

**PERTANGGUNGJAWABAN PIDANA TERHADAP PELAKU PELECEHAN SEKSUAL
DENGAN CARA MEMPERTONTONKAN DAN MENUNJUKAN ATAU
MENGGAMBARKAN KETELANJANGAN DI MUKA UMUM SEBAGAI PERBUATAN
TINDAK PIDANA PORNOGRAFI**

***CRIMINAL RESPONSIBILITY FOR PERPETRATORS OF SEXUAL
HARASSMENT BY DISPLAYING AND SHOWING OR PICTURING NUDITY IN
PUBLIC AS A CRIMINAL ACT OF PORNOGRAPHY***

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ABSTRAK

Eksibionisme merupakan penyimpangan seksual yang digolongkan sebagai paraphilia. Di Indonesia, eksistensi eksibionisme sudah banyak terjadi di lingkungan masyarakat. Kriminalisasi terhadap eksibionisme diatur dalam Kitab Undang-Undang Hukum Pidana, Undang-Undang Nomor 44 Tahun 2008 tentang Pornografi, dan bahkan diatur dalam Undang-undang Nomor 1 tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana. Saat ini, sudah banyak berbagai kasus eksibionisme yang sudah diadili di pengadilan namun masih banyak pelaku yang lolos dari jeratan pidana karena adanya kelemahan dalam hal pertanggungjawaban pidana terhadap pelaku. Penulisan ini menggunakan deskriptif analisis, jenis penelitian menggunakan hukum Normatif sedangkan metode pengumpulan data memakai Penelitian Pustaka, dan jenis data dalam penelitian ini menggunakan Data Primer. Penulisan ini menggunakan metode pendekatan yuridis normatif yang didasarkan pada peraturan perundang-undangan dan bahan hukum lainnya yang berkaitan dengan penelitian ini Eksistensi pelaku eksibionisme sudah marak terjadi di lingkungan masyarakat Indonesia. Hal ini dibuktikan dengan banyaknya kasus-kasus eksibionisme yang dibawa ke pengadilan untuk diadili secara hukum. Adanya kriminalisasi ini didasarkan pada hukum positif Indonesia yang telah banyak mengatur regulasi tentang eksibionisme sebagai perbuatan pidana. Regulasi tersebut diantaranya diatur dalam Kitab Undang-Undang Hukum Pidana dan Undang-Undang Nomor 44 Tahun 2008 tentang Pornografi, dan Undang-undang Nomor 1 tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP). Hasil dari penelitian ini menyimpulkan bahwa Pertanggungjawaban pidana diatur dalam Pasal 44 KUHP. Tidak adanya batasan yang jelas mengenai keadaan-keadaan yang membuat tidak mampunya seseorang untuk bertanggungjawab, membuat adanya kekaburan hukum dari pasal tersebut. Para pelaku eksibionisme yang dinyatakan mampu bertanggungjawab secara pidana dapat dikenakan dengan Pasal 281 KUHP dan Pasal 10 UU No. 44 Tahun 2008 tentang Pornografi sebagai hukum positif Indonesia.

Keyword: Pertanggungjawaban Pidana, Pelaku Kejahatan, Pelecehan Seksual,
Tindak Pidana Pornografi

ABSTRACT

Exhibitionism is a sexual deviation that is classified as paraphilia. In Indonesia, the existence of exhibitionism has occurred a lot in society. Criminalization of exhibitionism is regulated in the Criminal Code, Law Number 44 of 2008 concerning Pornography, and even regulated in the Draft Criminal Code. Currently, there have been many cases of exhibitionism that have been tried in court, but many perpetrators still escape criminal charges because of weaknesses in terms of criminal responsibility for the perpetrators. This writing uses descriptive analysis, the type of research uses Normative law while the data collection method uses Library Research, and the type of data in this study uses Primary Data. This writing uses a normative legal approach method based on laws and regulations and other legal materials

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related to this research. The existence of exhibitionism perpetrators has been rampant in Indonesian society. This is evidenced by the many cases of exhibitionism that have been brought to court to be tried legally. The existence of this criminalization is based on positive Indonesian law which has regulated a lot about exhibitionism as a criminal act. These regulations include the Criminal Code and Law Number 44 of 2008 concerning Pornography, and the Draft Criminal Code. The results of this study conclude that criminal responsibility is regulated in Article 44 of the Criminal Code. The absence of clear limitations regarding the circumstances that make someone unable to be responsible, creates legal ambiguity in the article. Perpetrators of exhibitionism who are declared capable of being criminally responsible can be charged with Article 281 of the Criminal Code and Article 10 of Law No. 44 of 2008 concerning Pornography as positive Indonesian law.

Keywords: Criminal Responsibility, Criminal Offenders, Sexual Harassment, Pornography Crimes

A. INTRODUCTION

1. Background of the Problem

Sexual deviations have recently made society restless, especially women and children. This behavior that is detrimental to society has been widely regulated in legal norms and regulations that must be applied in community life. Therefore, acts of sexual deviation must be given strict sanctions to the perpetrators of the crime, because by implementing legal norms, it can maintain the values of moral norms. Sexual deviation is one of the acts that violates moral norms which is classified as paraphilia. Paraphilia is defined as a form of sexual behavior that is not usually done or abnormal which is classified as a mental disorder both internationally and in Indonesia.¹

The actions of exhibitionism sufferers violate the provisions of Article 10 of the Republic of Indonesia Law Number 44 of 2008 concerning Pornography which states that everyone is prohibited from displaying themselves or others in performances or in public that depict nudity, sexual exploitation, intercourse, or other pornographic content. Because Article 1 Paragraph (1) states that pornography is a picture, sketch, illustration, photo, writing, voice, sound, moving picture, animation, cartoon, conversation, body movement, or other form of message through various forms of communication media and/or public performances, which contain obscenity or sexual exploitation that violates moral norms in society. In general, people with exhibitionism disorders are men who show their genitals to women with the intention of getting sexual stimulation for themselves which is done in public places. This tendency is based on men as a form of showing their masculinity by showing their genitals and seeing the various reactions of the victim, whether shocked, scared, or disgusted. It can be said that most cases of exhibitionism are men showing off themselves to women.²

Based on the provisions of the article, it can be categorized that exhibitionism is a form of pornographic action, because it contains elements of obscenity or sexual exploitation that violate norms and is a form of criminal act as stated in Article 10 of the Republic of Indonesia Law Number 44 of 2008 concerning Pornography above. Exhibitionists in Indonesia usually carry out their actions in public places or crowded places. In general, exhibitionists are men, they do not look like people with mental

¹ Supanto, *Kebijakan Hukum Pidana Mengenai Pencabulan*, Kerja sama Ford Foundation dengan Pusat Penelitian Kependudukan, Universitas Gadjah Mada, Yogyakarta, 2019, hal. 8.

² Wirjono Projodikoro, *Asas-Asas Hukum Pidana di Indonesia*, Refika Aditama, Bandung 2018, hal. 61.

disorders, they often look neat, they will look for the right place and then show or display their genitals in front of children or women, if the person being shown is shocked or scared, the level of arousal increases.³

One example of a case of sexual deviation such as exhibitionism is contained in the Medan District Court Decision number 355 Pid.B/2022/PN Mdn, where the Defendant has been proven legally and convincingly guilty of committing the crime of "Exposing oneself or others in a show or in public that depicts nudity, sexual exploitation of intercourse, or other pornographic content" violating Article 10 Jo Article 36 of Law of the Republic of Indonesia Number 44 of 2008 concerning Pornography. The defendant's actions began on Friday, July 30, 2021 at around 14.00 WIB at the Dapoer Ole Ole Cafe located in Medan City where the distance between the defendant and the victim witness was about 1 (one) meter, and at that time the defendant called the victim witness by saying "eh nit, look at this" then the victim witness who heard the defendant's words then looked at the defendant who at that time was opening the defendant's underwear and showing his genitals towards the victim witness so that the victim witness saw the defendant's genitals then the defendant who had succeeded in making the victim witness see the defendant's genitals said to the victim witness "make it bigger nit" while the defendant's hand stroked the defendant's genitals with a sigh so that the victim witness who saw this felt disgusted and angry with the defendant by saying "you're crazy huh".

Then with the incident made the victim witness upset and felt harassed so that he left the defendant then the defendant who saw the victim witness then approached the victim witness then pulled the victim witness's hand forcibly to hold the defendant's genitals where the victim witness did not have the power to fight the defendant's actions because the defendant was the victim witness's superior. Then the victim witness who felt scared and traumatized by the defendant's actions then reported the defendant's actions to the Medan City Police. That as a result of the defendant's actions made the victim witness feel scared and ashamed and traumatized and felt that his honor had been harassed by the defendant's actions.⁴

Based on this background, the imposition of sanctions on perpetrators of exhibitionism certainly requires stages, which must be proven correctly, whether they really suffer from the disorder, are conscious, can control themselves or not when committing the act. The criteria for exhibitionism cases when viewed from a pornography perspective must meet the intended elements in order to be subject to sanctions in accordance with the provisions of the law. Perpetrators of exhibitionism who are proven to have committed acts that violate morality intentionally and in good health, and cannot prove that they have experienced sexual disorders (sexual deviation) of the exhibitionism type, can be punished for violating Article 10 of Law of the Republic of Indonesia Number 44 of 2008 concerning Pornography.

Based on the background description above, the author is interested in studying and finding out more about the problem in a scientific work in the form of a journal entitled "*Criminal Responsibility for Perpetrators of Sexual Harassment by*

³ Ratih Latifa, "*Pertanggungjawaban Pidana Pelaku Pemaksaan Hubungan Seksual Terhadap Anak Dibawah Umur Dengan Modus Menyebarkan Video Asusila Korban Di Media Sosial*", Universitas Komputer Indonesia, Bandung 2021, hal. 16.

⁴ Putusan Pengadilan Negeri Medan dengan Nomor 355 Pid.B/2022/PN.

Displaying and Showing or Depicting Nudity in Public as a Criminal Act of Pornography".

B. RESEARCH METHODS

This study uses a normative legal research method which is part of the doctrinal research typology. The research approach used is a conceptual and legislative approach. The data sources obtained in this study are obtained from secondary data obtained indirectly which is a literature study and the secondary data is divided into several parts, namely, primary legal materials and secondary legal materials and tertiary legal materials. The writing of this thesis uses a research method with a normative legal approach. The normative legal approach, namely legal research through library materials (library research). The research was conducted by tracing the regulations and literature related to the problems studied.⁵

Primary legal materials are data that have legal force such as laws and regulations, while secondary and tertiary legal materials are supporting data on primary legal materials such as previous studies that discuss the research being written and that have been published and related books. The legal materials that have been obtained are then analyzed using descriptive-qualitative analysis to obtain conclusions that can be scientifically accounted for regarding comparative analysis regarding Criminal Responsibility for Perpetrators of Sexual Harassment by Displaying and Showing or Depicting Nudity in Public as a Criminal Act of Pornography.⁶

C. DISCUSSION RESULTS

1. SANCTIONS FOR CRIMINAL ACTIONS OF SEXUAL HARASSMENT BY DISPLAYING AND SHOWING OR PICTURING NUDITY IN PUBLIC AS REVIEWED FROM THE PORNOGRAPHY LAW

Sanctions are punitive actions to force someone to obey the rules or obey the law. Sanctions or punishments are the giving of undesirable (painful) results to minimize undesirable behavior. Indonesia has several laws and regulations that can ensnare perpetrators of exhibitionism, namely Chapter XIV of the Criminal Code regulating Crimes Against Morality, and the latest is Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code. In Indonesian positive law, there are many regulations that regulate criminal acts of morality, especially exhibitionism such as in the Criminal Code (KUHP), Law Number 44 of 2008 concerning Pornography, and also in the renewal of criminal law in Indonesia, namely Law Number 1 of 2023 concerning the Criminal Code. This means that the act of exhibitionism has been criminalized as a criminal act in Indonesian positive law.⁷

The Criminal Code as a material law regulates immoral acts regulated in Article 281, Article 289, and Article 290 of the Criminal Code. Article 281 of the Criminal Code is an article on exhibitionism as an act that violates public morality. This article can be used as a reference for perpetrators of exhibitionism to be subject to legal action in accordance with the purpose of punishment determined in the regulation. Law Number

⁵ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, Cetakan Kelima Belas, Raja Grafindo Persada, Jakarta, 2017, hal. 24.

⁶ Syafrida, *Metode Penelitian Hukum*, Reptsytory Universitas Medan Area, 2021, hal 34.

⁷ Sahwitri Triandani, *Pengaruh Tim Kerja, Stress Kerja Dan Reward (Imbalan)*, Lembaga Penelitian dan Pengabdian Kepada Masyarakat, Pekanbaru, 2014, hal. 39.

44 of 2008 concerning Pornography is a *lex specialis* of the Criminal Code which also regulates immoral acts, especially in Article 10 and Article 36. The crime of exhibitionism in this regulation is a general crime. Therefore, if an act of exhibitionism occurs, law enforcement can act and take legal action against the perpetrator. This regulation is made and regulated comprehensively based on the protection of victims of pornography.

In terms of *lex specialis*, Article 10 and Article 36 of the Republic of Indonesia Law Number 44 of 2008 concerning Pornography also contain the following elements of exhibitionism:

- a. Article 10 Everyone is prohibited from displaying themselves or others in a performance or in public that depicts nudity, sexual exploitation, intercourse, or other pornographic content
- b. Article 36 Everyone who displays themselves or others in a performance or in public that depicts nudity, sexual exploitation, intercourse, or other pornographic content as referred to in Article 10 shall be punished with imprisonment for a maximum of 10 (ten) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiah).⁸

This public element is what causes all the above acts to violate morality. This means that an immoral act is attached to a despicable and unlawful act. However, it cannot be ascertained that if an act is not done in public, perhaps the despicable nature of the act that violates morality will still exist. In relation to this, there is also an act outside of where the act is carried out that remains an act that violates morality. For example, rape, regardless of where the rape occurs, the act still violates morality.⁹

Each society from a region, the view on moral values is different depending on the society, and also perhaps the mass. This opinion is correct, because not all acts that violate morality in public have relatively the same nature. There is also an act that attacks the moral values of the entire society. For example, having sex in public, and exposing genitals in public. Based on the description above, the author is of the opinion that the objective element of exhibitionism has been proven, namely by the existence of someone's actions that are against the law. This is also accompanied by the existence of cause and effect arising from the actions of the perpetrator of the exhibitionism. An act can be classified as a crime if it meets the following requirements :

- a. There are people's actions.
- b. This action is contrary to the law.
- c. This act is prohibited and threatened by law.

The nudity displayed by the perpetrator of exhibitionism is a violation of moral norms. If this act is linked to the legal provisions regarding moral norms, then it has fulfilled the elements contained in the provisions of the Criminal Code and the Pornography Law. As previously explained, the act of exhibitionism is carried out by someone intentionally in the sense that the perpetrator wants, and knows, that the act violates morality.¹⁰

⁸ Chazawi Adami, *Tindak Pidana Mengenai Kesopanan*, RajaGrafindo Persada, Jakarta, 2017, hal. 80.

⁹ Imbus Gunandi dan Joenadi Efendi, *Hukum Pidana, Kencana* Pramedia Grup, Jakarta, 2014, hal. 17.

¹⁰ Leden Marpaung, *Kejahatan Terhadap Kesusilaan*, Sinar Grafika Offset, Jakarta, 2014, hal. 64

Referring to the Law of the Republic of Indonesia Number 44 of 2008 concerning Pornography, it has been regulated that everyone is prohibited from showing themselves or others in performances or in public that depict nudity, sexual exploitation, intercourse, and other pornographic content. The meaning of other pornography includes sexual violence, masturbation, or onani. Masturbating or showing genitals in public is a form of nudity, so according to the provisions of the Law of the Republic of Indonesia Number 44 of 2008 concerning Pornography, the perpetrator can be punished with a maximum of ten years in prison and/or a maximum fine of five billion rupiah.

The author includes Article 414 of the Republic of Indonesia Law Number 1 of 2023 concerning the Criminal Code, because exhibitionism is considered to fulfill the elements of an obscene act and violates morality. This is supported by the definition of exhibitionism itself, coupled with the elements contained in the formulation of provisions, both Article 281 of the Criminal Code, and Article 406 of the Republic of Indonesia Law Number 1 of 2023 concerning the Criminal Code. As previously explained, exhibitionism is a mental illness, where sufferers have difficulty controlling the urge to show their genitals in public. In this case, sufferers are unable to control this urge, so even though they know that their actions are something that violates morality, they cannot be restrained or controlled by them because of the mental illness they suffer from.¹¹

Indecent acts are all acts that violate morality, or other vile acts, and all in the environment of sexual lust. The definition of indecent acts (*ontuchtige handeligen*) is thus all kinds of acts, whether committed on oneself or others concerning and related to the genitals, or other parts of the body that can stimulate sexual desire. For example, by touching the sensitive parts of a woman's or man's body. Another definition of this indecent act is a form of effort to vent sexual desire by a man against a woman in a way that according to morals and/or applicable laws violates. Indecent acts on the one hand are an act or deed of a man who vents his sexual desire against a woman, which act is very immoral, and prohibited by applicable law. Based on the previous discussions, it can be concluded that a Public Indecency Crime is an act that violates decency in public or in front of other people without the will of the person present (see Article 406 of Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code). The case of exhibitionism is one example of an act that is included in a Public Indecency Crime. This is because exhibitionism fulfills the elements of the crime in question and violates decency.¹²

2. CRIMINAL RESPONSIBILITY FOR PERPETRATORS OF SEXUAL HARASSMENT BY DISPLAYING AND SHOWING OR PICTURING NUDITY IN PUBLIC AS A CRIMINAL ACT OF PORNOGRAPHY IN THE DECISION OF THE MEDAN DISTRICT COURT NUMBER 355 PID.B/2022/PN

Law Number 44 of 2008 concerning Pornography is a *lex specialis* of the Criminal Code which also regulates acts of indecency, especially in Article 10 and Article 36. The crime of exhibitionism in this regulation is a general crime.

¹¹ Sutan Remy Syahdeini, *Kejahatan dan Tindak Pidana Asusila*, Pustaka Utama Grafiti, Jakarta, 2019, hal. 38

¹² Sudaryono, *Hukum Pidana Dasar-Dasar Hukum Pidana Berdasarkan Kuhp Dan Ruu Kuhp*, Muhammadiyah University Press, Surakarta, 2017. hal. 91.

Therefore, if an act of exhibitionism occurs, law enforcement can act and carry out legal proceedings against the perpetrator. This regulation is made and regulated comprehensively based on the protection of victims of pornography. Although the various provisions mentioned above do not clearly mention the phrase "Exhibitionism", the existence of laws and regulations that regulate this can assure that positive Indonesian law can criminalize someone who commits an act of exhibitionism or the perpetrator is able to be held accountable for his criminal actions if he meets the elements of the crime in the applicable regulations. To determine whether someone is able to be held accountable for his crime or not so that he can later be blamed and sentenced, he must meet the element of guilt. The element of guilt is an important role, because an act by the perpetrator is not a criminal act without wrong thinking.¹³

The qualifications for liability as referred to in Article 44 do not explain what conditions make a person unable to be held responsible for his actions. Law Number 1 of 2023 concerning the Criminal Code as a reform of criminal law in Indonesia has mentioned in principle regarding criminal liability, namely in Article 38 of the Criminal Code, namely mental disorders, mental illness, and mental retardation. In the explanation of Law Number 1 of 2023 concerning the Criminal Code, there is a division of the definition of mental disorders and mental illness, namely, differences that occur in mental function that cause mental health disorders. Article 44 of the Criminal Code only determines the biological condition of the perpetrator, which means that the perpetrator does not have awareness of the actions he has committed. Therefore, this condition can be a reason for the perpetrator not to be able to be held responsible for his actions. This article can be said to contain the requirements for the ability to be responsible negatively. If in the case of a person does not meet as regulated in Article 44 of the Criminal Code, then it is legally permissible to impose a criminal penalty on that person and it is believed that he is able to be responsible for his actions.

Exhibitionism is not a criminal act because medical science itself classifies exhibitionism as a disease that is carried since birth. Therefore, those who suffer from this sexual disorder cannot distinguish that the actions they commit are crimes like normal people. The inability to distinguish is what makes the perpetrators continue to do it because the act can fulfill their sexual desires. This reflects that based on the teachings of *mens rea*, acts committed by someone who has a sexual disorder cannot be held accountable and therefore cannot be punished. However, determining whether or not someone can be punished is the decision of the judge as a law enforcer who determines the verdict against the perpetrator based on his belief based on evidence in court and because the perpetrator has fulfilled the elements as charged by the Public Prosecutor.¹⁴

Exhibitionism is an act that can disturb and cause harm to anyone who becomes the victim. However, if the act is committed by someone who has an exhibitionism sexual disorder or disorder, then it cannot be qualified as a criminal act. This is because the perpetrator of exhibitionism has a mental disorder that causes him to be unable to be held responsible for his actions. This must be proven by a letter in the form of a written report from a doctor or expert indicating that there is a disorder in his mind. Therefore, the judge must assess whether the perpetrator's mental condition

¹³ *Ibid.*, hal. 97.

¹⁴ *Ibid.*, hal. 98.

has affected his actions or not. With the judge's assessment, the perpetrator's criminal responsibility can be determined. As regulated in Article 44 of the Criminal Code, if the act committed by a person cannot be accounted for by him, then the panel of judges from the Supreme Court, High Court, and District Court may not impose a criminal sentence, but the judge may only place the perpetrator in a Mental Hospital. The issue regarding whether or not an exhibitionist can be subject to criminal penalties is actually regulated in Article 281 of the Criminal Code, which states: "Sentenced to a maximum imprisonment of two years and eight months or a maximum fine of Rp. 4,500,-:

From the article, it is clear that exhibitionism can be subject to criminal penalties if the perpetrator intentionally commits an immoral act which in this case is related to sexual desire which is done to damage decency in a public place or which can be seen by many people. However, in the case of the perpetrator of exhibitionism being a legal subject which is stated based on media or expert statements which can convince the judge that the perpetrator can or cannot be held criminally responsible. In addition, in Article 10 of Law No. 44 of 2008 concerning Pornography, which reads: "Everyone is prohibited from displaying themselves or others in a show or in public which depicts nudity, sexual exploitation, intercourse, or other pornographic content."

The article as *lex specialis* of the Criminal Code proves that there is criminalization of exhibitionism in Indonesia which makes anyone who violates the crime subject to criminal penalties. In relation to exhibitionism, the element of "exposing oneself or others in public depicting nudity" is an implied definition of exhibitionism according to this rule or positive Indonesian law. The judge has the right to determine whether the defendant's actions can be accounted for by him or not, whether his soul is sick or not, and whether he can be punished or not. If the judge believes that the defendant is not capable of being responsible and punished, then the defendant is free from criminal punishment, but is ordered to be treated in a mental hospital. In determining whether the defendant can be held responsible or not, the judge usually asks for the help of a mental health expert to examine the defendant's condition, namely what is usually referred to as an expert witness in the trial as evidence listed in Article 184 paragraph (1) of the Criminal Procedure Code (KUHAP). Judges as enforcers of justice require themselves to have creativity to decide a case in order to produce decisions that can meet the needs of society. Therefore, judges are required to have broad insight into legal knowledge and be sensitive to the needs of their community.

D. CONCLUSION

Based on the results of the study related to "Criminal Responsibility for Perpetrators of Sexual Harassment by Displaying and Showing or Depicting Nudity in Public as a Criminal Act of Pornography". It can be concluded as follows :

1. Sanctions for perpetrators of Exhibitionism are reviewed from the Pornography Law, namely anyone who displays themselves or others in a show or in public that depicts nudity, sexual exploitation, intercourse, or other pornographic content. And the maximum prison sentence is ten years, and a maximum fine of five billion rupiah. Given the many forms of Criminal Acts Against Morality in

Public Places, the Government together with law enforcement officers, supported by the community, and community and religious leaders need to work together to eradicate all forms of actions or deeds that have the potential to lead to sexual crimes

2. Forms of Criminal Acts Against Morality in Public Places, namely acts that violate morality in public or other people without the will of the person present, and anyone who commits indecent acts against another person of a different or the same sex, such as cases of exhibitionism.
3. Prevention of the crime of exhibitionism in the enforcement of regulations at the formulation stage, exhibitionism is a component error of exhibitionism including in the details of Article 281 of the Criminal Code concerning violations that abuse conventionality, Article 10, and Article 36 of the Pornography Law. As far as the responsibility for exhibitionism according to the explanation of Article 44 of the Criminal Code, exhibitionism does not exclude mental disorders as referred to in Article 44 paragraph (1) of the Criminal Code, exhibitionism is a sexual problem the perpetrator is not yet aware of his actions. activities and in any case can control the actions with the aim that exhibitionism can be considered criminally responsible.

E. SUGGESTIONS

1. It is better for law enforcers such as the Police, Prosecutors and the Judiciary to carry out stricter supervision of exhibitionists and wise action against exhibitionists who are increasingly rampant with new modes and the importance of socializing this as a form of preventive effort to suppress exhibitionism in society
2. It is better for the Government to review the legal regulations to regulate exhibitionists, such as making clear regulations regarding the crime of exhibitionism in the Criminal Code
3. It is better for the Panel of Judges to be able to provide a deterrent effect on the perpetrators and reduce the crime rate in society so that public order is created. Therefore, it is necessary to have early prevention handling for exhibitionists so that they can control their actions and minimize the emergence of victims.

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