

ABSTRAK

Di era globalisasi ini, masalah pelanggaran hak asasi manusia terutama kekerasan terhadap perempuan masih sering terjadi. Kekerasan ini meliputi kekerasan fisik, psikis, dan seksual, seperti disebutkan dalam *General Recommendation No. 19 (1992) CEDAW Committee*. Di Indonesia kasus kekerasan seksual juga terjadi di dunia pendidikan, salah satunya di Pesantren Shidiqiyyah Ploso Jombang, Kasus ini melibatkan Moch Subchi Azal Tsani (MSAT) seorang anak pemilik pesantren yang memperkosa dan mengancam korban serta saksi. Dalam hal ini, LPSK memiliki peran penting dalam mengoptimalkan pemberian perlindungan dan pemenuhan hak-hak saksi dan korban agar terhindar dari ancaman. Metode pendekatan yang digunakan dalam penelitian ini adalah pendekatan doktrinal, yaitu menerangkan permasalahan hukum berdasarkan karakter normatif sehingga sasaran penelitian berupa norma, hubungan antara norma, teori norma dan asas-asas hukum yang berlaku. Setelah data terkumpul kemudian diolah dan dianalisis secara kualitatif melalui penelaahan logika berpikir secara deduktif yaitu dengan memulai analisis aturan yang berkaitan dengan kekerasan seksual beserta pemenuhan hak saksi dan korban oleh LPSK. Hasil penelitian ini menunjukkan bahwa LPSK memberikan perlindungan terhadap saksi dan korban sesuai dengan UU PSK, namun kurangnya kolaborasi antar lembaga mengakibatkan lamanya proses hukum. Sedangkan pemenuhan hak saksi dan korban kekerasan seksual oleh LPSK dinilai belum maksimal mengingat LPSK tidak mengajukan restitusi pasca-putusan kasasi sesuai dengan Perma No. 1 Tahun 2022. Apabila pengajuan ini dilaksanakan maka LPSK dapat memastikan hak saksi dan korban dapat terpenuhi.

Kata Kunci: Perlindungan Saksi dan Korban; Kekerasan Seksual; LPSK

ABSTRACT

In this era of globalization. The problem of human rights violations, especially violence against women, still occurs frequently. This violence includes physical, psychological and sexual violence, as mentioned in General Recommendation No. 19 (1992) CEDAW Committee. In Indonesia, cases of sexual violence also occur in the world of education, one of which is at the Shidiqiyyah Ploso Jombang Islamic Boarding School. This case involved Moch Subchi Azal Tsani (MSAT), a son of the owner of the Islamic boarding school, who raped and threatened the victim and witnesses. In this case, LPSK has an important role in optimizing the provision of protection and fulfilling the rights of witnesses and victims to avoid threats. The approach used in this research is legal research is a doctrinal approach, namely explaining legal problems based on a normative character so that the research target is norms, the relationship between norms, norm theory and applicable legal principles. After the data is collected, it is then processed and analyzed qualitatively through reviewing the logic of thinking deductively, namely by starting an analysis of the rules relating to sexual violence along with the fulfillment of the rights of witnesses and victims by the LPSK. The results of this research show that LPSK provides protection for witnesses and victims in accordance with the PSK Law, but the lack of collaboration between institutions results in a long legal process. Meanwhile, LPSK's fulfillment of the rights of witnesses and victims of sexual violence has not been assessed optimally considering that LPSK did not apply for restitution after the verdict inkracht in accordance with Perma No. 1 Year 2022. If this submission is implemented then LPSK can ensure that the rights of witnesses and victims can be fulfilled.

Keywords: *Witness and Victim Protection; Sexual Violence; LPSK*