
THE MEANING OF ISLAMIC MEDIA REPORTING ON THE DEATH PENALTY OF RAPISTS IN INDONESIA

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ABSTRACT

Keywords: CDA Fairclough; Death Penalty; Rapist; Islamic Media; Republika.

Reports on the discourse on the death penalty for rapists are rife throughout 2022 and appear in various top media in Indonesia. Coverage related to this discourse includes the pros and cons among the public regarding the need for a convicted person in a rape case to receive the death penalty. This then becomes the reason for the researcher to examine the policy of the Indonesian Islamic-oriented media, Republika, about the issue of the death penalty for rapists that appears in 2022 because this media's reports on this case still appear until 2023. This research used Critical Discourse Analysis (CDA) with Norman Fairclough's model for primary data analysis aiming to interpret the representation of news from Republika regarding the issue of the death penalty for rapists in Indonesia. The subjects and objects of this research are news texts, namely straight news related to the government's discourse on carrying out the death penalty against rapists during the period January 1-31, 2023, on the Republika.co.id news portal. The conclusion of this study is the meaning of reporting on the discourse on the death penalty against rapists in Republika media shows that as a media with an Islamic ideology, referring to Islamic Sharia law, Republika interprets that the death penalty is indeed possible for severe crimes against humanity or those that have broad implications for society such as rape, referring to Surah Al Maidah verse 33.



Introduction

Reports about cases of sexual harassment often occur in Indonesia, one of which is the news about the case of Herry Wirawan, who raped his students. This case appeared publicly on December 8, 2021, and has been held in court several times with a plan to examine the victim's witnesses led by the Chairman of the Panel of Judges Y Purnomo Surya Adi in private (Ramadhan & Soeskandi, 2023). The case of Herry Wirawan, the owner of an Islamic boarding school in Ciparay, Bandung Regency, West Java, who raped 13 of his students and resulted in 9 babies being born out of 8 victims. This problem was revealed during Eid al-Fitr 2021. One of the victim's parents realised something was different about their child, and in the end, it was discovered that the child was pregnant. The rape case was committed by Herry Wirawan, the owner of the Islamic boarding school, in 2016 and was only revealed in May 2021. The rape was carried out in several places, such as Foundation rooms, hotels and apartments. become a female police officer (Polwan) to pay for college (SUKMA, 2023).

The problem of sexual harassment in Indonesia is one of the issues that is a matter of public discussion because cases continue to increase (Shantini, Malihah, & Nurbayani, 2022), the number of cases of rape and obscenity from 2016-2020 increased by up to 31%. Previously, in 2016 there were 5,237 cases of rape and obscenity, then there was an increase in 2020 of 6,872 cases (Pahlevi, 2021). Sexual harassment has a vast scope, various kinds of acts of sexual harassment from verbal and written, physical and non-physical, verbal expressions such as comments with inappropriate sentences about sexuality and so on), then in physical forms such as poking, groping, stroking, hugging and so on. Showing pornographic/slovenly images, receiving inappropriate attacks and coercion such as forcing to kiss or hug, threatening if the woman refuses to give what is asked, and rape (Munawaroh, 2021).

Cases of sexual harassment that occurred in Indonesia made people feel threatened in their own country, especially women (Wati & Sumarwan, 2022). Cases that continue to occur and continue to increase make women not feel free and always feel threatened, highlighting cases of sexual harassment that can occur anywhere because the scope is vast. Inappropriate treatment of women, giving a feeling of discomfort, and disturbing the human rights of victims when they are in public, such as on the streets, malls, and public transportation, can even occur in places to gain knowledge such as schools, campuses and Islamic boarding schools where sexual harassment can occur (Wahyuni, 2017).

From his actions, the Bandung High Court sentenced Herry Wirawan to death, the perpetrator of the rape of 13 female students, in order to fulfil the sense of justice for the victims and victims of sexual harassment who have not received justice. The death penalty is the most severe criminal sanction in Indonesia. In the Big Indonesian Dictionary (KBBI), the death penalty is a punishment carried out by killing, shooting, or hanging a guilty person. Meanwhile, in the dictionary of criminal terms, the death penalty is a punishment given to a person who commits a death or murder, according to a court decision with a fixed sentence.

Indonesia is one of the countries that still maintains the death penalty; as stated in Article 10 of the Criminal Code (KUHP), the death penalty is carried out selectively and through reasonable considerations so that the problem is resolved (Dewanto & Susanti, 2023). Death penalty decisions aim to provide individual or community protection from the disapproval of the victim or the victim's family in an emotional outlet if the death penalty is not included in the law. The death penalty can provide a sense of justice to the victim and the victim's family so that the perpetrator feels what the victim experienced and avoids feelings of injustice, as well as new crimes because the punishment does not match the expectations of the victim (Sirin, 2015).

The death penalty given to Herry Wirawan, the perpetrator of raping 13 students and causing them to become pregnant, is an evil act and has no conscience. From these problems Herry Wirawan initially received a life sentence and chemical castration, but the victim's family did not agree with this. The death penalty is given to provide justice to the victim, the victim's family and the community and it is hoped that it will awaken

the perpetrators of sexual harassment so that they feel a deterrent and not to do this again, which is detrimental to many people, especially women.

Related to the reporting of the Herry Wirawan death penalty case in the mass media, especially in online media, which can shape people's thinking through what is provided by the media. The public can determine news according to their interests, but the media can direct audiences through the news presented to lead public opinion to news in the media. A story can be presented in a different style depending on which media the news is presented by; one example is the reporting on the death penalty case of Herry Wirawan on *Republika.co.id* and *Tempo.co* media which have differences in presenting news to the public regarding the death penalty case which given to Herry Wirawan.

The online media *Republika.co.id*, in presenting news on the death penalty case given to Herry Wirawan, *Republika* presented the case referring to Indonesian legislation which still applies the death penalty. It can be seen that the *Republika.co.id* media has a different presentation of news regarding the same case compared to other media in Indonesia, such as the *Tempo.co* media.

The researcher chose the case of reporting on the death penalty of Herry Wirawan as the perpetrator of the rape of 13 of his students, because apart from the news that is being discussed in the media, news about the death penalty has pros and cons in Indonesia. Basically, Indonesia is included in the 95 countries that still apply the death penalty (Asmarawati, S.H., M.H., 2013). There is a difference in the framing of the news on *Republika.co.id* and *Tempo.co* regarding death penalty cases. On *Republika.co.id* media, the framing is more towards agreeing on the death penalty that will be given to Herry Wirawan. Based on this, the authors are interested in conducting research on news framing in the media with the title "The Meaning of Islamic Media Reporting on Reporting on the Death Penalty of Rapists in Indonesia.

Based on the background above, the formulation of the problem in this study is (1) How do *Republika*'s news reports represent the issue of death penalty for rape cases in Indonesia? (2) What is *Republika*'s basis for representing the issue of the death penalty for rape? And (3) How do you interpret the news about the death penalty in the *Republika* media regarding the crime of rape in Indonesia?

Research Methods

This research is research with a descriptive qualitative approach using the Norman Fairclough model of Critical Discourse Analysis (CDA). This method is included in the type of qualitative research (Yuri, Jahja, Rewindinar, Aladdin, & Marta, 2020). The qualitative approach prioritizes inductive analysis which gives rise to descriptions and descriptions of their meanings (Yuri & Daniar, 2022). The subject and object of this research are straight news texts related to the government's discourse on carrying out the death penalty against rapists for a period of 1 month, namely 1 January 2023-31 January 2023 on the *Republika.co.id* news portal. The author selects news from each portal that is considered representative for analysis. The news selected by the author is news that meets the following criteria, namely:

1. The selected news is straight news because most of the reporting on this issue is made in straight news and is suitable for analysis using the Fairclough Critical Discourse Analysis method for news-related texts.
2. The news selected must have elements that discuss government discourse regarding the death penalty for corruptors.

The Norman Fairclough model (Eriyanto, 2011) divides critical discourse analysis into three dimensions, namely:

a. Textual Dimension (Microstructural)

Each text simultaneously has three functions, namely representation, relation, and identity. The function of representation is related to the ways in which social reality is presented in the form of text. Dimensional analysis of text includes traditional forms of linguistic analysis – analysis of vocabulary and semantics, grammar of sentences and smaller units, and systems of sound (phonology) and writing systems. Fairclough (Fairclough, 1995) refers to all of this as 'linguistic analysis', although it does use the term in an extended view. There are several forms or characteristics of text that can be analyzed in dismantling meaning through the textual dimension, including:

b. Cohesion and Coherence

This analysis is intended to show how clauses are formed to form sentences, and how sentences are formed to form larger units. The links in this analysis can be seen through lexical use, repetition, synonyms, antonyms, pronouns, conjunctions, and so on.

c. Grammar

Grammar analysis is a crucial part of critical discourse analysis. Grammatical analysis in critical analysis is more emphasised on the point of the clause contained in the discourse. This clause is analyzed from the point of transitivity, theme, and modality. Transitivity is analyzed to determine the use of verbs that construct clauses, whether active or passive and their significance when using nominalization. The use of active, passive, or nominalized clauses has an impact on actors, assertion of causes, or reasons for accountability and others. Examples of using active clauses always place the main actor/subject as the theme at the beginning of the clause. Meanwhile, the placement of the passive clause is omitted. Utilization of the form of nominalization is also able to bias both the perpetrator and the victim, even both.

d. Diction

The analysis is carried out on the selected keywords used in the text. In addition, the metaphors used in the text are also seen. The choice of vocabulary used is mainly related to how certain events, people, groups, or activities are in a particular set.

3. Discourse Dimension (Mesostructural)

The second dimension within the framework of Norman Fairclough's critical discourse analysis is the dimension of discourse (discourse practice). In this dimensional analysis, interpretation is carried out on discourse processing which includes aspects of the production, dissemination, and use of texts. Discourse practices include the ways in which media workers produce texts. This relates to the journalists themselves as individuals; the nature of the network of journalists with fellow media workers; the

working pattern of the media as an institution, such as how to cover news, write news, to become news in the media. Fairclough suggests that discursive analysis serves to determine the process of production, dissemination, and use of texts. Thus, these three stages must be carried out in analyzing the discursive dimension.

a. Text Production

At this stage, the parties involved in the text production process are analyzed (who produces the text). The analysis is carried out on parties at the most minor level, even at the institutional level of capital owners.

b. Text Deployment

At this stage, how and what media are used to disseminate previously produced texts are analysed. Do you use print or electronic media, do you use newspaper print media, and so on.

c. Text Consumption

Analyzing the parties who are the target recipients/consumers of the text. For example, in the case of media discourse, it is necessary to carry out an in-depth analysis of who the media consumers themselves are. Each media, in general, has determined its own “market share”. Thus, the analysis at this level is carried out interpretively based on the results of the previous text analysis.

4. Practical Socio-Cultural Dimension (Macrostructural)

The third dimension is the analysis of the sociocultural practices of the media in critical discourse analysis by Norman Fairclough, as quoted by Eriyanto (Eriyanto, 2011), which is a macro-level analysis based on the opinion that the social context that exists outside the media actually influences how the discourse is in the media. Newsrooms or journalists are not sterile fields or empty spaces, but are also very much determined by factors outside the media. Socio-cultural practice analyzes three things, namely economics, politics (especially regarding issues of power and ideology) and culture (especially regarding values and identity), which also influence media institutions and discourse. The discussion of socio-cultural practices includes three levels. Situational level, related to production and the context of the situation. Institutional level, related to the influence of institutions internally and externally. The social level relates to a more macro situation, such as the political system, economic system, and the cultural system of society as a whole. The three levels of sociocultural practice analysis include:

a. Situational

Every text that is born is generally born in a condition (more referring to time) or a unique and unique atmosphere. Or in other words, the situational aspect looks more at the context of events that occur when the news is published.

b. Institutional

This level looks at how exactly an influence from organizational institutions is on practice when a discourse is produced. This institution can come from the institutional strength of the apparatus and the government can also be used as one of the things that influence the content of a text.

c. Social

The social aspect looks more at macro aspects such as the economic system, political system, or the cultural system of society as a whole. Thus, through this model of discourse analysis, we can find out the essence of a text by dismantling the text to the depths.

Results and Discussion

Republika's history is closely related to the history of the press during the New Order era and the end of authoritarianism. In 1993 the Association of Indonesian Muslim Intellectuals (ICMI) sought permission to publish the newspaper. The institution was lucky because it was able to take advantage of the license for the Berita Buana newspaper which was closed a year earlier and the owner was afraid that his SIUPP (Press Publishing Business License) would be revoked (Steele, 2018:90). ICMI was founded in 1990 under the leadership of the Minister of Research and Technology Prof. Dr. B.J. Habibie. ICMI is a collective of independent scholars, activists and government bureaucrats. Many critics of ICMI saw this institution as more of a political vehicle for Habibie or even for Suharto who was re-elected as president in 1993. ICMI was founded by Suharto at a time when he was making a series of friendly steps towards Muslim society, especially the rapidly growing urban middle class. Many people view ICMI with skepticism, seeing it as a tool of the Suharto regime. From the start, ICMI hoped to establish a newspaper that would represent the entire Muslim community. When the SIUPP belonging to the Berita Buana newspaper became available, this organization immediately bought it, along with the newspaper and changed its name to the Republika newspaper. For the first few years, Republika was the venue for Islamic discourse on an extraordinary topic (Aladdin, Fadhil, & Fernando, 2022), especially in the pages of the weekly "Dialog Jumat" section. With an assembly and editorial board made up of Indonesia's most respected scholars, including Nurcholis Madjid, Haidar Bagir, and Amien Rais, Republika's editors and writers are prominent figures among Muslim scholars (Steele, 2018:92-93).

Textual Dimension (Microstructural)

a. Representation Analysis on Sentence Titles

The headline "The Death Sentence for Herry Wirawan is a Milestone in the History of Sexual Violence Cases; Herry Wirawan's Death Sentence is Expected to Give a Deterrent Effect to the Perpetrators" shows clearly how Republika is in favour of imposing the death penalty on rapists. The two ideas raised by Republika through this news headline are:

1. The death penalty for rapists is a milestone. The direct mention of the name "Herry Wirawan" shows how the perpetrator of this sexual crime will be remembered in the "red ink" of the history of sexual crimes in Indonesia, as well as this sentence shows that the death sentence in the Herry Wirawan case is a breakthrough in the justice system in Indonesia.
2. It is hoped that the death sentence will also have a deterrent effect on perpetrators of rape sexual crimes because so far, imprisonment for rapists has not had a deterrent effect, so these crimes are always repeated. The sentence "Death sentence for Herry Wirawan is expected to give a deterrent effect to perpetrators" shows how Republika

(through a quote from a KPAI official's statement) believes that the death penalty has a deterrent effect that affects the perpetrators of these crimes.

b. Representation Analysis in Sub-Clause Combinations

In paragraph 2, there is a compound sentence with a combination of clauses: "This decision is certainly an important milestone for Indonesia, in providing a deterrent effect for maximum punishment, as well as educating the community," said KPAI Kadivwasmonev, Jasra Putra, to *Republika*, Monday (4/4/ 2022)". This sentence emphasises several actions, namely that the death penalty for Herry Wirawan will have a deterrent effect on the perpetrators or potential perpetrators, as well as educational actions for the public that the crime of rape is no longer minor but is already included in the category of severe crimes in Indonesia. The pair of words "in" and "at the same time" in the combination of clauses is an attempt to strengthen the emphasis on why the death penalty decision is an essential milestone for Indonesia. Through this sentence *Republika* wants to show that previously the punishment for rapists in Indonesia was considered very light. The community is also very uneducated about this sexual crime so that the crime of rape is still considered a minor crime.

c. Representation Analysis in Intersentence Series

In this text, we will see how the representation of the arrangement of two or more sentences in the news text is by looking at the protrusion of the sentence parts, the news participants, and who stated the sentence or from whom the sentence came. Paragraph 3 says, "Jasra believes the victims and their families will greatly appreciate the performance of the judges who issued the decision. This right is carried out while hoping that the decision can also become the legal jurisprudence of the victims for the same case." This series of two sentences shows the representation of the Indonesian people's support for the death penalty for rapists, with *Republika* intertwining the two sentences above as if the decision was supported by the victims and their families and would become the jurisprudence for decisions on the next similar crime.

d. Summary of Representational Analysis

The news headline and a series of paragraphs 1 to 3 have shown *Republika*'s support for the existence of the death penalty for rapists.

e. Participant/Relationship

In news article 1 above, there was only one participant as a source in the news, namely the Head of KPAI's monitoring and evaluation team, Jasra Putra, who expressed his support for the death penalty against Herry Wirawan. *Republika* did not include the names of other sources, either those who support (pro) or reject (contra) the death penalty decision. This proves that *Republika* is unbalanced in presenting the death penalty reporting discourse because it only presents pro-death penalty sources.

f. Identity

In paragraph 2, it was discovered that the source of the news was the KPAI's Head of Monitoring and Evaluation, Jasra Putra, who has a solid capacity to speak out on the issue of defending children's rights. *Republika* deliberately relied on this source because

apart from his capacity as a powerful resource person, he is also against the court's decision to impose the death penalty.

g. Intertextuality Analysis on News Text 1

Eriyanto (2001: 307) states that intertextuality can be seen from the form of the sentence, whether a direct or indirect quote, because the sentence will show how the journalist positions his alignment through the sentences that appear and the linkages with other sentences. Paragraph 6 reads, "The death penalty for sexual violence has indeed been regulated in Law (UU) Number 17 of 2016, especially in Article 81 Paragraph 5," continued Jasra. Paragraph 7 reads, "Where, he said, it is emphasised there if child victims of sexual crimes with more than one person, which results in serious injuries, mental disorders, infectious diseases, impaired or loss of reproductive function, and the victim dies, the perpetrators are sentenced to death, life imprisonment, or imprisonment for a minimum of 10 years and a maximum of 20 years.

These two paragraphs show the intertextuality that the problem of public unrest over the sentences of rapists between 10-20 years is considered light, and news of the judge's decision to sentence him to death is a text that is related to the discourse of community unrest.

Discourse Dimension (Mesostructural)

Media *Republika* is indeed this media which is heavily coloured with Islamic ideology. very thick with the colour of Islamic ideology. (Ibipurwo, Wibowo, & Setiawan, 2022) states that until now, *Republika* has seemed reluctant to take controversial positions that risk angering its Muslim readers. *Republika*'s editorial policy, which gave space only to Islamic groups and the MUI, was also seen in 2013 when there was a controversy surrounding the MUI fatwa, which rejected the ban on female circumcision (Puji Lestari, Arfa, & Najemi, 2017). Referring to the discourse on the death penalty for serious crimes, this Islamic media has shown its support because *Republika* has always followed Islamic sharia, which justifies the death penalty for extraordinary crimes and has a significant impact on society. Referring to Surah Al-Maidah verse 33, the punishment for the perpetrators of extraordinary crimes is death (www.hidayatullah.com, 27 January 2015).

"Indeed, the retribution for those who fight Allah and His Messenger and cause mischief on earth is only for them to be killed or crucified, or their hands and feet cut off reciprocally or banished from the country (where they live). That is (as) an insult to them in this world, and in the hereafter, they will have great torment. "(QS: al-Maidah: 33).

Referring to the verse of Surah Al Maidah verse 33 above, it shows that one of the punishments is to be killed for those who do damage to the lives of people on earth. The crime of rape is a significant crime which, in countries based on Islamic law, will be sentenced to death, as in Saudi Arabia.

Practical Socio-Cultural Dimension (Macrostructural)

The third dimension is the analysis of socio-cultural practices, which in Norman Fairclough's critical discourse analysis (Eriyanto, 2011) is a macro-level analysis based on the opinion that the social context will influence the discourse in the newsroom. Socio-

cultural practice analyses three perspectives: economics, politics (particularly about issues of power and ideology) and culture (particularly about values and identity), which also influence media institutions and discourse. The discussion of sociocultural practices includes three levels, namely the situational level, related to production and the context of the situation; the institutional level, related to the influence of institutions internally and externally; and the social level, related to more macro situations, such as the political system, economic system, and cultural system. Society as a whole. The three levels of sociocultural practice analysis include:

a. Situational

Every text that appears in the media certainly does not appear out of nowhere but is driven by issues of public discourse, which are then raised by the media. The situational perspective is closely related to the context of the event when the news appeared. Referring to *Republika.co.id*'s news on April 4 2022 entitled "The Death Sentence for Herry Wirawan is a Milestone in the History of Sexual Violence Cases" with the subtitle: "The death sentence for Herry Wirawan is expected to give a deterrent effect to the perpetrators" shows the situation of *Republika*'s representation of public anger towards the rape case Herry Wirawan to female students at his Islamic boarding school. The Herry Wirawan case received media attention because it was related to a pesantren leader who was supposed to educate his students well but instead raped them.

b. Institutional

At this level, we see precisely how organisational institutions influence reporting practices when a discourse is produced. Referring to *Republika.co.id*'s news on April 4 2022, entitled "The Death Sentence for Herry Wirawan is a Milestone in the History of Sexual Violence Cases" with the subtitle: "The death sentence for Herry Wirawan is expected to give a deterrent effect to the perpetrators" showing the KPAI institution which is struggling to protect the human rights of children who often become victims of adult abuse and rape. This institution has a strong influence in driving opinion on the need for the death penalty in rape cases, especially against children. *Republika* formally refers to Indonesian legislation, namely the death penalty for sexual violence, which has indeed been regulated in Law (UU) Number 17 of 2016, specifically in Article 81 Paragraph 5. Apart from that, *Republika*, as a media institution, has an Islamic ideology. It is understandable if this media supports the existence of the death penalty for rapists because the crime is a severe crime against humanity, and the death penalty is a punishment according to Islamic law. The death penalty for rapists also exists in countries based on Islamic law, such as Saudi Arabia.

c. Social

The social aspect looks more at macro aspects, such as society's economic, political, or cultural systems. Thus, through this discourse analysis model, we can discover a text's essence by dismantling the text to the depths. Referring to *Republika.co.id*'s report dated April 4 2022 entitled "The Death Sentence for Herry Wirawan is a Milestone in the History of Sexual Violence Cases" with the subtitle: "The death sentence for Herry Wirawan is expected to give a deterrent effect to the perpetrators" showing the

overflowing public anger towards various rape crime cases in Indonesia, especially against children, *Republika* has now voiced its voice again by making the Herry Wirawan case an entry point for imposing the death penalty on other rape crime cases.

This research begins with the questions and objectives of this research, namely (1) How do *Republika* reports represent the issue of the death penalty for rape cases in Indonesia? (2) What is *Republika*'s basis for representing the issue of the death penalty for rape? Moreover, (3) How do you interpret the news about the death penalty in the *Republika* media regarding the crime of rape in Indonesia?

At the micro-level text analysis, it can be seen that *Republika*'s news related to the issue of the death penalty for rapists does indeed show support for this discourse by the Islamic media. This can be seen from the titles, sentence structures and source selection. The thing that becomes *Republika*'s basis for representing the issue of the death penalty referring to text analysis is due to the lack of a deterrent effect on the perpetrators of rape. The death penalty in sexual violence has indeed been regulated in Law (UU) Number 17 of 2016, especially in Article 81 Paragraph 5, but unfortunately, the sentences handed down are often considered light by society, namely between 10-20 years, while victims experience prolonged trauma, maybe even for life. To interpret the news about the death penalty on *Republika* media, when referring to the analysis section on *Republika*'s own media profile, this media is media with an Islamic ideology. In Islamic Sharia law, the death penalty is indeed possible for severe crimes against humanity or those that have broad implications for society, referring to Surah Al Maidah verse 33.

Conclusion

Republika's media reports regarding the issue of the death penalty against rapists indeed show the Islamic media's support for this policy discourse. *Republika*'s cornerstone represents the death penalty issue, referring to the analysis of the text, namely Law (UU) Number 17 of 2016, especially in Article 81, Paragraph 5. However, unfortunately, the sentences handed down are often considered light by society, namely between 10-20 years, while victims experience prolonged trauma. The meaning of reporting on the discourse on the death penalty against rapists in *Republika* media shows that as a media with an Islamic ideology, referring to Islamic Sharia law, the death penalty is indeed possible for severe crimes against humanity or those that have broad implications for society referring to Surah Al Maidah verse 33.

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