

ABSTRAK

PENERAPAN SANKSI TINDAKAN TERHADAP ANAK PELAKU TINDAK PIDANA PENCABULAN (Studi Putusan Nomor: 8/Pid.Sus-Anak/2024/PN.Gdt)

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Anak yang melakukan tindak pidana harus tetap mempertanggungjawabkan perbuatannya di depan hukum, tetapi apabila usianya belum 14 tahun maka sanksi yang dapat dijatuhkan kepada anak adalah sanksi tindakan. Permasalahan penelitian: Apakah yang menjadi pertimbangan hakim menjatuhkan sanksi tindakan terhadap anak pelaku tindak pidana melakukan ancaman kekerasan memaksa anak untuk berbuat cabul dan Apakah penjatuhan sanksi tindakan terhadap anak pelaku tindak pidana melakukan ancaman kekerasan memaksa anak untuk berbuat cabul sesuai dengan tujuan pemidanaan.

Pendekatan penelitian yang digunakan adalah yuridis normatif. Data dikumpulkan dengan studi kepustakaan dan selanjutnya Analisis data dilakukan dengan analisis hukum berupa interpretasi atau penafsiran hukum, yaitu penafsiran gramatikal, penafsiran teleologis, dan penafsiran restriktif.

Hasil penelitian menunjukkan bahwa pertimbangan hakim dalam menjatuhkan sanksi tindakan terhadap anak pelaku tindak pidana melakukan ancaman kekerasan memaksa anak untuk berbuat cabul secara yuridis adalah anak terbukti secara sah dan meyakinkan melakukan tindak pidana sebagai dakwaan tunggal Penuntut Umum. Pertimbangan filosofis yaitu hakim mempertimbangkan filosofi penjatuhan tindakan terhadap anak sebagai upaya pembinaan terhadap diri anak. Pertimbangan sosiologis yaitu adanya pertimbangan latar belakang sosial serta keadaan yang memberatkan serta meringankan bagi anak pelaku tindak pidana. Penjatuhan sanksi tindakan kepada Anak berupa Perawatan di LPKS selama 1 (satu) tahun sesuai dengan tujuan pemidanaan terhadap anak khususnya teori relatif yang memiliki tujuan yaitu sebagai upaya resosialisasi dan rehabilitasi anak terhadap anak yang melakukan tindak pidana agar menyadari kesalahan serta mampu memperbaiki dirinya agar menjadi anak yang berguna bagi masyarakat, bangsa dan negara setelah selesai menjalani masa perawatan di LPKS. Tindakan perawatan di LPKS memberikan ruang bagi anak untuk dibina secara menyeluruh melalui pendidikan dan bimbingan psikososial.

Saran kepada aparat penegak hukum dalam sistem peradilan pidana anak agar menangani anak yang berkonflik dengan hukum tetap konsisten mengedepankan pemidanaan yang bersifat edukatif dan rehabilitatif, sehingga sesuai dengan esensi UU SPPA. Kepada Orang tua diharapkan dapat lebih berperan aktif dalam memperhatikan tumbuh kembang anak, terutama dalam hal pendidikan, pembinaan moral dan keagamaan, serta pengawasan terhadap lingkungan pergaulannya.

Kata Kunci: Penerapan Sanksi Tindakan, Putusan Hakim, Anak, Ancaman Kekerasan, Berbuat Cabul

ABSTRACT

APPLICATION OF SANCTIONS ON CHILDREN WHO ARE COMMITTED TO THE CRIMINAL ACT OF MOLESTERY (Decision Study Number: 8/Pid.Sus-Anak/2024/PN.Gdt)

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Children who commit crimes must still be held accountable for their actions before the law, but if they are not yet 14 years old, the sanctions that can be imposed on children are action sanctions. Research problems: What are the considerations of judges in imposing action sanctions on children who commit crimes by threatening violence and forcing children to commit indecent acts and whether the imposition of action sanctions on children who commit crimes by threatening violence and forcing children to commit indecent acts is in accordance with the purpose of punishment.

The research approach used is normative juridical. Data were collected through literature studies and then data analysis was carried out using legal analysis in the form of legal interpretation, namely grammatical interpretation, teleological interpretation, and restrictive interpretation.

The results of the study indicate that the judge's consideration in imposing sanctions against children who commit crimes by threatening violence by forcing children to commit indecent acts legally is that the child is proven legally and convincingly to have committed a crime as a single charge of the Public Prosecutor. Philosophical considerations, namely the judge considers the philosophy of imposing sanctions against children as an effort to foster the child. Sociological considerations, namely the consideration of social background and aggravating and mitigating circumstances for children who commit crimes. The imposition of sanctions on children in the form of Treatment at LPKS for 1 (one) year is in accordance with the purpose of criminalizing children, especially the relative theory which has the aim of being an effort to resocialize and rehabilitate children who commit crimes so that they realize their mistakes and are able to improve themselves so that they become children who are useful for society, nation and state after completing their treatment period at LPKS. Treatment actions at LPKS provide space for children to be fostered comprehensively through education and psychosocial guidance.

Suggestions to law enforcement officers in the juvenile criminal justice system to handle children in conflict with the law consistently prioritize educative and rehabilitative punishment, so that it is in accordance with the essence of the SPPA Law. Parents are expected to play a more active role in paying attention to their children's growth and development, especially in terms of education, moral and religious development, and supervision of their social environment.

Keywords: Implementation of Action Sanctions, Judge's Decision, Children, Threats of Violence, Indecent Acts