



JUDGE'S CONSIDERATION OF THE VERDICT OF JINAYAT RAPE (STUDY OF DECISION NO. 5/JN.ANAK/2022/MS.TKN)

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Abstract: This study aims to determine how the qualification of rape against children according to Qanun Jinayat. This study also tries to explore the considerations taken by judges in determining sanctions for rape cases involving minors as stated in decision Number 5 / JN. Children/2022/MS.Tkn which discusses the crime of rape by minors. The method used in this study is normative juridical, namely legal research conducted by examining secondary data, using a statutory approach (statue approach) and a case approach.

The results showed that the qualifications of rape according to Qanun Jinayat and positive law are basically the same, namely the existence of elements of coercion, violence and threats to victims that distinguish only lies in the execution, implementation and place of implementation. In addition, the judge in handing down the verdict considers the demands of the public prosecutor, defense from legal counsel, reports from the community, as well as recommendations from the child's companion or parents, without ruling out the psychological condition of the child victim.

Keywords: judge's consideration, verdict, rape, child.

INTRODUCTION

Aceh is one of the regions granted special autonomy in managing its own region strengthened by Law Number 11 of 2006 concerning the Government of Aceh and the existence of this Law also strengthens Law number 44 of 1999 concerning the Implementation of Privileges for the Special Region of Aceh that existed before. Special things given to Aceh include the implementation of religious life, customs, education and the role of ulama in determining regional policies.

In connection with this and for the implementation of local governments that require legal certainty guarantees in carrying out all affairs, Law Number 44 of 1999 concerning the Implementation of Provincial Privileges of the Special Region of Aceh was formed which further gives freedom to the regions in regulating their implementation so that regional policies are expected to be more accommodating to the aspirations of the Acehnese people. (Viridis, 2019)

Based on this, Qanun Number 6 of 2014 concerning Jinayat Law was formed, hereinafter referred to as Qanun Jinayat as material law with its implementing rules relying on Aceh Qanun number 7 of 2013 concerning Jinayat Procedural Law, hereinafter referred to as Qanun Jinayat Procedural Law as formal law. (A'yun, 2021)

Jinayat law is the law that regulates jarimah (criminal acts) and Uqubat (sanctions/punishments). Jarimah is an act prohibited by Islamic Shari'a which in this Qanun is threatened with Uqubat Hudud and or Ta'zir. While Uqubat is a punishment that can be imposed by a judge on the perpetrator of jarimah.

Jarimah Rape is one of the ten Jarimah which is regulated in Qanun Number 6 of 2014 concerning Jinayat Law. In contrast to positive law where the crime of rape in positive law is a complaint offense, Jarimah Rape is a complaint offense and a common offense in the Qanun of Jinayat Law. (Andani, 2020)

The Criminal Code defines rape as an act committed by a man by forcing a woman who is not his wife to have intercourse with him, whether it is accompanied by violence, or threats of violence. Meanwhile, in Article 1 number 30 Qanun No. 6 of 2014 concerning Jinayat Law, it is explained that rape is sexual intercourse against the vagina or rectum of another person as a victim with the perpetrator's penis or other objects used by the perpetrator or against the victim's vagina or penis with the perpetrator's mouth or against the victim's mouth with the perpetrator's penis, by force or coercion or threat to the victim.

From the explanation above, it can be concluded that the definition of rape in Qanun Jinayat is wider in scope than that covered by the Criminal Code. If rape according to the Criminal Code is only limited to the act of coercive intercourse with genitals committed by a man against a woman who is not his wife accompanied by violence or threats of violence, then the definition of rape according to Qanun Jinayat is not only limited to that but also includes the act of sodomy, homosexor lesbian done by coercion, or threat of violence.. But in fact, the victims of rape are almost all women, especially children. (Maulia N, 2021)

Basically a Jarimah It can happen to anyone and can be done by anyone, whether men, women, or children.

Children are the younger generation, future leaders of the nation who will carry forward the ideals of the nation's ancestors and as a source of hope for the previous generation so that they need to get the opportunity to grow and develop well spiritually, physically and socially. (Agustin H, 2023)

As the successor of the nation's generation and development, children are prepared as the next generation in implementing sustainable development and taking control of the future of a country, maintaining and developing the results of existing development towards a just and prosperous society.

For this reason, children must be protected from every act that leads to crime (Jarimah), therefore all children are entitled to special protection, opportunities and facilities necessary for their growth. As affirmed in the 1945 Constitution:

"Every child has the right to survival, growth and development and the right to protection from violence and discrimination as mandated in the 1945 Constitution of the Republic of Indonesia".

Crimes involving children are very frequent. Either the child is a victim or perpetrator of a criminal act. This can be due to children who feel free or lack of supervision from parents of children using the internet. (Mahayanti N. M. A.D., 2019)

Evil deeds that grow in children come from the influence of bad reading, photography and film that make children have the desire to do evil deeds to someone or other children. When children fill their free time with bad impressions such as pornographic images, it will have a bad impact on their growth and development,

especially sexual stimulation. (Muttaqin, 2023: 2)

Many children who are in conflict with the law, both child perpetrators and child victims, which occur in Indonesia are considered as one of the indicators of the poor quality of child protection as happened in Central Aceh within the scope of the Syar'iyah Takengon Court area where children commit acts of rape as in Decision Number 5 / JN. Child/2022/MS.TKn.

In the decision of case No. 5/JN. Child/2022/MS.Tkn The Public Prosecutor charged the child defendant with an alternative charge where the prosecutor's first alternative charge demanded the Rape Article and the second alternative charge of sexual harassment article. Based on what was considered by the judge, in the first alternative charge the Child Defendant was not proven to have committed rape so the judge handed down the Child Defendant the second alternative charge, namely the sexual abuse article and was terminated with a 30 (thirty) month imprisonment period at the Special Child Development Institute (LPKA) Banda Aceh with a reduction as long as the Child Defendant was in temporary detention with an order that the Child Defendant remain detained.

MAIN PROBLEM

This study will elaborate further on how the qualification of rape against children according to Qanun Jinayat and how the judge's consideration of the decision of case Number 5 / JN. Child/2022/MS.Tkn.

METHOD OF RESEARCH

The method used in this study is the normative juridical approach, which is legal research conducted by

examining secondary data. The approach used in this study is the statutory approach (Statue Approach) and also the case approach (Case Approach). This normative juridical research is more qualitative where this research refers to legal norms in laws and regulations, court decisions and data collected both primary and secondary data, will be analyzed with perspective. The goal is to get suggestions on what to do to overcome certain problems.

RESEARCH RESULT AND DISCUSSION

A. Qualification of Rape of Children According to Qanun Jinayat

Criminal acts in Islamic penal law are also called Jarimah which means unlawful acts or acts. Similar to Indonesia's positive law, criminal acts are acts that violate norms that can be subject to sanctions or punishment. (A'yun, 2021)

Rape is a form of moral crime that is often experienced by women, this could be because they are physically weaker than the men who are the perpetrators. The Criminal Code defines rape as an act committed by a man by forcing a woman who is not his wife to have intercourse with him, either accompanied by violence or threats of violence.

The crime of rape against children is mentioned in Article 287 of the Criminal Code which reads:

"Whoever has intercourse with a woman having intercourse outside of marriage, when he knows or should reasonably suspect that he is not yet fifteen years of age, or his age is not clear, that it is not yet time for marriage, shall be punished with imprisonment for not more than nine years".

Article 287 of the Criminal Code also stipulates the severity of criminal penalties, namely in article 291 paragraph (1) with a maximum imprisonment of 12 years in case of serious injury, and in paragraph (2) if it results in death, the maximum penalty imposed on the perpetrator is 15 years. (Viridis, 2019)

In its regulation of rape, article 81 of Law No. 35 of 2014 amends Law No. 23 of 2002 concerning Child Protection which emphasizes the need to impose criminal sanctions and fines for sex offenders against children where in the previous Law the crime of committing rape against children was punished with a minimum imprisonment of 3 (three) years and a maximum of 15 (fifteen) years and a maximum fine of Rp.60,000,000, 00 (sixty million rupiah), now in Law No. 35 of 2014 amended with a minimum criminal threat of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp.5,000,000,000 (five billion rupiah).

The definition of rape in Qanun Jinayat is sexual intercourse against the vagina or rectum of another person as a victim with the perpetrator's penis or other objects used by the perpetrator with force or coercion or threats against the victim.

The Qanun of Jinayat Law regulates rape in Articles 48 to 50. Article 50 of the Qanun of Jinayat Law states:

"Any person who knowingly commits Jarimah Rape as referred to in Article 48 against a child shall be threatened with 'Uqubat Ta'zir flogging at least 150 (one hundred and fifty) times, a maximum of 200 (two hundred) times or a fine of at least 1,500 (one thousand five hundred) grams of pure gold, a maximum of

2,000 (two thousand) grams of pure gold or imprisonment for a minimum of 150 (one hundred fifty) months, at most 200 (two hundred) months."

In Qanun Jinayat Aceh Number 6 of 2014 article 67 states that if a child who has reached the age of 12 years but has not reached the age of 18 years or is not married to do Jarimah, then the child can be charged uqubat at most 1/3 (one-third) of 'uqubat that has been designated for adults and/or returned to their parents or guardians or placed in a place provided by the Aceh government or district or city government. (Mawar, 2018)

Based on the results of an interview with Mr. Geri Dwiputra, S.H as a public prosecutor at the Takengon State Prosecutor's Office

"He said that the qualification of rape according to Qanun Jinayat is intercourse with genitals committed by men against women or against the victim's mouth with the perpetrator's genitals or against the victim's genitals with other objects with elements of coercion and violence"

This was also conveyed by Drs. Taufik Ridha as a Judge at the Syar'iyah Takengon Court argued that the criminal act of rape has elements of coercion and violence in successful sexual relations.

So in general, from the two qualifications of rape above, it can be said that the element of rape between the Criminal Code and Qanun jinayat is the same, namely the existence of violence, coercion and threats from the perpetrator to the victim, the difference only lies in the implementation, implementation and place of implementation.

B. Judge Consideration of Article No. 5/JN. Son/2022/MS.Tkn.

The judge's consideration is the reason used by the judge as a legal consideration that becomes the basis before deciding a case. Before deciding a case, the judge must pay attention to every important matter in a trial. The judge must pay attention to the conditions of convictness of a person, namely objective conditions derived from a person's guilt and subjective conditions namely the existence of guilt, the ability of a person to take responsibility and the absence of excuse for forgiveness for him. In addition, the judge must also pay attention to the objective condition, namely that an act that has been done has matched the delict formula, is unlawful and has no justification reason. (Iven Sastia, 2022: 85). (Nampasnea, 2023)

The freedom of judges granted by the State includes freedom to judge, freedom from outside interference, freedom of expression in the context of practical legal development, freedom to explore legal values in accordance with the sense of justice of the community including the freedom to deviate from written legal provisions if they are no longer in accordance with the sense of justice of the community. (Iven sastia, 2022 : 87).

The freedom of judges here does not mean unlimited freedom, the freedom of judges is limited by laws and regulations that have been regulated in Law number 8 of 1981 concerning the Code of Criminal Procedure (KUHAP). Article 183 of the Code of Criminal Procedure states:

"A judge may not convict a person unless by at least two pieces of valid evidence he or she has obtained a conviction that a crime actually

occurred and that the defendant is guilty of committing it."

Therefore, in adjudicating the matter the judge grants not only freedom, but also limitations, so that the judgment is made on the basis of at least two types of evidence. Which means in deciding matters, judges are required to satisfy two or more types of evidence tools filed during consideration at trial. (Nampasnea, 2023)

As for what the judge considers as stated in the copy of the decision of case No.5/JN. Child/2022/MS.Tkn is as follows:

The judge's decision must be able to meet the elements of justice for each party, although the value of justice is an objective value that cannot be measured by any standard, therefore before handing down a criminal verdict, the judge must consider the justice aspects of:

1. The evildoer's side
2. The victim's side of the crime (how big of a role the victim plays in the crime and the impact suffered by the victim)
3. The feeling side of justice of society.

Considering, that in order to impose a crime against the child defendant, it is necessary to first consider aggravating and mitigating circumstances. (Trisiyah ON, 2023)

Incriminating conditions:

- A. The actions of the child defendants violated the provisions of Islamic Sharia law and did not support the implementation of Islamic Sharia in Aceh Province.
- B. The actions of the child defendant caused disgrace to his family and disturbed the community.
- C. The actions of child defendants damage the future of the Islamic

generation, especially in Aceh Province.

- D. The actions of the child defendant traumatized the victim's child.

Extenuating circumstances:

- A. The child defendant admitted frankly and regretted his actions and promised not to repeat them again.
- B. The defendant's son was polite in the trial.
- C. The child defendant regretted his actions.
- D. The child accused has never received the 'Uqubat (criminal) law
- E. The defendant was willing to marry the victim's child.
- F. Child defendants are children in accordance with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) Article 1 paragraph (3) of Law Number 35 of 2014 amending Law Number 23 of 2002 concerning Child Protection in article 1 paragraph (1). Considering, that based on evidence in the form of witness statements and statements of child D defendant, the facts found in the trial were obtained namely, that victim S's child was 15 years old, victim S's child knew defendant child D, victim S's child and defendant child D were in a dating relationship, child defendant did this because he wanted to marry child victim. Victim S's child once made a video call with the child defendant naked half the chest without any of the child defendant's advances, Child defendant D knew that victim S's child was a minor, child defendant D apologized and admitted his mistake, the witness who was the parent of victim S's child was confused whether to marry the victim's child to the child

defendant or report it, But in the end reported it to the authorities. Considering that the child defendant is filed to trial with an alternatively drafted indictment, then the judge will consider the alternative indictment first and if proven then the second alternative indictment should not be considered again and ruled out. On the other hand if the one-on-one alternative indictment is not proven then the child defendant should be acquitted of the one-on-one alternative charge and further consider a second alternative indictment.

Considering that based on the above considerations and taking into account these legal facts, it will consider the 1st (one) charge as in Article 50 of Aceh Qanun Number 6 of 2014 concerning Jinayat Law, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the elements of which are as follows:

a.Elements of each person

Considering, that what is meant by everyone is a legal subject supporting rights and obligations who can account for the actions he committed, in this case is child defendant D as a legal subject. Apart from that, the purpose of loading this element is to avoid the error of the subject in a Jinayah case. Considering that from the above legal facts, the judge concluded that child D defendant is a legal subject capable of accountability for his actions and in this case there is no fault of the subject, and based on the above considerations, the judge concluded that the element of everyone has been fulfilled.

b.Intentionally

Considering, that in Qanun Aceh does not provide information / explanation what is meant by the word "deliberately. However, according to

Memorie Van Toelichting (MvT) that what is meant by "intentionally" is in the sense that the maker must want to do the act and must also understand the consequences of his own actions. Considering, that from the confession of the child defendant, child defendant D intentionally without any influence from others since 2021 has committed sexual abuse of children approximately thirty times more than reported by child victims. Considering, that based on these facts, the panel of judges held that the Child Defendant was conscious of having deliberately performed jarimah on the victim's child repeatedly. Considering, that based on the above considerations, the judge is of the opinion that this element has been deliberately fulfilled.

c.Elements of committing rape

Considering, that what is meant by Jarimah is an act prohibited by Islamic Sharia which in this Qanun is threatened with uqubat hudud and / or ta'zir. As for what is meant by rape is sexual intercourse against the vagina or rectum of another person as a victim with the perpetrator's penis or other objects used by the perpetrator or against the victim's vagina or penis with the perpetrator's mouth or against the victim's mouth with the perpetrator's penis, by force or coercion or threat to the victim. Based on the facts at trial, it has been proven that since 2021 he has admitted to committing Sexual Abuse Jarimah against children approximately thirty times more than reported by child victim S.

Considering, that based on the visum letter signed by dr. Antoni Isma, Sp.OG on the self-examination of the child victim S found that the hymen genitals had been torn evenly, the impression of old wounds. So there is

a legal fact that the old wound on the hymen of victim S's child cannot be charged against child D defendant as his act that he committed by repeated coercion against victim S's child since 2021.

Considering, that based on the above considerations, the judge is of the opinion that the element of committing rape as referred to in article 50 against child D is not fulfilled. Therefore, child defendant D was declared not legally proven to have committed rape of a child by coercion and threats.

d. Elements against children

Considering, that what is meant by children in Aceh Qanun Number 6 of 2014 in Article 1 point 40 is a person who has not reached the age of 18 (eighteen) years and is not married. Considering, that it is in line with the understanding of children in Aceh Qanun Number 6 of 2014 concerning Jinayat Law. Article 1 paragraph (1) of Law number 35 of 2014 amending Law Number 23 of 2002 concerning Child Protection also explains that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb. Considering, that article 1 point 3 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) regulates children who face the law are children who are in conflict with the law, children who are victims of criminal acts, and children who are witnesses to criminal acts. Considering, that the accused child D was aware and knew the child of victim S was a child who was younger than the accused child D, so that the accused child D was aware of the act committed against the minor. Considering, that based on the above considerations, the judge concluded that the element "Against the Child" of

both child victim S and accused child D has been validly and convincingly proven according to law.

Considering, that because it has not been proven that child defendant D committed the act of rape against a child, the application of the article used by the Public Prosecutor in the first alternative indictment has not been in accordance with the events and facts of law.

Considering, that because the first alternative charge is not fulfilled as charged by the public prosecutor, the judge will then consider the second alternative charge, namely article 47 of Aceh Qanun Number 6 of 2014 concerning Jinayat Law whose elements are as follows:

a. Elements of each person

Considering, that what is meant by everyone is a legal subject supporting rights and obligations who can account for the actions he committed, in this case is child defendant D as a legal subject. Apart from that, the purpose of loading this element is to avoid the error of the subject in a Jinayah case. Considering that from the above legal facts, the Judge concluded that child defendant D is a legal subject who is able to account for his actions and in this case there is no fault of the subject, and based on the above considerations, the Judge concluded that the elements of everyone have been fulfilled.

b. Intentionally

Considering, that in Qanun Aceh does not provide information / explanation what is meant by the word "deliberately. However, according to Memorie Van Toelichting (MvT) that what is meant by "intentionally" is in the sense that the maker must want to do the act and must also understand the consequences of his own actions.

Considering, that from the confession of the child defendant, child defendant D intentionally without any influence from others since 2021 has committed sexual abuse of children approximately thirty times more than reported by child victims. Considering, that based on these facts, the panel of judges held that Defendant Anka was conscious of having deliberately performed jarimah on the victim's child repeatedly. Considering, that based on the above considerations, the judge is of the opinion that this element has been deliberately fulfilled.

c. Sexually harassing

Considering, that what is meant by Jarimah is an act prohibited by Islamic Sharia which in this Qanun is threatened with uqubat hudud and / or ta'zir. As for what is meant by Sexual Harassment article 1 number 27 Qanun Aceh Number 6 of 2014 concerning Jinayat Law is immoral acts or lewd acts deliberately committed by someone in public or others as victims, both men and women without the victim's willingness. Based on the facts at trial, it has been proven that since 2021 he has admitted to committing Sexual Abuse Jarimah against children approximately thirty times more than reported by child victim S.

Considering, that based on these considerations and the legal facts found at trial which are corroborated by the testimony of witnesses, the confession of the Child Defendant. The judge held that the Child Defendant had been proven to have sexually abused the Child Victim. Based on the above considerations, the judge is of the opinion that the element of committing sexual abuse as referred to in article 47 against children has been fulfilled.

d. Elements against children

Considering, that what is meant by children in Aceh Qanun Number 6 of 2014 in Article 1 point 40 is a person who has not reached the age of 18 (eighteen) years and is not married. Considering, that it is in line with the understanding of children in Aceh Qanun Number 6 of 2014 concerning Jinayat Law. Article 1 paragraph (1) of Law number 35 of 2014 amending Law Number 23 of 2002 concerning Child Protection also explains that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb. Considering, that article 1 point 3 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) regulates children who face the law are children who are in conflict with the law, children who are victims of criminal acts, and children who are witnesses to criminal acts. Considering, that the accused child D was aware and knew the child of victim S was a child who was younger than the accused child D, so that the accused child D was aware of the act committed against the minor. Considering, that based on the above considerations, the judge concluded that the element "Against the Child" of both child victim S and accused child D has been validly and convincingly proven according to law.

Considering, that since it has been proven that child defendant D committed sexual abuse of children, the application of the article used by the public prosecutor in the second alternative indictment is in accordance with the events and legal facts. Considering, that according to the expert witness Psychology on the confession of the defendant child D that his behavior was accustomed due

to lack of affection from parents. The judge judged from the factors that caused child D defendant to commit a crime due to lack of supervision from parents. The child's parents are considered not to have a good parenting style that makes the child work prematurely to help the family economy even the accused child D has to stop going to school and does not enjoy his growth and development as children in general. This is what makes children experience symptoms of parentification, where a child must carry out the role of an adult prematurely, and lack of supervision from parents of children is the reason children feel free and lack of understanding of religious science makes children perform jarimah actions sexual harassment. Law of the Republic Number 11 of 2012 concerning the Juvenile Criminal Justice System article 1 paragraph 3 and Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection in article 1 paragraph 1 which is called a child is someone who is 18 years old so that child defendant D is faced with a juvenile trial.

Considering, that because the elements of article 67 of Aceh Qanun Number 6 of 2014 concerning Jinayat Law have been legally fulfilled and the Judge believes that the guilt of child D defendant against victim S's child, child D defendant can be subject to Uqubat at most 1/3 (one third) of the uqubat that has been determined for adults. After being found legally and conclusively guilty of committing acts of sexual abuse against children.

Considering that the Judge in handing down this decision has considered the demands of the Public Prosecutor, the Memorandum of Defense from the

Child/Legal Counsel, the Community Research Report, and recommendations from the Companion and/or parents of the child, and by not ruling out the psychological state of the child victim, the Judge assesses by taking into account the principles of Protection, Justice, best interests for the child, survival and growth of the child, and child coaching and guidance.

Considering, that the Judge in handing down this decision has also considered the principles of legal justice, legal certainty, legal expediency and protection of children not based on the element of revenge against children. Considering, that the purpose of Article 214 paragraph (1) of Aceh Qanun Number 7 of 2013 concerning the Jinayat Procedural Law is very clear, namely that the defendant charged with 'Uqubat is burdened with paying the costs of the case, and in the event of a free verdict or release from all lawsuits, the costs of the case are charged to the state. To the purpose of this article and according to the judge will better meet the sense of justice of law and society, In this case, the burden of the cost of the case is imposed on the child defendant listed in the judgment. Recalling the provisions of Law No. 11 of 2006, Aceh Qanun number 7 of 2013 concerning Jinayat Procedural Law and Aceh Qanun Number 6 of 2014 concerning Jinayat Law and other laws and regulations relating to this matter.

Furthermore, the following are the judge's considerations related to the decision of case Number 5 / JN. Children/2022/MS.Tkn based on the results of research conducted:

1. Taking into account the demands of the public prosecutor That against

the public prosecutor's indictment, the child has learned the contents of the indictment which contains that the child defendant regrets his actions, the child defendant explains frankly about the facts that occurred, the child defendant is polite in the trial, the child defendant is a child, and the child defendant still has parents which the public prosecutor demands that the judge examine and try this case by dropping 'uqubat For children in the form of imprisonment of 50 (fifty) months reduced while the child is in custody with an order that the child remain detained.

2. Defense from legal counsel The juvenile legal counsel appealed to the judge for leniency to be imposed on the child which in essence was to sentence D bin S with the lightest possible sentence and charge the costs of the case according to the law.
3. Community research reports and recommendations from the child's companion or parents The recommendation from the companion is that the parents of the child defendant ask the judge to impose the lightest possible sentence on the child and be given the opportunity to be guided and educated at the Special Child Development Institute (LPKA).
4. And by not ruling out the psychological state of the child victim So the judge judges by taking note of the foundation of protection, justice, best interests of the child, survival and growing of childbirth, as well as the construction and guidance of the child. The judge handed down this decree also considering the basis of legal justice, legal certainty, legal benefit

and incarceration of the child not based on the element of revenge on the child.

CONCLUSION

The qualifications for rape both in Aceh Qanun Number 6 of 2014 and in the Criminal Code are the same, namely the existence of elements of violence, coercion and threats from the perpetrator to the victim that distinguish only lies in the implementation, implementation and place of implementation.

The judge's consideration in imposing sanctions for rape by children is to consider the demands of the public prosecutor, the defense of his legal counsel, community research reports and recommendations from the child's companion or parents, and not ruling out the psychological state of the child victim.

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