

Legal Analysis of Sexual Intercourse with a Child Through Deceitful Means, a Series of Lies, or Persuasion: Case Study of Decision Number 70/Pid.Sus-Anak/2024/PN Mdn

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Abstrak

Anak merupakan subjek yang memperoleh perlindungan khusus dari tindak pidana persetubuhan yang dilakukan dengan tipu muslihat, serangkaian kebohongan, atau bujukan. Penelitian ini menganalisis unsur delik, pembuktian, dan pertimbangan pemidanaan dalam Putusan Nomor 70/Pid.Sus-Anak/2024/PN Mdn dengan tetap membedakan status anak korban dan anak pelaku. Penelitian hukum normatif ini menggunakan pendekatan perundang-undangan dan kasus. Analisis menunjukkan bahwa persetujuan atau hubungan pacaran tidak boleh digeneralisasi sebagai alasan yang meniadakan delik apabila undang-undang melindungi anak dari cara-cara tertentu yang digunakan untuk memperoleh persetubuhan; namun fakta persetujuan tetap harus ditempatkan secara tepat dalam pembuktian unsur yang didakwakan. Tipu muslihat, serangkaian kebohongan, dan bujukan adalah alternatif unsur yang harus dibedakan secara objektif. Visum membuktikan temuan medis dalam batas kompetensinya, tetapi tidak dengan sendirinya membuktikan bujukan atau kebohongan. Putusan ini merupakan studi satu perkara sehingga tidak dapat digeneralisasi sebagai pola nasional.

Kata Kunci: persetubuhan anak; tipu muslihat; serangkaian kebohongan; bujukan; sistem peradilan pidana anak

Abstract

Children receive special legal protection against sexual intercourse committed through deceitful means, a series of lies, or persuasion. This article analyses the offence elements, proof, and sentencing reasoning in Decision Number 70/Pid.Sus-Anak/2024/PN Mdn while distinguishing the legal positions of the child victim and juvenile offender. Using normative legal research with statutory and case approaches, it argues that consent or a dating relationship should not be generalised as negating liability where legislation protects children from specified means used to obtain intercourse; nevertheless, such facts must be placed accurately within proof of the charged elements. Deceitful means, a series of lies, and persuasion are alternative elements requiring objective differentiation. Medical evidence establishes clinical findings within its competence but does not by itself prove persuasion or deception. Because the study examines one decision, it does not claim a national pattern of adjudication.

Keywords: sexual intercourse with a child; deceitful means; series of lies; persuasion; juvenile justice

INTRODUCTION

A fundamental principle of Indonesian criminal law is legality: criminal liability must be based on the offence provision applicable at the time of the conduct. The case is therefore analysed under the Child Protection Law and Juvenile Criminal Justice System (SPPA) rules applicable to the 2024 conduct. Law Number 1 of 2023 concerning the Criminal Code, which took effect on 2 January 2026, is discussed only as a subsequent legal development unless a legally recognised transitional or more-favourable-law principle is specifically applicable; it is not treated as the original basis of liability in this 2024 case.¹

The Child Protection Law stipulates that individuals under the age of 18 (eighteen) years are categorized as children and are entitled to special protection.² The provision of protection for children is the responsibility of the state, parents, guardians, and families to ensure their proper growth and development so that they may live in accordance with human dignity and status. Therefore, legal protection for children constitutes an urgent necessity in safeguarding and fulfilling children's rights.³

Any national or regional prevalence claim must be supported by an identifiable official statistical source and a defined category. Because this article is a one-case normative study, it does not infer a trend from the case itself. Statistical context, where used, is separated from the legal findings concerning Decision Number 70/Pid.Sus-Anak/2024/PN Mdn.⁴

In the context of criminal law, *tipu muslihat* (deceitful means) refers to a strategy or series of acts deliberately designed to create a misunderstanding in the victim, causing the victim to be deceived and to perform an act that ultimately harms themselves.⁵ The *Kamus Besar Bahasa Indonesia* (Great Dictionary of the Indonesian Language) defines *tipu muslihat* as a term emphasizing cunning or deceptive strategies rather than merely verbal lies⁶. This element must be interpreted carefully in cases of sexual intercourse involving children because it demonstrates the existence of a series of deceptive acts employed by the perpetrator to influence the victim's will.⁷

¹ Lukman Hakim, *Asas-Asas Hukum Pidana: Buku Ajar bagi Mahasiswa*, Deapublish, Jogja, 2020, hlm. 41.

² Undang-Undang No. 35 Tahun 2014 terkait Amandemen dari Undang-Undang No. 23 Tahun 2002 terkait Perlindungan Anak, Pasal 1 nomor 1.

³ Nashriana, *Perlindungan Hukum Pidana bagi Anak di Indonesia*, Rajawali Pers, Bandung, 2015, hlm. 12.

⁴ Katadata, "Kasus Kejahatan Kesusilaan di Indonesia Meningkat pada 2024," Databoks Katadata, 17 Desember 2025, diakses 11 Agustus 2026. Katadata, "Kasus Kejahatan Kesusilaan di Indonesia Meningkat pada 2024", Databoks Katadata, 17 Desember 2025, <https://databoks.katadata.co.id/demografi/statistik/69423287c6b47/kasus-kejahatan-kesusilaan-di-indonesia-meningkat-pada-2024>.

⁵ Amiruddin, C.E. Purnama, dan R.K. Pancanirum, "Himpitan Konsep Penipuan dalam Ranah Hukum Pidana dan Hukum Perdata," *Jurnal Kompilasi Hukum*, vol. 7, nomor. 3, (2022), hlm. 156.

⁶ Badan Pengembangan & Pembinaan Bahasa, Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi, *Kamus Besar Bahasa Indonesia (KBBI) Daring*, s.v. "*tipu muslihat*," <https://kbbi.web.id/tipu>, diakses 26 Mei 2026.

⁷ Alwan Hadiyanto, Emi Hajar Abrar, & Linyati Lestari, "*Tipu Muslihat dalam Perspektif Hukum Pidana: Analisis Penalaran Yuridis Hakim dalam Menentukan Unsur Penipuan*," *Journal USM Law*, Vol. 9, No. 2, (2025), hlm. 841-843.

The offence provision must be quoted and parsed according to the wording in force at the time. Deceitful means, a series of lies, and persuasion are alternative means rather than a single blended concept. The analysis therefore asks which alternative was charged and found, what conduct supports that alternative, and whether the evidence meets the statutory threshold. The article does not add an 'intentional' element unless the governing text or settled interpretation requires it. A child's apparent willingness or a dating relationship is not treated as a blanket legal capacity to consent to conduct prohibited by the Child Protection Law; at the same time, those facts may remain relevant to determining whether the prosecution proved the particular means alleged.⁸

In law enforcement practice, cases of sexual violence against children that are not accompanied by visible physical violence often present greater evidentiary difficulties than cases involving overt violence, as there may be no apparent injuries or clear signs of resistance. Consequently, the victim's testimony and indirect evidence become considerably more decisive.⁹ This evidentiary difficulty makes the judicial reasoning in Decision No. 70/PID.SUS-ANAK/2024/PN.MDN worthy of in-depth examination, as the judges were required to assess the credibility and consistency of the testimonies and non-physical evidence in order to establish their conviction that the elements of deceit or persuasion had been fulfilled, rather than relying on visible evidence of physical violence.

The physical conduct described in the decision—including any pulling, holding, pushing, or other bodily act—must be examined separately from deceit or persuasion. If the prosecution and court did not classify that conduct as violence or threat of violence, the article explains that procedural choice rather than silently converting the facts into a non-violent case. Conversely, the absence of a charge based on violence does not permit the researcher to ignore physical facts that may bear on the victim's autonomy, credibility, or the sequence of events.¹⁰

The Public Prosecutor formulated the indictment in the alternative, emphasizing Article 81 paragraph (2) in conjunction with Article 76D of the Child Protection Law, and sought a sentence of 3 (three) years' imprisonment. The Panel of Judges ultimately found that the Child had been legally and convincingly proven guilty of committing the criminal offense of persuading a child to engage in sexual intercourse with the perpetrator and sentenced the Child to 2 (two) years and 6 (six) months of imprisonment, accompanied by 3 (three) months of vocational training. The combined theory of punishment is considered the most relevant approach for analyzing cases involving children as perpetrators because the punishment of children cannot be based solely on retribution but must also take into account

⁸ Arya Candra Abhitama dan Kuswardani, "Perbuatan Seksual Atas Dasar Suka Sama Suka di Luar Perkawinan (Kajian Perspektif Hukum Pidana dan Hukum Islam)," *Legal Stand: Jurnal Kajian Hukum*, Vol. 9, No. 2, (2024), hlm. 76-82.

⁹ Marsel Agustina Saragih dan Janpatar Simnmora, "Peranan Kejaksaan Terhadap Kasus Tindak Pidana Pelecehan Seksual Anak Dibawah Umur," *Journal Media Informatika*, Volume. 7, Nomor. 3, (2026), hlm. 1023-1025.

¹⁰ Putusan Pengadilan Negeri Medan No. 70/Pid.Sus-Anak/2024/PN.Mdn, tanggal 16 Desember 2024.

rehabilitation and the child's future, as reflected in the decision combining imprisonment with vocational training.¹¹

The distinctive characteristics of this case, namely the absence of predominant physical violence, the status of the perpetrator as a child in conflict with the law, and the evidentiary process that relied entirely on testimonies and indirect medical evidence, make the case relevant for examination in an article entitled "A Juridical Analysis of the Criminal Offense of Sexual Intercourse with a Child through Deceitful Means (Case Study: No. 70/Pid.Sus-Anak/2024/PN.Mdn)."

Based on the background described above, the research questions of this study are as follows: (1) How is legal liability imposed for the criminal offense of sexual intercourse with a child through deceitful means in Decision No. 70/Pid.Sus-Anak/2024/PN.Mdn? (2) How did the judges consider the legal aspects in rendering a decision concerning the criminal offense of sexual intercourse with a child through deceitful means in Decision No. 70/Pid.Sus-Anak/2024/PN.Mdn?

RESEARCH METHOD

This is normative legal research using statutory and case approaches. The statutory approach examines the Child Protection Law, the SPPA Law, criminal-procedure and evidence rules, and the criminal law applicable to the 2024 conduct. The case approach reads Decision Number 70/Pid.Sus-Anak/2024/PN Mdn by separating the indictment, proven facts, evidentiary reasoning, legal qualification of each alternative element, sentencing considerations, and dispositive order. Secondary literature is used to clarify deceit, persuasion, proof involving child victims, and juvenile sentencing. The study does not interview the parties or generalise from the case to all child-sexual-offence adjudication.¹²

Primary legal materials consist of legal materials containing statutory regulations, official records, judicial decisions, and official state documents that are legally binding and directly related to the issues under analysis.¹³ In this study, the primary legal materials consist of the Indonesian Criminal Code, the Indonesian Criminal Procedure Code, Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, and Decision No. 70/PID.SUS-ANAK/2024/PN.MDN. Secondary legal materials consist of legal materials that provide explanations and interpretations of primary legal materials, including books, legal journals, scholarly opinions and legal doctrines, as well as relevant legal cases and jurisprudence¹⁴. Tertiary legal materials, including legal dictionaries, encyclopedias, and selected online sources, are used to provide additional guidance and explanations regarding the primary and secondary legal materials.¹⁵

The data collection technique employed in this study is library research, which involves collecting and analyzing relevant literature obtained from legal textbooks, journals, previous research findings, case files, and legal regulations related to the

¹¹ Iwan Rasiwan, *Pengantar Sistem Peradilan Pidana Anak*, PT Penamuda Media, Yogyakarta, 2025, hlm. 15–16.

¹² Zainuddin Ali, *Metode Penelitian Hukum*, Sinar Grafika, Jakarta, 2019, hlm. 176.

¹³ Widiarty Wiwik, *Metode Penelitian Hukum*, Publika Global Media, Jogja, 2025, hlm. 122

¹⁴ Jhony Ibrahim, *Teori & Penelitian Hukum Normatif*, Bayumedia Publishing, Kediri, 2007, hlm. 295.

¹⁵ Ibid., hlm. 54.

issues under analysis¹⁶. The data were analyzed using a descriptive-qualitative method to examine the legal materials systematically and comprehensively, thereby strengthening the analysis of the legal materials relevant to the object of the study. This analysis was conducted by systematically examining the judicial decision and relevant statutory regulations.¹⁷ The library research conducted in this study draws upon statutory regulations, the operative part of the judicial decision, legal textbooks, legal journals, and legal review articles published in both print and electronic media. These materials were subsequently integrated to produce a structured, coherent, and comprehensive analysis¹⁸.

This study aims to examine and analyze the legal liability and the judges' legal considerations concerning the criminal offense of sexual intercourse with a child through deceitful means as set forth in Decision No. 70/Pid.Sus-Anak/2024/PN.Mdn, with particular emphasis on the challenges of proving the element of deceitful means or persuasion in cases involving minimal physical violence.

This study is expected to provide theoretical benefits for the development of the doctrine of juvenile criminal law, particularly concerning the interpretation of the elements of deceitful means and persuasion in cases where there is no predominant physical violence. Practically, this study is expected to provide benefits for law enforcement officials, child protection institutions, and legal practitioners in handling similar cases in the future.

RESULTS AND DISCUSSION

Elements of the Criminal Offense of Sexual Intercourse with a Child and the Position of the Elements of Deceitful Means/Persuasion

Doctrinally, a criminal offense can only be established when the act committed fulfills all the elements stipulated in the relevant criminal provision, namely objective elements in the form of an act, consequence, or accompanying circumstance, and subjective elements in the form of the perpetrator's culpability¹⁹. In the criminal offense of sexual intercourse with a child as stipulated under Article 81 paragraph (2) in conjunction with Article 76D of the Child Protection Law, the elements that must be proven include: any person; intentionally; committing deceitful means, a series of lies, or persuasion; a child; and engaging in sexual intercourse with the child, either with the perpetrator or with another person.

In judicial practice, the element of deceitful means is interpreted broadly, encompassing any form of a series of acts that creates a false impression or belief in the victim, causing the victim to consent to sexual intercourse, including promises of marriage or taking responsibility that are ultimately not fulfilled²⁰. Such an interpretation is important because, in many cases, perpetrators do not employ physical violence at all but instead establish an emotional relationship before taking

¹⁶ Widiarty Wiwik, Op.Cit., hlm. 128.

¹⁷ Muhaimin, *Metode Penelitian Hukum*, Mataram Universiti Pres, Nusa Tenggara Barat, 2020, hlm.65

¹⁸ Ibid., hlm. 65-66.

¹⁹ Lukman Hakim, Op.Cit., hlm. 45.

²⁰ Edi Hartono, "Kajian Yuridis Pembuktian Pasal 81 Ayat (2) Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak," *Jurnal Dinamika Hukum*, Universitas Slamet Riyadi, vol.4, no.3, (2021), hlm.19-22

advantage of the victim's trust. This is consistent with the view that deceitful means in the criminal law context emphasize the perpetrator's cunning strategy rather than merely false verbal statements. Therefore, its assessment is contextual and depends on the entire sequence of acts.²¹

The distinction between deceitful means, a series of lies, and persuasion is not always clear in practice, and therefore the three are often formulated alternatively in indictments. Deceitful means generally require a strategy or a series of structured and intentional acts designed to mislead the victim; a series of lies requires more than one false statement that is interconnected; whereas persuasion may be established through an attempt to influence the victim's will by means of an invitation, seduction, or promise, without necessarily involving multiple layers of false statements. These three forms of conduct share the element of psychological manipulation that causes the victim to lose genuine freedom of will, even though, outwardly, the victim may appear to have consented to the act. Therefore, a child's consent does not eliminate the unlawful nature of the perpetrator's conduct, because a child does not yet possess the legal capacity to provide genuinely free and mature consent.²²

It must be emphasized that the existence of a romantic relationship between the perpetrator and the victim does not, by itself, eliminate the unlawful nature of the sexual intercourse that occurred. Indonesian criminal law regards a child as a person who is legally incapable of providing valid consent to conduct affecting their dignity and bodily integrity.²³ Accordingly, regardless of the nature of the emotional relationship between the perpetrator and the victim, such a relationship cannot serve as a justification or excuse for the conduct.

Legal Liability for the Criminal Offense of Sexual Intercourse with a Child through Deceitful Means in Decision No. 70/Pid.Sus-Anak/2024/PN.Mdn

Legal accountability in the *a quo* case began with an investigation following a report filed by the victim's parents. Based on the facts established during the trial, the Child and the victim had been in a romantic relationship since the end of November 2024. On November 28, 2024, the Child went to the victim's residence and engaged in a series of acts that culminated in sexual intercourse, which subsequently caused the victim to experience bleeding and an injury to the hymen, as established by medical examination.²⁴ The Child's sequence of actions, including inviting the victim through text messages, bringing the victim into the bedroom, and persuading the victim with a promise to take responsibility, demonstrates a pattern

²¹ R. Sosilo, "Kitab Undang-Undang Hukum Pidana (KUHP) & Komentar Detail Pasal Per Pasal", Jurnal Lex Positivis, Universitas Lambung Mangkurat, Vol. 3, No. 3, (2019), hlm. 175-181.

²² Nova Marselina Sitompul, Janpatar Simamora, dan Samuel F.B. Situmorang, "Analisis Yuridis Terhadap Pertimbangan Hukum Hakim Dalam Tindak Pidana Persetubuhan yang Dilakukan oleh Anak Dikaitkan dengan Sistem Peradilan Pidana Anak (SPPA) (Studi Putusan: Nomor 23/Pid.Sus-Anak/2024/PN Rap)", Jurnal Ilmu Hukum, Humaniora dan Politik (JIHHP), Vol. 6, No. 3 (2026), hlm. 1999-2001.

²³ Joice Binsari, Janpatar Simamora, dan Meli Hertati Gultom, "Peran Dinas Pemberdayaan Perempuan Perlindungan Anak Pemberdayaan Masyarakat dan Pengendalian Penduduk dan Keluarga Berencana Dalam Penanggulangan Eksploitasi Anak di Kota Medan", Jurnal Ilmu Hukum, Humaniora dan Politik (JIHHP), Vol. 6, No. 3 (2026), hlm 2041-2043.

²⁴ Putusan Pengadilan Negeri Medan No. 70/Pid.Sus-Anak/2024/PN.Mdn, Op.Cit.

of deceitful means and persuasion characteristic of the *modus operandi* of sexual intercourse with a child under the guise of a romantic relationship²⁵.

The Public Prosecutor formulated the indictment in the alternative, consisting of the first charge under Article 81 paragraph (1) in conjunction with Article 76D, the second charge under Article 81 paragraph (2) in conjunction with Article 76D, and the third charge under Article 82 paragraph (1) in conjunction with Article 76E of the Child Protection Law. The formulation of alternative charges is common practice, considering that the Public Prosecutor must anticipate the possibility that the element of physical violence may not be successfully proven. Consequently, the elements of deceitful means or persuasion are presented as alternatives that are more relevant to the facts established during the trial. A similar pattern can be found in other cases involving the same provisions, in which the proof of deceitful means relies more heavily on the victim's testimony and a continuous sequence of mutually corroborating facts than on a single item of evidence.

Law enforcement in cases involving sexual intercourse with a child where the perpetrator is also a child requires a special approach, considering that the sanctions imposed should not be exclusively punitive but must also incorporate an element of rehabilitation in accordance with the philosophy of the juvenile criminal justice system. Sentencing practices in similar cases demonstrate a tendency among judges to impose sentences below those sought by the Public Prosecutor while also ordering vocational training, as a form of balancing the interests of punishment and the rehabilitation of the child.²⁶

An important aspect of legal accountability in this case concerns the evidentiary process, which cannot rely on evidence of physical violence²⁷. Indonesian criminal procedure adopts a negative statutory evidentiary system (*negatief wettelijk*), which requires the judge's conviction to be based on at least two legally admissible forms of evidence as provided under Article 184 of the Indonesian Criminal Procedure Code. These include witness testimony, expert testimony, documentary evidence, circumstantial evidence, and the defendant's statement²⁸. In cases of sexual intercourse with a child where there is no predominant physical violence, the victim's testimony occupies an ambivalent position: on the one hand, it is recognized as witness testimony, but on the other hand, its evidentiary value is often considered insufficient when standing alone. Ideally, therefore, it should be corroborated by medical evidence and forensic psychological expert testimony.²⁹

In the *a quo* case, the *visum et repertum* established the presence of an injury to the victim's hymen and constituted important evidence corroborating the

²⁵ Ibid.

²⁶ Badan Pengembangan Sumber Daya Manusia Menteri Hukum & HAM, "*Sanksi Kebiri Kimia bagi Predator Anak*," <http://bpsdmbok.kemenkumham.go.id>, diakses 11 Agustus 2026.

²⁷ Janpatar Simamora, Andrie Gusti Ari Sarjono, "*Urgensi Regulasi Penataan Ruang Dalam Rangka Perwujudan Pembangunan Berkelanjutan Di Indonesia*", *Nommensen Journal of Legal Opinion (NJLO)*, Vol. 03 No. 01 (2022), hlm. 60-63.

²⁸ Undang-Undang No. 8 Tahun 1981 terkait Hukum Acara Pidana, Pasal 184

²⁹ Dewi, Sychdin, Saharuddin, "*Analisis Yuridis Kekuatan Pembuktian Keterangan Saksi Korban Anak di Bawah Umur pada Perkara Pelecehan Seksual*," *Al-Ihkam: Journal Hukum Keluarga, IAIN Mataram*, Vol. 18, No. 2, (2025), hlm. 117-119.

victim's testimony regarding the occurrence of sexual intercourse.³⁰ The *visum et repertum* serves to objectively confirm medical facts, particularly in cases involving few or no eyewitnesses, and therefore its evidentiary position can play an important role in convincing the judge of the material truth of the alleged event³¹. Nevertheless, the *visum et repertum* can only establish that sexual intercourse occurred; it cannot, by itself, establish the elements of deceitful means or persuasion. These psychological elements must therefore be proven through the mutually consistent testimonies of the Child and the victim concerning the sequence of events preceding the sexual intercourse. The *visum et repertum* is also not absolutely binding upon the judge, because its evidentiary value must still be assessed together with other forms of evidence in accordance with the principle of judicial conviction (*conviction in time*).³² The status of the *visum et repertum* as documentary evidence or expert testimony depends on how the evidence is presented at trial, either through the reading of the medical report or through the direct testimony of the examining physician³³.

The limitations of the *visum et repertum* in establishing non-physical elements underscore the importance of a comprehensive examination and a victim-oriented evidentiary approach, so that a failure of proof does not occur merely because physical evidence of violence is unavailable. In this case, the combination of the victim's testimony, the Child's own admission during the trial concerning the promise to take responsibility, and the results of the *visum et repertum* constituted a series of items of evidence that were cumulatively considered sufficient to establish the elements of sexual intercourse preceded by deceitful means and persuasion, although none of these items of evidence, standing alone, was capable of proving all the elements of the offense.

Judicial Legal Considerations in Decision No. 70/Pid.Sus-Anak/2024/PN.Mdn

The judges' legal considerations in this case were formulated through two stages of analysis, namely the establishment of the elements of the charged offense and the determination of the severity of the sanction to be imposed. At the first stage, the Panel of Judges considered that the elements of any person, intentional conduct, and persuading a child to engage in sexual intercourse had been established through witness testimony, the Child's statement, and the *visum* evidence. Accordingly, the Child was found to have been legally and convincingly proven guilty of committing the criminal offense of "persuading a Child to engage in sexual intercourse with the Child."

Based on the facts established during the trial, the judges traced the sequence of events beginning with the personal relationship between the defendant and the victim, their communication through text messages, and their subsequent physical

³⁰ Dyah Retno Pujaningrum, "Kekuatan Pembuktian *Visum et Repertum* pada Tindak Pidana Persetubuhan yang Dilakukan Secara Paksa Terhadap Anak," *Journal Verstek*, Volume. 10, No. 1, (2022), hlm. 232

³¹ Mustika Chasanatusy Syarifah, *Buku Ajar Ilmu Kedokteran Forensik dan Medikolegal: Untuk Mahasiswa Kedokteran*, UNUSA Press, Surabaya, 2023, hlm. 85–87

³² Iwan Aflanie, *Kajian Kedokteran Forensik & Medikolegal*, Rajawali Pers, Jakarta, 2019, hlm. 46

³³ R. Soeparmono, *Keterangan Ahli & Visum et Repertum pada Aspek Hukum Acara Pidana*, Mandar Maju, Jakarta, 2022, hlm.114.

meeting, which culminated in the defendant's conduct. The crucial point in this consideration was the defendant's persuasive statement, through which the defendant provided the victim with a certain assurance or promise as an attempt to convince the victim to comply with the defendant's wishes. The judges considered that the element of "persuasion" did not require physical violence but could be established through psychological efforts that effectively influenced the victim's will, causing the victim, who had initially refused, to eventually consent. From the perspective of criminal law construction, the judges' reasoning also demonstrates an analysis of the causal relationship between the defendant's act of persuasion and the change in the victim's attitude. The judges regarded the fact that the victim initially expressed refusal but subsequently changed her attitude after receiving a convincing statement from the defendant as evidence that the persuasion had a real influence on the occurrence of the sexual intercourse.

Because the defendant is a child, sentencing must be analysed through the SPPA framework rather than adult sentencing theory alone. The article identifies diversion eligibility by reference to the statutory conditions and the threatened penalty of the charged offence; it does not assume diversion is available merely because the perpetrator is a child. Where adjudication proceeds, the court must consider juvenile sentence limits and types of measures or sanctions, proportionality, the child's age and circumstances, accountability for harm, the best interests of the child, and reintegration. Vocational or training measures should be described by their legal basis rather than as generic policy preferences.

This approach is also reflected in the consideration of aggravating and mitigating circumstances. The aggravating circumstance was that the conduct jeopardized the victim's future, while the mitigating circumstances included the Child's status as a minor, the fact that the Child had never previously been convicted, the Child's admission of the conduct, and the Child's remorse. The combination of these considerations demonstrates the judges' effort to balance two distinct interests, namely the protection of the rights of the child victim and the rehabilitation and guidance of the child offender, in accordance with the dual philosophy underlying Indonesia's juvenile criminal justice system.

Analysis of the Proof of Deceitful Means/Persuasion in the Absence of Predominant Physical Violence

Evidence has different probative functions. A visum et repertum or medical examination can support findings about physical or biological conditions, but it cannot by itself prove that the juvenile used deceitful means, a series of lies, or persuasion. Those elements must be reconstructed from testimony, communications or digital evidence where available, surrounding conduct, chronology, and other legally admissible evidence. The judgment should be analysed according to the statutory minimum-proof rule, not through an assumption that one category of evidence establishes every element.³⁴

The proof threshold should therefore be stated element by element. The prosecution must establish the protected status of the victim, the act of intercourse, the required relationship of the perpetrator to the act, and at least the alternative

³⁴ Ayu Pradnyamita, Ayu Dike Widhiyaastuti, "Kedudukan Hukum Unsur Ketidadaan Persetujuan Dalam Tindak Pidana Kekerasan Seksual", Jurnal Kertha Desa, Vol. 14, No. 3 (2026), hlm. 185–199.

means alleged and relied upon by the court. The judge should explain why specific evidence supports 'deceitful means', 'a series of lies', or 'persuasion' and should not treat those terms as interchangeable labels.

The National Criminal Code, under Article 473 paragraph (2) letter b, expressly includes "sexual intercourse with a Child" as one of the forms of the criminal offense of rape. Article 473 paragraph (1) provides that a person who, by violence or threat of violence, forces another person to engage in sexual intercourse may be punished for rape with imprisonment for a maximum of 12 years. However, paragraph (2) expands the scope of rape by including several specific circumstances, including sexual intercourse with a child. Through Article 150 and Article 473 paragraph (2) letter b, the National Criminal Code strengthens child protection by categorizing sexual intercourse with a child as one form of the criminal offense of rape. This provision demonstrates a shift from an approach that focuses solely on physical violence toward an approach that takes into account age, vulnerability, immaturity, and the imbalance of power between the perpetrator and the victim. Nevertheless, the effectiveness of this provision depends greatly on the ability of law enforcement officials to distinguish between sexual intercourse, obscene acts, persuasion, deceitful means, and a series of lies.

However, the application of these criminal provisions must continue to observe the principle of legality, the principle of culpability, and the provisions concerning the time at which the criminal offense was committed. For acts committed after January 2, 2026, the National Criminal Code constitutes the primary legal basis. Acts committed before that date, in principle, must be analyzed based on the legal provisions applicable at the time the acts were committed, while observing the principle of non-retroactivity and the application of more favorable legal provisions to the defendant.

A 'series of lies' ordinarily requires more than identifying a single unfulfilled promise after the event. The analysis should ask whether there were multiple connected false representations, whether they were made before or during the conduct, whether they were objectively capable of inducing the victim, and whether the victim relied on them in the manner required by the offence. A single promise may still be relevant to persuasion or deceit depending on context, but it should not automatically be relabelled a 'series'.

This divergence in interpretation can reasonably be explained by two possible considerations in judicial practice. First, the three forms of conduct deceitful means, a series of lies, and persuasion are formulated as alternative elements within the same provision under Article 81 paragraph (2). Therefore, from a technical legal perspective, the judges are required to establish only one of them and are not necessarily required to explain why the other alternatives were not selected, because the fulfillment of any one alternative is sufficient to establish the relevant element of the provision. Second, from an evidentiary perspective, proving the intention that the promise of responsibility was never intended to be fulfilled from the outset, which is necessary to establish a "series of lies," is considerably more difficult than proving persuasion itself. This is because it requires proof of the perpetrator's internal intent at the time the promise was made, something that is epistemically more difficult to establish than merely proving that an invitation or promise influenced the victim's will. Therefore, the judges' decision to rely on the

qualification of "persuasion" may be understood as a more evidentially secure approach (the path of least evidentiary resistance), although from an academic perspective, the qualification of a "series of lies" also has a strong argumentative basis based on the same facts.

This difference in interpretation does not necessarily render the judges' decision erroneous, because both "persuasion" and "a series of lies" are included as alternative elements under Article 81 paragraph (2) and carry the same criminal penalty. Therefore, the choice of legal qualification does not substantially affect the validity or fairness of the decision. Nevertheless, the absence of an explicit explanation regarding the selection of one of the three alternative elements may potentially create difficulties in ensuring consistency in the future application of this provision to cases involving similar facts. Accordingly, the author recommends that judicial decisions in similar cases provide a more explicit explanation of the reasons for selecting one of the alternative elements, thereby providing detailed guidance for law enforcement officials in addressing cases of sexual intercourse with children involving minimal physical violence in the future.

CONCLUSION

The decision should be understood through the alternative statutory elements actually charged and found. Deceitful means, a series of lies, and persuasion require distinct reasoning, while medical evidence, testimony, and digital or contextual evidence have different probative roles. Consent language must be used cautiously: a dating relationship does not by itself remove statutory child protection, yet the facts of interaction must still be analysed when determining whether a particular alternative means was proved.

For a juvenile offender, liability and sentencing must also comply with the SPPA framework, including diversion eligibility, juvenile sentencing limits, best interests, accountability, and reintegration. The principal limitation is that this study concerns one 2024 decision and does not establish a national pattern. Comparative decision research is needed to test whether courts use consistent indicators for deceit, a series of lies, persuasion, and the evidentiary weight of non-physical proof.

Based on this study, greater emphasis should be placed on public education to improve community understanding of appropriate approaches to child development and rehabilitation, particularly within children's surrounding environments, in order to prevent sexual intercourse with children resulting from invitations, persuasion, or deceptive strategies imposed by others. In addition, law enforcement officials require more detailed technical guidelines for interpreting and proving the elements of deceitful means, a series of lies, and persuasion separately, including an obligation to explicitly explain the basis for selecting one of the alternative elements in judicial decisions. Such guidelines are necessary to ensure consistency in the application of the relevant provision across similar cases involving minimal physical violence.

For educational institutions and families, stronger education is needed regarding the legally recognized age of adulthood and the risks associated with romantic relationships during childhood. For future researchers, comparative analysis of various judicial decisions involving the same statutory provisions is recommended to enrich the understanding of consistency in the application of the

elements of deceitful means, a series of lies, and persuasion within the juvenile criminal justice system in Indonesia.

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