

THE FORMULATION POLICY ON CHILD PROTECTION AS VICTIM OF PAEDOPHILIA

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ABSTRACT

Children are valuable assets for the future of nation and state whose rights must be protected. This is because the advancement of the state is in the hand of children. The state protection for children covers various aspects of life. They are economic aspect, social aspect, cultural, political, defense and security as well as legal aspect. The legal protection on children has always been a serious attention of various countries in the world. Some international conventions are made to maximize and realize the legal protection on children, such as the Geneva Declaration on the Rights of the Childs 1924 which is adopted into the the Universal Declaration of Human Rights 1948. There is also the Declaration of the Right on the Childs. Furthermore, the international instruments. This includes protection from vice crimes, especially paedophilia. The criminal policy to protect the childs from vice crimes, including paedophilia is implemented in the Indonesian Criminal Code (KUHP) and it is specifically stipulated in the article 77 – 90 of the Law Number 23 Year 2002 on Child Protection. According to the result of research and discussion, it is found that the formulation policy of Indonesian criminal law on paedophilia before the promulgation of the Law Number 4 Year 1979 on Children Welfare was merely based on the article 287, article 290, article 292, article 293 and article 294 of the Indonesian Criminal Code..

Keywords: Formulation Policy, Child Protection, Victim of Paedophilia

INTRODUCTION

Children are valuable assets for the future of nation and state whose rights must be protected. This is because the advancement of the state is in the hand of children. The state's protection for children covers various aspects of life. They are economic aspect, social aspect, cultural, political, defence and security as well as legal aspect.

The legal protection for children has always been a serious attention of some countries in the world. Some international conventions have been established in order to maximize and realize legal protection for children, such as the Geneva Declaration of the Rights of the Child which is admitted by the Universal declaration of Human Rights 1948. Later, there is also the Declaration of the Rights of the Child. In addition to that, the international instrument concerning child protection included in Human Rights instruments acknowledged by the United Nations are *UN Rules for The Protection of Juveniles Deprived of Their Liberty*, *UN Standard Minimum Rules for Non-Custodial Measure (Tokyo Rules)* and *UN Guidelines for The Prevention of Juvenile Delinquency (The Riyadh Guidelines)*. However, the one need to be highlighted among the conventions is *The Declaration of the Rights of the Child 1959*.

The Indonesian government has also promulgated some laws and regulations related to the effort, such as the Law Number 4 Year 1979 on Children Welfare; the Law Number 11 Year 2012 on Criminal Justice System for the Child and the Law Number 23 Year 2002 on Child Protection. Unfortunately, although there are some legal instruments for protecting the child,

reality shows that the welfare of the child seems to be far from our expectation. There are still a lot of children who become the victims of crimes and commit deviance/ delinquency.

Concerning with the children who become the victims of crimes in Indonesia, the number has always been increased every year. According to the data of the National Commission on Child Protection, the number of cases involving children reaches up to 736 cases in 2010 of which 44,43 percent covers sexual violation, 31,66 percent covers physical violation and 23,91 percent covers psychic violence and neglect. During the period between 2011 until the mid of 2012, 200 cases are recorded of which 52 percent covers sexual violation, 28,5 percent covers physical violation and the rest covers psychic violence and neglect.

Paedophilic or someone who is paedophile targets children. A paedophilic commonly commits an act only because of satisfying sexual fantasy or sexual desire. Adrianus Meliala categorizes paedophilic into two kinds: *first*, hormonal paedophile which is a biological disorder and inherited since birth. *Second*, habitual paedophile which is a sexual disorder developed by social condition of an individual. Paedophilia cases are suspected to be abundant in the community, but only few of them are identified. Concerning this reality, Adrianus Meliala further states that it is not only because of the eastern values of Indonesians, but also the more sophisticated modus operandi leaving violence approach. Many paedophilics come from the upper middle-class. It is proved that paedophiles apply various ways and modi operandi to catch their victims. Some commit paedophilia by giving scholarship, being foster parent and giving gifts as well as facilities. Luh Ketut Suryani who has researched the behaviour of paedophiles in Bali also states that paedophiles employ various methods to draw sympathetic feelings from the family of the victims in order to create an image as if they were good people and caring for the children. In that way, they can approach the children. They focus the targets on children from poor family by cheating them through promises about giving chances for better education and better quality of life. Alternatively, they conduct fake adoptions in order to be able to live with the children. For this purpose, a paedophile buys a house for the child and the house is registered in the name of the genetic parents.

Paedophilia cases have existed since a long time ago. The most notorious one involves Siswanto aka Robot Gedek. Siswanto aka Robot Gedek is legally and convincingly proven to have committed sodomy and murder on 6 (six) street children in Jakarta from 1994 until 1996. The Court of Central Jakarta imposed the death penalty on Siswanto in 1997. A similar case is known as the Baekuni Case or Babe Case which appeared on the media in January 2010. It is found that Baekuni has committed sodomy against 9-year old boy and killed him. However, police investigation uncovered that there were 14 children who became the victims of sodomy and murder committed by Baekuni. All were street children. There are also sexual violation cases committed by foreigners, especially in tourism places, such as Bali, Lombok (West Nusa Tenggara) and North Sumatera. Especially Bali, most sexual violations against children are categorized as paedophilia. For example the case involving Phipil Robert who is an Australian. He is proved to commit fornication against teens of children in Singaraja, Bali in 2008. Before that, there is a similar case committed by an Australian known as Brown William Stuart aka Tony. He is legally and convincingly proved to commit fornication against two children in Karangasem, Bali in 2004. In addition to that, a similar case committed by Donald John Storen aka Don who is also an Australian happened in West Nusa Tenggara. He committed fornication against some little children in 2006. The above cases give description that paedophilia as a sexual crime against under aged children often happens in Indonesia. It must be understood that the goal and the basic of legal protection for children

cannot be separated from the effort to realize children welfare as an integral part of social-welfare realization as the whole.

The Existing Formulation of Indonesian Criminal Law on Paedophilia

Children are often targeted as victims of recent sexual crime and violence. This condition creates concerns for finding the solution in order to minimize cases involving children. Actually, they have the rights for peaceful, calm, comfortable and pleasant living. On the other hand, the abundance of sexual violence and crimes have created scary and uncomfortable environment for children.

The Vienna Declaration 1993 produced by the World Conference on Human Rights put the stress on the importance of national and international efforts to advance children rights for *survival protection, development and participation* .

The goal and the basic of the legal protection on children cannot be separated from the goal of how to realize the children welfare as an integral part of social welfare as the whole. In addition to that, there is a principle saying that children are the next generation of a country and they have duties that have not been accomplished by the previous generation.

On the other hand, the fact shows that sexual violence and crimes against children are parable to an iceberg phenomenon. However, as time goes by, the public consciousness on the law has increased. That supports the effort to uncover and settle sexual violence and crimes against children by referring to the existing Law.

One form of violence and sexual crimes targeting children as the victims as well as a very worrying crime is paedophilia. It is committed by adults with psychological problem or psychological disorder targeting children to fulfil their sexual desire

Paedophilia cases are suspected to be abundant in the community. However, only few are detected and known by the public. Such a condition is not only related to the eastern values of Indonesians, but the paedophiles employ sophisticated method and they avoid physical violence. A lot of paedophiles even come from the upper-middle class.

To face the reality, a strategic step with an orientation to criminal law policy to confront paedophilia crimes must be taken rationally. In this way, it is hoped that paedophilia crimes can be overcome correctly or at least minimized. As paedophilia positions children as victims, a rational policy to overcome the problem must be studied by regarding legal interests of the children in order to give them the right legal protection. It should also be considered that there is usually a connection between the perpetrator of paedophilia and the victim. In that way, justice for the children can be gained by regarding the best interests of them.

Seeing that the victims are children, they have certain condition and characteristics leading them to be latent victims. A further consequence of it is that certain condition and status of children are not necessarily identified (whether they are unrelated victims, provocative victims, participating victims, biological weak victims, self victimizing victims, political victims). Regardless of those condition and status, children must be fully protected and paedophiles must be responsible for their conduct.

Therefore the policy to be studied and prepared to overcome paedophilia is the policy lying within the framework of criminal policy as an integral part of social defence. This is aimed at turning the children away from paedophilia in order to safeguard their future in accordance with the best interests of them as well as providing way for especially children and generally the community to achieve prosperity. The Indonesian Criminal Code has norm stipulating

legal protection for children, but it is still general in its nature and integrated with stipulations for other crimes. As a further development, the government has also promulgated the Law Number 23 Year 2003 on Child Protection which strongly states that children are the next generation of the state who must be protected from violence and discrimination.

The law enforcement officials often use the Indonesian Criminal Code (KUHP) instead of the Law on the Child Protection, whereas the latter is promulgated to guarantee the children rights for living, growing, and participating optimally according to human's value and dignity as well as protecting them from violence and discrimination. In conclusion, the Law on the Child Protection gives better protection as well as more detailed and it is surely more lex specialise than the Indonesian Criminal Code (KUHP).

An individual suffered from a social pathology, such as paedophilia, brings real and potential threat for the survival and development of children. It is because the offender with abnormal erotical-desire targets children who are the future generation. The offender persuades the children softly or threatens them with physical violence. Therefore, it can be understood that from the behavioural aspect, paedophilia is a crime specifically targets children as victims.

Referring to some laws and regulations providing guarantee on the legal protection for children, such as the Law Number 4 Year 1979 on Children Welfare, the Law Number 23 Year 2002 on Child Protection, the Criminal Code and the Presidential Decree Number 36 Year 1990 on the Promulgation of the UN Convention on the Rights of the Childs and seeing the increase of the paedophilia case as well as protecting the children who become the victim of paedophilia, there is a policy aimed at conducting moral movement involving government, community, parents and law enforcement official in order to direct focus and realize children's rights. In that way, it is hoped that the best interest for the children is fulfilled.

The Formulation on Paedophilia in Indonesian Criminal Code

The Indonesian Criminal Code (KUHP) categorizes paedophilia as vice crime as stipulated in the Chapter XIV on vice crime. In this way, vice crime is viewed from how individual behaves in the community according to the existing norms. In other words, the behaviour should be viewed within the context of cultural development and social change in the community. On the other hand, its material or substance must be taken from or relied upon religious norms.

Chapter XIV of the Indonesian Criminal Code stipulating vice crimes cover fornication in articles 287, 289, 290, 291, 292, 293, 294, and 296. Among the articles, children are categorized as victims of adults with psychosexual deviance who likes having sexual activities with children. Therefore the formulation on paedophilia can be found in the article 287, 290, 292, 293 and 294 of the Indonesian Criminal Code.

To elaborate the Article 287 of the Indonesian Criminal Code, the victim is a girl whose age is under 15 years old. Therefore, this article can be applied for paedophilia case of which victim is a girl whose age is under 15 years old. In other words, the article 287 is used as the basic for sanctioning the conduct of a paedophilic against little girl.

The formulation of the article 290 KUHP consists of three crimes. Among those three crimes, only the first is purely active conduct. On the other hand, the second conduct shows that the offender does not do anything and this can be categorized as a purely passive. The intercourse as the third conduct slants towards a passive conduct showing a passive individual in an intercourse, while the offender is the man who persuades the victim.

The crime in the article 290 is a material crime placing the gravity on the result in order to be classified as pure crime. The conduct cannot be classified as a crime if there is only

persuasion commonly found in a formal crime. A material crime only happens when there is a result of the conduct (the element of constitutional result). The minor involves in one of the three conducts if it is preceded by persuasion. However, if the conduct does not bring about result as categorized by the law, the conduct is categorized as an attempt to commit crime which is also punishable by the law. (Article 290 in conjunction with article 56 and 57 KUHP).

The formulation policy found in the article 290 of the Indonesian Criminal Code above shows that its point number 1 stipulates fornication against unconscious or powerless individual without classification. Therefore if the victim is a minor (male or female) who is unconscious or powerless and the offender is an adult with abnormal sexual behaviour (paedophil), the point number 1 of the article 290 KUHP can be the legal basis for the criminal liability. Besides, the point number 2 and 3 of the article 290 KUHP clearly stipulates that the victim is less than 15 years old. Therefore the formulation found in the article 290 of the Indonesian Criminal Code (KUHP) can be applied for sanctioning paedophil targeting children under 15 years old.

On the other side, the article 292 KUHP stipulates that: “An adult committing fornication with an individual of the same sex and the latter is known or should be presumed to be a minor is punishable for maximum five years”.

The formulation policy in the article 292 clearly and implicitly formulates the norm to protect children from abnormal sexual behaviour committed by an adult or paedophile.

In addition to that, the article 293 KUHP stipulates a conduct aimed at stimulating a minor to commit fornication in three points as follows:

1. Anyone giving or promising to give money or goods, misusing the situation or intentionally encourage a well-behaved minor by way of deception to commit or tolerate fornication with the offender whereas he or she is under aged or should be known to the offender as a minor is punishable for maximum five years.
2. The lawsuit is brought on the basis of victim’s report.
3. Grace period as stipulated in the article 74 for this case is nine-month and twelve-month consecutively.

The crime stipulated in the article 293 KUHP is not a formal one, but is is a material crime in which the element of result, that is fornication committed against the victim, is the determinant element of the crime. Therefore, article 293 KUHP also formulates the norm in order to provide legal protection for children as victim of paedophiliqa committed by an individual by promising money or goods.

Article 294 KUHP stipulates that:

1. Anyone committing fornication against his or her child, his or her step child, his or her foster child, the child under his or her guardianship who is still a minor, or with an underage whose life, education or guardian are trusted to him or her;
2. Punishable for maximum seven-year imprisonment
3. An official committing fornication against his or her staff member or with someone whose guardian is trusted to him or her;
4. A staff member, a medical doctor, a teacher, an employee, a supervisor or a courier of the prison, state workshop, sheltering house, orphanage, mental rehabilitation

centre or social institution who commits fornication against individual sent to the institution.

There are three formulations of fornication in the article 294 mentioned above. There are one in the point (1) and two in the point (2). The difference between the article 294 and other article is that the fornication stipulated in the article 294 facilitated by the relationship between the offender and the victim (object). The connection factor and its misuse are regarded by the lawmakers as facilitators of fornication. The offender misuses the connection. Actually, the offender should protect the legal interest of the victim. Because the connection facilitates the crime, it is understandable that the legislator threatens the offender with a more harsh punishment.

The Formulation of Paedophilia in the Law Number 23 Year 2002 on Child Protection

Children must be protected for the future of themselves and the state because a great and advanced nation can only be realized if the children can live normally in terms of physical aspect, spiritual aspect and social aspect.

To make things clear, it is necessary to discuss articles used to catch the offender of paedophilia according to the norm or formulation policy in the Law number 23 Year 2002 on Child Protection, especially in Chapter XII articles 81, 82 and 88.

If we elaborate the formulation in the article 81 above, there are subjective and objective elements. The objective elements are a) The child as the object; b) the use of violence or violence threat; c) conducting intercourse with himself/ herself or other individual. The subjective element is the existence of intention (intention is the guilt).

If we look into the formulation of the article 81 carefully, it can be understood that the victim is a child forced by violence or threat with violence in order to have intercourse with an adult. Therefore, this stipulation is actually made to prevent sexual crime committed by adults against children. Although it is not specifically constructed for paedophilia, this article can be applied to prevent such a crime.

The article 82 of the Law Number 23 Year 2002 on Child Protection stipulates:

Anyone intentionally commits violence or threats to commit violence, forces, tricks, makes a set of lies, or persuades a child to commit or tolerate fornication is punishable for maximum fifteen-year imprisonment and minimum three-year imprisonment or maximum fine Rp 300 millions and minimum Rp 60 millions.

The policy formulated in the article 82 above has objective elements: a) Child is the object; b) Violence is used in the crime or the violence threat or with trick or a set of lies. The subjective element of the article 82 of the Law Number 23 Year 2003 is the intentional act. Seeing the formulation, it can be understood that this article is not specifically aimed at paedophilia. This article binds all forms of violence and sexual crime against minor. However, the punishment stipulated by this article is specific.

According to the article 88 of the Law Number 23 Year 2002 on Child Protection:

Anyone economically or sexually exploits a child in order to gain advantages for himself/ herself is punishable for maximum ten-year imprisonment and 0 or maximum fine Rp 200 millions.

If we elaborate the article 88, there are objective elements: a) A child is the object; b) The crime is in the form of economic or sexual exploitation in order to gain advantages for him or her, the subjective element is the intention.

The formulation of the article 88 above represents the policy for preventing economical or sexual exploitation committed by an adult against children as victims. Although this article does not specifically focus on paedophilia, its sexual exploitation coverage can be applied to punish the offender of paedophilia.

Articles 81, 82 and 88 of the Law Number 23 Year 2002 on Child Protection do not only regulate general-minimum punishment and special-maximum punishment as commonly found in the Criminal Code, but also cover special-maximum and special-minimum punishment in which the special- maximum punishment is more harsh than articles in the Indonesian Criminal Code on vice crimes related to paedophilia.

The criminal sanctions in some formulation policy related to paedophilia should prioritize legal protection for the victims of crimes, especially children who become victims of crimes (Paedophilia). By referring to the principles of social contract and social solidarity, the state designs the right criminal sanction and conduct cooperation with some parties who directly and indirectly contribute to the effort of punishing the offenders while at the same time providing means and infrastructure for the best interest of the child.

The Sentencing for the Offender of Paedophilia in Indonesian Court

The discussion above focuses more on legislative policy (formulation) in the sentencing system in order to analyze the formulation of the article that can capture the pedophile and give maximum protection for the children as victims of paedophilia in combination with other social measures, especially preventive measures. It is hoped that there will be harmonization and synchronization of a criminal code with the development of laws in the community or with other legal products. In this way, the unity of a legal system can be realized.

To regulate victims of crime including children who become victims, the first thing to highlight is the essence of the loss suffered by the children. The children who become crime victims do not only physically suffer, but also psychologically. They can bear trauma causing the loss of trust for the community and public interest.

Referring to stipulations in the Chapter XIV on vice crimes related to fornication in the articles 287, 290, 292, 293 and 294 of Indonesian Criminal Code as well as the articles 81, 82 and 88 of the Law Number 23 Year 2002 on Child Protection, it can be concluded that the offenders that can be held responsible for his or her crime according to Indonesian Criminal Code (KUHP) and the Law Number 23 Year 2002 are individuals.

The formulation system of the criminal sanction related to paedophilia according to the Indonesian Criminal Law is single-formulation system in the form of imprisonment. On the other hand, the formulation system of the criminal sanction according to the Law Number 23 Year 2003 on Child Protection is accumulative formulation-system consisting of imprisonment and fine. On one side, the goal of the sentencing is an important thing in the application of the sanction. On the other side, most judges, in reality, impose sentence based on juridical-sytematical view. It means that judges always reduce the case by paying attention to relevant juridical factors, but they pay less attention to the factors related to the defendant.

The stage of the criminal law application is important to create justice for all, especially the perpetrator and victim of paedophilia. To answer the second problem of the dissertation concerning how the sentencing for perpetrators of paedophilia in Indonesia at present, the researcher employs paedophilia cases which have been given final verdicts in Buleleng Regency and Karangasem Regency of Bali Province as well as cases in Mataram, Lombok and Jakarta.

Referring to the discussion on some paedophilia cases above and description of the Table 1, it can be concluded that the sentencing for perpetrators of paedophilia is only based on the Article 292 KUHP and Article 82 of the Law Number 23 Year 2002 on Child Protection. Some cases of paedophilia leading to the violent murder of the victims are even tried with reference to the Article 340 KUHP. In fact, the Indonesian Criminal Code (KUHP) and the Law Number 23 Year 2002 on Child Protection consist of stipulations that can be applied for the punishment for perpetrators of paedophilia. They are Articles 287, 290, 293, 294 of the KUHP and Articles 81, 82, 88 of the Law Number 23 Year 2002 on Child Protection.

CONCLUSION

Referring to the explanation in the introduction, result of research and analysis, it can be concluded as follows. Before the promulgation of the Law Number 4 Year 1979 on Children Welfare, the formulation policy of Indonesian criminal law is merely based on the Criminal Code (KUHP). Articles of the Criminal Code stipulating paedophilia are article 287, article 290, article 292, article 293 and article 294. However, the formulation policy contained in the Criminal Code cannot provide optimum and sufficient protection on children concerning the crime formulation and variety of sanctions. Moreover, the Criminal Code cannot provide significant deterrent effect for the prevention of paedophilia. On the other hand, the promulgation of the Law Number 23 year 2002 on Child Protection containing stipulations for the prevention of paedophilia as found in the articles 81 and 82, does not automatically provide justice and security for child protection, especially for the victim of paedophilia. Therefore, it is really necessary to create alternative formulation policy giving better leverage for more holistic and comprehensive protection on Indonesian children.

On the other hand, the sentencing for perpetrators of paedophilia according to the Indonesian Criminal Law at the moment is mostly based on the Article 292 KUHP and the Article 82 of the Law Number 23 Year 2002 on Child Protection. To solve paedophilia cases, the council of judges have applied formulative policy in sentencing the accused by imposing imprisonment and sanction by fine which is in the corridor of criminal sanction stipulated in the KUHP and the Law Number 23 Year 2002 on Child Protection. Therefore, in making their verdicts, the councils of judges have applied and tested their justice reasoning by measuring the degree of loss suffered by the children as the victims.

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REFERENCES

- [1] Arif, G. (1989). *Masalah Perlindungan Anak*. Jakarta: Akademika Presindo.
- [2] Barda, N. A. (II), (1996). *Kebijakan Legislatif Dalam Penanggulangan Kejahatan Dengan Pidana Penjara*, Semarang, Badan Penerbit Universitas Diponegoro
- [3] Arief, B. N. (1998). *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*. Bandung: PT Citra Aditya Bakti.
- [4] Bambang, P. (1994). *Pelaksanaan Pidana Penjara dengan Sistem Pemasyarakatan*. Bandung: Alumni.
- [5] B. Simanjuntak, (1981). *Pengantar Kriminologi dan Pathologi Sosial*. Bandung: Tarsito.
- [6] Budiono, K. (1999). *Ketertiban yang Adil Problematik Filsafat Hukum*, Jakarta, Grasindo
- [7] Didik, M., Arief, & Elisatris, G. (2007). *Urgensi Perlindungan Korban Kejahatan antara Norma dan Realita*. Raja Grafindo Persada: Jakarta.
- [8] D. Schaffmeister. N Keijzer, E. P. H. Sutorius, dalam Dwidja Prayitno, (2004). *Kebijakan Legislatif Tentang Sistem Pertanggung Jawaban Pidana Korporasi di-Indonesia*. Bandung: CV. Utomo.
- [9] G. Peter Hoefnagels, (1973). *The Others Side of Criminology; an Inversions of the Concept of Crime*. Deventer: Kluwer.
- [10] Gerd, F. K. (2005). *What is Victimology*, Tokiwa, Tokiwa International Victimology Institute
- [11] J. E. Sahetapy, (1987). *Viktimologi Sebuah Bunga Rampai*. Jakarta: Pustaka Sinar Harapan.
- [12] JJM van Dick, HI Sagel-Grade, LG Toornvliet, (1996). *Actuele Criminologie*, Koninklijke Vermande, translated by Soemitro, 1999. *Kriminologi Aktual*. Surakarta: Sebelas Maret University Press.
- [13] Luh, K. S. & Cokorda, B. J. L. (2009). *Pedofil Penghancur Masa Depan Anak*. Yayasan Obor Indonesia.
- [14] Lilik, M. (2007). *Kapita Selekta Hukum Pidana, Kriminologi dan Viktimologi*. Jakarta: Djambatan.
- [15] Marc, A. (1965). *Social Defence: A Modern Approach to Criminal Problems*. London: Routledge & Kegan Paul.
- [16] Muladi, (1992). *Lembaga Pidana Bersyarat*. Bandung: Alumni.
- [17] M. Joni and Zulchaina, (1999). *Aspek Hukum Perlindungan Anak dalam Perspektif Konvensi Hak Anak*. Bandung: P.T. Citra Aditya Bakti.
- [18] Maidin, G. (2008). *Perlindungan Hukum Terhadap Anak*. Bandung: Refika Aditama.
- [19] Mulyana, W. K. (1981). *Hukum dan Hak Asasi Manusia, Suatu Pemahaman Kritis*. Bandung: Alumni.
- [20] Masruchin, R. (1994). *Mengenal Pidana dan Pidanaan di Indonesia*. Malang: IKIP.

- [21] Nyoman Serikat Putra Jaya, (2008). *Beberapa Pemikiran ke Arah Pengembangan Hukum Pidana*. Bandung: P.T. Citra Aditya Bakti.
- [22] Peter, M. M. (2005). *Penelitian Hukum*. Jakarta: Prenada Media.
- [23] Ronny, H. S. (1998). *Metodologi Penelitian Hukum dan Jurimetri*, Cetakan Ketiga, ed. Revisi, Jakarta, Ghalia Indonesia
- [24] Soerjono, S. & Sri, M. (1995). *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada.
- [25] Stephen, S. (1968). *The Victim and the Criminal a Study in Functional Responsibility*. Random House, Canada.
- [26] Soetandyo, W. (2002). *Hukum: Paradigma, Metode dan Dinamika Masalahnya*. ELSAM-HUMA, Jakarta, p. 18
- [27] Satjipto, R. (2009). *Penegakan Hukum, Suatu Tinjauan Sosiologis*. Yogyakarta: Genta Publishing.
- [28] Sudarto, (1986). *Hukum dan Hukum Pidana*. Bandung: Alumni.
- [29] Tolib, S. (2010). *Pokok-pokok Hukum Penitensier Indonesia*. Bandung: Alfabeta.
- [30] Tongat, (2003). *Hukum Pidana Materiil Tinjauan atas Tindak Pidana Terhadap Subyek Hukum Dalam KUHP*. Jakarta: Djambatan.