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Juridical and Sociological Review of The Handling of The Agus Buntung Case in West Nusa Tenggara

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Abstract: The sexual harassment case involving Agus Buntung, a physically disabled individual in Mataram, Nusa Tenggara Barat, presents intricate legal and social dimensions due to the involvement of both a female victim and a perpetrator with disabilities. A legal and sociological analysis of the case's handling, informed by the Law on Sexual Violence Crimes (UU TPKS) and the Law on Persons with Disabilities, underscores the challenges in upholding the principles of justice and non-discrimination. These challenges include ensuring disability accommodation, achieving a balanced treatment of all parties, and navigating the influence of public opinion. This paper argues for a reform of the criminal justice system to be more inclusive and responsive to individual vulnerabilities, thereby bridging the gap between normative and substantive justice for a contextual and humane application of the law.

Keywords: Sexual Violence, Disability, Sociological

INTRODUCTION

Sexual violence is one of the crimes against human dignity that has serious impacts, both physically, psychologically, and socially, on the victims. In handling such cases, this crime often presents challenges, particularly in terms of evidence and legal protection that favors the victims. When the perpetrator comes from a vulnerable group or has specific characteristics, such as being a person with a disability, the dynamics of law enforcement become even more complex. Cases like these require a legal approach that is not only legalistic but also takes into account the dimensions of social justice and humanity.

The case of Agus Buntung in Mataram City, West Nusa Tenggara, is one example that illustrates such complexity. The perpetrator, who is a person with a physical disability, was named a suspect in an alleged sexual harassment case involving several women, including university students and minors. This situation has sparked widespread public debate as it involves two vulnerable groups at once: women who are victims of sexual violence and a disabled perpetrator. The public debate and varied responses indicate that legal handling of this case cannot be solely based on legal norms but also requires sociological considerations and values of substantive justice.

I Wayan Agus Suwartama, known as Agus Buntung, is a 21-year-old man with a physical disability, having no arms. He was named a suspect in a sexual harassment case involving several women, including university students and minors, in Mataram City, West Nusa Tenggara¹. According to data from the Regional Disability Commission (KDD) of West Nusa Tenggara², a total of 17 individuals were recorded as alleged victims in this case, with five of them, including the complainant, meeting the criteria for inclusion in the case file.

The disparity between the number of alleged victims and those who legally meet the evidentiary elements highlights the challenges in the legal process of handling sexual violence, particularly in the proof phase, which often relies on the victim's testimony. This raises questions about the effectiveness of victim protection and the capacity of the legal system to fulfill the broader need for justice.

The handling of this case has sparked controversy, as the state is obliged to protect victims of sexual violence on one hand, while on the other hand, it must also guarantee the rights of suspects, including those with disabilities. This is where the role of law becomes essential—not only in enforcing regulations normatively, but also in addressing substantive justice. A rigid legal approach risks overlooking the social realities that accompany each criminal act, including the psychological condition of the perpetrator, the vulnerability of the victim, and the public's response.

The level of public attention to this case also reflects social dynamics filled with stigma and moral judgment. Public reactions are shaped by media narratives, digital discourse, and statements from social institutions. The resulting perceptions affect not only the victims but also have broader implications for the disability community, particularly concerning the potential emergence of negative stereotypes. This underscores the need for a sociological understanding in handling cases of sexual violence, so that social judgments do not undermine individuals' fundamental rights.

This journal aims to thoroughly examine the juridical and sociological aspects of the handling of the Agus Buntung case. This study is important to assess the extent to which the legal process operates fairly for all parties and how social constructions influence the course of justice. An analysis is needed that can bridge legal norms with social realities, so that future law enforcement policies are more oriented toward restorative justice and respect for human rights, both for the victims and for perpetrators with special conditions.

Based on the background that has been previously described, the formulated problem is: *“What is the juridical and sociological review of the handling of the Agus Buntung case in West Nusa Tenggara?”* This journal aims to deeply analyze the juridical and sociological aspects of the handling of the Agus Buntung case in West Nusa Tenggara. The purpose of this writing is to provide an understanding of the fair and proportional application of the law to perpetrators with disabilities, as well as to evaluate the extent to which the legal system has provided protection for victims of sexual violence. This journal also aims to examine the social constructions that have developed in society regarding the case, including the influence of public opinion, media, and social institutions on the judicial process. By combining legal and sociological approaches, this journal is expected to contribute to the development of more inclusive law enforcement policies that are victim-oriented and uphold human rights values.

¹ Dhimas Budi Pratama, (2025). “Polda NTB Upayakan Korban Pelecehan Agus Buntung Dapatkan Hak Restitusi”, dalam <https://mataram.antaranews.com/berita/412674/polda-ntb-upayakan-korban-pelecehan-agus-buntung-dapatkan-hak-restitusi> , diakses 24 April 2025

² Dhimas Budi Pratama, (2025). “Polda NTB Upayakan Korban Pelecehan Agus Buntung Dapatkan Hak Restitusi”, dalam <https://mataram.antaranews.com/berita/412674/polda-ntb-upayakan-korban-pelecehan-agus-buntung-dapatkan-hak-restitusi> , diakses 24 April 2025

METHOD

This study uses a combined approach of normative juridical and sociological methods. The normative juridical approach is used to examine relevant laws and regulations, such as Law Number 12 of 2022 on Sexual Violence Crimes and Law Number 8 of 2016 on Persons with Disabilities, as well as other legal documents related to the handling process of the Agus Buntung case. The sociological approach is used to explore how social phenomena, stigma, and public reactions to this case influence law enforcement processes and the perception of both the perpetrator and the victims. Data collection techniques were conducted through document studies, which include media reports, reports from institutions such as the Regional Disability Commission (KDD) of West Nusa Tenggara, as well as relevant legal regulations. The data obtained were then analyzed qualitatively, focusing on the normative interpretation of legal provisions and the social meaning behind the public's response to this case.

RESULT AND DISCUSSION

Case Chronology

The case came to light after a university student reported an alleged incident of sexual harassment that she experienced at a homestay in Mataram. Further investigation revealed that Agus was suspected of using manipulative verbal communication to influence the victim's psychology. His physical condition as a person with a disability was allegedly used to evoke sympathy and lower the victim's guard. Data from the Regional Disability Commission (KDD) of West Nusa Tenggara recorded that the number of victims reached 17 individuals; however, only five victims' testimonies were included in the case file as part of the evidence.

Agus was named a suspect based on two pieces of evidence and expert testimony.³ Initially, Agus was placed under house arrest due to his disability. On January 9, 2025, he was officially detained at Class IIA Prison in West Lombok. The detention took into account the severity of the potential sentence and the number of victims, which exceeded 15 individuals.

The West Nusa Tenggara Regional Police (Polda NTB) conducted a case reconstruction at several locations, including Udayana Park and the Islamic Center. The reconstruction involved investigators, prosecutors, and other relevant parties. During this process, additional evidence was discovered in the form of an audio recording that revealed Agus's manipulative tactics toward the victims.⁴ Investigators from the West Nusa Tenggara Regional Police (Polda NTB) suspected the involvement of Agus's biological mother in luring several victims. An examination of his mother was scheduled to further explore the possible role she played in this case.

Juridical and Sociological Analysis of the Handling of the Agus Buntung Case in West Nusa Tenggara

The handling of the Agus Buntung case in West Nusa Tenggara presents complex legal and social issues. The identity of the perpetrator as a person with a disability, combined with the significant number of victims, has drawn widespread attention from various parties. The legal process surrounding the case is under scrutiny, as it must ensure fair treatment of the suspect without neglecting the protection of the victims. The juridical approach, through the application of Law Number 12 of 2022 on Sexual Violence Crimes, becomes key in assessing

³ Hamdani Wathoni, (2025). "Agus Buntung Akhirnya Ditahan di Lapas Lombok Barat", dalam <https://lombokpost.jawapos.com/hukrim/1505506878/agus-buntung-akhirnya-ditahan-di-lapas-lombok-barat>, diakses 24 April 2025.

⁴ Abdul Rahman Ahdori, (2024). "Kasus Agus Buntung: Polda NTB Gelar Rekonstruksi, Ibu Tak Percaya Anaknya Pelaku Pelecehan Seksual", dalam <https://www.erakini.id/daerah/era-yAvuE/kasus-agus-buntung--polda-ntb-gelar-rekonstruksi--ibu-tak-percaya-anaknya-pelaku-pelecehan-seksual>, diakses 24 April 2025

whether the law enforcement steps taken are in accordance with the principles of justice, legal certainty, and respect for human rights.

From a sociological perspective, this case reflects the public's sensitivity to issues of sexual violence and the treatment of perpetrators with special needs. Public reactions show a divergence of views between those who believe a humanistic approach should be taken toward the perpetrator, and those who demand firm justice for the victims. The involvement of social institutions, the media, and disability organizations provides insight into how public opinion is shaped and how it influences the course of law enforcement. This analysis will further explore the interaction between legal norms, social structures, and the dynamics of relationships between the state, society, and the individuals involved.

Agus was charged under Article 6 letter A and/or letter C in conjunction with Article 15 paragraph (1) letter E of Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS), with a maximum penalty of 12 years in prison. The National Police received praise for their inclusive approach in handling this case, involving the West Nusa Tenggara Regional Disability Commission to ensure that Agus's rights as a person with a disability were respected. Additionally, the West Nusa Tenggara Regional Police also made efforts to ensure that the victims receive restitution by coordinating with the Witness and Victim Protection Agency (LPSK).

The handling of the Agus Buntung case presents unique challenges for law enforcement authorities, particularly in ensuring that the judicial process proceeds without discrimination, even though the perpetrator is a person with a disability. From the perspective of retributive justice theory⁵, the perpetrator of a crime must be held accountable for their actions in proportion to the severity of the offense committed. The principle of equality before the law (equality before the law)⁶ as stated in Article 27 paragraph (1) of the 1945 Constitution, obliges the state to treat all citizens equally, including those with physical disabilities.

Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS) serves as the main legal foundation in the legal process against Agus Buntung. This law emphasizes the importance of protecting victims of sexual violence, especially in psychological and social aspects. Law enforcement in this case must be based on a victim-centered legal approach, as mandated in Article 66 of the UU TPKS, which outlines the rights of victims, including the right to justice, truth, recovery, and protection from stigmatization.

Another juridical aspect is the importance of considering the status of the perpetrator as a person with a disability. Based on Law Number 8 of 2016 on Persons with Disabilities, the state is obliged to provide reasonable accommodation throughout the judicial process. The principle of non-discrimination⁷ The principles of non-discrimination and equality are clearly affirmed in Article 2 of the Universal Declaration of Human Rights (1948), which states that every individual is entitled to all the rights and freedoms set forth in the declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, or any other status.

These principles also apply to persons with disabilities, as reflected in the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which was ratified by Indonesia through Law Number 19 of 2011. The CRPD emphasizes that persons with disabilities must enjoy the same human rights and fundamental freedoms as others, and must

⁵ Kenedi, John, (2017). *Kebijakan Hukum Pidana*. Yogyakarta: Pustaka Pelajar, hlm. 36.

⁶ Bernadetha Aurelia Oktavira, (2025). "Makna Asas Equality Before The Law Dan Contohnya", dalam <https://jdih.sukoharjo.go.id/berita/detail/makna-asas-equality-before-the-law-dan-contohnya#:~:text=Mengenai%20asas%20equality%20before%20the,itu%20dengan%20tidak%20ada%20kecualinya.%E2%80%9D>, diakses 24 April 2025

⁷ Yanto M.P. Ekon, (2023). "Penerapan Prinsip Non Diskriminasi dan Kesetaraan dalam Pengelolaan Perguruan Tinggi Swasta", *Jurnal Unes Law Review*, Volume 6 Nomor 2, Desember 2023

not face discrimination on the basis of their disability.⁸ Law enforcement in this case must strike a balance between the need for justice and the fulfillment of the perpetrator's rights as a citizen protected by law.

The juridical analysis also addresses the procedural stages carried out by law enforcement officers, from investigation and the designation of the suspect to detention. The detention of Agus, which initially took the form of house arrest and was later transferred to Class IIA Prison in West Lombok, raised questions from the public. This step indicates that the principle of proportionality⁹ (The principle of proportionality is often merely understood within the context of evidentiary law, although in essence, it should be interpreted as the distribution of rights and obligations in proportion, encompassing all aspects of a legal relationship as a whole. This principle began to be applied as the number of victims increased and the urgency for firmer handling grew. The decision reflects a legal process carried out while still ensuring the suspect's rights are protected, without neglecting the rights of the victims.

From a sociological perspective, this case can be analyzed using Howard Becker's labeling theory.¹⁰ The concept of labeling theory was first popularized by sociologist Howard Becker in 1963.¹¹ In his view, deviance is not inherently a characteristic of an individual's behavior but rather the result of a social process involving the assignment of labels by those in power. This means that society or certain authorities play a role in determining whether an act is considered deviant—not because the act itself is inherently wrong, but because it has been defined as such by those with the authority to do so.

This labeling process affects the social identity of the individual being labeled. A person who has been marked as a deviant is likely to internalize that label and act accordingly, making deviant behavior a response to social treatment rather than merely a reflection of personal character. The theory demonstrates how social power in setting norms can shape and reinforce patterns of deviant behavior in society.

This theory also explains how society often assigns negative labels to deviant individuals, ultimately forming a new social identity for them. In the case of Agus Buntung, the emergence of the label “disabled sexual predator” reinforces negative stigma not only toward him as an individual but also toward the disability community as a whole. This stigma may lead to social exclusion and hinder the perpetrator's reintegration into society in the future.

Sociological analysis can also be approached through Karl Marx's social conflict theory. Marx's theory emphasizes the struggle between the bourgeoisie (capitalist class) and the proletariat (working class) as the primary source of conflict in capitalist societies. This theory is driven by competition over limited resources—particularly the means of production—and asserts that the social order is maintained through domination and power, not consensus.¹² This case reveals an imbalance of power relations between the perpetrator and the victims. Although the perpetrator is a person with a disability, he is suspected of being able to manipulate victims through a systematic psychological approach. The perpetrator's position, often seen as “weak,” instead became a shield for committing social deviance without early

⁸ Undang-Undang Republik Indonesia Nomor 19 Tahun 2011 Tentang Pengesahan *Convention On The Rights Of Persons With Disabilities* (Konvensi Mengenai Hak-Hak Penyandang Disabilitas) <https://bphn.go.id/data/documents/11uu019.pdf>, diakses 24 April 2025

⁹ Syaiffudin, M. (2012). *Hukum Kontrak, Memahami Kontrak Dalam Perspektif Filsafat, Teori, Dogmatik, dan Praktik Hukum*. Bandung: CV Mandar Maju.

¹⁰ Becker H. (1963). *Outsiders: Studies In The Sociology of Deviance*, New York : The Free Press. Dikutip dalam Dadi Ahmadi dan Aliyah Nur'aini H, (2005). “Teori Penjulukan”, Dirjen Dikti SK No 56/DIKTI/ Kep/2025.

¹¹ *Ibid*

¹² Arditya Prayogi, Riki Nasrullah, Singgih Setiawan, M. Adin Setyawan (2025). "The Concept of Conflict and the Theory of Social Conflict in Karl Marx's Thought Konsep Konflik dan Teori Konflik Sosial dalam Pemikiran Karl Marx)", *Jurnal Sinora*, Volume 1 Nomor 1, 2025

detection. This imbalance of information and power becomes fertile ground for acts of sexual violence in interpersonal relationships.

The public's response to this case also shows the phenomenon of very strong informal social control. Support or rejection of the perpetrator is not solely based on legal facts but is influenced by narratives on social media, mass media coverage, and statements by public figures. Society attempts to maintain social solidarity by creating pressure against behavior that is considered deviant. The harsh reaction toward the perpetrator aims to preserve collective moral values about decency and the protection of women.

The handling of this case also tests the role of social institutions in ensuring the rights of both victims and perpetrators. Institutions such as the National Disability Commission, the Witness and Victim Protection Agency (LPSK), and civil society organizations have an important function as mediating actors between the state and individuals. Their function is not only in providing legal or psychosocial services but also as policy watchdogs to prevent discriminatory practices. Within the framework of social systems theory, coordination between these institutions becomes part of the societal adaptation system to social pressures.

Understanding this case requires an interdisciplinary approach between law and sociology in order to provide a comprehensive picture of the phenomenon of sexual violence involving persons with disabilities. Law must be read not only as normative text but as a social product influenced by values, culture, and power dynamics. Conversely, sociology can enrich legal analysis by explaining the social realities occurring on the ground in a more contextual manner.

The handling of the Agus Buntung case shows the importance of reforming the criminal justice system to be more sensitive to the diverse conditions of both perpetrators and victims. Legal policies must consider aspects of substantive justice, not just procedural justice. In protecting vulnerable groups such as persons with disabilities and women victims of violence, the state bears great responsibility to create a legal system that is human rights-based, gender-just, and victim-centered.

CONCLUSION

The Agus Buntung case illustrates the complexity of handling sexual crimes when the perpetrator has special conditions such as a disability. A juridical review of this case shows that although the legal system has provided a clear framework to protect victims of sexual violence, challenges arise when the perpetrator comes from a vulnerable group that also has human rights that must be respected. In this context, law enforcement officers face a dilemma between delivering justice to victims and not discriminating against the perpetrator on the basis of disability. Therefore, a proportional legal approach is needed -one that does not solely focus on punishment but also considers aspects of rehabilitation for both the victim and the perpetrator.

Sociologically, the handling of this case is also influenced by public opinion, media coverage, and developing social perceptions. The social label attached to the perpetrator, along with empathy toward the victims, shapes a dynamic that influences the course of the legal process. In this context, labeling theory is relevant to understand how the perpetrator's identity and society's response are constructed through social processes. An inclusive and participatory approach by law enforcement becomes essential to ensure that the legal process proceeds fairly and without bias. Therefore, combining legal and sociological perspectives not only provides a more complete understanding of this case but also helps to promote the development of more humane legal policies—policies that take the victim's side while respecting the rights of persons with disabilities.

Suggestions, First, there needs to be an improvement in the competencies of law enforcement officers in understanding and handling cases involving vulnerable groups,

particularly persons with disabilities and victims of sexual violence. Specialized training that integrates a human rights perspective, the principle of non-discrimination, and a victim-centered approach is highly important. A deep understanding of legislation such as Law Number 8 of 2016 concerning Persons with Disabilities and Law Number 12 of 2022 concerning Sexual Violence Crimes must be internalized by all elements of law enforcement to prevent bias in the handling process.

Second, the criminal justice system needs to adopt a more inclusive and substantively just approach. In cases involving perpetrators with disabilities, law enforcement must consider psychosocial aspects, physical conditions, and the legal capacity of the suspect. Rigid law enforcement that focuses solely on punishment may ignore the principles of proportionality and restorative justice. The development of technical policies that allow for alternative approaches such as rehabilitation or social recovery must begin to be integrated into legal processes.

Third, legal and social education for the public is a crucial element in creating a fair and stigma-free public space. Narratives that develop in the media and digital spaces often shape public opinion in ways that influence legal processes. There must be collaboration between government institutions, civil society organizations, and the media to build public literacy that is healthy, objective, and human rights-oriented. This step not only protects the rights of individuals involved in legal cases but also helps prevent negative generalizations about the disability community in society.

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