

ABSTRAK

DASAR PERTIMBANGAN HAKIM DALAM MENJATUHKAN PIDANA TERHADAP ANAK PELAKU PEMBUNUHAN (Studi Putusan No.75/Pid.Sus-Anak/2023/PN Tjk)

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Tindak pidana pembunuhan yang dilakukan oleh anak merupakan perbuatan serius yang menimbulkan dilema dalam sistem peradilan pidana anak. Meskipun pelaku masih berstatus anak, penegakan hukum tetap harus dilakukan dengan memperhatikan prinsip kepentingan terbaik bagi anak (*best interests of the child*) dan keadilan restoratif. Penelitian ini bertujuan menganalisis pertimbangan hakim dalam menjatuhkan pidana terhadap anak pelaku pembunuhan pada Putusan Nomor 75/Pid.Sus-Anak/2023/PN Tanjung Karang serta menilai kesesuaiannya dengan prinsip perlindungan anak dan keadilan restoratif menurut Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak.

Penelitian menggunakan pendekatan yuridis normatif yang dipadukan dengan analisis empiris melalui wawancara dengan hakim Pengadilan Negeri Tanjung Karang, jaksa Kejaksaan Negeri Lampung, dan dosen hukum pidana Fakultas Hukum Universitas Lampung. Data dianalisis secara kualitatif untuk memadukan interpretasi hukum dengan praktik peradilan pidana anak.

Hasil penelitian menunjukkan bahwa pertimbangan hakim didasarkan pada aspek yuridis, filosofis, dan sosiologis. Secara yuridis, perbuatan pelaku memenuhi unsur tindak pidana kekerasan yang mengakibatkan kematian sebagaimana diatur dalam Pasal 80 ayat (3) jo. Pasal 76C Undang-Undang Perlindungan Anak. Unsur tindak pidana terbukti melalui alat bukti yang sah tanpa alasan pembenar maupun pemaaf. Secara filosofis, hakim berpedoman pada prinsip perlindungan anak dan Sistem Peradilan Pidana Anak yang menekankan pembinaan dan rehabilitasi, meskipun kepentingan korban dan keluarganya belum sepenuhnya terakomodasi. Secara sosiologis, hakim mempertimbangkan latar belakang, lingkungan, dan masa depan anak pelaku, namun dampak sosial berupa hilangnya nyawa korban dan rasa ketidakadilan keluarga korban belum sepenuhnya terpenuhi. Hakim menjatuhkan pidana penjara selama 4 tahun 6 bulan dengan mempertimbangkan usia, kondisi psikologis, sikap kooperatif, dan peluang rehabilitasi pelaku.

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Saran penelitian ini adalah agar hakim dan aparat penegak hukum dalam menangani perkara anak secara konsisten mengintegrasikan pertimbangan yuridis, filosofis, dan sosiologis secara seimbang. Dalam menjatuhkan putusan, hakim tidak hanya berfokus pada kepentingan terbaik bagi anak pelaku, tetapi juga wajib mempertimbangkan kepentingan korban agar tercapai keseimbangan keadilan. Selain itu, diperlukan penguatan implementasi keadilan restoratif melalui mekanisme pemulihan yang lebih nyata bagi korban, serta peningkatan program pembinaan dan rehabilitasi yang melibatkan keluarga, masyarakat, dan lembaga sosial, sehingga tujuan sistem peradilan pidana anak dapat tercapai secara lebih komprehensif dan berkeadilan.

Kata Kunci: Pertimbangan Hakim, Pemidanaan Anak, Prinsip Kepentingan Terbaik Bagi Anak.

ABSTRACT

THE BASIS OF JUDICIAL CONSIDERATIONS IN IMPOSING CRIMINAL SANTIONS ON CHILD OFFENDERS IN HOMICIDE CASES

(A Study of Decision No. 75/Pid.Sus-Anak/2023/PN Tjk)

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Child-perpetrated homicide is a serious offense that creates a dilemma within the juvenile justice system. Although the offender is still a child, law enforcement must still be carried out by upholding the principle of the best interests of the child and restorative justice. This study aims to analyze the judge's considerations in imposing a sentence on a child offender in the homicide case under Decision Number 75/Pid.Sus-Anak/2023/PN Tanjung Karang, as well as to assess its conformity with the principles of child protection and restorative justice as regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

This research applies a normative juridical approach combined with empirical analysis through interviews with judges of the Tanjung Karang District Court, prosecutors from the Lampung District Prosecutor's Office, and criminal law lecturers from the Faculty of Law, University of Lampung. The data were analyzed qualitatively to integrate legal interpretation with the practice of juvenile criminal justice.

The findings show that the judge's considerations are based on juridical, philosophical, and sociological aspects. Juridically, the offender's actions fulfill the elements of a violent crime resulting in death as regulated under Article 80 paragraph (3) in conjunction with Article 76C of the Child Protection Law. The elements of the offense were proven through valid evidence without any grounds for justification or excuse. Philosophically, the judge adheres to the principles of child protection and the Juvenile Criminal Justice System, which emphasize guidance and rehabilitation, although the interests of the victim and the victim's family have not been fully accommodated. Sociologically, the judge considered the offender's background, environment, and future prospects; however, the social impact, such as the loss of the victim's life and the sense of injustice felt by the victim's family, has not been fully addressed. The judge imposed a prison sentence of 4 years and 6 months, taking into account the offender's age, psychological condition, cooperative attitude, and potential for rehabilitation.

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This study recommends that judges and law enforcement officers consistently integrate juridical, philosophical, and sociological considerations in a balanced manner when handling juvenile cases. In sentencing, judges should not only focus on the best interests of the child offender but must also consider the interests of the victim to achieve a balanced sense of justice. Furthermore, it is necessary to strengthen the implementation of restorative justice through more tangible victim recovery mechanisms, as well as improve rehabilitation and guidance programs involving families, communities, and social institutions, so that the objectives of the juvenile justice system can be achieved more comprehensively and fairly.

Keywords: *Judicial Consideration, Juvenile Sentencing, Best Interests of the Child.*