



THE 3rd INTERNATIONAL CONFERENCE AND CALL FOR PAPER

“Legal Development in Various Countries”



IMAM AS SYAFEI BUILDING
Faculty of Law, Sultan Agung Islamic University
Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

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INFORMATION OF THE CONFERENCE AND CALL PAPER

WORLD CLASS ISLAMIC UNIVERSITY
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Welcome to Participants on International Conference

“LEGAL DEVELOPMENT IN VARIOUS COUNTRIES”

This conference tries to reviews different theories of legal development in order to highlight their similarities and differences. And focusing on the development of law in both developed and developing countries and its role in shaping a good future.

KEYNOTE SPEAKER:
Prof. Henning Glaser
Thammasat University, Thailand

IMAM AS SYAFEI BUILDING
Faculty of Law, Sultan Agung Islamic University
Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

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Indonesia, September 05th 2017

Organized by : Faculty of Law Sultan Agung Islamic University (UNISSULA) Semarang-Indonesia

WORLD CLASS ISLAMIC UNIVERSITY
UNISSULA
SULTAN AGUNG ISLAMIC UNIVERSITY

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Sultan Agung Islamic University, Indonesia

5
September
2017

Organized by : Faculty of Law UNISSULA Semarang-Indonesia

FACULTY OF LAW
Sultan Agung Islamic University

This Conference And Call Paper was held by the Faculty of Law, Sultan Agung Islamic University (UNISSULA) Semarang, on:

Day: Tuesday

Date : September 5th 2017

Time : 08:00 - 15:00 pm

Place : Imam AsSyafei Building 3rd Floor

Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia

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AND CALL FOR PAPER
“LEGAL DEVELOPMENT IN VARIOUS COUNTRIES”**

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PREFACE

Assalamu'alaikum, Wr. Wb

First of all, let's say Thanks to Allah, who has been giving us guidance, happiness, healthy, and mercy, so we can finish this conference proceeding without any obstacles. Praise and salutation upon our prophet Muhammad saw the last messenger, the best figure of this universe; the person who was able to save us from Jahiliyah era.

We would like to extend our thanks to the invited speakers: **Prof. Henning Glaser from Thammasat University, Prof. Shimada Yuzuru from Nagoya University, Hilaire Tegnan, Ph.D from Sorbone University, Prof. Dr. I Gusti Ayu Ketut Rachmi Handayani, MM from Sebelas Maret University, Dr. Zaharudin from Universiti Utara Malaysia, and Dr. Anis Mashdurohatun, S.H., M.Hum from Sultan Agung Islamic University.**

This is our third International conference and call for paper held by Faculty of Law, Sultan Agung Islamic University. This annual conference tries to gain any information and studies done by academician and practitioner to be discussed as guidelines to exchange and discuss views on the most important recent on Legal Development happens in both developed and developing countries and its role in shaping a good future, and to discuss the challenges and practical aspects in integrating competition law enforcement and guidelines to develop legal state in accordance with the diversity of all countries around the world. We hope this conference brings benefit for both participants and our faculty.

We are pleased to have your critique, suggestion and correction in order to make us better. Finally, we do thanks to all who helped this conference. May Allah guide us to always develop useful knowledge for human being.

See you in our fourth International and call for paper next year.

Wassalamualaikum, Wr. Wb

Semarang, September 5th 2017

Chairman of the Committee,



Dr. Anis Mashdurohatun, S.H., M.Hum
NIDN : 06-02105-7002

GREETING FROM THE DEAN OF FACULTY OF LAW

As-salamu'alaikum Wr. Wb.

Thank to Allah SWT is an absolute act that we must say after conducting the International Conference and Call for Paper by theme: “**Legal Development in Various Countries**” which is held by Faculty of Law, Sultan Agung Islamic University (UNISSULA) Semarang, on September 5th 2017.

This conference tries to reviews different theories of legal development in order to highlight their similarities and differences. In the end, as in contract theories, no monist view of legal development possesses the explanatory power needed to understand how law has come to be and where it may take us in the future. What we do have is a foundation built on at least two millennia of legal history. The intellectual starting point for this project is Nathan Isaacs' unfinished work on a cycle theory of legal development. His view of legal development takes issue with Henry Sumner Maine's thesis that development in advanced legal systems is progressive in nature. And, more importantly for the current undertaking, that this progression is linear in nature. Instead, Isaacs' review of thousands of years of Jewish legal development indicated that legal development perpetually progressed in cycles.

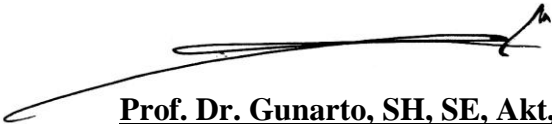
Therefore, to discuss more about legal development or law reform, Faculty of Law, Sultan Agung Islamic University is confidence to conduct a conference by the theme “**Legal Development in Various Countries**” focusing on the development of law in both developed and developing countries and its role in shaping a good future.

Finally, we thank to the presenters, article senders, and comittee who have contributed in this event, so that this international seminar ran well.

Wassalamu'alaikum Wr. Wb.

Semarang, September 5th 2017

Dean,



Prof. Dr. Gunarto, SH, SE, Akt, M.Hum
NIDN.062004670

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REFORM OF POLITICAL LAW LIABILITY ORIENTED IN JUSTICE VALUE

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ABSTRACT

Most cases of sexual abuse of children basically occur as a result of various problems in the community, especially economic problems that result in the breakdown of family governance which results in various aggressive attitudes of each family member and community, including sexual abuse which often makes children the object. This paper tries to explore the implementation of protection and recovery of victims of sexual abuse in Indonesia today. The problem discussed in this article is the implementation of recovery and protection of victims of molestation and justice reform in the politics of criminal law to protect victims of molestation. This research is intended to analyze the system of protection of victims of molestation in the politics of criminal law today, This research is intended to analyze the weaknesses in the system of protection of victims of molestation in the politics of criminal law today. The method in this writing is sociological juridical.

In its development, the implementation of protection and recovery of victims of molestation in Indonesia has not been effective, therefore it is necessary to have a reconstruction of protection and recovery of victims of molestation based on religious values and Pancasila. From the results of the research outlined in this article, it can be clearly seen that efforts to protect victims of sexual abuse in Indonesia have not been effective, so that it is necessary to carry out reconstruction of protection of victims of sexual abuse based on religious values and Pancasila while still using chemical castration penalties as instruments and policies related to restitution and rehabilitation of victims of molestation.

Keywords: Oriented, Values of Justice, Politics of Criminal Law Fornication, Reform

A. PRELIMINARY

Various cases of sexual abuse of children which include cases of sexual abuse of children, basically occur as a result of various problems in the community, especially economic problems. The problem of poverty will result in every poor community ignoring her environment and her family which is the smallest social basis. This situation results in the neglect of moral education which in turn results in low moral issues, the low morale in the era of advancement in information technology is now getting worse with the crime of pornography in cyberspace. It was then that triggered high cases of sexual abuse.¹ In addition, high poverty rates can also trigger the birth of various child trafficking crimes, including trade in children as commercial sex workers.

¹Mohammad Teja, Socio-Economic Conditions and Sexual Abuse of Children, Short Social Welfare Info Magazine, Vol. VIII, No. 09, May 2016, p. 10-11, Accessible Through www.slideshare.net, On May 12, 2015.

On In March 2016 the Kompas daily noted that the level of economic inequality reached 0.401.² These problems have resulted in not achieving social welfare and social justice which is mandated by the state's objectives as stipulated in the paragraphs of the 1945 Constitution. This includes not achieving the protection of children's human rights as regulated in Article 28B number 2 and Article 28G of the 1945 Constitution of the Republic of Indonesia and Article 52, Article 53, Article 57, Article 58, Article 64, Article 65, and Article 66 of Law Number 39 of 1999.

In addition to various problems that cause cases of sexual abuse in Indonesia. The issue of the criminal justice system in obscene cases in Indonesia is also very interesting to discuss. The various explanations above show that there is a need for all parties' support for the victim. The Criminal Justice System in Indonesia has so far ignored victims of molestation. Victims as justice seekers are not given space in the process of investigation and investigation and justice. This results in the victim having a small opportunity to fight for her rights and restore her condition as a result of the crime of sexual abuse.

In its development the criminal justice system in Indonesia only positions victims of sexual abuse as whistleblowers and witnesses. This is clearly unfair for victims who suffer material and non-material losses.³ Meanwhile the position of the perpetrators of crime is getting more attention in the judicial justice system in this country, this is indicated by the application of treatment of offenders, social adaptation, socialization, remission, amnesty, rehabilitation, and abolition.⁴ This situation is clearly unfair because the suffering suffered by the victim is only a basic instrument for sentencing for the perpetrators, while the suffering of the victim cannot be completely restored in the development of the criminal justice system.

Furthermore, the various problems that were present as a result of the unfair criminal justice system for victims of sexual abuse found a clear point, the application of restitution⁵ is an alternative in an effort to protect and restore the rights of victims who

²The amount of data has decreased, in March 2016 the level of economic inequality reached 0.393 and then the rate of economic inequality decreased in the September 2016 quarter decreased to 0.391. Kompas daily data related to economic inequality is measured by inflation in 82 major cities in Indonesia. See: Kompas, Increasing Villagers, Thursday 2 August 2015 edition, p. 1

³Didik Arief Mansyur and Elistaris Gultom, Urgency of Protection of Criminal Victims Between Norm and Reality, PT. Raja Grafindo Persada, Jakarta, 2007, p. 26-27.

⁴Maya Indah S., Victim Protection, A Victimology and Criminology Perspective, Kencana, Jakarta, 2014, p. 97.

⁵Restitution is the restoration of victims' rights from a criminal act in the community. Galeway states that the purpose of restitution is to recover the loss suffered by the victim due to a criminal offense by providing appropriate sanctions to the convicted person and preventing retaliation against the victim. In Indonesia the

have been injured as a result of criminal acts of sexual abuse. Regarding restitution in its development, it has been clearly regulated in the United Nations Declaration on The Prosecution and Assistance of Crime Victims in item 4 part 1 of the General Principles. In the declaration of the United Nations it was stated that:⁶

Reparation by the offender to the victim shall be an objective of the process of justice. Such reparations may include (1) the return of stolen property, (2) monetary payment for loss, damages, personal injury, psychological trauma, (3) payment for suffering, and (4) service to the victim. Reparation should be completed by the correctional process.

Meanwhile, the restitution regulation in the national legal regulation is clearly regulated in Law Number 31 of 2014. In Article 1 number 11 of Law Number 31 of 2014 it is stated that "restitution is compensation given to victims or their families by perpetrators or parties third." Furthermore Article 7A number 1 of Law Number 31 of 2014 states that:

Criminal victims are entitled to get restitution in the form of:

- a. compensation for loss of wealth or income;
- b. compensation resulting from direct suffering as a result of a criminal offense;
and / or
- c. reimbursement of medical and / or psychological care costs.

Besides the perpetrators of criminal acts are reluctant to pay for restitution on the grounds of economic inability, it becomes increasingly unfair because the inability of perpetrators to pay for restitution is only replaced by criminal subsidies in the form of imprisonment for 2 to 3 months. In addition, the time for receipt of restitution by victims of sexual abuse is also quite long in view of the long trial process, not to mention the perpetrators who are in custody or subject to capital punishment which can then be a reason for not doing restitution.

restitution system adopted is a procedural rights approach system, this is clearly seen in Law Number 31 of 2016 and Government Regulation Number 44 of 2008. The weaknesses of the restitution system are that the juridical rights of victims are difficult to determine due to not he explained the separation between the victim's private interests and the public interest, and the next weakness is that the restitution system adopted in Indonesia tends to be easily abused. See: Ahmad Sofyan, Granting Restitution to Criminal Victims in the Indonesian Criminal Justice System, Accessed via business-law.binus.ac.id, on May 12, 2015 ,.

⁶Romli Atmasasmita, Writing Scientific Papers on Compensation Against Criminal Victims, National Legal Development Agency, Ministry of Justice, Jakarta, 1992, p. 4

Then in 2015 the government issued Government Regulation 7 of 2015 concerning Provision of Compensation, Restitution and Assistance to Witnesses and Victims. But in its development, the implementation of compensation as an alternative to restitution is also not easy, this is because there is no agency designated in the Government Regulation to interpret the amount of loss suffered by the victim, but it is also not yet clearly regulated which state institution is authorized to channel compensation from the state to the victims of molestation. In addition, administrative requirements for submitting requests for compensation by victims that are so complex will also be a problem for victims.

Furthermore, when talking about the crime of molestation against children, then in the case of court proceedings, of course, using the Criminal Procedure Code which does not clearly state the compensation for child victims of crime. The Law Number 35 Year 2014 also does not specifically include the issue of restitution and compensation for child victims of crime, including acts of sexual abuse.

It has been explained previously that the consequences of the problem of sexual abuse of children including acts of sexual abuse can result in physical or psychological harm. Until now it cannot be said that compensation and restitution can recover psychologically the victims of sexual abuse. That is because psychological violence can have both short and long effects. Short impacts include threats to child safety, damage to family structure, and mental and mental disorders. While the long-term impact of the involvement of children in adulthood as perpetrators of violence. Traumatic and experiences of being victims of violence result in children becoming perpetrators of violence in their adult years. This can be seen by the symptoms of aggression, phobia, insomnia, low self-esteem, and depression.⁷

Then the next alternative is imprisonment for perpetrators of molestation which is basically still full of various problems. One of them is the problem of interaction between the perpetrators of crime in prisons that produce criminals with new expertise through the process of social interaction in prison cells. Erwin H. Sutherland and D. Cressey stated that crime is an act that is learned through a process of interaction.⁸ This clearly makes many perpetrators of molestation against children including child molestation not

⁷ Maria Advianti, KPAI: Perpetrators of Violence Against Children Increases Every Year, Accessed via [www. KPAI.go.id](http://www.KPAI.go.id), on May 12, 2015. See also: Margaretha, Rahmaniar Nuringtyas, and Rani Rachim, *Childhood Trauma and Violence in Intimate Relations*, Makara Social Humanities Series, 2013, p. 34.

⁸ Ahmad Usman, Prison = Place of "Repentance" Or Precisely "School of Crime", accessed via inipasti.com, on May 12, 2015.

effectively deterrent and turn into good human beings, given the condition is also exacerbated by the problem of poverty and low education.

Besides that, with the paradigm regarding imprisonment of child molesters, of course, it causes other problems, another problem is the issue of the capacity of LAPAS (Penitentiary) which is increasingly unrepresentative. Recorded in January 2015 the number of prisoners reached 233,662 people while the capacity of LAPAS in Indonesia only reached 123,117 people.⁹This can clearly have an impact on conflicts in Lapas which lead to various problems in holding prisoner prison by prisoners who feel they are not paying attention to the government. So it can be said that up to now there has not been a truly effective method of punishment in creating a deterrent effect for perpetrators of criminal acts of sexual abuse. Therefore, the appropriate Penalty is through the recovery of victims through restitution and compensation as well as psychological recovery of victims, which until now has been ignored due to the criminal law paradigm that places victims as witnesses, reporters, and instruments in imposing crimes on perpetrators. Departing from the various explanations above, it is clear that there is a need for further discussion related to "Justice Reform in the Politics of Criminal Laws Against Child Abuses".

B. ISSUES DISCUSSED

The issues that will be discussed in this paper are related to the implementation of the recovery and protection of victims of sexual abuse and justice reform in the politics of criminal law protecting children of sexual abuse.

C. RESEARCH PURPOSES

1. This research is intended to analyze the system of protection of victims of molestation in the politics of criminal law today;
2. This research is intended to analyze the weaknesses in the system of protection of victims of sexual abuse in the politics of criminal law today;
3. This research is intended to find a solution in order to realize the political reform of obscene criminal law oriented to the value of justice

⁹ Era.id, Causes of Dilapas Conflict, Capability and Rebtan Facilities, Accessed May 12, 2015.

D. RESEARCH METHOD

Research Method to used is a sociological juridical method, where legal analysis is not only on the textual perspective of the law, but also on the perspective of the implementation of law in society.

E. DISCUSSION

1. Implementation of the Current Protection of Victim Protection System in the Politics of Criminal Law

It has been explained previously that the consequences of the problem of sexual abuse of children including acts of sexual abuse can result in physical or psychological harm. Until now it cannot be said that compensation and restitution can recover psychologically the victims of sexual abuse. That is because psychological violence can have both short and long effects. Short impacts include threats to child safety, damage to family structure, and mental and mental disorders. While the long-term impact of the involvement of children in adulthood as perpetrators of violence. Traumatic and experiences of being victims of violence result in children becoming perpetrators of violence in their adult years. This can be seen by the symptoms of aggression, phobia, insomnia, low self-esteem, and depression.¹⁰

Then the next alternative is imprisonment for perpetrators of molestation which is basically still full of various problems. One of them is the problem of interaction between the perpetrators of crime in prisons that produce criminals with new expertise through the process of social interaction in prison cells. Erwin H. Sutherland and D. Cressey stated that crime is an act that is learned through a process of interaction.¹¹ This clearly makes many perpetrators of molestation against children including child molestation not effectively deterrent and turn into good human beings, given the condition is also exacerbated by the problem of poverty and low education. Besides that, with the paradigm regarding imprisonment of child molesters, of course, it causes other problems, another problem is the issue of the capacity of LAPAS (Penitentiary) which is increasingly unrepresentative. Recorded in January 2015 the number of prisoners reached 233,662 people while the capacity of LAPAS in

¹⁰Maria Advianti, KPAI: Perpetrators of Violence Against Children Increases Every Year, Accessed via [www. KPAI.go.id](http://www.KPAI.go.id), on May 12, 2015. See also: Margaretha, Rahmaniar Nuringtyas, and Rani Rachim, *Childhood Trauma and Violence in Intimate Relations*, Makara Social Humanities Series, 2013, p. 34.

¹¹ Ahmad Usman, Prison = Place of "Repentance" Or Precisely "School of Crime", accessed via inipasti.com, on May 12, 2015.

Indonesia only reached 123,117 people.¹² This can clearly have an impact on conflicts in Lapas which lead to various problems in holding prisoner prison by prisoners who feel they are not paying attention to the government.

Such conditions have resulted in ineffective recovery and protection of victims of sexual abuse. This can be seen from the following research data. According to the Pati District Court, there have been 10 cases of molestation of children who entered the Pati District Court in 2016, which was carried out by three perpetrators who were children and seven perpetrators who were adults.

Furthermore, in the Rembang Court there were 30 cases of molestation which were mostly carried out by adult and juvenile offenders to victims who were still children.¹³ Although in the Pati District Court and Rembang District Court, according to data from the Registrar of the respective District Courts, it is quite low, in reality it can also be said that the protection and recovery of victims of molestation have not been effectively implemented. This can be seen in the case of molestation in Pati, where the convicted person was given a criminal sanction in the form of a seven-year prison term and a one-year work training sentence. This also shows that the decision of the judge did not pay attention to the recovery of victims.¹⁴ Meanwhile in Rembang the issue of sanctions also occurs, it can be seen from several case decisions in the Rembang District Court. Based on the various decisions in Pati and Rembang Regency as explained above, it is very clear that the verdict is only focused on retaliation against victims while the obligation of perpetrators to restore the condition of the Korba is not clearly visible.

2. Reform of the Protection of Victim Protection System in the Future of Political Development of Criminal Law

Based on the various kinds of explanations above, it is necessary to carry out a political reconstruction of the legal law relating to the protection of victims of sexual abuse based on justice. In its development the values contained in Pancasila are the ideals to be addressed or called by Kaelan called *das sollen* and for this reason Pancasila becomes the basis for the law to create noble ideals that exist in the real world or by Kaelan called *das sein*. So it is clear that Pancasila is the source of all

¹² Era.id, Causes of Dilapas Conflict, Capability and Rebtan Facilities, Accessed May 12, 2015.

¹³ Agus Sukaryo, Data on the Number of Cases of Sexual Abuse in the Rembang District Court, Personal Interview with Pati District Court clerk on 11 April 2016.

¹⁴ Loc, cit.

sources of law in Indonesia.¹⁵ Similar to PERPU Number 1 of 2016 which must be in accordance with the ideals of the nation and the goals of the state as crystallized in Pancasila and the fourth paragraph of the Preamble of the 1945 Constitution, namely respect for humanitarian values or human rights of all groups both victims of molestation and human rights of perpetrators of sexual abuse as well has been explained above. This is intended to create a criminal balance so that criminal sanctions are not only able to provide retaliation but are also able to provide education and awareness in the community, so that people are not just afraid of the law but are also aware of the law so that harmony between textual mandate and legal norms will be achieved the law for all related groups,

With regard to the political development of criminal law regarding chemical castration sanctions which should be based on Pancasila values, Sri Endah suggested that:¹⁶

If what is aspired by national law is the Pancasila legal system, then it is fitting to study and develop criminal law that contains Pancasila values, meaning that criminal law is oriented to the Godhead value of God Almighty, criminal law which is oriented towards Fair and Civilized Humanitarian values, criminal law which is based on the value of Unity, and criminal law which is imbued with the values of Society Led by Wisdom Wisdom in Consultation / Representation and the value of Social Justice for All Indonesian People.

In line with the view of Sri Endah above, Notonagoro stated that:¹⁷

The benchmark of the practical philosophy of Indonesian national law is Pancasila, which is an abstraction of the noble values of Indonesian society, which contains the ideals of the nation, which are just and prosperous society both materially and spiritually, and the life of the Indonesian people as a whole.

Furthermore related to criminal law based on Pancasila values, Ahmad Hanafi stated that:¹⁸

..... a criminal is threatened by someone who makes it so that the people do not commit a radius, because a prohibition or simply is not enough even though the

¹⁵ Loc, cit.

¹⁶ Sri Endah Wahyuningsih, *Principles of Criminal Individualization in Islamic Criminal Law and the Renewal of Indonesian Criminal Law*, UNDIP, Semarang, 2013, p. 68

¹⁷ Ibid, p. 69

¹⁸ Ibid, p. 71.

crime itself is not a virtue or damage to the maker at least. But the sentence is needed because it can bring benefits to the community.

Based on Ahmad Hanafi's view, it is clear that criminal law is not the only means of combating crime, criminal law is only the last remedy in overcoming crime. In this regard Helbert L. Packer states that criminal law at one time can be a guarantor but at other times it can be a threat to human freedom. Criminal law as a guarantor if used sparingly and carefully and humanely and will be a threat if used indiscriminate and coercive.¹⁹ Opinion from Packer shows that criminal law can make humanity happy, but it can also be a danger to humans if used incorrectly. Included in the case of PERPU Number 1 Year 2016 jo. Law Number 17 of 2016. Therefore, it is necessary to have a humanitarian approach in developing criminal law. With regard to this view Barda Nawawi states that:²⁰

The importance of a humanistic approach in the use of criminal sanctions does not only mean that sanctions imposed on violators must be in accordance with civilized human values, but must also be able to sensitize violators of the importance of human values and social values in society.

The views of Barda Nawawi show that in carrying out PERPU Number 1 of 2016 jo. Law Number 17 Year 2016 is not solely based on retaliation, but rather on the coaching and awareness of the perpetrators to be better and more useful in society. In connection with this view Nigel Walker stated that in carrying out criminal law it must have a limiting principle which consists of:²¹

- 1) Criminal law which is then abbreviated as HP cannot be used solely for the purpose of retaliation;
- 2) Mobile phones cannot be used to punish actions that do no harm or harm;
- 3) Cell phones cannot be used to overcome problems that can be solved by other lighter means;
- 4) The cellphone cannot be used if it contains a loss greater than the act to be convicted;
- 5) Prohibitions contained in the cell phone do not contain elements that are more dangerous than the act to be criminalized;

¹⁹Ibid, p. 73.

²⁰Barda Nawawi Arif, Flower of Criminal Law Policy, Citra Aditya Bakti, Bandung, 1996, p. 41

²¹Sri Endah Wahyuningsih, op, cit, p. 72-73.

- 6) HP does not contain restrictions that are not agreed upon and supported by the public;
- 7) HP does not contain restrictions or provisions that cannot be carried out properly.

Walker's view shows that criminal law cannot be solely intended only for acts of torture that go beyond the limits of the perpetrators of sexual abuse of children even if carried out by the government. In line with this view Soedarto stated that:²²

When talking about crime, it must talk about people who commit crimes. This person is the same as all of us, not in the slightest difference except that he has committed acts which are prohibited and found guilty by the judge. So that the renewal of criminal law can not be separated from the discussion of human funding so that it must not be separated from human values, is the value of compassion

Based on the various explanations above, it is clear that efforts to eradicate various acts of molestation against children need to use PERPU No. 1 of 2016 jo. Law Number 17 of 2016, however, philosophically it needs to be reviewed whether it is in accordance with Pancasila and human values or not at all. To do this, you can use the principle of maqsid al-Sharia which states that the law must be able to protect five things, while the five things are:²³

- 1) Religion;
- 2) Reason;
- 3) Soul;
- 4) Property;
- 5) Heredity

So that in this case the law is not merely used autonomously or repressively but is used progressively to create the greatest human happiness as intended by progressive law. Therefore Human Resources are needed both in the lines of substance, structure, and culture that upholds humanity more than the ability of the profession.²⁴

In addition to using instruments in the form of PERPU Number 1 of 2016, it is also necessary to consider the formulation that is forcing the implementation of

²²Ibid, p. 74.

²³Ibid, p. 48.

²⁴Satjipto Rahardjo, *Let the Law Flow, Critical Notes About the Struggle Between Humans and Law*, Kompas Media Nusantara, 2008, p. 133-145.

restitution and rehabilitation as well as compensation for victims of molestation, so that efforts to recover victims become more effective and equitable.

F. CONCLUSION

Based on the various explanations above it can be seen clearly that efforts to protect victims of sexual abuse in Indonesia have not been effective, for this reason it is necessary to carry out reconstruction of protection of victims of sexual abuse based on religious values and Pancasila while still using chemical castration crime as an instrument and policies related to restitution and rehabilitation of molestation victim.

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