

ABSTRAK

Anak korban kekerasan seksual saat menjalani proses peradilan pidana rentan menjadi korban kembali atau re-viktimisasi. Anak harus terus mengingat dan mengulang kesaksian atas peristiwa kekerasan seksual yang dialaminya mulai tahap penyidikan hingga pemeriksaan di persidangan, tentu kondisi ini rentan membuat anak semakin terganggu secara psikologis. Kondisi ini sekaligus menunjukkan masih terdapat kekurangan dalam sistem peradilan pidana anak di Indonesia. Perlu adanya suatu pembaharuan hukum yang dapat mengoptimalkan sistem peradilan pidana anak yakni melalui *Special testimony*. *Special Testimony* sebagai prosedur perlindungan dan perawatan khas Brasil untuk anak-anak dan remaja. Adapun isu hukum yang dikaji dalam skripsi ini adalah perlindungan hukum terhadap anak korban kekerasan seksual di Negara Indonesia dan Brasil serta pengaturan *Special Testimony* sebagai ide pembaharuan hukum dalam sistem peradilan pidana anak di Indonesia.

Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan perbandingan. Sumber bahan hukum yang digunakan meliputi bahan hukum primer, sekunder, dan tersier yang diperoleh melalui studi kepustakaan (*library research*) dan media online (*online research*). Metode analisis bahan hukum yang digunakan yaitu deskriptif, kualitatif dan preskriptif dengan model penarikan kesimpulan secara deduktif.

Dari kajian yang dilakukan diperoleh hasil bahwa: (1) Perlindungan hukum terhadap anak korban kekerasan seksual dalam sistem peradilan pidana anak di Indonesia saat ini masih belum melindungi anak secara maksimal, dan (2) Gagasan *Spesial testimony* dapat diintegrasikan dalam sistem peradilan pidana anak Indonesia melalui adanya pengaturan perekaman elektronik dalam tahapan penyidikan, proses pemeriksaan dilakukan oleh seorang psikolog, kesaksian cukup satu kali, dan pelaksanaan wawancara di Ruang Wawancara Khusus.

Kata Kunci: Pembaharuan Hukum, Sistem Peradilan Pidana Anak, *Special Testimony*.

ABSTRACT

Child victims of sexual violence are vulnerable to becoming victims again or experiencing re-victimization during the criminal justice process. They are required to repeatedly recall and retell their testimonies of the sexual violence they experienced, from the investigation stage to the examination in court. This condition is likely to further disturb the child psychologically. This condition also indicates the existence of deficiencies in the juvenile justice system in Indonesia. It requires a law reform to optimize the Juvenile Justice System, such as the implementation of Special Testimony. Special Testimony serves as a special protection and care procedure for children and adolescents, which has been successfully implemented in Brazil. The legal issues examined in this thesis are the legal protection of child victims of sexual violence in Indonesia and Brazil, as well as the regulation of Special Testimony as an idea for legal reform within the juvenile justice system in Indonesia.

This research is a normative legal research conducted through legislative, conceptual, and comparative approaches. The legal sources used include primary, secondary, and tertiary legal materials obtained through library research and online research. The method of legal analysis used in this research is descriptive, qualitative, and prescriptive e by using deductive conclusion models.

From the research conducted obtained the results that: (1) The legal protection for child victims of sexual violence in the juvenile justice system in Indonesia is currently insufficient to provide maximum protection for children, and (2) The concept of Special Testimony can be integrated into the Indonesian juvenile justice system through the implementation of electronic recording during the investigation stage, conducting examinations by a psychologist, having the testimony given only once, and conducting interviews in a Special Interview Room.

Keywords: Law Reform, Juvenile Justice System, Special Testimony