

**ABSTRAK**  
**PENEGAKAN HUKUM TERHADAP KASUS PEDOPHILIA DITINJAU**  
**DARI KUHP DAN QANUN JINAYAT**  
**(STUDI PADA MAHKAMAH SYARIAH ACEH)**

**MUHAMMAD NOOR WARDANA**

Penelitian ini berbicara tentang penegakan hukum terhadap kasus Pedophilia ditinjau dari KUHP dan Qanun Jinayat. Berdasarkan fokus kajian, diajukan tiga pertanyaan penelitian yaitu (1) apakah faktor penyebab terjadinya tindak pidana pedophilia, (2) bagaimanakah penegakan hukum kasus pedophilia di Aceh, (3) tindakan apakah yang dilakukan oleh mahkamah syariah aceh dalam meminimalisasikan tindak pidana Pedophilia.

Studi ini menggunakan metode deskriptif analisis dengan pendekatan, menelaah semua peraturan perundang-undangan yang berkaitan dengan kasus pedophilia. Teknik pengumpulan data dilakukan dengan cara a) Library Research dan b) Field Research. Teknik menganalisa data dari berbagai sumber dengan mengelompokkan data ke dalam kategori-kategori berdasarkan maksud dan tujuan penelitian. Data yang terkumpul dan telah dikategorikan tersebut dianalisa dan diinterpretasikan.

Hasil penelitian ini menunjukkan bahwa (1) penyebab terjadinya tindak pidana pedophilia yaitu dari pengaruh lingkungan seperti beredar video berbau porno, selain itu dari pengaruh eksternal dan faktor internal, dari faktor internal berasal dari diri pelaku yaitu pelaku mengalami nafsu seks abnormal, sedangkan dari faktor eksternal yaitu terkait dengan aspek social budaya dan akibat pesatnya kemajuan ilmu pengetahuan dan teknologi. (2) penegakan hukum pedophilia di aceh menurut KUHP terdapat di dalam Pasal 287 – 294 KUHP dimana pedophilia itu meliputi perbuatan persetubuhan, perbuatan cabul dimana masa hukumannya bagi pelaku paling lama 9 Tahun. Penegakan menurut Qanun Jinayat diatur di dalam Qanun Jinayat Pasal 46 dan 47 dimana pelaku di jatuhi hukuman badan yaitu cambuk 90 kai dan di denda paling banyak 900 gram atau penjara paling lama 90 bulan. (3) upaya meminimilasi tindak pedophilia yang dilakukan oleh mahkamah syaria yaitu dengan peradilan syariat islam dimana pelaksanaan hukuman dilakukan di hadapan orang banyak dimana efek jera lebih kepada rasa malu karena dicambuk di hadapan masyarakat, serta disaksikan oleh keluarga si pelaku.

Kata Kunci : Penegakan hukum, pedophilia, KUHP, qanun Jinayat,

## ABSTRACT

### LAW ENFORCEMENT ON PEDOPHILIA CASE VIEWED FROM KUHP AND QANUN JINAYAT CODES

(Case Study on Mahkamah Syariah Islamic Court of Aceh)

Muhammad Noor Wardana

This study dealt with a law enforcement on a pedophilia case viewed from KUHP Codes and Qanun Jinayat. A sexual harshness occurred to a child on internal factor originally from another having abnormal sex lustful, still external factor due to advances of informatics technology and informatics on public for available porno films, social media exploiting pornography pictures. The advancement of technology may influence the attitudes of those kids and adults. This point cause those children be on sensitive got sexual hardness it is *pedophilia* done by fellow male, parent, siblings and others available around environmental. Bases to this study, take then three points of questionable such as; 1) what factors cause taking place *pedophilia*, 2) how to apply law enforcement to a *pedophilia* case on Aceh, 3) what actions to be taken by Syariah Court to minimize *pedophilia* criminal case.

This study is an analysis descriptive research method with data research approach, to analyze the data of regulations rules regarding pedophilia cases. In collecting the data, adopted library research and field research. Still, in analyzing the data from variously resources, to classify them according to the purpose and aim of conducting the research. All the data that has been gained and classified should be interpreted later.

The result indicated that 1) causes of occurrence any pedophilia cases mostly on the effect of environmental such as seeing video with porno, still external and internal factors, means by internal factor originally from the actor since he got abnormal sexual desires, while in external factor there is connecting with social and cultural aspects and due to advancement of technology and informatics. Still, locally, 2) law enforcement in Aceh region on pedophilia cases refers to KUHP codes as found on Article 287 – 294 KUHP codes where pedophilia cases covering intercourse acts, illicit for which guilty should be jailed for 9 years. Law enforcement with Qanun Jinayat is ruled in a Qanun Jinayat in Article 46 and 47 to this case one as actor should be sentenced with whips in 90 times and set fine with 900 gram or jailed for 90 months. 3) in order to minimize pedophilia acts as provided by Syariah court with syariat trial which by the execution done before public, which aimed at those public may feel wary and ashamed with whips before public, and also his family may see it however.

Keywords : law enforcement, pedophilia, KUHP codes, qanun Jinayat.