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Political Rights of Former Convicts Perpetrators of Sexual Violence Against Children Positive Legal Perspective and Siyasa Fiqh

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Abstract

The political explanation of citizens' rights is regulated in Articles 26D paragraph (3), which states that every citizen has the right to equal opportunities in government. The detailing of the issue in this exploration is the way to repudiate political freedoms for ex-convicts of sexual brutality in light of regulations and guidelines and considered according to the point of view of fiqh siyasa shari'iyah. The research method is normative juridical, or research that is based on principles of law that are applicable. The results of the study state that through Article 35 paragraph (1) of the Criminal Code, former convicts of sexual violence against children can have their political rights revoked as an additional form of punishment. However, revocation of rights must be accompanied by a period of application. because the right to vote and be elected to public office can be said to be a form of freedom of thought and conscience.

Keywords: Political Rights; Prisoners; Sexual Violence

INTRODUCTION

The right to vote, to be elected, and to hold public office are all examples of political rights, which are fundamental rights granted to every citizen in order to participate in the democratic process. However, due to the individual's lawlessness, political rights may be restricted or revoked in some instances. One of the cases that frequently prompts inquiries concerns the political rights of former prisoners who engage in sexual violence against children. Sexual abuse of children by perpetrators is a very serious offense that has a negative physical and psychological impact on the victim's future. Sexual violence encompasses all forms of non-consensual acts and includes not only male-to-female penetration but also tools or objects used with the intention of having an effect. It is not limited to rape or intercourse; rather, it encompasses all forms of non-consensual acts.

causing the victim pain. Therefore, it is unclear whether ex-convicts who engage in sexual violence against children still enjoy the same political rights as before ¹.

Sexual violence or abuse is a violation of one's human rights, a violation of one's dignity, and a form of discrimination that must be eradicated. The majority of victims of sexual violence are girls and women, though some cases also involve boys. Therefore, sexual violence is also gender-based because it is directed at women or children, who are, incidentally, easier targets and are subject to discrimination as a result of unequal government power. A society with a social and cultural structure that denigrates and marginalizes women and children as targets of sexual violence, ignores children, and does not recognize or appreciate the existence of special conditions in society has the potential for this violence to occur. This savagery happens in exceptionally private connections, inside the family or family, and in the open arena ².

Sexual Viciousness phenomenally affects casualties, including mental/mental, wellbeing, financial and social to political affliction. The victim's life is greatly impacted by sexual violence. When the victim is economically, socially, or politically marginalized, or if they have special needs, like children or disabilities, the impact is even greater. Noviana, 2015) Several types of sexual violence are covered by laws and regulations, but they are very specific and limited in scope. However, the facts of sexual violence that are emerging in society cannot be fully addressed by the legal products that are currently available. The legal system generally places an emphasis on dealing with and prosecuting offenders. A study of the various experiences of victims revealed that law enforcement officials sided with the perpetrators and placed blame on victims. Likewise, people group association is viewed as significant in forestalling sexual savagery, and forestalling activities that fault and seclude casualties and their families and backing conditions liberated from sexual viciousness. As a result, the Law on the Elimination of Sexual Violence, which specifically fills in the gaps in the existing legal system, is required as a legal umbrella. The goal of the Law on the Elimination of Sexual Violence is to stop all kinds of sexual violence; manage, safeguard, and retrieve Victims; Bring the culprits to justice; and make sure that the obligations owed by the state are carried out, that the family plays a role, that members of the community participate, and that companies have a responsibility to make an environment free of sexual violence³. The Law on the Elimination of Sexual Violence aims to prevent sexual violence, putting it into action in

¹ Iman Novrianza, Novrianza, & Santoso, "Dampak Dari Pelecehan Seksual Terhadap Anak Di Bawah Umur," *Jurnal Pendidikan Kewarganegaraan* 10, no. 1 (2022).

² N Hermawati, "Kejahatan Anak Menurut Hukum Pidana Positif Dan Hukum Pidana Islam," *Istinbath: Jurnal Hukum*, 2015.

³ Warih Anjari, "Retraction of the Corruptor ' S Political Rights in the Perspective of Human Rights," *Jurnal Yudisium* 8, no. 1 (2015): 23-44, <https://doi.org/http://dx.doi.org/10.29123/jy.v8i1.37>.

education, infrastructure, public services, spatial planning, governance, and institutional, economic, social, and cultural governance, among other areas. (Lowe 2020)

This is a unique criminal statute. It is unique in that it places an emphasis on victims' rights, which can be directly accessed by victims when service providers are aware of victims of sexual violence, and it refers to the state's responsibilities for ensuring that victims' rights are respected. A multidisciplinary, coordinated, and long-lasting procedure for handling, protecting, and recovering victims incorporates these rights. This right is fulfilled at every stage of the criminal justice system, including the need for coordination in the treatment of sexual violence victims' recovery.

The effort to achieve the goal of prosecuting the perpetrators is another example of the law's specificity. The Law on the Disposal of Sexual Brutality forms 9 (nine) sorts of criminal demonstrations of Sexual Viciousness including: sexual exploitation, sexual harassment, rape, forced marriage, forced prostitution, sexual slavery, and sexual torture are all forms of sexual harassment. The wrongdoing of sexual savagery was planned in light of the experience of taking care of survivors of sexual viciousness in various settings, including youngster casualties, individuals with handicaps, sexual brutality that happens in the working environment, in schooling and in a social setting. Even though these regulated forms have a significant impact on victims, they frequently cannot be submitted to legal channels. As a result, separate arrangements in the form of distinct laws are required. Noviana, *Child Sexual Exploitation: Its Implications and Approach*, (2015) There is a proposed law to end sexual violence. Part two of the draft includes the following categories of principal and additional crimes in Article 107 paragraph 20: compensation, hardship of benefits got from criminal demonstrations, social work, unique instructing, disavowal of guardianship, denial of political privileges, repudiation of work freedoms, renouncement of position or calling; and/or the declaration of the judge's decision.

In order to prevent the perpetrators from committing sexual violence again against former convicts, the criminal provisions in this case include punishments that aim to end impunity or the perpetrators' views on human dignity.

In Islam, a head of state has such broad authority, including the ability to set policy or rules. However, a state head's decision must not violate religious norms. Because, as stated in the Qur'an and the Prophet's hadith, experts assert that Allah SWT is the one who establishes Islamic law.

Regarding the political rights of ex-convicts who engage in sexual violence against children, the perspectives of positive law and *siyasa fiqh* diverge. Positive law says that ex-convicts who abuse children sexually still have political rights, though this can be

limited in some situations. In contrast, ex-convicts who engage in sexual violence toward children are restricted in their political rights under *siyasa fiqh*'s stricter interpretation.

In light of this, the study will compare and contrast the political rights of ex-convicts who engage in sexual violence against children under positive law and *fiqh siyasa*. The positive legal views, *siyasa fiqh*, and the legal basis that governs the political rights of ex-convicts who commit sexual violence against children will be the subject of this study, as will the effects that these perspectives have on public policy.

METHOD

The research method is normative juridical, or research that is based on principles of law that are applicable. Legal research was developed by Peter Mahmud Marzuki as a method for locating legal rules, principles, and doctrines. Through the *Siyasah Fiqh* perspective, it is to respond to the Political Rights of Sexual Violence Against Children Ex-Convicts. The Statute Approach, the Conceptual Approach, and the Case Approach are the three methods utilized. Additionally, Primary legal materials, Secondary legal materials, and Tertiary legal materials are utilized.

RESULT AND DISCUSSION

1. Revocation of Political Rights Based on Legislation and Human Rights

In Germany legal interests consist of rights (*rechten*), circumstances of rights (*rechtstoestand*), legal relations (*rechtsbetrekking*), and social institutions (*maatschappelijke instellingen*). Satochid Kartanegara defines legal interests as follows: Legal interests are interests that must be maintained so that they are not violated, and all of which are intended for the benefit of society. So every public interest cannot be allowed to be disturbed. Satochid further said that there are three kinds of legal interests (*rechtsbelangen*) that must be protected, namely individual interests (*individuele belangen*), public interests (*maatschappelijke belangen*), and state interests (*staatsbelangen*). According to Satochid, even though there are 3 classifications of legal interests, actually these legal interests cannot be separated ⁴.

This idea illustrates how punishment affects perpetrators, victims, and society. People can be the victims of evil. This attack is based on the socially sanctioned deterrence model, which can have an impact on contemporary society and aims to create a just justice system for criminals and their victims rather than impose punishments. The victim's or the community's interests are impacted.

The jury's solidarity is discipline. The type of crime described in Article 10 of the Criminal Code will guide the judge's decision. Examples of crimes are listed in Article 10 of the Criminal Code, which states: certain things.

⁴ Suhariyono AR, "Penentuan Sanksi Pidana Dalam Suatu Undang-Undang," *Legislasi Indonesia* 6 (2009): 846.

According to Article 35(1) of the Criminal Code, a judge has the authority to revoke a defendant's right to vote, to run for office, and to serve as a prosecutor or court administrator. the right to make decisions, the right to exercise parental rights, the care or education of one's children, and the right to live a certain way The right revocation must be limited in time as an additional sanction. The following is how Article 38 of the Arbitration Law determines this recognition: Continuity. The suspension lasts at least two years longer than the basic sentence, and if the judge imposes a fine, it can last up to five years. On the day the judge makes the decision, that right is gone. The Criminal Code does not shield criminals from receiving additional punishment for depriving political rights during a criminal trial.

Additionally, child sexual abuse is a violation of human rights and a crime. Address individuals directly, such as: Instances of serious infringement of worldwide regulation incorporate upheld vanishing, wrongdoings against mankind, torment, torment, bondage, subjugation, constrained prostitution, constrained parenthood or other sexual brutality. persecuting a group or groups of people who are recognized internationally as restricting political, ethnic, racial, cultural, religious, gender equality, or other international rights. Human rights can be reversed from political rights. It is not a crime against humanity in this instance. The terms "theory of restriction of human rights" and "theory of derogation" are used to describe justice within the framework of the conception of human rights. As long as certain conditions are met, the state can restrict human rights. This essential is contained in the Syracuse Standards concerning the Impediment and Limit of Common freedoms (HAM) in the Global Agreement on Common and Political Privileges. The idea that everyone is born free and the non-discrimination principle are the foundations of modern human rights. Non-discrimination is an essential component of the equality principle. Treatment should not be discriminatory unless it is intended to achieve equality if we believe that all people are equal. Civil and political policies can theoretically discriminately limit or reduce the threats they face ⁵.

Illegitimate rights are the sole subject of one of the aforementioned laws. As a result, these arguments cannot be used to limit freedom. like a right that can't be taken away. The option to cast a ballot and to campaign for office is essential for the right to opportunity of thought and heart. Decision and choice should be autonomous of the utilization of the brain and heart. Consequently, one of the main common liberties is the option to cast a ballot and the option to transparently cast a ballot. It has no limits or limits ⁶.

Every human being is granted fundamental freedoms because of his humanity. You will also lose your nationality if you commit a crime. However, according to Article 73 of

⁵ Mirza Satria Buana, Wahyudi Djafar, and Ellisa Vikalista, "Persoalan Dan Konstruksi Norma Pengaturan Pembatasan Kebebasan Berkumpul Di Indonesia," *Jurnal Hukum Ius Quia Iustum* 28, no. 3 (2021): 572-95, <https://doi.org/10.20885/iustum.vol28.iss3.art6>.

⁶ Anjari, "Retraction of the Corruptor ' S Political Rights in the Perspective of Human Rights."

the 1945 Constitution, actions to safeguard and uphold fundamental freedoms, as well as other significant issues, public interests, and national interests, limit shared freedom is upheld by the arrangements of the ICCPR that gatherings can diminish or change their freedoms to propel common liberties ⁷.

Aberrance is viewed as freak in the event that it doesn't comprise racial or ethnic separation and is connected with viciousness or dangers to public safety. In the face of sexual violence, this is done to protect the morality, well-being, and safety of the state, as well as to respect the rights and liberties of others, particularly women and young girls. The right to vote has been taken away, which means that you can't vote in general elections or any other elections that are mandated by law. Regulatory freedoms can be denied by court request or with the assent of those associated with unlawful fights ⁸. Human rights like equality, justice, and non-discrimination must be upheld in this instance when the right to vote is revoked. Defilement, misrepresentation, culpability, drug dealing and different violations are frequently connected with arrangements and regulations that direct political predisposition. A person's political rights are also taken away if he or she is found to be physically or mentally unfit. However, arbitrary or arbitrary actions should not be prohibited from exercising political freedom. Revocation of political rights must be accomplished through human rights-based legal procedures because everyone has the right to vote and run for office. It is necessary to ensure that usurpation of political power is appropriate as a crime if it is practiced as a punishment for a crime. In addition, criminals who have been punished must return to politics. As a result, political rights and all applicable laws and regulations must be abolished. Work opportunity and basic freedoms rely upon it.

2. The Bill on the Repeal of Sexual Violence as an Additional Penalty Against the Revocation of Political Rights for Former Convicts of Sexual Violence Against Children.

The pandemic of Corona Virus Disease 2019 (COVID-19), which compelled the DPR to give priority to bills related to economic stimulus and Regulatory Priorities for Pandemic Covid-19 ⁹, also supported the PKS Bill's 2020 removal from the Priority Prolegnas. 2020). This was done on the grounds that discussing the bill about monetary upgrade during a pandemic was more significant. In addition, the DPR believes that the Draft Criminal Code (RKUHP) should be discussed first, followed by the PKS Bill. This

⁷ Arif Havas Oegrosoeno, "Undang-Undang Republik Indonesia Nomor 12 Tahun 2005 Tentang Pengesahan International Covenant on Civil and Political Rights/ICCPR (Kovenan Internasional Tentang Hak-Hak Sipil Dan Polttik)," *Indonesian Journal of International Law* 4, no. 1 (2021), <https://doi.org/10.17304/ijil.vol4.1.136>.

⁸ Ani Purwanti and Marzellina Hardiyanti, "Strategi Penyelesaian Tindak Kekerasan Seksual," *Masalah-Masalah Hukum*, no. 2 (2018).

⁹ Arif Maulana et al., *Demokrasi Di Tengah Oligarki & Pandemi*, Lembaga Bantuan Hukum (LBH) Jakarta (Jakarta: LBH JAKARTA, 2020).

evaluation was supported by the argument that significant approvals in the PKS Charge should depart from issues governed by the fundamental regulation, particularly the RKHUP¹⁰.

Sexual savagery is characterized as "a demonstration of embarrassing, going after, or different demonstrations against an individual's body, sexual craving, or conceptive capability forcibly, in opposition to somebody's will, which makes that individual not be able to give assent in a free state, because of inconsistent power relations as well as orientation relations that outcome in physical, mental, sexual wretchedness, financial, social, social, or political misfortunes." It is common practice to use the terms "sexual violence" and "sexual harassment" interchangeably. However, these are not the same thing. The fact that "sexual harassment" has a narrower definition than "sexual violence" demonstrates this. The National Commission on Violence Against Women (hereinafter Komnas Perempuan) states that at least fifteen (fifteen) behaviors can be considered sexual violence. One of the fifteen (five) behaviors is sexual harassment. Sexual violence's repercussions are another example of this extensive coverage. The consequences of sexual violence include not only physical, psychological, and sexual suffering, as stated in Lembaga Pembela Legal Aid, 2020, but also economic, social, cultural, and/or political consequences if you look at Article 1 point 1 of the PKS Bill¹¹.

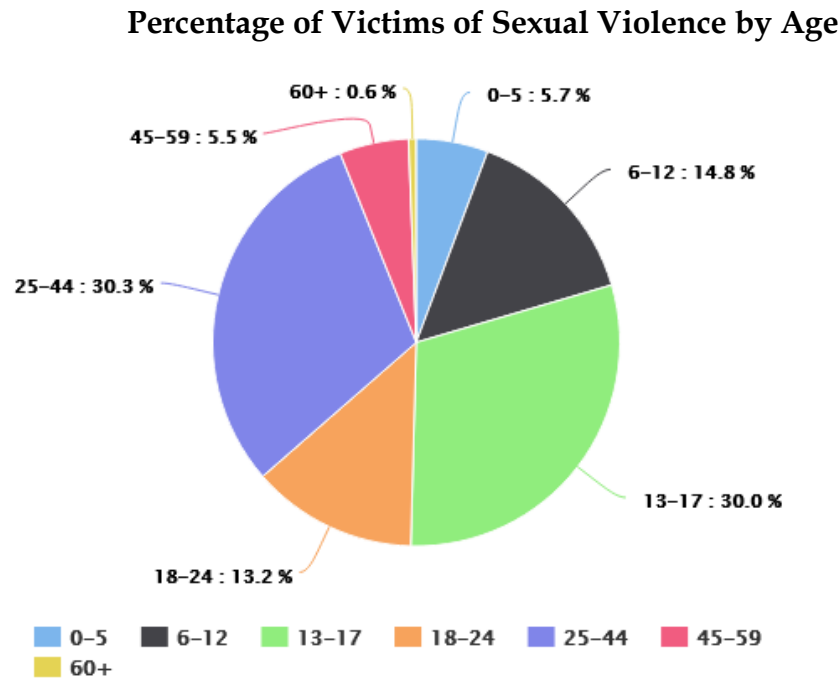
Due to the public's negative shame toward victims of sexual violence, savagery survivors will find it difficult to find new employment. This will unquestionably have an effect on the financial situation of sexual violence victims. From the social effect, casualties will encounter conditions that make it challenging to trust others and fearful to frame connections. Sexual violence also has an impact on a patriarchal culture that views men as parties who can do anything to women. In 2019, the Komnas Perempuan reported 431,471 cases of sexual violence in Indonesia. This number showed an increase of 6% when compared to the number that was recorded the year before, which was 406,178. According to data compiled by Komnas Perempuan over the course of the previous twelve (twelve) years, the rate of violence against women has increased by 792 percent (700 and 92 percent). This percentage demonstrates that sexual violence has nearly doubled in Indonesia over the past 12 years. Given this significant number, it stands to reason that the state ought to give sexual assault serious consideration¹². Subsequently, as a feature of the confirmation of the PKS Charge, one of Komnas

¹⁰ Ani Purwanti and Marzellina Hardiyanti, "STRATEGI PENYELESAIAN TINDAK KEKERASAN SEKSUAL TERHADAP PEREMPUAN DAN ANAK MELALUI RUU KEKERASAN SEKSUAL," *Masalah-Masalah Hukum* 47, no. 2 (April 30, 2018): 138-48, <https://ejournal.undip.ac.id/index.php/mmh/article/view/19012>.

¹¹ Lembaga Bantuan Hukum Pengayoman, "Pengesahan Rancangan Undang-Undang Penghapusan Kekerasan Seksual, Mengapa Harus Cepat?," *LBH "Pengayoman"*, 2020.

¹² Komnas Perempuan, "Komnas Perempuan," *Catatan Tahunan Komnas Perempuan Tahun 2020, 2022*.

Perempuan's proposals to the Service of Ladies' Strengthening and Youngster Security is to create and make orientation fair schooling compelling¹³.



*Data source from January 2022 to present (Real Time) from
KemenPPA.go.id*

According to the Ministry of PPA (Protection of Women and Children), victims of sexual violence aged 6 to 17 receive 44.8% when combined with presentations. The irony is that the presentation will continue and possibly expand if former sexual violence offenders who have been convicted should not only receive basic punishment but also moral punishment and isolation, and if children who have been the victims of sexual violence do not have legal protection. social, as a result of the terrible impression that the perpetrator made on the child victim.

Each resident has the privilege to be liberated from all types of sexual viciousness in the event that they look at the gauging segment of the PKS Bill. Because sexual violence is also considered a violation of human rights and a crime against human dignity, victims must receive state protection. The creation of the RUU PKS had this as its goal. The PKS Bill was also sparked by the numerous complaints of sexual violence against men and

¹³ Ni Nyoman Juwita Arsawati and Putu Eva Ditayani Antari, "Antitesis Pemenuhan Hak Anak Korban Kekerasan Seksual Dalam Sanksi Adat: Studi Di Desa Tenganan, Karangasem," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 10, no. 1 (2021), <https://doi.org/10.24843/jmhu.2021.v10.i01.p09>.

women. This complaint was unable to be handled appropriately due to a lack of a legal framework that could comprehend and contain the appropriate substance regarding sexual violence.

In 2016, the PKS Bill was successfully included in the Priority National Legislation Programs (Prolegnas) of the House of Representatives (DPR). The Regulation Body (Baleg) of the Indonesian Nation's Agent Board (DPR RI) and the Public authority addressed by the Service of Regulation and Common liberties (Kemenkumham) consented to disavow 16 (six) thirteen) Draft Regulations (RUU) in the structure of the need Public Regulation Program for 2020, one of which is the PKS Bill. However, the DPR will not ratify the PKS Bill until July 2020, as it is still in limbo. The PKS Bill's Article 2 expresses that the end of sexual viciousness depends on the accompanying standards: Justice, benefits, legal certainty, and respect for human dignity and worth are all important ¹⁴.

By looking at these standards, it is clear that the PKS Bill was created with the intention of comprehending the goal of regulation, specifically equity. One way to bring about justice is through the application of the law. Even though the state should have been able to protect children who have been sexually abused, it is ironic that the PKS Bill was not included in the 2020 Priority Prolegnas. although the government has not prioritized it as an urgent issue, in addition to imposing additional penalties on the perpetrators.

The bill suggests that previous crooks who have been sentenced for sexual viciousness against kids will have their political privileges removed as an extra discipline. They will be subject to these penalties after serving their criminal sentence. These penalties are meant to punish victims of sexual violence and discourage others from doing the same.

Nonetheless, the bill has not yet been authorized into regulation and is as yet being examined and bantered in parliament. Before the bill can become law, it must go through a series of steps, like being discussed in the commission, being discussed in the parliament, and getting the president's approval. The bill's fate will ultimately be determined by the outcomes of the discussions and the government's and parliamentarians' approval.

Review of Fiqh Siyasa Concerning the Political Rights of Former Victims of Child Sexual Abuse In simple terms, *siyasa syar'iyah* is interpreted as a sharia-based policy for managing state affairs. Khallaf created *Siyasa syar'iyah* by: Management of general issues for the Islamic government that doesn't go against Islamic law or general principles, even

¹⁴ K Anak, "Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak," *Kemenpppa.Go.Id*, 2020.

if it doesn't agree with mujtahid scholars and makes sure that no one benefits or is hurt in Islamic society ¹⁵.

"Laws that regulate the interests of the state, organize the problems of the people in accordance with the soul (spirit) of the Shari'a and its universal foundations for the creation of societal goals" is how Abdurrahman Taj defines *siyasa syariah* ¹⁶. These arrangements are not supported by the Qur'an or the Sunah.

Siyasa syar'iyah, in Bahansi, refers to an arrangement made for the benefit of humanity in accordance with the requirements of *syara'*. In the meantime, Khallaf cites jurists who define *siyasa syariah* as the authority of a ruler or government to implement political policies that are beneficial and do not violate religious principles. However, there is no specific evidence to support this definition. ¹⁷state that in Islamic law, the goal of punishment is prevention, specifically detaining the offender so that he or she does not commit the same offense again. The second evenhanded of the inspiration driving discipline is to teach the transgressor so he transforms into a nice individual and figures out his blunders. In Islamic criminal law, the goal of punishment is to preserve human welfare and protect them from *mafsadah* because Islam is a blessing – an *il'amin* – that teaches people lessons. Acts of rape or acts of sexual violence against children are not specifically explained in the Qur'an, but acts of adultery are regulated in Q.s. Annur (24);2

الرَّانِيَةُ وَالرَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ ۚ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ
وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ

If you believe in Allah and the Last Day, "women adulterers and men adulterers, lash each other one hundred times, and do not feel compassion for them prevent you from carrying the religion (law) of Allah; and permit some of the believers to witness their punishment being carried out. [24] Q.S. Annur: 2).

In Islamic law a person who commits a crime of sexual violence or rape, Imam Jalal al-Din al-Suyuthy in ¹⁸ categorizes acts of sexual harassment as adultery *majâzi*, so that the perpetrators are categorized as adulterers *majâzi*. Al-Tabary gives an interpretation of who is called *الذين ظلموا* in his book *Jami'u al-Bayan fi ayi Al-Quran*, as follows:

¹⁵ Abdul Wahab Khallaf, *Al-Siyasat Al-Syar'iyat* □□□□, Dar Al-Anshar, vol. 13 (Al-Qahirah: Dar Al-Anshar, 1977).

¹⁶ Mutiara, "Prinsip Dasar Hukum Politik Islam Dalam Perspektif Al-Quran," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 2, no. 1 (2017), <https://doi.org/10.22373/petita.v2i1.59>.

¹⁷ Jennifer Brier and lia dwi jayanti, "Hukuman Dan Tujuan Dalam Perspektif Hukum Islam" 21, no. 1 (2020): 1-9.

¹⁸ Muhammad Syamsudin, "Seksual, Kekerasan Seksual Dalam Fiqih (3): Sanksi Bagi Pelaku Pelecehan," *Islam.Nu.or.Id*, 2019.

وهم الذين فعلوا ما ليس لهم فعله، إما أجرام أصابوها، وذنوب بينهم وبين الله ركبوها. يحذرهم جل ثناؤه أن يركبوا له معصية، أو يأتوا مائماً يستحقون بذلك منه عقوبة

Meaning: Specifically, people who have hurt people in a way he shouldn't have. In some cases by committing a demonstration that harms (jarimah) to a specific party so a wicked demonstration happens among him and the person in question and before Allah SWT for what he has done.

Because of their disobedience, Allah SWT tells them to leave and leaves them to sin in order for them to be eligible for punishment from Allah SWT.

This interpretation suggests that the best course of action for those who engage in sexual harassment is to avoid them. In the current setting, this isolation can be achieved through imprisonment and additional punishment. However, they must all be based on the leader or judge's level of mistakes, including those pertaining to restricting political rights, though.

In the point of view of Fiqh Siyasa, political freedoms are privileges given to people to partake in political life and government. In this context, a person convicted of child sexual abuse is considered to have broken the law and committed a very serious crime that could jeopardize society's welfare and safety.

According to Fiqh Siyasa, political rights can be restricted or revoked in certain circumstances, particularly when serious crimes that violate social welfare and human rights are committed. As a result, a person may lose their political rights if it is established that they engaged in sexual violence against a child.

In any case, regardless of whether an individual has disregarded the law and lost his political freedoms, he actually has the option to recovery and training to assist with rectifying his way of behaving and turned into a useful citizen once more. Therefore, after the rehabilitation and coaching process has been completed, it is preferable to think about granting former child sexual abuse convicts political rights.

As a result, regaining political rights requires careful planning and consideration. In this context, there are a number of things to think about, including security threats, the welfare of society, and negative effects on free elections and political governance.

Other options, such as granting limited political rights or restricting the use of voting rights, may be taken into consideration when the restoration of political rights could jeopardize social welfare and security. The well-being and safety of society as a whole must always be taken into account when granting political rights.

CONCLUSION

It is possible to draw the following conclusion from the above-mentioned outcomes: Through Article 35 paragraph (1) of the Criminal Code, former convicts of sexual violence against children can have their political rights revoked as an additional form of punishment. However, the revocation of rights must be accompanied by a period of application. because the right to vote and to be elected to public office can be regarded as a form of freedom of thought and conscience. Using one's mind and conscience without interference from others is what it means to choose and to be chosen. Therefore, one of the human rights whose general nature is unaffected by restrictions or limitations is the right to vote and be elected.

Sexual Violence Against Children, on the other hand, is an Extraordinary Crime that falls under the category of Human Rights Violations and is committed in the context of a widespread or systematic attack, knowing that the target was the civilian population. Humans, particularly children, so that perpetrators of sexual violence against children can receive additional criminal consideration from judges.

In Fiqh Siyasah Syari'iyah, the benefit of the Ummah, particularly women and children, is someone whose dignity must be protected due to the power of the Umaro, or state leader, as the maker of laws and regulations. This freedom to provide additional punishment aimed at punishment is known as prevention in Islamic law. Prevention is the act of restraint on the part of the person who does the finger so that he doesn't do it again or continues to do it.

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