

Child Justice System in 'Uqubat Dropping of Child Sexual Abuse of Children (Case Study of Meulaboh Syar'iyah Court Decision Number 1/JN.Anak/2022/MS.Mbo)

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Abstract

Settlement of criminal cases against children who conflict with the law must be oriented towards the principle of "The Best Interests Of The Child," namely the child's best interests. The Law on the Juvenile Criminal Justice System exists as an embodiment of this principle, prioritizing Restorative Justice to create an agreement on the settlement of criminal cases. With its regional autonomy, Aceh Province has the independence to make its own rules in the form of Qanuns, including Qanuns to resolve criminal cases committed by children, one of which is Qanun number 6 of 2014 concerning Jinayah Law. However, there was disharmony between the Juvenile Criminal Justice System Law and the Jinayah Law Qanun in the trial process and the type of verdict handed down. As in the criminal case of sexual abuse committed by a child, In the Jinayah Law Qanun, there is a separate procedure for determining a sentence for a juvenile offender, which is different from the sentence handed down when referring to the Law on the Juvenile Criminal Justice System. Another example is that diversion is not recognized in the Qanun Jinayah Law, and it becomes an obligation when referring to the Juvenile Criminal Justice System Law. This contradiction also affects the quality of the decisions issued by judges, in this case, the judges of the Syar'iyah Court.

Keywords: *Harmonization, Qanun, Sexual Harassment, Syar'iyah Court*



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INTRODUCTION

The term "state" might mean one of two different things. The first is that it has its own unique characteristics that set it apart from other forms of social organizations in the primary and secondary voluntary categories (Mohamad Hidayat Muhtar, 2023). The topic of Juvenile Justice is a source of difficulty for every country because it affects children in two ways: as victims of crime and as offenders. Multiple factors contribute to the development of Juvenile Justice. Everything matters, from a person's upbringing to their immediate environment to their internal conflicts (Sarutomo, 2021).

Aceh Province has special autonomy from the Government, as mandated in Law Number 11 of 2006 concerning the Government of Aceh (Sanur, 2020). The acquittal of the Aceh Regional Government to apply Islamic law to its people is stated in articles 125 and 126 of Law Number 11 of 2006 concerning the Government of Aceh. The powers granted include worship, family law (Al Ahwal Al-Syakhshiyah), civil law (Muamalah), criminal law (Jinayah),

Judiciary (Qadha), Education (tarbiyah), da'wah, syiar, and defense of Islam(Armanda & Yusrizal, 2020).

In the Jinayah (Criminal) legal aspect, the implementation of Islamic law appears in Qanun Number 7 of 2013 concerning Jinayat Procedure Law and Qanun Number 6 of 2014 concerning Jinayat Law. The constitutional basis for enacting jinayat law can be seen in Law Number 44 of 1999 concerning the Administration of Aceh Privileges and Law Number 11 of 2006 concerning the Government of Aceh, so many Qanuns have been formed and ratified(Berutu, 2016). Qanun Jinayat regulates criminal acts based on Syar'i law, where the criminal act has a different meaning from the criminal law in force in Indonesia(Nurdin, 2018), one of which has the authority to resolve criminal cases (Jinayat) in Aceh is not the District Court but the Syar'iyah Court(Hidayat, 2021).

Qanun, the Jinayat Law also regulates the application of the law to children who conflict with the law. Qanun Number 6 of 2014 Concerning Jinayat Law is a regulation of Aceh Province that regulates Punishment (Jinayah) with all its threats. In this Qanun, 'Uqubat is defined as the punishment that can be imposed by a judge against the perpetrator of Jarimah. Meanwhile, Jarimah is defined as an act prohibited by Islamic Sharia which in this Qanun is threatened with 'Uqubat Hudud and/or Ta'zir. Furthermore, the Qanun also influences the juvenile justice system. All legal regulations must protect children, departing from Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, in the future referred to as the Juvenile Criminal Justice System Law.(Nugraha et al., 2022). There are some differences between the Qanun and the law on the Juvenile Criminal Justice System, but this does not eliminate the main objective, which is to provide protection for children. The large number of violations of jinayah law committed by minors has caused concern for the government and law enforcers, especially parents and the community(Permatasari & Nugrono, 2022).

In the Qanun jinayat in force in Aceh Province, the types of punishment ('Uqubat) are divided into 2 (two), namely 'Uqubat Hudud (whipping) and 'Uqubat Ta'zir (Optional). 'Uqubat Tazir is divided into 2 (two); first, the main 'Uqubat Ta'zir consists of whips, fines, imprisonment, and restitution. The second additional 'Uqubat Ta'zir' consists of coaching by the state, restitution by parents/guardians, returns to parents/guardians, termination of marriage, revocation of permits and revocation of rights, confiscation of certain items, and social work. The implementation of the caning punishment itself has been in effect in Aceh Province since June 10, 2005. Technical instructions for implementing this law for those who violate Islamic law are set out in Aceh Governor Regulation Number 10 of 2005.(Laksono, 2016).

In this study, the author will analyze the Jinayat Ruling of the Meulaboh Syar'iyah Court Number 1/JN.Anak/2022/MS.Mbo. In this decision, the defendant is a child with the initials JI who is 15 years old. In the indictment, the child is charged with alternative charges. In the first alternative indictment, the child is charged with deliberately committing rape of a child committed by a child who is not yet 18 years old by article 50 of Qanun Aceh Number 6 of 2014 concerning Jinayat Law.

Meanwhile, in the second alternative indictment, the child is charged with intentionally committing the finger of sexual abuse against children committed by children who are not yet 18 years old by Article 47 in conjunction with Article 67 Qanun Aceh Number 6 of 2014 concerning Jinayat Law. In article 50 of the Qanun Jinayat Jarimah Law, rape of children is threatened with 'UqubatTa'zir caning at least 150 (one hundred and fifty) times, a maximum of 200 (two hundred) times or a fine of at least 1,500 (one thousand five hundred) grams of pure

gold, a maximum of 2,000 (two thousand) grams of pure gold or imprisonment for a minimum 150 (one hundred fifty) months, a maximum of 200 (two hundred) months. Similarly, for sexual harassment, Article 47 states that the threat is 'Uqubat Ta'zir caning a maximum of 90 (ninety) times or a fine of up to 900 (nine hundred) grams of pure gold or imprisonment for a maximum of 90 (ninety) months.

The presence of the Qanun Jinayat related to the finger of Rape and Sexual Harassment committed by children has a fundamental problem in terms of its harmonization with the Law on the Juvenile Criminal Justice System. As an example of imposing prison sentences, the Law on the Juvenile Criminal Justice System article 81 paragraph (2) states that prison sentences that can be imposed on children are a maximum of 1/2 (one-half) of the maximum threat of imprisonment for adults. In Qanun Jinayat article 67, if a child performs the finger of 'Uqubat, the maximum amount given is 1/3 (one third) of the 'Uqubat for adults. Apart from that, regarding the diversion agenda, in the Law on the Juvenile Criminal Justice System, it is mandatory to strive for diversion at the level of investigation, prosecution, and examination of child cases in court.

Research on Qanun Jinayat in the juvenile justice system has already been conducted. For example, research conducted by Khairida et al. with the title Law Enforcement Against Child Sexual Abuse Crime Actors in the Jinayat Justice System aims to find out how the Law Enforcement of Sexual Harassment in Children in the Jinayat Justice System, the relationship between the Jinayat Justice system and the Juvenile Criminal Justice System. This research is different from the research that the author conducted because the author's research does not focus on law enforcement but is broader with the disharmony of laws and regulations and the principle of the child's best interests (Khairida et al., 2017).

Second, research was also conducted by Jalil Abdul Salam with the title Implementation of Qanun Number 6 of 2014 concerning Jinayat Law in Juvenile Criminal Cases (Case Study in Langsa City). This study discusses the position of the Syariah Court in Langsa City in handling cases of children who violate the provisions of Qanun Number 6 of 2014 concerning Jinayat Law and settlement of claims of children who commit crimes as stipulated in Qanun Number 6 of 2014 concerning Jinayat Law. This research is different from the research that the authors conducted because the authors did not focus on law enforcement, and the sample used was Langsa City, in contrast to those who used a case approach (Salam, 2019).

Finally, the punishment was carried out by Salman Abdul Muthalib et al. with the title Analysis of the Best Interests for Children in Aceh's Jinayat Law, which comprehensively analyzes the provisions stipulated in Qanun Jinayat Law related to the best interests of children. The research results show that the Jinayat Law Qanun still needs to accommodate the child's best interests fully. This research is different from this research because the focus of this research is the disharmony of laws and regulations with case studies, and in this case study, the judges have accommodated the principle of the child's best interests (Muthalib et al., 2021).

The disharmony between Qanun Jinayat and the Law on the Juvenile Criminal Justice System will, of course, confuse its application. The regulations used do not overlap (Setiadi, 2018). So, the author comes from Jinayat Ruling Number 1/JN.Anak/2022/MS. Mbo will examine the extent to which Meulaboh Syar'iyah Court Judges mix and match the Jinayat Law Qanun and the Juvenile Criminal Justice System Law in their decision with the title "Harmonization of Jinayat Law Qanun and Law on the Juvenile Justice System in the

Impeachment of 'Uqubat Against Fingers by Children. (Case Study of Meulaboh Syar'iyah Court Decision Number 1/JN/2022/Ms. Mbo).

RESEARCH METHODS

This writing uses a normative juridical research method, namely a research method that is carried out by examining only library materials or research objects focused on legal norms, both contained in laws and regulations, customs, or others.(Ali, 2021). The research approach used includes. Statutory Approach, "statuta approach," and Conceptual Approach, "conceptual approach." Normative research must certainly use a statutory approach because what will be examined are various legal regulations that are the focus of research.(Suhaimi, 2018). This step starts by researching the existence of legal norms regarding food security and then looking at social facts in the field. Furthermore, it is analyzed whether there is a gap between the rule of law and the social facts. The types of legal materials used in this study consist of (1) Primary legal materials, which are the main materials in conducting normative research consisting of laws and regulations relating to the formation of regional apparatus and food. (2) Secondary legal materials are references related to the topic raised, consisting of books and other scientific writings. (3) Tertiary legal materials support legal materials in the form of dictionaries and other sources (print and electronic media). Legal materials are collected by taking an inventory of all regulations (primary materials) related to regional apparatus, including related references (secondary legal materials). Furthermore, the legal material is analyzed deductively by drawing conclusions from general matters to specific matters.(Timothy, 2017).

RESULTS AND DISCUSSION

A. Definition of a Child Against the Law

Children who conflict with the law in the Juvenile Criminal Justice System Act are categorized according to the child's position in a case where there are children in conflict with the law, victims, and witnesses. Henceforth in the decision, children whon conflict with the law are usually referred to as "children." Children in the Juvenile Criminal Justice System Law have reached the age of 12 (twelve) years but are not yet 18 (eighteen) years old. A child who is a victim of a crime, referred to as a child victim, is required to be a child under the age of 18 (eighteen) years who, in a case, suffers physical, mental, and/or economic loss because of a crime against him/her. Meanwhile, a child who is a witness in a case examination is referred to as a child witness, a child who has not reached the age of 18 (eighteen) years who can convey information about what he knows about a case. Provision of information that he hears sees, and experiences firsthand about the occurrence of a crime will be carried out both at the level of investigation, prosecution, and examination by the judge during the trial.

It can be noted that the determination of the age between children as perpetrators, children as victims, and children as witnesses has differences. Children as perpetrators have age restrictions, from 12 (twelve) years to 18 (eighteen) years. This is because children who are not yet 12 (twelve) years old in terms of sociological, psychological, and pedagogical aspects are not considered capable of being responsible for what they do, do not understand the concept of right and wrong because they are still in the learning phase and are familiar with all the actions they have done. So from these considerations, children who commit or

are suspected of committing crimes can be returned to their parents or included in activities aimed at coaching and mentoring and providing education to these children.

There is a difference in the definition of children between the Law on the Juvenile Criminal Justice System and the Qanun Jinayat Law if in the Law on the Criminal Justice System, a child is defined as not yet 18 (eighteen) years old, while in the Qanun a child is a person who has not reached the age of 18 (eighteen) fifteen) years old and not married. So that someone married, even though he has not reached the age of 18 (eighteen) years, is no longer categorized as a child. This is important to understand because the age limit will also affect 'Uqubat, which will be imposed on the perpetrators of Jeremiah. In the Qanun, the sentence for child offenders is not clearly explained because, in the Qanun, the rules regarding child offenders are only contained in 2 (two) articles, namely article 66 and article 67, and 2 (two) paragraphs in article 67.

The age limit for children who can be imposed by 'Uqubat for violations against Jarimah is if they have reached the age of 12 and are not married. The assessment of the age limit in the Qanun is adapted from the laws of fiqh, especially from the Maliki and Hanafi schools of thought, which use the limit for a person to be said to be matured as someone who is 12 years old. Also, within this limitation, there is the nomenclature of "married" which makes the Qanun different from the Law on the Juvenile Criminal Justice System. So that it can be understood that if a child is not yet 18 (eighteen) years old but has entered the age of 12 (twelve) years and is already married, then according to the Qanun the child must be charged with indictments against adults because he has been judged emotionally and socially. capable of being responsible. However, what is noteworthy is that the imposition of 'Uqubat on children can be applied under the provisions of *Ultimum Remedium*. Jail is only a last resort and in the shortest time.(Zahra & Sularto, 2017).

In statutory regulations, legislators want to achieve values to protect not only victims but also perpetrators who are still children. Children, as victims in their daily lives, will experience long-term impacts that will affect their physical and mental development, namely feelings of betrayal that cause loss of trust in adults (betrayal), traumatic sexualization, feelings of powerlessness, and stigma (stigmatization). So that with the existence of sentencing regulations, it is hoped that it can guarantee the realization of protection for children as victims(A'yun et al., 2022).

B. Analysis of Decision Number 1/JN/2022/MS. Mbo child as perpetrator of Jarimah

In the indictment, the child is charged with alternative charges. In the first alternative indictment, the child is charged with deliberately committing rape of a child committed by a child who is not yet 18 years old under article 50 of Qanun Aceh Number 6 of 2014 concerning Jinayat Law. Meanwhile, in the second alternative indictment, the child is charged with intentionally committing the finger of sexual abuse against children committed by children who are not yet 18 years old under Article 47 in conjunction with Article 67 Qanun Aceh Number 6 of 2014 concerning Jinayat Law. The concept of rape in the Qanun jinayat law, namely sexual intercourse against the genitals or anus of another person as a victim with the perpetrator's penis or other objects used by the perpetrator or against the genitals or genitals of the victim with the perpetrator's mouth or the mouth of the victim with the perpetrator's penis, force or coercion or threats against the victim. Meanwhile, sexual

harassment is defined as immoral acts or obscene acts deliberately committed by someone in public or against another person as a male or female victim without the victim's consent. From the two indictments of the Public Prosecutor above, the child as the perpetrator in the panel's considerations was proven to have violated the second alternative indictment, namely sexual harassment. In the qanun sexual abuse of children.

The Jarimah violations committed by JI as a child perpetrator occurred on Wednesday, 30 March 2022, at around 16.30 WIB in West Aceh District. The child perpetrator was suspected of sexually abusing minors. When the child is going to buy cigarettes, the child invites the victim's child to accompany him to buy cigarettes. But in the middle of the road, the child saw a goat having sex. Then the child feels lust and takes the victim's child into the bushes. Then the child puts the child to sleep on the ground/grass. The child lowers the underwear and trousers he is wearing to the ankles, then the child squats in front of the victim's child while the child removes the child's genitals/penis through the zipper.

In this Decision, neither the investigators, the public prosecutor, nor the judges proposed diversion. This diversion is a transfer of settlement of juvenile criminal cases, which initially went through litigation and transferred to a non-litigation process. The solution can be done in the form of family deliberations. Diversion is something that both investigators must do, prosecutors, and judges by Article 5 point (3) of the Law on the Juvenile Criminal Justice System and as stated in Article 37 paragraph (1) of Aceh Governor Regulation Number 5 of 2018 Concerning the Implementation of the Jinayat Procedural Law. Diversion is a restorative justice approach that focuses on the psychological healing of victims but does not eliminate children's rights, even as perpetrators.(Sudewo, 2021).

Restitution to victims of crime is at the forefront of Muladi's definition of restorative justice. If everyone involved makes an honest attempt to make up for the loss, maybe they can. As a philosophy within the American criminal justice system, "restorative justice" seeks to heal fences between offenders, victims, and communities. This new approach to policing places a premium on incarceration as a deterrent to criminal behavior. Restorative justice is favored above traditional criminal punishment because it addresses the root causes of crime and deters repeat offenders (Yunus, 2013).

Howard Zehr, John Braithwaite, Mark Umbreit, Lode Walgrave, and Kay Pranis are just few of the many specialists that contributed to the development of restorative justice. According to Howard Zehr, the four cornerstones of restorative justice are reparation, participation, inclusion, and responsibility. John Braithwaite is credited with popularizing the idea of restorative shaming. Mark Umbreit proposes four stages-reflection, discourse, repair, and closure-in his system of restorative justice. Lode Walgrave has brought attention to the possible advantages of restorative justice as a means of reforming a criminal justice system that puts too much emphasis on punishment at the cost of victims. According to Kay Pranis, there are three main parts to the restorative justice process: dialogue, reparation, and reconciliation (chandra, 2014).

The need of face-to-face encounters between victims, offenders, and people concerned about their rehabilitation is emphasized heavily in restorative justice. According to Achmad Ali, "the involved parties from a specific violation collaboratively identify the losses, meet obligations and needs, and view change as an essential right for the success of the process"

is the definition of restorative justice. This paragraph's structure has been revised to enhance clarity and readability (Candra, 2013).

Experts have yet to agree on whether restorative justice works for young offenders and how it should be implemented. Restorative Justice has been promoted as a more efficient and all-encompassing approach to dealing with adolescent misbehavior by experts like Howard Zehr and John Braithwaite. Others argue that restorative justice may not always work to reduce crime, citing names like Jeffrey Fagan. Some Indonesian legal professionals believe that the notion of restorative court in the juvenile court system might be strengthened using Diversion to include local wisdom and experience into the treatment of children with legal difficulties. The alternative strategy of relying on local wisdom law and local knowledge, however, is met with concern from those who fear it may lead to discrimination and human rights breaches. To guarantee that children's human rights are being upheld in Indonesia's juvenile justice system, its application of Restorative Justice must be tracked and examined on a regular basis. This is done to ensure that children's human rights are protected when restorative justice is implemented effectively (Toews, 2006).

The author, in this case, agrees with the judge's opinion that even though he meets the requirements as a child offender, he does not meet the requirements for settlement by diversion. In Article 7, paragraph (2) of the Law on the Juvenile Criminal Justice System, diversion is excluded for child offenders who are punishable by imprisonment for more than 7 (seven) years and are not a repetition of the same crime. Whereas in article 37 paragraph (4) of Aceh Governor Regulation No. 5 of 2015, Diversion is excluded for child perpetrators who repeat Fingering or children who repeat Fingering with the threat of 'Uqubat caning above 84 (eighty-four) times or a fine of 840 (eight hundred and forty) grams of pure gold or imprisonment for 84 (eighty-four) months. In this decision the child perpetrator was proven to have committed Finger Sexual Harassment against a child. 'Uqubat's threats to sexual abusers against children 'Uqubat Tazir can be whipped for a maximum of 90 (ninety) times or a maximum fine of 900 (nine hundred) grams of pure gold or imprisonment for a maximum of 90 (ninety) months. If viewed from the rules of the Law on the Juvenile Criminal Justice System and the Governor of Aceh Regulation above, then it does not meet the requirements for settling cases through the diversion process.

It is understood that in 'Uqubat Tazir, the main grip was the whip (Dahlan, 2016), which becomes the Ratio Decidendi that whipping is more effective in providing a deterrent effect as well as embarrassment for the perpetrator. This aims to improve the perpetrator's behavior so that he does not repeat his actions (Lestari et al., 2021). The application of caning punishment to children between the Jinayah Law Qanun and the Juvenile Criminal Justice System Law is also in conflict and contradicts the Convention on the Rights of the Child article 19 paragraph 1, which states that protection for all children in various forms of violence both physical and mental and rough treatment is the duty and state obligations (Hamdani, 2019).

This is the consideration of the panel of judges in imposing prison sentences for child offenders. According to the judge's consideration, prison sentences are better imposed because they can distance the child perpetrators and child victims so that they do not have the opportunity to meet or cross paths and provide time for the child victim to heal the trauma of the finger action that is felt. Another thing that is worrying is that if Uqubat is given

flogging, the child perpetrator can meet the victim's child again in a relatively short time, which could worsen the child victim's unstable condition. As explained above, the maximum prison sentence that can be imposed on child offenders is 90 months or seven years and five months.(Janah, 2020). Additional punishment for child offenders in Jarimah Sexual abuse of children is important to be realized as a prolonged prevention effort. The additional punishment that applies in the Indonesian legal system, imposed through a judge's decision, is intended as a preventive or preventive aspect.(Maulana & Witasari, 2016).

The difference in the application of the law between the Jinayat Law Qanun and the Juvenile Criminal Justice System Law on Sexual Abuse of children is very different. This disharmony certainly impacts the imposition of laws on child perpetrators. Even though both are oriented towards the child's best interests, the Qanun on jinayah law is not yet very clear on the procedures for this protection. Law is always dynamic, so the law on the Juvenile Criminal Justice System changes to adjust to the existing dynamics. In contrast, from the time it was first implemented until now, the Qanun has not made any changes, including matters relating to children.(Riza & Sibarani, 2021). Even though Governor Regulation No. 5 of 2018 already exists as a guide, it has not been fully implemented in the Syar'iyah Court. It is proven in this decision that no Aceh Governor Regulation No. 5 of 2018 has been included as a consideration in deciding. The following are some differences between the Qanun Jinayah Law and the law on the Juvenile Criminal Justice System regarding the crime of sexual abuse of children:

Table 1. Sentences for Child Offenders in Cases of Child Sexual Harassment

No.	Juvenile Criminal Justice System Act	Jinayah Law Qanun
1.	The element of sexual harassment is coercion accompanied by violence, deception, and using words of persuasion, and it contains the value of lying.	Elements of sexual harassment are immoral or obscene acts committed in public against someone, without their consent, without the need for persuasion and lies.
2.	Has accommodated non-litigation settlement by diversion.	Has not yet accommodated the settlement of cases by diversion.
3.	The threat of punishment given is in the form of cumulative punishment.	The threat of punishment given is in the form of alternative punishment
4.	Cumulative punishment consisting of imprisonment accompanied by a fine.	Alternative punishments that can be stipulated are caning or imprisonment or fines.
5.	The maximum penalty is 15 years in prison and a maximum fine of IDR 5,000,000,000 (five billion rupiah).	The maximum penalty is 90 lashes or 90 months in prison (7 years and 5 months) or a maximum fine of 900 (nine hundred) grams of pure gold.
6.	The punishment for child offenders is 1/2 (one half) of the maximum sentence for adults.	The punishment for child offenders is 1/3 (one third) of the maximum sentence for adults.
7.	Addition of 1/3 punishment for recidivists and perpetrators who have a relationship.	Does not regulate additional punishment for recidivists or those who have a relationship.

Drop'*Uqubat* against child perpetrators in decision 1/JN/2022/MS. MBo by the Meulaboh Syar'iyah Court Judge in the following verdict:

JUDGE

1. Declare Child xxxxxxxxxx has been proven legally and convincingly guilty of committing jarimah as in Article 47 of Qanun Aceh No. 6 of 2014 concerning Jinayat Law in accordance with the second alternative indictment of the Public Prosecutor.

2. Imposing uqubat on the child in the form of Uqubat Ta'zir imprisonment for 18 (eighteen) months by means of serving a sentence in the LPKA reduced in its entirety by the length of time the child has been detained, with an order that the child remains detained.
3. State the evidence in the form of:
 - 1 (one) sheet of white sinlet with red spots.
 - 1 (one) pair of black Peace shorts with a golden floral pattern.
 - 1 (one) sheet of women's panties in cream color

Returned to child victim Haura Salsabila Binti Helmi

 - 1 (one) white T-shirt.
 - 1 (one) pair of brown trousers

Returned to child.
4. Burden the child to pay court fees of IDR 2,000 (two thousand rupiah)

The goal of 'Uqubat, alternatively, is to give independence to the panel of judges to make the best possible judgments to be able to fulfill a sense of justice for the community. In this decision, in the first sentence, the child perpetrator was proven to have committed the second alternative charge, namely sexual abuse of children. Because the elements of the first alternative indictment, namely Jarimah of rape, were not proven.

The panel of judges, in their decision, considered the recommendation from the Correctional Center's Community Advisor. In essence, the Correctional Center recommended that perpetrators who were still children not be detained in prison. This recommendation is based on the interests of the client, family, and community attitudes and the Juvenile Criminal Justice System Law. So that it would be better if the perpetrators of the children were entrusted and fostered in Islamic boarding schools, which would receive supervision from community advisors so that clients could lead to a better path. Suppose the child perpetrator is sentenced to imprisonment. In that case, it is feared that there will be another bad psychological impact, considering that the client is entering his teenage years and still need guidance and education.

Children undergoing a criminal period still have the right to receive formal and non-formal education, so they do not deprive of their rights as children. To reduce the potential for the Defendant to repeat his actions and as an effort to improve the Defendant's behavior and to provide high protection to child victims, the Panel of Judges agreed with the demands of the Public Prosecutor to impose an 'uqubat (sentence) in prison. According to the norm in Article 67, the maximum prison sentence for Joni Iskandar bin Jayadi's son is 1/3 of 90 (ninety) months in prison, which is 30 (thirty) months. Prison is the maximum limit, which may change according to the facts of the trial examination.

According to the author, the perpetrators of children serving prison sentences at the Special Child Development Institution are the right thing even though they are not included in the decision. Still, this provision is stated in Article 85, paragraph (1) of the Law on the Juvenile Criminal Justice System, which reads Children who are sentenced to a prison sentence is placed in the Special Child Development Institution. Also, article 40 paragraph (2) of the Governor of Aceh Regulation Number 5 of 2018, which reads: The implementation of confinement sentences for children is carried out in a place provided by the Government

or the Government of Aceh or the Regency/City Government, or a place provided specifically for children. Limitations:

1. Sample size: The study might have a limited sample size, which could affect the generalizability of the findings. It is essential to have a more extensive and diverse sample to ensure a representative understanding of the issue.
2. Bias and validity: The study might be prone to various biases, such as selection bias or response bias. These biases can impact the validity of the results and limit the overall reliability of the study.
3. Methodological limitations: The study might have utilized specific research methods that could have regulations. For example, if the study relied solely on self-reporting by children, there might be issues related to recall bias or children's ability to report their experiences accurately.
4. Lack of longitudinal data: Without longitudinal data, it becomes challenging to examine the long-term effects of child sexual abuse or the effectiveness of the child justice system in addressing such cases. Longitudinal studies can provide valuable insights into the outcomes and experiences of survivors over time.

Recommendations for Future Studies:

1. Enhanced sample size and diversity: Future studies should strive to include a more extensive and diverse sample of children who have experienced sexual abuse. This will help improve the generalizability of the findings and ensure a more comprehensive understanding of the issue across different contexts.
2. Mixed-methods approach: Combining qualitative and quantitative methods can provide a more comprehensive understanding of the experiences and perspectives of children involved in the justice system due to sexual abuse. Triangulating data from different sources can help mitigate biases and enhance the validity of the findings.
3. Longitudinal studies: Conducting longitudinal studies can provide valuable insights into the long-term effects of child sexual abuse and the efficacy of the child justice system interventions. This can help inform the development of appropriate support services and policies for survivors.
4. Comparative research: Comparing the child justice systems across different countries or regions can shed light on the variations in approaches and their respective outcomes. Such comparative analysis can identify best practices and inform policy recommendations for improving the child justice system's response to child sexual abuse cases.
5. Interdisciplinary collaborations: Collaboration between researchers, psychologists, social workers, lawyers, and other relevant professionals is crucial for conducting comprehensive studies on child sexual abuse and the child justice system. Interdisciplinary research can provide a holistic understanding of the issue and facilitate the development of more effective interventions.
6. Inclusion of perpetrator perspectives: Future studies should also consider incorporating the perspectives of perpetrators where ethically feasible.

Understanding perpetrators' motivations, patterns, and experiences can contribute to developing preventive strategies and more targeted interventions.

By addressing these limitations and following the recommended areas of focus, future studies can contribute to a more nuanced understanding of child sexual abuse within the context of the child justice system and facilitate the development of more effective policies and interventions to protect and support child victims. Research contributions in this context may include:

1. Analysis of the differences between the Jinayat Law Qanun and the laws of the juvenile justice system: Research can identify differences and similarities between these two legal systems in dealing with crimes of sexual abuse against children. This can help understand potential gaps or conflicts that may arise in law enforcement at the local or national level.
2. Evaluation of the effectiveness of 'uqubat punishment in cases of sexual abuse of children: Research could involve analyzing the effectiveness and fairness of punishment of 'uqubat in cases of sexual abuse of children. Questions that can be examined include the level of justice, victim protection, and the effectiveness of punishment as a preventive and rehabilitative tool.
3. Review of the perspectives and experiences of children in both legal systems: Research can involve interviews or case studies to understand the perspectives of children who were involved in sexual harassment cases and experienced the judicial process both in the context of Qanun Hukum Jinayat and judicial system statutes child. This can help identify children's needs and perspectives in ensuring their justice and recovery.
4. Policy recommendations: Based on the research findings, policy recommendations can be submitted to improve and harmonize the Jinayat Law Qanun with the juvenile justice system laws. These recommendations may include the need for training and awareness for legal officials, increasing the protection of child victims, and reforming laws that consider aspects of rehabilitation and prevention of perpetrators of child sexual abuse.
5. Cross-disciplinary collaboration: It is important to involve legal experts, psychologists, social workers, and other stakeholders in this research. Cross-disciplinary collaboration can help understand the challenges and different perspectives in law enforcement and rehabilitation regarding child sexual abuse.

CONCLUSION

Settlement of the jinayah case number 1/JN.anak/2022/MS.Mbo at the Meulaboh Syar'iyah Court in the case of sexual abuse of children committed by children is the focus of this research. The researcher found that there was indeed disharmony between Law Number 11 of 2012 concerning the Juvenile Justice System and Qanun Number 6 of 2014 concerning Jinayat Law regarding the settlement of criminal cases of children in conflict with the law, which must be considered. However, from this decision, it was revealed that the panel of judges examining the case used the law on the Juvenile Criminal Justice System and the Jinayah Law Qanun in the process of examining cases where the panel of judges also sought to protect

children as perpetrators without prejudice to the rights of children who were victims. However, in imposing a verdict, the panel of judges adhered to the Jinayah Law Qanun and set aside the Juvenile Criminal Justice System Law. This is evidenced by Amar using a maximum prison sentence of 1/3 of an adult's sentence instead of a maximum of 1/2 of an adult's sentence as stated in the Juvenile Criminal Justice System Act. Even though there is disharmony between the Law of the Juvenile Criminal Justice System and the Jinayah Law Qanun, the Panel of Judges examining the case tried to collaborate between the two rules. It remained focused on the principle of "The Best Interests of The Child," namely the child's best interests. This is evidenced by Amar using a maximum prison sentence of 1/3 of an adult's sentence instead of a maximum of 1/2 of an adult's sentence as stated in the Juvenile Criminal Justice System Act. Even though there is disharmony between the Law on the Juvenile Criminal Justice System and the Jinayah Law Qanun, the Panel of Judges examining the case tried to collaborate between the two rules. It remained focused on the principle of "The Best Interests of The Child," namely the child's best interests. This is evidenced by Amar using a maximum prison sentence of 1/3 of an adult's sentence instead of a maximum of 1/2 of an adult's sentence as stated in the Juvenile Criminal Justice System Act. Even though there is disharmony between the Law on the Juvenile Criminal Justice System and the Jinayah Law Qanun, the Panel of Judges examining the case tried to collaborate between the two rules. It remained focused on the principle of "The Best Interests of The Child," namely the child's best interests.

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