

# The Effectiveness Of Preventive And Repressive Efforts Of The Prosecutor's Office In Eradicating The Crime Of Rape Against Children In Buleleng Regency

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## Article Info

Received: January 20, 2024  
Accepted: March 20, 2024  
Published: April 1, 2024

### Keywords:

Rape, Children, Preventive,  
Repressive, Prosecutor

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## Abstract

This research aims to find out and analyze how the Buleleng District Prosecutor's Office is working to eradicate the criminal act of rape against children in the Buleleng Regency area and to analyze the obstacles in carrying out efforts to eradicate the criminal act of eradicating rape against children in the Buleleng Regency area. This research uses descriptive empirical legal research methods using data and data sources, namely primary data and secondary data. The Prosecutor's Greeting carried out by the Buleleng District Prosecutor's Office on Giri FM Radio on Tuesday, September 26, 2023, was carried out live with the topic/theme, namely "Preventing Sexual Violence in Children". Repressive Efforts by the Buleleng District Prosecutor's Office to provide severe punishments to perpetrators of child rape as a deterrent effect and to carry out restitution which is regulated in Law Number 12 of 2022 on Crimes of Sexual Violence. However, these efforts are still not effective because cases of child rape have reappeared and are still increasing. The problem of child rape is increasing because of the internet, the sophisticated development of information and technology which means anyone can get it directly and quickly via smartphone or gadget, making someone get more pornography, quickly and easily to access.

## 1. Introduction

Children are a gift from God Almighty that must be guarded and protected because in the child's dignity and human rights that must be upheld. To uphold the rights of children requires laws that contain binding legal norms so as to protect children's rights. To protect children's rights, the government has made regulations regarding children's rights, including Law Number 35 of 2014 concerning amendments

to Law Number 23 of 2002 concerning Child Protection. In addition, Law No. 11/2012 on the Juvenile Criminal Justice System regulates judicial proceedings. The idea of juvenile justice regulations is inseparable from the 1945 Constitution in Article II on transitional rules which states "all existing state bodies and regulations are still directly applicable as long as no new ones have been made according to this Constitution".

The Prosecutor's Office has the main tasks and functions, namely carrying out legal efforts both preventive and repressive which are based on justice in the criminal field, organizing judicial intelligence in the field of order and public peace, providing assistance, consideration, services and law enforcement in the fields of civil and state administration as well as legal actions and other tasks, to ensure legal certainty, uphold the authority of the government and save state assets, based on the provisions of laws and general policies established by the president. (Bandung City State Attorney's Office, 2023) As in Law Number 16 of 2004 of the Prosecutor's Office of the Republic of Indonesia amended by Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, public order and tranquility are referred to as one of the tasks of the prosecutor's office, one of which is to provide increased legal awareness of the community as a preventive measure.

The Prosecutor's Office is one of the law enforcers who implement the Law on Child Protection and also in sexual violence they develop the Prosecutor's Program in Schools and Broadcasting on Radio as a preventive action that they do to prevent rape in the Buleleng community. From the program they conduct socialization and counseling to the Buleleng community so that the community is increasingly aware of the dangers of rape and avoid becoming perpetrators / victims of rape. as a repressive action they do the most severe punishment for the perpetrator so that the perpetrator is deterred and does not do the same thing again.

The Prosecutor's Office in Buleleng Regency has several efforts that they have made to prevent the increase in child rape cases starting from the prosecutor greeting through Buleleng radios such as Radio Giri FM in the interactive dialog activities of the Prosecutor Greeting which is carried out directly with the topic "preventing sexual violence against children". From these activities aims to provide legal awareness to the community as a preventive measure while in Repressive Efforts the Prosecutor's Office in Buleleng Regency provides severe punishment for perpetrators of child rape and is added more severely if the act is repeated.

Child rape is one of the most serious and destructive sexual crimes because it traumatizes and damages a child's dignity, which can be imprinted on the child for life. It involves the use of force or the threat of force against a minor to coerce them into sexual intercourse or other sexual acts.

Komnas Perempuan's Annual Report on violence against women in the public sphere and the state: lack of protection and recovery. Komnas Perempuan's complaint data throughout 2022 shows sexual violence as the dominant form of violence against women (2,228 cases/38.21%) followed by psychological violence (2,083 cases/35.72%). Meanwhile, data from service institutions was dominated by physical violence (6,001 cases/38.8%), followed by sexual violence (4102 cases/26.52%%). If we look in more detail at the data of complaints to Komnas Perempuan in the public sphere, sexual violence is always the highest (1,127 cases), while in the personal sphere the most is psychological violence (1,494). In contrast to service institutions, the 2022 data shows that in the public and personal spheres, most of the violence is physical (Komnas Perempuan, 2023).

In 2019 the number of criminal acts of child rape was quite a lot, namely seventeen criminal acts then fell in 2020 totaling eleven criminal acts, but in 2021 it climbed back up with a total of fourteen criminal acts then the following year it rose to seventeen criminal acts. According to the Buleleng State Attorney's Office, the speaker was the INTEL Section Head of the Buleleng State Attorney's Office, Anak Agung Ngurah Jayalantara in 2021, he revealed that cases of sexual abuse of children throughout 2021 tended to increase when compared to 2020.

To anticipate a similar incident, in 2022, his party will aggressively conduct education. He also continued that in the counseling the prosecutor's office will collaborate with a number of related agencies such as the Buleleng Youth and Sports Education Office (Disdikpora), the Buleleng Social Service (Dinsos). He said, "In counseling we will provide an understanding of which ones can be done and which ones cannot. Don't think you are underage and think you can escape the law," he said.

Table 1. Data on the Crime of Child Rape in Buleleng Police Department

No.	Year	Number of Suspects	Types of Rape
1	2019	17	Child Rape
2	2020	11	Child Rape
3	2021	14	Child Rape
4	2022	17	Child Rape
5	2023	9	Child Rape

Source: Buleleng Police Criminal Investigation Unit

Facts that occur in the field in 2022 Child rape is still increasing in the Buleleng area, but the Prosecutor's Office has implemented various programs as preventive efforts such as prosecutors greeting and prosecutors entering schools and regulations that make repressive efforts, namely for perpetrators of child rape to be punished as high as possible. What the prosecutor's office does as a law enforcement officer who socializes the law to the community so that the community is aware of the law so that the law is enforced and the same thing does not happen again. Therefore, the researcher raised the title "**The Effectiveness of the Preventive and Repressive Roles of the Prosecutor's Office in Combating the Crime of Rape of Children in the Buleleng Regency Area**".

## 2. Research Methods

The type of research used in this writing is empirical legal research. Empirical legal research is research obtained directly from the Community (Regarding Behavior; empirical data). a legal research method which uses empirical facts in the presence of field data as the main or primary data source obtained directly from the Community such as interviews or through direct observation or observation (Soekanto, 1986). can be shortened the explanation that empirical legal research is one type of legal research that analyzes and examines the operation of law in society. (Januartika, 2022).

Empirical legal research is used to analyze the law which is seen as a pattern of behavior of the community where they often interact with each other. prosecutors who conduct counseling to increase public awareness of the law as their preventive efforts to anticipate the increase in child rape cases do not bear sweet fruit, the facts from the field there is a significant increase in child rape in the Buleleng area, therefore this study was made to find and find out what the preventive and repressive efforts of the prosecutor's office in the eradication of criminal acts of rape against children in the Buleleng district area.

This research is descriptive, where this research aims to describe a symptom, event and event that occurs at this time or actual problem (Suteki, 2020: 133). Descriptive in nature, namely research that seeks to tell existing problem solving based on data and in presenting the data will then be analyzed (Laurina, 2022). This study describes in real terms the application of preventive and repressive efforts of the prosecutor's office in eradicating criminal acts of rape against children in the Buleleng district area.

In collecting data sources, researchers collect data sources in the form of primary data and secondary data. the primary data itself is the object of research, namely the Buleleng District Attorney's Office. Secondary data Secondary data is a source of data for a study obtained by researchers indirectly or through intermediary media. This study is in the form of evidence, notes or reports. According to Suteki, secondary data is data obtained by a researcher indirectly from the source (object of research), but through other sources. Researchers get ready-made data collected by other parties by various methods both commercially and non-commercially (Suteki, 2020: 215). Secondary data in this study are: Law Number 11 of 2012 concerning the Juvenile Justice System, Law Number 23 of 2002 concerning Child Protection, Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning Child Protection, Law Number 16 of 2004 concerning the Attorney of the Republic of Indonesia amended by Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney of the Republic of Indonesia, SEMA No. 1 of 2017 concerning the Enactment of the Formulation of the Results of the Plenary Meeting of the Supreme Court Chamber in 2017.

Techniques and data collection are carried out by first of all through literature / document studies, then observing the object of research, namely observation and conducting interviews directly from the object of research, namely prosecutors from the Buleleng District Attorney's Office.

This study uses *non-probability sampling* techniques with *purposive sampling*, *Non Probability sampling* means that in this study there are no definite provisions on how many samples must be taken in order to represent the population. Then the form of *sampling* is *purposive sampling*, this means that the sample withdrawal is selected or determined by the researcher himself. (Hadi, 2021). In connection with this, the sample in this study was the Buleleng District Attorney's Office.

### **3. Results and Discussion**

#### **3.1 The Role of the Prosecutor's Office in Efforts to Suppress the Crime of Rape of a Child in the Buleleng Regency Area**

The Prosecutor's Office's duties related to legal counseling are accommodated under the norm of "increasing public legal awareness" as stipulated in Article 30 paragraph (3) letter a of the Prosecutor's Office Law. Thus, although the term "legal

counseling" is not specifically used, the concept of increasing public legal awareness includes activities in the nature of legal counseling.

The "Legal Awareness Raising" program by the Attorney General's Office is always juxtaposed with the "Legal Culture Development" program. The purpose of the program is to re-increase awareness and legal unity, both of the community, as well as state administration officials and increase the level of public confidence in the role and function of law enforcement officials. So as to create a good legal culture at all levels of society.

Some of the program objectives mentioned are the increase in the number of communities and state officials who are aware of their rights and obligations, as well as the higher level of community participation in various development policy formulation processes. The main activities of this program include:

- a. "Mapping legal issues in order to apply targeted materials, methods, and dialogical approaches;
- b. Using regional noble cultural values as a means to increase legal awareness;
- c. Formulate a more democratic approach to legal awareness through a dialogical approach between government agencies/institutions and community institutions that facilitate legal awareness with the community to develop their awareness and participation in the law and its enforcement system;

Increasing public awareness in actualizing rights and carrying out community obligations as citizens as well as in the context of forming a legal culture for the community and state officials; and

Increase the use of more modern communication media in order to achieve the target of legal awareness at various levels of society" (Effendy M., 2005).

Within the scope of the Legal Awareness Improvement and Legal Culture Development Program, the Attorney General's Office of the Republic of Indonesia is also the spearhead that cannot be ignored to increase legal awareness and legal compliance. This is because the establishment of the rule of law can only be a reality if it is accompanied by a high level of awareness and legal compliance of the community, as well as state officials. If the Prosecutor's Office plays a real role in this program, public trust in the role and function of the Prosecutor's Office as a law enforcement officer will increase, thus creating a legal culture at all levels of society (Effendy M., 2005).

The authority of the Attorney General's Office of the Republic of Indonesia regarding legal counseling has internal regulations governing legal counseling as stipulated in Regulation of the Attorney General of the Republic of Indonesia No. PER-006/A/JA/07/2017 concerning the Organization and Work Procedures of the Attorney General's Office of the Republic of Indonesia. In Article 731 of the Regulation of the Attorney General of the Republic of Indonesia No. PER-006/A/JA/07/2017, the task of authority for legal counseling tasks is given to the Legal Information Center led by one head, called Kapuspenkum. Starting from articles 731 to 843 in the Regulation of the Attorney General of the Republic of Indonesia No. PER-006/A/JA/07/2017 concerning the Organization and Work Procedure of the Prosecutor's Office of the Republic of Indonesia which provides an explanation and description of the duties and functions of the Legal Information Center, the Legal Information and Counseling Division, and the Legal Information Section related to legal counseling.

Roles are defined in philosophical studies, as follows: First, "role" as a set of expectations and behaviors expected of a person in accordance with his position in a group or society. Second, role as the way a person acts or behaves in a particular social

situation. Third, role as a person's social identity constructed by society. In this context, the definition of role used is role as a person's social identity (Riyadi, 2002).

Opinions change with the times and the development of society. For example, the role of father and mother in the past is different from the role of father and mother today. Therefore, related to the role of the Buleleng State Attorney's Office in the Intelligence Division, namely the social role in the social control function. Prosecutors in the intelligence sector as members of the Indonesian Prosecutor's Office organization carry out their duties to conduct legal counseling as a social role. The social control function of the Buleleng State Attorney's Office is to control the behavior of members of the community group in the field of law.

Based on the theory of criminal policy, crime prevention consists of 2 (two) ways, namely: penal policy; and non-penal policy. Penal policy is a law enforcement effort called repressive. Meanwhile, non-penal policy is a law enforcement effort consisting of 2 (two) forms, namely: prevention efforts (preventive) and coaching efforts (pre-emptive) (Barda Nawawi Arief, 2016). Thus, the role and function of the Indonesian Prosecutor's Office in the Intelligence Division in legal counseling to the public is called a "social role" in carrying out its function as a prosecutor authorized by the Prosecutor's Office Law.

The results of the interview with Ida Bagus Alit Ambara Pidada, S.H, M.H. on February 15, 2024 at 14:00 at the Buleleng District Attorney's Office. He is the Head of the Intelligence Section of the Buleleng District Prosecutor's Office, Legal Counseling and Information to the Community provided by the Buleleng District Prosecutor's Office in order to limit the Crime of Child Rape, socialization is carried out to the Community every month. One of the counseling provided includes Prosecutors Entering Schools (JMS) and Prosecutors Greeting.

This Legal Counseling and Information aims to prevent rape cases against children as victims and perpetrators. Counseling is implemented with the intention of conveying to the public related to legal issues so that the public understands and stays away from punishment. One of the counseling provided includes the Prosecutor Entering School (JMS) and the Prosecutor Greeting. One of the Counseling Prosecutors Entering Schools conducted by the Buleleng district attorney's office that I took took place at SMP Negeri 2 Satap Kubutambahan. The results of a series of legal counseling activities conducted by the Buleleng District Attorney's Office, students can understand the positive and negative effects of drugs and juvenile delinquency where students of SMP Negeri 2 Satap Kubutambahan can understand the many impacts of delinquency that occur in adolescence and understand the justice system for adolescents who violate the law, and become one of the Preventive Efforts by reducing the level of law violations committed by adolescents in order to become good young people and not be deprived of their future due to violations of the law committed in adolescence.

The Preventive Efforts of the Buleleng District Attorney's Office have played their role in combating the Crime of Rape against children where the position of the prosecutor's office has a role as Social Control to the Community so that the behavior of the Community is more disciplined, understands and avoids actions that violate the law. The Preventive Efforts of the prosecutor's office are through legal counseling and information where they conduct counseling in schools in the Buleleng district every month, where the activity is the Prosecutor Entering School, abbreviated as JMS. In the Repressive Efforts themselves from the results of interviews with the Head of the General Criminal Pre-Prosecution Section I Made Heri Permana Putra, S.H., on February

19, 2024, 09:00, Located in the Room of the Head of the General Criminal Pre-Prosecution Section of the Buleleng District Prosecutor's Office. He mentioned that there are several repressive actions carried out by the prosecutor's office for child rape perpetrators ranging from imprisonment to chemical castration. Chemical castration has a rehabilitation purpose if it is imposed on perpetrators who suffer from pedophilia disorders, because chemical castration aims to cure the "disease" contained in the perpetrator that causes him to commit a criminal offense. Then, this sanction will be retributive if chemical castration is imposed on perpetrators of sexual violence who do not suffer from pedophilia disorder.

The Buleleng District Attorney's Office carries out the most severe punishment to the perpetrator of Child Rape and carries out Restitution where the perpetrator replaces the losses suffered by the victim so that the mental and physical soul of the victim is restored. The restitution is contained in Law Number 12 of 2022 on Sexual Violence Article 67 that Victims' Rights Include the Right to Handling, the Right to Protection and the Right to Recovery.

### **3.2 Constraints in Conducting Criminal Acts of Combating Rape Against Children in the Buleleng Regency Area**

According to the Head of the Intelligence Section of the Buleleng District Attorney's Office Ida Bagus Alit Ambara Pidada, S.H, M.H. said that the obstacle in combating child rape is pornography which is widely distributed using Social Media, so that someone can access it quickly and directly to the recipient. The result of this pornography if the recipient is a child will make them curious about pornography so that children become perpetrators of rape.

According to the Head of the General Criminal Pre-Prosecution Sub-Section I Made Heri Permana Putra, S.H., during his time as a prosecutor the average child rape perpetrator occurred as a result of the Internet, the sophisticated development of information and technology that makes anyone get it directly and quickly through a smartphone or gadget makes someone get more pornography, fast and easy to access.

The sophistication of Internet technology is like a double-edged knife where there are positive and negative sides, from the positive side we get information quickly and easily accessible. On the negative side, the information itself cannot be regulated so that children and teenagers get pornographic content, murder and insults. So he argues that we cannot completely reject the sophistication of technology because if we reject the work to return to the past and cannot develop to be more advanced. Therefore the Prosecutor's Office as having a role as Social control which controls the behavior of members of the community group in the field of law by means of counseling so that the community is aware and understands the existence of the law so that they can avoid violations and crimes that can punish them.

In this case I quote from Made Sugi Hartono who explains that "Technology does offer a variety of positive things, but if its use is not based on wisdom, it will actually cause something negative. Some forms of actions that show indiscretion in the use of technology are deception, harassment, illegal content, invasion of privacy, threats of personal photos or videos, and defamation." (Hartono, 2022). From this quote, it can strengthen that the internet does have some positive things but if it is not wise in using it, the user can fall into the negative side of the internet.

#### **4. Conclusion**

Preventive efforts provided by the Buleleng District Attorney's Office to prevent the occurrence of Child Rape Crimes they conduct programs including JMS and Prosecutors Greeting. Prosecutors Enter School held at SMP Negeri 2 Satap Kubutambahan, Tuesday, February 06, 2024, The results of a series of legal counseling activities conducted by the Buleleng District Attorney's Office students can understand the many impacts of delinquency that occur in adolescence and understand the justice system for adolescents who violate the law. The prosecutor greeted the Buleleng State Attorney's Office at Radio Giri FM on Tuesday, September 26, 2023. It was carried out directly with the topic / theme of "Preventing Sexual Violence in Children". Repressive efforts by the Buleleng District Prosecutor's Office provide severe punishment to perpetrators of child rape for deterrent effects and carry out restitution where the perpetrator replaces the losses suffered by the victim so that the mental and physical soul of the victim is restored. Which is regulated in Law Number 12 of 2022 on Sexual Violence Article 67 that Victims' Rights Include the Right to Handling, the Right to Protection and the Right to Recovery.

Preventive and repressive efforts from the Buleleng District Attorney's Office have not been effective because cases of child rape have reappeared and are still increasing. Head of the General Criminal Pre-Prosecution Sub-Section I Made Heri Permana Putra, S.H., argues that the problem of child rape has increased because of the internet, the sophisticated development of information and technology that makes anyone get it directly and quickly through a smartphone or gadget makes someone get more pornography, quickly and easily.

#### **Recommendations**

Counseling by the Buleleng State Attorney's Office is an activity that should be appreciated because it is useful for the community as a social control. Some of the counseling is carried out every month to prevent criminal acts from recurring where the Buleleng State Attorney's Office provides counseling to schools in Buleleng so that children understand the law and can avoid criminal acts that can happen to them. Child rape is a very important case to monitor where children as the future of the nation are torn mentally and physically by irresponsible people. One of the causes of this case is the negative impact of the internet. The internet itself is a double-edged sword that can provide good things to the whole community but can also be bad for some communities.

Thus, children must be supervised in the use of technology and the information they receive because the technology in which someone can access the internet will be like in the wilderness where they do not know the information they receive is true or false, can be good or bad. Everything that is done on the Internet must be done carefully and vigilantly so that the public should not close their eyes to the negative impact of the internet. Therefore, it is not only the prosecutor's office that plays a role in handling the crime of child rape, but the community and family play a role in protecting children as the hope of the nation's future.



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