

ABSTRAK

ANALISIS DASAR PERTIMBANGAN HAKIM TERHADAP PEMIDANAAN ANAK DALAM KASUS PERSETUBUHAN

(Studi Putusan Nomor 23.Pid.Sus-Anak/2025/PN Tjk)

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Pemidanaan terhadap anak pelaku tindak pidana persetubuhan merupakan permasalahan hukum yang kompleks karena melibatkan dua kepentingan yang harus diseimbangkan, yaitu perlindungan terhadap korban dan pembinaan terhadap anak sebagai pelaku. Meskipun Undang-Undang Sistem Peradilan Pidana Anak mengedepankan prinsip kepentingan terbaik bagi anak serta pendekatan keadilan restoratif, dalam praktiknya masih terdapat perbedaan penerapan hukum, khususnya terkait dengan penjatuhan pidana yang tidak selalu sejalan dengan ketentuan pidana minimum dalam Undang-Undang Perlindungan Anak.

Penelitian ini bertujuan untuk menganalisis pertimbangan hakim dalam menjatuhkan putusan terhadap anak sebagai pelaku tindak pidana persetubuhan berdasarkan Putusan Nomor: 23/Pid.Sus-Anak/2025/PN Tjk serta menganalisis apakah putusan tersebut telah sesuai dengan tujuan pemidanaan sebagaimana diatur dalam UU SPPA. Jenis metode yang digunakan dalam penelitian ini adalah metode yuridis normatif dan yuridis empiris. Data diperoleh melalui studi kepustakaan dan wawancara dengan hakim Pengadilan Negeri Tanjung Karang serta dosen hukum pidana Fakultas Hukum Universitas Lampung.

Hasil penelitian menunjukkan bahwa hakim dalam perkara ini mendasarkan putusan pada Pasal 81 ayat (2) Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak dengan menjatuhkan pidana penjara selama dua tahun serta pelatihan kerja selama tiga bulan kepada anak pelaku. Secara yuridis, putusan tersebut telah memenuhi unsur tindak pidana. Namun, dari perspektif tujuan pemidanaan, putusan hakim belum sepenuhnya optimal karena pemidanaan lebih menitikberatkan pada aspek pembinaan terhadap anak pelaku, sementara dampak yang dialami korban, baik secara fisik, psikologis, maupun terhadap masa depan korban juga memerlukan perhatian dan perlindungan hukum.

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Saran yang disampaikan dalam penelitian ini adalah hakim dalam menangani perkara anak perlu menyesuaikan pemidanaan dengan tujuan pemidanaan dalam Pasal 51 Undang-Undang Nomor 1 Tahun 2023, yaitu pencegahan tindak pidana, pembinaan pelaku, penyelesaian konflik, dan penumbuhan rasa penyesalan. Namun, dalam praktiknya hakim masih cenderung menitikberatkan pada aspek penghukuman. Oleh karena itu, optimalisasi peran BAPAS melalui penelitian kemasyarakatan (litmas) yang lebih komprehensif diperlukan agar dapat menjadi dasar pertimbangan hakim dalam menentukan pemidanaan yang sesuai dengan kondisi anak. Dengan demikian, pemidanaan diharapkan lebih berorientasi pada pembinaan, pemulihan, serta pencegahan pengulangan tindak pidana maupun peniruan oleh masyarakat

Kata kunci : Pertimbangan Hakim, Anak, Persetubuhan

ABSTRACT

ANALYSIS OF THE JUDGE'S LEGAL CONSIDERATIONS IN SENTENCING JUVENILE OFFENDERS IN SEXUAL INTERCOURSE CASES

(Study of Decision Number: 23/Pid.Sus-Anak/2025/PN Tjk)

By:

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The sentencing of children as perpetrators of sexual intercourse offenses constitutes a complex legal issue as it involves balancing two interests, namely the protection of victims and the rehabilitation of the child as the offender. Although the Juvenile Criminal Justice System Law emphasizes the principle of the best interests of the child and a restorative justice approach, in practice there are still inconsistencies in the application of the law, particularly in sentencing that does not always align with the minimum penalty provisions stipulated in the Child Protection Law. The problems examined in this study are how judges determine the basis of their considerations in sentencing child offenders in sexual intercourse cases and whether such decisions are in accordance with the objectives of punishment.

This study employs a normative juridical and empirical juridical approach through literature review and interviews with informants, with qualitative analysis focusing on juridical, philosophical, and sociological aspects within the judges' ratio decidendi. The normative approach is conducted through the analysis of laws and regulations, legal doctrines, and relevant court decisions, particularly the Juvenile Criminal Justice System Law and the Child Protection Law. Meanwhile, the empirical approach is carried out through interviews and documentation to examine practices in the field. The data are analyzed qualitatively based on juridical, philosophical, and sociological aspects to assess the conformity of judicial decisions with the objectives of punishment.

The results of the study indicate that the judge based the decision on Article 81 paragraph (2) of Law Number 23 of 2002 concerning Child Protection by imposing a sentence of two years' imprisonment and three months of job training on the child offender. Juridically, the decision has fulfilled the elements of the criminal offense. However, from the perspective of sentencing objectives, the judge's decision has

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not been fully optimal because the punishment places greater emphasis on the rehabilitation of the child offender, while the impacts suffered by the victim, both physically, psychologically, and on the victim's future, also require attention and legal protection. Nevertheless, the decision reflects the objective of providing a deterrent effect and preventing the repetition of criminal acts.

The recommendation presented in this study is that judges in handling juvenile cases need to align sentencing with the objectives of punishment as stipulated in Article 51 of Law Number 1 of 2023, namely the prevention of criminal acts, rehabilitation of offenders, resolution of conflicts, and the development of remorse in offenders. However, in practice, judges still tend to emphasize punitive aspects. Therefore, optimizing the role of the Correctional Center (BAPAS) through more comprehensive social inquiry reports (litmas) is necessary so that such reports can serve as a basis for judges in determining sentences that are appropriate to the child's condition. Thus, sentencing is expected to be more oriented toward rehabilitation, recovery, and the prevention of repeated criminal acts as well as preventing similar acts from being imitated by society.

Keywords: Judicial Consideration, Child, Sexual Intercourse