

**TUNTUTAN DAN EKSEKUSI DALAM RESTITUSI TERHADAP  
PELAKU PERSETUBUHAN TERHADAP ANAK  
(Studi Pelaksanaan Putusan No. 78/Pid.Sus/2023/PN Pwt)**

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**ABSTRAK**

Anak merupakan kelompok rentan yang memerlukan perlindungan khusus dari berbagai bentuk kejahatan seksual, termasuk persetubuhan terhadap anak. Salah satu wujud perlindungan adalah pemberian restitusi sebagai upaya pemulihan hak korban guna mengembalikan keadaan korban seperti semula. Realisasi restitusi mensyaratkan adanya pencantuman restitusi dalam tuntutan, untuk selanjutnya dapat dieksekusi setelah putusan pengadilan memperoleh kekuatan hukum tetap. Tujuan dari penelitian untuk menganalisis proses perumusan tuntutan serta pelaksanaan eksekusi restitusi terhadap pelaku persetubuhan terhadap anak dalam putusan No. 78/Pid.Sus/2023/PN Pwt. Penelitian menggunakan metode socio-legal research, dengan teknik pengumpulan data melalui wawancara, studi kepustakaan dan studi referensi. Hasil penelitian menunjukkan meskipun pengajuan restitusi dalam perkara tersebut telah berhasil, pelaksanaan putusan pengadilan tidak berjalan efektif akibat ketidakmampuan terpidana. Keterbatasan kewenangan Jaksa yang disebabkan tidak adanya pengaturan tegas dalam UU Perlindungan Anak dan PP Nomor 43 Tahun 2017 mengenai upaya paksa, baik berupa mekanisme penyitaan harta maupun pidana pengganti, mengakibatkan pelaksanaan restitusi menjadi kosong secara substansi. Diperlukan perubahan UU Perlindungan Anak beserta peraturan pelaksanaannya mengenai pengajuan, tata cara eksekusi, dan konsekuensi hukum bagi terpidana yang lalai membayar.

**Kata kunci:** anak; eksekusi pemidanaan; perlindungan anak; restitusi, tuntutan.

**PROSECUTION AND EXECUTION IN RESTITUTION AGAINST  
PERPETRATORS OF SEXUAL INTERCOURSE WITH CHILDREN (Study  
of the Implementation of Decision Number 78/Pid.Sus/2023/PN Pwt)**

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**ABSTRACT**

*Children are a vulnerable group requiring special protection from various forms of sexual crimes, including sexual intercourse against minors. One form of protection is the provision of restitution as a mechanism to restore victims' rights and to return them, as far as possible, to their original condition. The realization of restitution requires its inclusion in the prosecutor's demand, which may subsequently be executed once the court decision has obtained final and binding legal force. This study aims to analyze the process of formulating restitution claims and the execution of restitution against perpetrators of sexual intercourse with minors in Decision No. 78/Pid.Sus/2023/PN Pwt. The research employs a socio-legal approach, with data collected through interviews, literature review, and reference studies. The findings indicate that although the restitution claim in this case was successfully submitted, the execution of the court's decision was ineffective due to the convicted offender's inability to pay. The limited authority of the Prosecutor, resulting from the absence of explicit provisions in the Child Protection Law and Government Regulation Number 43 of 2017 concerning coercive measures such as asset seizure mechanisms or substitute imprisonment has rendered the implementation of restitution substantively ineffective. Therefore, amendments to the Child Protection Law and its implementing regulations are necessary, particularly concerning the procedures for filing restitution claims, execution mechanisms, and legal consequences for convicted persons who fail to fulfill their restitution obligations.*

**Keywords:** *children; child protection; execution of criminal punishment; prosecution; restitution.*