

PEDOPHILE EX-PRISONERS' RIGHTS FROM THE PERSPECTIVES OF THE CONSTITUTION, SOCIAL LIFE, AND ISLAMIC LAW IN INDONESIA**Yulita Khotifah***Universitas Pendidikan Indonesia, yulitak00@upi.edu**Submission: January 13, 2022**Revised: July 8, 2022**Published: June 30, 2022*©2022 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC-BY-SA) license (<https://creativecommons.org/licenses/by-sa/4.0/>)DOI : [10.30983/alhurriyah.v7i1.5260](https://doi.org/10.30983/alhurriyah.v7i1.5260)**Abstract**

In Indonesia, pedophilia crime is a fairly prevalent social problem. Some of them gained widespread attention and discussion, such as the case of SJ, an ex-convict who committed sexual assault on youngsters. The goal of this study is to examine the restrictions placed on the rights of ex-offenders, the constitutional law's legal foundation for these restrictions, and Islamic law's approach to these restrictions. By gathering reading materials that are pertinent to the investigation, the library research approach is used. The findings of this study indicate that the community imposes social sanctions on ex-offenders in the form of challenges in interacting with the general populace because of uneasy feelings caused by the ex-offenders' despicable behaviours. The Criminal Code and the Constitution provide the constitutional legal framework for sexual assault against minors, but from an Islamic perspective, those who commit such crimes face severe repercussions, including both physical and spiritual punishment for breaking Allah's laws. However, one can change for the better by confessing his sins and using the “*taubatan nasuha*” (“sincere and pure repentance”).

Keywords: Pedophile, Islamic Law, Constitutional Law**Abstrak**

*Fenomena kejahatan pedofilia di Indonesia sudah sangat banyak terjadi dimasyarakat. Di antaranya menjadi pemberitaan sangat dibicarakan oleh banyak kalangan masyarakat. Seperti kasus yang terjadi pada inisial SJ, seorang mantan narapidana kasus kekerasan seksual terhadap anak di bawah umur. Tujuan penelitian ini adalah untuk menganalisis pembatasan hak-hak mantan narapidana, menganalisis dasar hukum konstitusi mengenai hak-hak mantan narapidana dalam kehidupan sosial, dan menganalisis hukum Islam terhadap pembatasan hak-hak mantan narapidana dalam kehidupan sosial. Metode penelitian yang digunakan berupa metode kepustakaan dengan mengumpulkan sumber bacaan yang relevan dengan penelitian. Hasil dari penelitian ini, bahwa bentuk sanksi sosial dari masyarakat terhadap mantan narapidana seperti kesulitan dalam hal bersosialisasi dengan masyarakat luas karena masyarakat merasa resah akibat dari kebiasaan yang tidak terpuji yang dilakukan oleh mantan narapidana tersebut. Sementara dasar hukum konstitusi kekerasan seksual terhadap anak di bawah umur terdapat dalam KUHP dan UUD sedangkan dari pandangan Islam pelaku mendapat sanksi had, yaitu ketika seseorang melakukan kesalahan dan melanggar aturan yang ditetapkan oleh Allah akan mendapatkan hukuman di dunia dan di akhirat. Namun seseorang dapat bertaubat dengan “*taubatan nasuha*” untuk memperbaiki perilakunya agar menjadi lebih baik.*

Kata kunci: Hak - Hak Mantan Narapidana, Pedofilia, Konstitusi, Hukum Islam.

INTRODUCTION

The appearance of SJ, an ex-prisoner, on September 3, 2021, on television sparked public controversy. KPI (Komisi Penyiaran Indonesia). Indonesian Broadcasting Commission) urged all broadcasting industries not to amplify and glorify the release of this ex-prisoner to prevent his victim of sexual harassment from reliving his trauma. Broadcasting industries were encouraged to re-select shows that contain acts that violate the law or that are not in line with ethics and customs.¹

Muhammad Farhan as Member of Commission I of the Indonesian House of Representatives gave instruction to the KPI not to present shows that include SJ, an ex-prisoner of sexual abuse against minors. The reception of SJ on the screen, which ignored the situation of the victim of sexual abuse, made Farhan disappointed. The glorification of SJ's release from prison on TV programs should be evaluation material for the future. Farhan also observed the campaign against SJ appearing on the screen. He believes that this campaign is a form of public reaction in protecting victims of sexual harassment cases. This prompted Farhan to direct the Draft Law on the Elimination of Sexual Violence (RUU PKS) to be ratified immediately to eradicate acts of sexual harassment.²

KPI, then, allowed SJ to appear on TV stations to deliver education on the dangers of sexual harassment and violence against minors in accordance with the letter KPI, circulated to broadcasting industries such as television. Agung Suprio in Deddy Corbuzier's podcast said that KPI condemned the glorification of ex-prisoner, SJ, but he could appear on screen only for educational purposes.³

There was a great debate when KPI discussed the glorification of ex-prisoner, SJ, on Television. This is the reason why eventually KPI banned the show related to SJ's glorification. However, KPI did not prohibit SJ from appearing on TV with terms and conditions applied. Agung said that it was difficult to consider the human rights possessed by SJ and public propriety.⁴

This decision led to different opinions among public. Some agreed with the KPI's provisions; others do not, one of whom is Tompi, a doctor and a musician. Tompi believed that KPI's attitude towards SJ seemed insensitive to the victim. SJ, who had committed acts of sexual abuse against minors, was ironically given the mandate as an 'ambassador' who would educate the public about the dangers of sexual harassment and abuse against minors.⁵

¹ Ayu Miftkhul Husna, "Undang Saipul Jamil Tampil di Televisi, Pihak Stasiun TV: Kami Mohon Maaf" Jakarta, 6 September 2021. <https://www.tribunnews.com/seleb/2021/09/06/undang-saipul-jamil-tampil-di-kopi-viral-trans-tv-kami-mohon-maaf?page=2m>.

² Carlos Roy Fajarta, "DPR Minta KPI Hentikan Semua Tayangan yang Melibatkan Saipul Jamil di Televisi." 8 September 2021. <https://nasional.sindonews.com/read/534724/15/dpr-minta-kpi-hentikan-semua-tayangan-yang-melibatkan-saipul-jamil-di-televisi-1631056172>

³ Vidia Elfa Safhira, "Saipul Jamil Ditunjuk KPI Edukasi Masyarakat Soal Bahaya Pedofilia, Tompi: Ilhamnya dari Mana?" 11 September 2021. <https://www.pikiran-rakyat.com/entertainment/pr-012573923/saipul-jamil-ditunjuk-kpi-edukasi-masyarakat-soal-bahaya-pedofilia-tompi-ilhamnya-dari-mana>

⁴ Vania Ika Aldida, "Agung Suprio Sebut KPI Alami Perdebatan Kencang Saat Bahas Saipul Jamil." 9 September 2021. <https://www.okezone.com/tren/read/2021/09/09/620/2468744/agung-suprio-sebut-kpi-alami-perdebatan-kencang-saat-bahas-saipul-jamil>.

⁵ Vidia Elfa Safhira, "Saipul Jamil Ditunjuk KPI Edukasi Masyarakat Soal Bahaya Pedofilia, Tompi: Ilhamnya dari Mana?" 11 September 2021. <https://www.pikiran-rakyat.com/entertainment/pr->

Broadcast content standards must highlight the norms of modesty, decency, and public interest specifically described in the Broadcasting Code of Conduct and Broadcast Program Standards (P3SPS). P3SPS even specifically describes 'Broadcast programs are prohibited from containing justifications for the occurrence of rape and/or describing rape as not a serious crime'. Algooth argues that showing and glorifying sex offenders against minors is part of an attempt to legitimize predatory behavior in serious crimes.⁶

The current reality in society is that prisoners who have been released from the prison receive poor treatment from the public. Most of them believe that when someone has done something illegal, they are more likely to do it again and again. This assumption makes ex-prisoners not get their societal rights.⁷

Everyone including ex-prisoners has a hope that they will a harmonious life and will be well-accepted by the whole community. Ex-prisoners are social creatures, the same as all other human beings who need other humans to fulfill their respective lives in interacting, working, and others. The negative stigma of society towards ex-prisoners hinders them to return to their normal lives. It takes an effort to adjust and take the trust of the community in their

environment so that the negative stigma can be diminished.⁸

This paper uses the library method with various reading sources to obtain data.⁹ The analysis of the data was carried out in stages. The first was analyzing the background of the problem based on cases that occurred in Indonesia. This analysis was conducted by reading the news on the internet and social media. The next stage was collecting literature related to solving the problem under study and presenting it so that conclusions could be drawn. The analysis was carried out with a description in the form of a description of each data functionally and relationally.

The research focuses are (1) how the restrictions of the ex-prisoners' rights are, (2) what the constitutional legal basis regarding the ex-prisoners' rights in social life is, and (3) how the analysis of Islamic law on the restrictions of the ex-prisoners' rights in social life is.

Meanwhile, the research objectives are: (1) to explain the restrictions of the ex-prisoners' rights, (2) to explain the legal basis of the constitution regarding the ex-prisoners' rights in social life, and (3) to analyze Islamic law on the limitation of the ex-prisoners' rights in social life.

DISCUSSION

Restrictions on the Ex-Prisoners' Rights

The difficult thing faced by ex-prisoners is to accept all the pressure from the community who refuses their presence because it is already embedded in the public's mind the crimes they have committed. Whatever ex-prisoners do is always considered a deviant act by the public, ignoring that they have fulfilled their

[012573923/saipul-jamil-ditunjuk-kpi-edukasi-masyarakat-soal-bahaya-pedofilia-tompi-ilhamnya-dari-mana](https://www.tribunnews.com/nasional/2021/09/09/permisif-pada-saipul-jamil-akademisi-ini-sebut-ada-yang-salah-dengan-otak-para-komisioner-kpi)

⁶ Dodi Esvandi, "Permisif pada Saipul Jamil, Akademisi Ini Sebut Ada yang Salah dengan Otak para Komisioner KPI." Jakarta, 9 September 2021. <https://www.tribunnews.com/nasional/2021/09/09/permisif-pada-saipul-jamil-akademisi-ini-sebut-ada-yang-salah-dengan-otak-para-komisioner-kpi>.

⁷ Rahmi, M., Tahir, H., & Sakka, A. R. A. (2021). *Stigma Masyarakat Terhadap Mantan Narapidana (Studi Kasus Kecamatan Ganra Kabupaten Soppeng)*. Phinisi Integration Review, 4(2), 332-339

⁸ Ibid., 6

⁹ M. Zed, (2004). *Metode penelitian kepustakaan*. Yayasan Obor Indonesia.

obligation to receive punishment for the actions they have committed to re-adapt to social life. When they return to society, they hope that they will not receive unpleasant treatment such as ridicule and insults. They also hope that after they come back, their names will be clean, and get the affection that other people get.¹⁰

After their release from the correctional institutions, ex-prisoners have a different social process from ordinary people. These prisoners feel less confident and tend to be inactive in society and feel ashamed of the behavior they have done because they are labeled as ex-prisoners. Illegal behaviors that are not easily forgotten by society are drug abuse, murder, and theft. They feel ashamed of the actions they have done, so the ex-prisoners face difficulty in socializing as usual. Whatever ex-prisoners do looks bad in the public's eyes because of the disgraceful habits committed by the ex-prisoners.

Ex-prisoners are labeled bad by society depending on the crimes they have done. The factors causing ex-prisoners to be labeled bad by the community are: (1) Not open attitude and tend to close themselves off from society (2) Some people think that when someone has done something that violates the law, they are more likely to do it again and again.

Ex-prisoners are sometimes unable to escape the social punishment carried out by the public, the label of ex-prisoners makes people think negatively of them. It makes ex-prisoners difficult to live back in society, they are still labeled badly in the eyes of society as perpetrators of crimes without considering the serious, medium, or light problems they have committed.

Communities that either accept or reject the release of ex-prisoners to their environment have different reasons. Those who refuse the return of ex-prisoners in their

environment reason that the ex-prisoners have been recorded for committing criminal acts, while those who accept the return of ex-prisoners in social life also have the reason that no living being is perfect and ex-prisoners are one of the citizens so that whatever is done by ex-prisoners should be accepted by the community with grace.

On the other hand, ex-prisoners show different responses when they are not given a good response upon their release. For example, the community around SNT accepts him well, so he tends to open up to the surrounding community under the label that he is an ex-prisoner. Many communities around SNT hold the title of ex-prisoners, which causes them to have high solidarity, such as if something they have is disturbed by others, they must be repaid with something comparable.

To get rid of the negative thoughts of the community towards SNT, he tries to win their hearts by helping with events such as weddings, gathering with the surrounding community, and participating in recitation activities carried out by the community where he lives. SNT emphasized that these efforts are the realization of the personal skills he acquired while still in prison.¹¹

Basics of Constitutional Law Regarding Ex-Prisoners' Rights in Social Life

The constitution is all provisions and rules that affect the administration of a country (such as *Undang-Undang Dasar*). The constitution can be interpreted narrowly or broadly. The constitution in a narrow sense only contains legal norms that limit the powers that exist in the state. The constitution in a broad sense is the whole of

¹⁰Ibid., 5.

¹¹W. Fristian, & Sulismadi, S. (2020). *Upaya Penyesuaian Diri Mantan Narapidana Dalam Menanggapi Stigma Negatif Di Kecamatan Klakah, Lumajang*. ADLIYA: Jurnal Hukum dan Kemanusiaan, 14(1), 101-120.

the main provisions or the basic law, both written and unwritten.

In general, the Constitution is very important to guarantee the constitutional system and its relation to the limitation of power as a symbol of national unity and as a tool to implement the social system. Social conditions and the constitution of various types of government serve as the basis for reforming the life of the state and nation within the framework of social engineering or social reform.

In the Criminal Code (KUHP)

a) Article 289 of the Criminal Code

Article 289 of the Criminal Code regulates criminal acts related to acts that violate decency, in the article it reads, "Any person who by using force or threat of force forces someone to commit or tolerate obscene acts, shall, being guilty of factual assault of the chastity, be punished by a maximum imprisonment of nine years".¹²

b) Article 290 of the Criminal Code

Article 290 paragraph (2) of the Criminal Code

"By a maximum imprisonment of seven years shall be punished: any person who commits obscene acts with someone who he knows or reasonably should presume that he has not yet reached the age of fifteen years or, if it is not obvious from her age, not yet marriageable."

Article 290 paragraph (3) of the Criminal Code

By a maximum imprisonment of seven years shall be punished: "any person who seduces someone whom he knows or reasonably should presume that he has not yet reached the age of fifteen years

or, if it is not obvious from the age, is not yet marriageable, to commit or tolerate obscene acts or to have carnal knowledge, out of marriage, of a third party".¹³

Law Number 35 Year 2014 Concerning Amendments to Law Number 23 Year 2002 Concerning Child Protection.

The reason for the existence of the Child Protection Act is to guarantee the fulfillment of children's rights so that they can live, grow, develop and participate optimally while still respecting human dignity. It is also to guarantee them of receiving protection from exploitation and avoiding differences against minority groups. In the case of pedophilia in Indonesia, law enforcers use the Criminal Code (Book of the Criminal Law) compared to Law No. 23 of 2002 on Child Protection. In fact, the Child Protection Act is getting better welfare.

The punishment given to pedophiles is heavy with the aims to make the perpetrators deterrent for their actions and improve the attitude of the perpetrators for the better as well as to protect the public so as not to worry about pedophile.¹⁴

Article 69 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection states: "Physical, psychological, and sexual violence is carried out through various efforts including dissemination and socialization of the provisions of laws and regulations that protect child victims of violence, and monitoring, reporting, and imposing sanctions. Everyone is prohibited from placing, allowing, committing, ordering to do,

¹² Tim Yuridis.Id "Pasal 289 KUHP (Kitab Undang-Undang Hukum Pidana)" <https://yuridis.id/pasal-289-kuhp-kitab-undang-undang-hukum-pidana/>

¹³ Tim Yuridis.Id "Pasal 290 KUHP (Kitab Undang-Undang Hukum Pidana)" <https://yuridis.id/pasal-290-kuhp-kitab-undang-undang-hukum-pidana/>

¹⁴ S. Ekotama, (2001). *Abortus provocatus bagi korban perkosaan: perspektif viktimologikriminologi dan hukum pidana*. Universitas Atma Jaya Yogyakarta.

or participating in carrying out the violence as referred to in paragraph (1)".

Article 82 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection states: Any person who intentionally commits violence or threats of violence, coerces, commits deception, a series of lies, or persuades a child to commit or allow obscene acts to be committed, shall be punished with imprisonment for a maximum of 15 (fifteen) years and a minimum of 3 (three) years and a maximum fine of Rp. 300.000.000,00 (three hundred millions rupiah) and at the minimum Rp. 60.000.000,00 (sixty millions rupiah).¹⁵

Based on several laws that explain the threat of punishment for pedophile perpetrators, ex-prisoner, SJ, was proven to have committed a crime that violated Article 292 of the Criminal Code and Article 5 paragraph 1-b of the Law on the Eradication of Corruption Crimes because he was proven to have bribed where SJ had fully served his sentence and had freed from prison status.¹⁶

There are rights that the government must guarantee, respect, and protect against ex-prisoner. According to religion, all humans on earth are equal in the eyes of God Almighty.¹⁷ Indonesia as a state of law always upholds human rights by ensuring that all citizens have the same position in law and government. It is confirmed by the 1945 Constitution that Indonesia is a state of law.¹⁸

¹⁵Undang-Undang Republik Indonesia nomor 35 tahun 2014 Tentang Perubahan Undang-Undang nomor 23 tahun 2002 tentang Perlindungan Anak: Komisi Perlindungan Anak Indonesia.

¹⁶Tim Detik News. "Saipul Jamil Kasus Apa: Kasus Pencabulan"

¹⁷Ibid., 10

¹⁸A. Lestari, Tinjauan Hukum Islam Terhadap Hak Konstitusional Mantan Narapidana Ikut Pemilihan Kepala Daerah Menurut Undang-Undang Nomor 8 Tahun 2015 tentang Pemilihan Kepala Daerah.

Law No. 39 of 1999 Chapter 1 General Provisions, in article 1 paragraph 1 explains the meaning of Human Rights (HAM) is a set of rights inherent in the nature and existence of humans as creatures of God Almighty and is a gift that must be respected, upheld, and protected by the State, government law and everyone for the sake of honor and protection of human dignity. Law No. 39 of 1999 concerning Human Rights which consists of 106 articles in detail is divided into the right to life, the right to have a family, the right to obtain justice, the right to personal freedom, the right to security, the right to welfare, the right to participate in government, women's rights, children's rights, basic human obligations, government's obligations and responsibilities, restrictions and prohibitions.¹⁹

An ex-prisoner who has finished serving his sentence as a citizen has the same rights as ordinary citizens regardless of his status as a former prisoner. During their imprisonment, these ex-prisoners were fostered by the penitentiary, which has a role and is responsible for handling the lives of prisoners with the aim to help prisoners relive their life after leaving the Correctional Institution accepted by the community and become human beings who have new skills and a new personality who obeys the law (Article 1 Number 3 of Law Number 12 of 1995 concerning Corrections).²⁰

Criminal correction is an educational process to direct a person to become better..Hufad and Sauri in Fakhruddin said that creating value is an orientation process

¹⁹ F. Rinaldi, Pencalonan mantan narapidana korupsi sebagai anggota legislative perspektif hak asasi manusia dan Fiqih siyasah (putusan Mahkamah Agung No 46 P/HUM/2018)

²⁰ B. Alamasyah, (2020). *Perubahan perilaku keagamaan mantan narapidana lapas kota Padangsidimpuan Kampung Selamat Kelurahan Wek-1 Kecamatan Padangsidimpuan Utara*.

through education for role models and the development of life values, including religious, cultural, ethical and aesthetic values for personality development, religion, spiritual intelligence, and self-control, having a good personality, intact, noble personality, and skills needed by self, society, and country.²¹

Analysis of Islamic Law on the Restrictions of Ex-Prisoners' Rights in Social Life

Islamic Criminal Law or *Fiqh Jinayah*, according to Abdul Wahab, is the science of Islamic law that deals with the problem of prohibited acts (*jarimah*) and their punishments (*uqubah*) derived from detailed arguments. Meanwhile, Abdul Qadir stated that *jinayah* is another word for actions that are not allowed in the provisions of *syara'*, regarding life, property, or others.²²

The proof for the prohibition is the Word of Allah SWT in Surah al-Ahzab verse 36:

وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَىٰ اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ ۚ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُبِينًا

Meaning:

"It is not for a believing man or woman—when Allah and His Messenger decree a matter—to have any other choice in that matter. Indeed, whoever disobeys Allah and His Messenger has clearly gone [far] astray." (QS. Al-Ahzab 33 verse 36)

Sexual crimes against minors are one of the major sins and are haraam. This includes adultery because this behavior is related to sexual intercourse that can occur with fellow men or fellow women, including

with the opposite sex regardless of old age or young age.²³

Islam provides severe punishments for pedophiles with the aim of getting a deterrent effect. Pedophile perpetrators are subject to *hadd*, meaning that people who commit pedophilia are punished by stoning for all perpetrators (young men, girls, widowers, widows). In contrast, Imam Hanafi state that they are given *ta'zir* and if they recommit the sin, then they must be killed.²⁴

Criminal law in Islam is called *jarimah*. *Jarimah* itself is an act that is considered not good which is contrary to the Qur'an and the sunnah of the Prophet Muhammad SAW. When someone violates the provisions set by Allah, he will be punished accordingly. Likewise, pedophiles receive a hudud punishment which is equated with the hudud of adultery. Perpetrators who commit sexual crimes will be punished or sanctioned while the victim's side will not be punished.

There are details of penalties for pedophiles, namely: (1) if the pedophile commits adultery, the punishment is punishment for adulterers (*had az-zina*), namely stoning if married or lashed a hundred times if not, (2) if the pedophile is a *liwath* (homosexual), then the punishment is the death penalty; (3) if the pedophile does not commit adultery or homosexuality, the punishment is *ta'zir* (a sentence imposed on the basis of the judge's discretion and not determined by the Qur'an).²⁵

In Surah An-Nur: 2 it is stated that Allah ordered the adulterer to be given 100 lashes with no mercy with the lashing.

²¹ Agus Fakhruddin, (2014). *Urgensi Pendidikan Nilai untuk Memecahkan Problematika Nilai dalam Konteks Pendidikan Persekolahan*. Vol 12, No 1.

²² A. A Qadir, (2008). *Ensiklopedia Hukum Pidana Islam*.

²³ Abdul Qadir Audah, (2008). *Ensiklopedi Hukum Pidana Islam IV*. Bogor: PT. Kharisma Ilmu

²⁴ Syaikh Allamah, (2004). *Fiqh Empat Mazhab*. Bandung: Hasyimi

²⁵ E. Setiawan, (2017). *Kejahatan Seksual Pedofilia Dalam Perspektif Hukum Pidana dan Islam*. Jurnal Hukum Islam, 1-25.

الرَّانِيَةِ وَالرَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةً جَلْدَةً وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَلَيَشْهَدَ عَذَابُهُمْ طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ

Meaning:

As for female and male fornicators, give each of them one hundred lashes and do not let pity for them make you lenient in 'enforcing' the law of Allah, if you 'truly' believe in Allah and the Last Day. And let a number of believers witness their punishment. (Q.S. An-Nur : 2).

In addition to the Qur'anic proof above, a hadith of the Prophet SAW also set the punishment for adultery in accordance with its level. From Ubadah bin Samit, he narrated, "Allah's Messenger as saying: Receive (teaching) from me, receive (teaching) from me. Allah has ordained a way for those (women). When an unmarried male commits adultery with an unmarried female (they should receive) one hundred lashes and banishment for one year. And in case of married male committing adultery with a married female, they shall receive one hundred lashes and be stoned to death. (Narrated by Muslim and Abu Dawud).

On the other hand, Islam views human beings as very noble beings. They have intelligence because they are endowed with reason to think and can distinguish good and bad. But in the course of time, humans have not escaped guilt, shortcomings, and sin. When they make a mistake, whether intentionally or not, humans as His servant hope to ask for forgiveness for the mistake made, then God will grant forgiveness. Indeed, forgiveness belongs to God and no one is given the power to forgive one's sins. An ex-prisoner is a person who has committed an offense (sin) and has served a criminal sentence within a certain time. This case of pedophilia includes a major sin that God does not forgive unless the preparator repents with *taubatan nasuha*. According to the

command of Allah SWT in Surath At-Tahrim verse 8 "O believers! Turn to Allah in sincere repentance, so your Lord may absolve you of your sins and admit you into Gardens, under which rivers flow, on the Day Allah will not disgrace the Prophet or the believers with him. Their light will shine ahead of them and on their right. They will say, "Our Lord! Perfect our light for us, and forgive us. 'For' You are truly Most Capable of everything."

A person who commits a mistake repents to Allah SWT in order to obtain happiness in the hereafter. By performing sincere and sincere repentance, God will remove the faults and sins of His servant.

A person's repentance is accepted by God if he meets the legal requirements of repentance, to stop committing his sin, repent of his sins, be determined to change for the better and not repeat his sins, improve his behavior, and restore people's rights he once took by force.²⁶

CONCLUSION

Restrictions on the ex-prisoners' rights which make it difficult for them to function normally in society lead to many pros and cons. People can't accept ex-prisoners because they have committed criminal acts that tarnish the reputation of the hometown and also not in line with customs in the community. However, it also depends on the environment of each ex-prisoner. It can be concluded that the restrictions of the ex-prisoners' rights is in accordance with the thinking of the people around him. This can be overcome by making efforts to eliminate negative thoughts about ex-prisoners by involving themselves to help and win back the hearts of the community.

SJ violated several legal principles, namely Article 292 of the Criminal Code and Article 5 paragraph 1-b of the Corruption

²⁶Abdul Fattah Sayid Ahmad, (2005). *Tasawwuf antara Ghazali dan Ibnu Taimiyah*.

Eradication Law because it was proven to be bribery and SJ has completed his sentence, meaning that SJ is currently a citizen regardless of the status of former prisoners. He has rights including the right to life, the right to the family, the right to justice, the right to personal liberty, the right to security, the right to welfare, the right to participate in government. Therefore, his return to television is very possible as long as it does not violate the existing rules.

If analyzed using Islamic law, an ex-prisoner, SJ, who has served his sentence sincerely is a form of repentance. By performing sincere repentance, God will remove the faults and sins of His servant or return to nature on the condition that the ex-prisoner stop committing his sin, repent of his sins, be determined to change for the better and not repeat his sins, improve his behavior, and restore people's rights he once took by force.

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