

# Kemungkinan Penerapan Terbeschikkingstelling Sebagai Alternatif Sanksi Bagi Pelaku Kejahatan Seksual di Indonesia = The Possibility of The Application of Terbeschikkingstelling as an Alternative Sanction for Perpetrators of Sexual Crimes in Indonesia

Manurung, Benedict Borhos, author

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Abstrak

**ABSTRAK**

Isu kejahatan seksual menjadi isu yang hangat dan menarik di Indonesia tahun terakhir. Setelah terjadinya beberapa kasus kejahatan seksual yang mengejutkan masyarakat Indonesia pada tahun 2016, Presiden Joko Widodo menerbitkan Perppu No.1 Tahun 2016 tentang Perubahan Kedua atas Undang-Undang UU No.23 Tahun 2002 tentang Perlindungan Anak, yang kemudian diundangkan oleh Dewan Perwakilan Rakyat Republik Indonesia menjadi undang-undang dengan Undang-Undang Nomor 17 Tahun 2016. Undang-undang ini mengundang perdebatan karena mengatur sanksi pidana criminal ekstrim bagi pelaku kejahatan seksual seperti hukuman mati dan kebiri kimia. Banyak ahli menyatakan bahwa sanksi pidana saja tidak akan menyelesaikan masalah masalah kejahatan seksual, karena tidak menyentuh aspek seksualitas dan psikologi yang menyebabkan kejahatan itu. Dalam penelitian ini, penulis mengusulkan usulan sanksi bagi pelaku kejahatan seksual bernama terbeschikkingstelling (TBS), sanksi tindakan dalam sistem pidana Belanda yang berhasil menekan residivisme kejahatan seksual di Belanda. Sebagai bagian dari sistem Hukuman Belanda berupa sistem jalur ganda, TBS memberikan aksi kesehatan jiwa bagi pelaku kejahatan seksual yang dilakukan di panti asuhan; rehabilitasi setelah pelaku menjalani pidananya. Penelitian selesai dengan teknik pengumpulan data melalui studi kepustakaan dan perundang-undangan. Hasil penelitian ini menunjukkan bagaimana TBS bekerja dalam sistem sistem pidana Belanda dan kemungkinan penerapannya dalam sistem pidana Indonesia. Di akhir penelitian, penulis menyimpulkan bahwa TBS memiliki alasan kuat untuk dipertimbangkan sebagai alternatif sanksi bagi pelaku perpetrator kejahatan seksual di Indonesia.

**ABSTRACT**

The issue of sexual crimes has become a hot and interesting issue in Indonesia in recent years. After the occurrence of several cases of sexual crimes that shocked the Indonesian people in 2016, President Joko Widodo issued Perppu No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection, which was later promulgated by the House of Representatives of the Republic of Indonesia. became law with Law Number 17 of 2016. This law invites debate because it regulates criminal sanctions extreme for perpetrators of sexual crimes such as the death penalty and castration chemistry. Many experts state that criminal sanctions alone will not solve the problem of sexual crimes, because they do not touch the aspects of sexuality and psychology that cause the crime. In this study, the authors propose a proposed sanction for perpetrators of sexual crimes named terbeschikkingstelling (TBS), an action sanction in the Dutch criminal system that has succeeded in suppressing recidivism of sexual

crimes in the Netherlands. As part of the system Dutch punishment in the form of a double track system, TBS provides action mental health for perpetrators of sexual crimes committed in orphanages; rehabilitation after the perpetrator has served his sentence. The research was completed with data collection techniques through literature and legislation studies. The results of this study show how TBS works in the Dutch criminal system and its possible application in the Indonesian criminal system. At the end of the study, the authors conclude that TBS has strong reasons to be considered as an alternative to sanctions for perpetrators of sexual crimes in Indonesia.