sup>4</sup>

Some of the potential problems that will arise based on the concept of punishment contained in the Perppu are the first, the addition of types of crimes that can be threatened with capital punishment in the laws and regulations in Indonesia will certainly be in the spotlight of the international community (especially the United Nations Commission on Human Rights. - Nation) which in every campaign encourages member states of the United Nations (including Indonesia) to abolish or at least reduce the death penalty threat in their domestic legislation system. Second, the threat of imprisonment with a special minimum pattern (10 years in prison) will of course deal with the philosophy of

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2 Anonymous, perppu castrate [https://m.tempo.co/read/news/2016/05/24/063773634/perppu-kebi-ri-h\]-kekegaran-sexual-tak-segalak-aturan](https://m.tempo.co/read/news/2016/05/24/063773634/perppu-kebi-ri-h]-kekegaran-sexual-tak-segalak-aturan), accessed December 29, 2016

3 Anonymous, this is the main material for castration, <http://m.hukumonline.com/berita/acr/it-5746c49a7e9de/ini-materi-pokok-perppu-kebiri>, accessed on 29 December 2012

4 Sri Endah Wahyuningsih, *Policy of Criminal Sanctions against Corporations Using Illegal Foreign Workers in Indonesia*, International Journal of Innovation, Creativity and Change. [www.ijicc.net](http://www.ijicc.net), Volume 12, Issue 10, 2020, [https://www.ijicc.net/images/vol12/iss10/121023\\_Wahyuningsih\\_2020\\_E\\_R.pdf](https://www.ijicc.net/images/vol12/iss10/121023_Wahyuningsih_2020_E_R.pdf), p.167

freedom of judges to impose crimes. With the existence of a special minimum sentence (10 years in prison), Indonesia implicitly states that sexual crimes against children are one of the crimes with the highest degree of neglect (*verwijtbaarheid*) similar to gross human rights violations as regulated in Law Number 26 of 2000. regarding Human Rights Courts, because other crimes in Indonesia (even including corruption, terrorism, and narcotics) do not include a specific minimum criminal penalty so that the judge cannot impose a sentence of less than 10 years in prison for the perpetrator. Third, according to Ted Honderich, the regulation regarding chemical castration and the installation of a presence detection device (chip) to the perpetrator which is set as an action (*maatregel*) shows that the understanding of the separation between the concept of criminal (*straf*) and action (*maatregel*) is not yet perfect ‘two track’ (double track system). Castration (castration) with any method if linked in the context of sanctions is very far from the philosophy of rehabilitation which is the justification of an action (*maatregel*) for the perpetrator of a criminal act, but it is closer to one of the criminal justifications (*straf*), namely the concept of ‘paralysis. ‘(incapacitation) which is oriented towards eliminating the ability or potential of the perpetrator to repeat the crime.

Likewise, installing chips that are carried out after the perpetrator has served a crime will actually cause the perpetrator to experience a “double sentence” and it becomes an implicit recognition of the state that the penal system for perpetrators of sexual crimes against children fails to “cure” the perpetrator. Fourth, the position of chemical castration, whether it will be regulated as a type of crime (*straf*) or action (*maatregel*), is also very vulnerable if it is ‘faced’ with constitutional principles because even though Article 28J of the 1945 Constitution of the Republic of Indonesia allows restrictions Human rights are based on law, but according to article a quo, these restrictions must still be carried out by considering (among other things) moral and religious values so that the types and methods of punishment that are not in accordance with moral and religious values are prohibited. listed and enforced in Indonesia.<sup>5</sup>

In connection with the foregoing, the authors are interested in carrying out legal reconstruction of government policies that have given birth to the Perpu Kebiri. For this reason, the researcher will analyze the legal conception of government policies in a comprehensive manner relating to the matters described above so that in this paper the title “REORIENTATION OF JUSTICE VALUE PANCASILA IN IMPLEMENTING CHEMICAL CRIMINAL SANCTIONS AGAINST SEXUAL CRIMES”.

## **B. Issues To Be Discussed**

The issues that will be discussed in this article are related to the current implementation of chemical castration.

## **C. Research Methods**

The method used in this writing is the sociological juridical method, in which the writing of this article in addition to using legal rule analysis also uses sociological analysis of law.

## **D. Discussion**

### **1. Current Implementation of Chemical Castration in Cases of Sexual Violence Against Children in Indonesia**

In its development Article 81 PERPU Number 1 Year 2016 Second Amendment to Law Number 23 Year 2002 regarding Child Protection is contrary to the mandate of Pancasila. This can be seen from the various values behind the birth of Pancasila. The following will explain the disharmony between the values of Pancasila and Article 81 paragraph (7) of PERPU Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection:

- 1) The Supreme Divine Precepts

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5 *Ibid.*

The divine value contained in the first principle of Pancasila is basically a moral foundation in the life of the nation and state in order to realize divine morality in this country within the framework of the concept of the mutual cooperation state as first called for by Soekarno. This is in accordance with Yudi Latif's view which states "Divinity within the framework of Pancasila is an attempt to find common ground in the spirit of mutual cooperation to provide a strong moral foundation for political life based on divine morality."<sup>6</sup> This is realized by protecting the security of every human being in Indonesia regardless of a religious identity. Based on the various explanations above, it is clear that the imposition of sanctions as stipulated in Article 81 paragraph (7) of PERPU Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection has a great chance of violating the value of the first principle of Pancasila, p. This is because Article 81 paragraph (7) of PERPU Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection can result in those convicted of chemical castration having health impacts and also the opportunity to be subject to perpetrators of sexual violence perpetrated by children. and teenagers. This clearly violates the mental or psychological side as well as physical health, or violates both the religious side and the material side, or what is said to be violating the spiritual and worldly aspects, by borrowing a term from Kuntowijoyo, it can also be stated that Article 81 paragraph (7) of PERPU Number 1 Year 2016 violates the principle of *loro-lorone atunggal*. So that the implementation of Article 81 paragraph (7) PERPU Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection will only disturb the principle of life balance, especially for perpetrators who are subject to chemical castration sanctions.

## 2) Just and Civilized Humanity Precepts

The concept of human responsibility in realizing the value of Just and Civilized Humanity must also be based on the fulfillment of its obligations and responsibilities to all humans and to nature as previously explained by Hatta. So it can also be said that the responsibility for fulfilling the values of Just and Civilized Humanity is also carried out in the horizontal relationship between humans and fellow humans and nature. This is known in Islam as the concept of *hablum minallah* and *hablum minannas*. *Hablum minallah* means human relationship with Allah SWT. Meanwhile, *hablum minanas* is the relationship between humans and fellow humans.<sup>7</sup> The implementation of Article 81 paragraph (7) of PERPU Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection has basically violated the human values or human rights (HAM) of convicted chemists. This clearly violates the mandate of divine values. This is because Article 81 paragraph (7) of PERPU Number 1 of 2016 is a form of failure to implement God's mandate to carry out justice and protect the human rights of all groups and all aspects of the lives of the Indonesian people. So it is clear that violating the second principle is the same as breaking the first principle and vice versa, breaking the first principle is breaking the second principle of Pancasila.

## 3) Population Precepts Led by Wisdom / Wisdom in Representative Deliberations

The philosophical aspect shows that the Indonesian nation is a godly nation, this requires the Indonesian nation to always carry out the mandate that comes from God, that mandate is to create justice by respecting and protecting human rights as well as the dignity and dignity of all groups in Indonesia. This is carried out by strengthening the spirit of nationality inside and outside the country, for this we need people's sovereignty and kinship in the context of national and state life. In short, the Godhead value can run well if it is manifested through the values of Civilized Humanity, National Values including through democratic democracy based on the values of kinship and mutual assistance. Without the existence of populist sovereignty and family values in

<sup>6</sup> *Loc. cit.*

<sup>7</sup> Mustari Mustafa, *Agama Dan Bayang-Bayang Etis Syaikh Yusuf Al-Makassari*, LkiS Cemerlang Printing, Yogyakarta, 2011, hlm. 161

Indonesia, the value of unity or nationality will not be realized because the existing government is based on the interests of a group alone is not based on the interests of the nation in a fair and comprehensive manner. This will clearly result in the violation of various human rights or humanitarian values in this country which will automatically violate many religious moral teachings and the mandate of divine values<sup>8</sup>. So instead of that we need a model of social democracy or people's sovereignty where the greatest power of the state is under the hands of the people, either directly or by representation. Based on the various explanations above, it is also clear that Article 81 paragraph (7) of PERPU Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection also has the opportunity to create a legal system that has no facets, this is not in accordance with the democratic system. people who want the realization of social justice for all Indonesian people through a government that is capable of realizing a socially just and humane legal system.

#### 4) Precepts of Social Justice for All Indonesian People

Based on the three principles above, it can be seen that each Pancasila principle is actually aimed at creating justice for all groups of society in all aspects of their life, be it socio-cultural, economic, political, or legal life. In terms of the law itself, the Fifth Principle of Pancasila calls for non-selective legal treatment, the law is desired to be fair to every group of Indonesian society, meaning that the law is required to protect the rights of every human being in his life as a member of society. With regard to the implementation of Article 81 paragraph (7) PERPU Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection, the law has the opportunity to cause injustice to convicted cases of sexual violence against children, this can be seen from the health aspect as already described above. This problem clearly has the opportunity to violate the principle of 1) populist or popular sovereignty; and 2) deliberation or kinship as contained in the Fourth Precepts of Pancasila.

Based on the explanation above, it is clear that Article 81 paragraph (7) of PERPU Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection contradicts the principles of public welfare, social justice, and Almighty God, Just Humanity. and being civilized, Indonesian Unity, and People Guided by Wisdom in Consultation / Representation as expressly concluded in the Fourth Paragraph of the Preamble of the 1945 Constitution of the Republic of Indonesia.

Furthermore, apart from contradicting the First, Second, Fourth, and Fifth Precepts of Pancasila and the Fourth Paragraph of the Preamble of the 1945 Constitution of the Unitary State of the Republic of Indonesia, Article 81 paragraph (7) of PERPU Number 1 of 2016 Concerning the Second Amendment to Law Number 23 Year 2002 concerning Child Protection also violates Article 28D number 1, Article 28G number 1 and number 2, and Article 28I point 1 of the 1945 Constitution of the Unitary State of the Republic of Indonesia. Article 28D point 1 of the 1945 Constitution of the Unitary State of the Republic of Indonesia is stated that "everyone has the right to recognition, guarantee, protection and legal certainty that is just and equal treatment before the law." Furthermore, Article 28G number 1 of the 1945 Constitution of the Unitary State of the Republic of Indonesia states that:

Everyone has the right to protection of himself, family, honor, dignity and property under his control, and the right to a sense of security and protection from the threat of fear to do or not do something that is a human right.

Then Article 28G point 2 of the 1945 Constitution of the Unitary State of the Republic of Indonesia states that "everyone has the right to be free from torture or treatment that degrading

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<sup>8</sup> Yudi Latif, *Negara Paripurna, Historistas, Rasionalitas, Dan Aktualitas Pancasila*, PT. Gramedia Pustaka Utama, Jakarta, 2011, hlm. 56 dan 414.

human dignity and is entitled to political asylum from other countries.” Furthermore, Article 28I point 1 of the 1945 Constitution of the Unitary State of the Republic of Indonesia states that:

The right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on the basis of retroactive law are human rights that are not can be reduced under any circumstances.

Based on the various explanations above, it can be stated that the provisions as stipulated in Article 81 paragraph (7) of PERPU Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection have violated the right to live a fair life and the right to be free from torture. Chemical castration as regulated in Article 81 paragraph (7) PERPU Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection can basically cause physical and mental torture due to side effects as described above, this is has clearly violated the right to life and the right to be free from torture.

## 2. Factors Affecting the Effectiveness of the Implementation of Chemical Castration in Eradicating Sexual Violence in Indonesia

Based on the various explanations above, it is clear that the effectiveness of the implementation of a legal regulation is based on factors such as 1) statutory regulations; 2) Law enforcement; and 3) community culture. This also applies to the implementation of PERPU Number 1 of 2016 jo. Law Number 17 of 2016. The following will be discussed further regarding various factors that influence the implementation of PERPU Number 1 of 2016 jo. Law Number 17 of 2016. As for the factors that affect the effectiveness of the implementation of PERPU Number 1 of 2016 jo. Law Number 17 of 2016, namely:

### 1) Law Enforcement Factors

If you look at the law enforcement factor, it can be seen that PERPU Number 1 of 2016 jo. Law Number 17 of 2016 concerning Second Amendment to Law Number 23 of 2002 concerning Child Protection has experienced confusion, one of which is the result of various weaknesses in PERPU Number 1 of 2016 jo. Law Number 17 of 2016 concerning Second Amendment to Law Number 23 of 2002 concerning Child Protection. In addition, human resources and facilities and infrastructure of law enforcers also affect the ineffectiveness of PERPU No. 1/2016 jo. Law Number 17 of 2016 concerning Second Amendment to Law Number 23 of 2002 concerning Child Protection.<sup>9</sup>

Furthermore, based on data obtained by researchers in the field, it can be seen that some law enforcers do not agree with the existence of Article 81 PERPU Number 1 of 2016 jo. Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection on the grounds of bad health impacts for convicted of chemical castration. The following is a table related to data on the views of law enforcers on the implementation of Article 81 PERPU Number 1 of 2016 jo. Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection in terms of the health of perpetrators of sexual violence crimes:<sup>10</sup>

**Table 1: Views of Law Enforcement Against Chemical Castration Sanctions From a Health Point of View of Perpetrators of Violent Crimes**

9 Sri Endah Wahyuningsih, *The Implementation of Punishment Theories in the Verdict of Narcotics Case by Judge in Indonesia*, TEST Engineering and Management, ISSN 0193-4120 , Mach-April 2020, P 2797.

10 The results of quantitative research at the Central Java High Court, the Central Java High Court, and at the Semarang Polrestabes, the study was conducted on June 20, 2018.

	<b>Law Enforcement Officials</b>		<b>No</b>		<b>Total</b>
	Hakim	3	1	1	5
	Jaksa	4	2	-	6
	Polisi	5	-	3	8
	Advokat	5	2	3	10

Based on the table above, it can be seen that 17 of the 29 law enforcement officers who are respondents in this paper have the view that chemical castration can have a negative impact on the health of the perpetrator, because the perpetrator will feel the impact of chemical castration injections in the form of premature bone loss (osteoporosis) up to the risk of heart disease. And the perpetrator will lose his future just like the victim. Meanwhile, 5 other people have the view that chemical castration does not have a risk of having a bad impact on the health of the offender because the effects of chemical castration are only temporary and when the injection is removed, the effect of the injection can also be lost. And the rest, namely 7 respondents, have their own views regarding this matter.

## 2) Community Culture Factors

The culture of victims who are afraid to report to law enforcement because they think that the issue of sexual violence is a disgrace or a family problem that is taboo to the general public, resulting in Article 81 of PERPU Number 1 of 2016 jo. Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection does not work well. In addition, an increase in cases of sexual violence against children arises due to economic problems.

## 3. Repositioning of Justice in the Criminal Policy of Kibiri Kimia

Based on the various explanations that exist, it can be seen that criminalization in Indonesia has only prioritized the criminalization of acts and revenge and the recovery of the perpetrators of crimes. Meanwhile, the aspect of restoring the rights of victims has never been touched. In this regard, it is necessary to reform the politics of criminal law in relation to the implementation of chemical castration sanctions based on the aspect of criminal individualization. In connection with the urgency of criminal individualization in the development of criminal law politics in Indonesia today, **Institutional Process**

A change in the penal system can properly be described as an endeavor to achieve penal reform if it is aimed directly or indirectly at the rehabilitation of the offender, or if its object is to avoid, suspend or reduce on punishment humanitarian grounds.

Cross's opinion more or less means that:

A change in the criminal system in society is a very difficult effort if the criminal law only prioritizes rehabilitation, avoidance, suspension and reduction of sanctions against criminals only for humanitarian reasons.

Based on Cross's opinion above, it is also clear that the spirit of criminal individualization in the development of criminal law politics also sees the position of human values including the human rights of the perpetrators of crime. so that the provisions of chemical castration sanctions need to be reviewed because they can violate the human rights of the perpetrators. In order for various ideas of political reconstruction of criminal law related to the implementation of chemical castration sanctions above, it is necessary to instill and institutionalize new val-

ues that exist in the community, so that the expected actions are not contradicts the actions taken in society in terms of establishing a legal system. The institutionalization and cultivation of new values are influenced by the effectiveness of instilling new elements, opposing forces from society, and the speed at which new elements are implanted. Here's a chart of that thought:

The effectiveness of planting is influenced by the use of human labor, tools, organizations and methods used in the legal bureaucratic system. The better the motivation and the higher the capacity of the resources in the legal bureaucracy system, the effectiveness of the legal institution will also be faster, besides that it is also necessary to have a neat systematic supervision, this is to awaken and increase understanding of the system's resources of change of the importance of change which is based on noble values in society. In addition, the timeframe for the institutionalization of new values also affects the haste of the institutionalization of values, it is clear that it will fail, but the better the existing value arrangement, the more successful it will be.<sup>11</sup>

#### E. Conclusion

Based on the various explanations above, it is clear that the implementation of Article 81 PER-PU Number 1 of 2016 has not effectively protected and been able to restore child victims of sexual violence. Then the factors that influence this are the factors of legal regulations that are still contrary to the respect for human rights as regulated in Pancasila and the 1945 Constitution of the Republic of Indonesia, then law enforcement factors that still do not pay attention to the recovery of children victims of sexual violence, a community culture that is still not able to effectively eradicate sexual violence against children because there is a culture that considers sexual violence against children as a family disgrace that no one should know.

#### F. Suggestions

There needs to be a reconstruction of PERPU No. 1 of 2016 jo. Law Number 17 of 2016 regarding the provisions on chemical castration sanctions, both in terms of the formulation of legal regulations and the system for imposing sanctions that must be more just as described above.

### REFERENCE

- Ali, Mahrus, 2012, *Dasar-Dasar Hukum Pidana*, Sinar Grafika, Jakarta
- AR, Muchson, 2002, *Dasar-Dasar Pendidikan Moral*, UNY, Yogyakarta
- Arief, Barda Nawawi, *Permasalahan Hukum Adat dalam pembangunan Hukum di Indonesia dalam majalah masalah- masalah Hukum*, Fakultas Hukum Universitas Diponegoro, Semarang Nomor 3 tahun 1997
- Arief, Barda Nawawi, 2005, *Bunga Rampai Kebijakan Hukum Pidana*, Citra Aditya Bakti, Bandung
- Asshiddiqie, Jimly dan M. Ali Safa'at, 2006, *Teori Hans Kelsen Tentang Hukum*, Sekretariat Jenderal Dan Kepaniteraan Mahkamah Konstitusi, Jakarta
- Asshiddiqie, Jimly, 1995, *Pembaharuan Hukum Pidana Indonesia*, Angkasa, Bandung
- Atmasasmita, Romli, 1992, *Penulisan Karya Ilmiah Tentang Masalah Santunan Terhadap Korban Tin-*
- 11 *Ibid*, hlm. 83



- dak Pidana*, Badan Pembinaan Hukum Nasional, Departemen Kehakiman, Jakarta
- Bemmele, Van n & Van Hattum, *Hand-en Leerboek II*
- Chazawi, Adami, 2005, *Tindak Pidana Mengenai Kesopanan*, Raja Grafindo Persada, Jakarta
- Cremers, 1951, *Wetboek van Strafrecht*, S. Gouda Quint – D. Brouwer en Zoon, Arnhem
- Dault, Adyaksa, 2012, *Menghadang Negara Gagal, Sebuah Ijtihad Politik*, Renebook, Jakarta
- Davidson, Gerald C., 2006, *Psikologi Abnormal*, terj: Noermalasari Fajar, PT RajaGrafindo Persada, Jakarta
- Departemen Pendidikan Nasional, 2011, *Kamus Besar Bahasa Indonesia Pusat Bahasa*, Gramedia Pustaka Utama, Jakarta
- Departemen Pendidikan dan Kebudayaan, 1988, *Kamus Besar Bahasa Indonesia*, Balai Pustaka, Cet I, Jakarta
- Durand, V. Mark dan David H. Barlow, 2006, *Intisari Psikologi Abnormal*, terj: Helly Prajitno Soetjipto dan Sri Mulyantini Soetjipto, Pustaka Pelajar, Yogyakarta
- Jati B. S., Jarot, *Merefleksikan Kembali Nilai Pancasila Dalam Sejarah Politik Hukum Adat Di Indonesia*, Makalah disampaikan dalam acara diskusi Pancasila Dalam Pembangunan Hukum Indonesia Di Era Post-Modern, Diadakan oleh Satjipto Rahardjo Institute Pada 1 Juni 2012
- Kaelan, 2002, *Filsafat Pacasila Pandangan Hidup Bangsa Indonesia*, Paradigma, Yogyakarta
- Kaelan, 2004, *Pendidikan Pancasila, Proses Reformasi, UUD Negara Amandemen 2002, Pancasila Sebagai Sistem Filsafat, Pancasila Sebagai Etika Politik, Paradigma Bermasyarakat, Berbangsa Dan Bernegara*, Paradigma, Yogyakarta
- Laporan Simposium Pembaruan hukum Pidana Nasional, 1980, Semarang
- Latif, Yudi, 2011, *Negara Paripurna, Historistas, Rasionalitas, Dan Aktualitas Pancasila*, PT. Gramedia Pustaka Utama, Jakarta
- Low, Peter W., et al., 1968, *Criminal Law : Cases and Materials* , The Foundation Press, New York
- Weda, Made Darma, 1996, *Kriminologi*, Raja Grafindo Persada, Jakarta
- Wulanda, Ayu Febri, 2011, *Biologi Reproduksi*, Salemba Media, Jakart
- Advianti, Maria, 2018, *KPAI: Pelaku Kekerasan Terhadap Anak Tiap Tahun Meningkat*, Diakses Melalui [www.KPAI.go.id](http://www.KPAI.go.id)
- Sri Endah Wahyuningsih, *Policy of Criminal Sanctions against Corporations Using Illegal Foreign Workers in Indonesia*, International Journal of Innovation, Creativity and Change. [www.ijicc.net](http://www.ijicc.net), Volume 12, Issue 10, 2020, [https://www.ijicc.net/images/vol12/iss10/121023\\_Wahyuningsih\\_2020\\_E\\_R.pdf](https://www.ijicc.net/images/vol12/iss10/121023_Wahyuningsih_2020_E_R.pdf), p.167.
- Sri Endah Wahyuningsih, *The Implementation of Punishment Theories in the Verdict of Narcotics Case by Judge in Indonesia*, TEST Engineering and Management, ISSN 0193-4120 , Mach-April 2020, P 2797.