

ABSTRAK

ANALISIS PENERAPAN PERATURAN MAHKAMAH AGUNG NOMOR 1 TAHUN 2024 TERHADAP ANAK DAN LANSIA YANG MELAKUKAN TINDAK PIDANA RINGAN

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Penegakan hukum terhadap tindak pidana ringan yang dilakukan oleh anak dan lansia kerap kali menimbulkan ketidakpuasan masyarakat karena kurang mempertimbangkan prinsip keadilan dan kemanfaatan. Untuk mengatasi hal tersebut, Mahkamah Agung menerbitkan Peraturan Mahkamah Agung Nomor 1 Tahun 2024 tentang Pedoman Mengadili Perkara Pidana Berdasarkan Keadilan Restoratif. Berdasarkan uraian diatas maka permasalahan yang diangkat dalam penelitian ini meliputi: Bagaimanakah penerapan Peraturan Mahkamah Agung Nomor 1 Tahun 2024 terhadap anak dan lansia yang melakukan tindak pidana ringan? Apa sajakah faktor penghambat dalam penerapan peraturan Mahkamah Agung Nomor 1 Tahun 2024 terhadap anak dan lansia yang melakukan tindak pidana ringan? Penelitian ini bertujuan untuk menganalisis penerapan Peraturan Mahkamah Agung tersebut terhadap anak dan lansia yang melakukan tindak pidana ringan serta mengidentifikasi faktor-faktor penghambat dalam penerapannya.

Metode penelitian yang digunakan adalah metode yuridis normatif dan yuridis empiris. Pendekatan penelitian meliputi pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Data dikumpulkan melalui studi dokumen terhadap peraturan perundang-undangan dan literatur hukum, serta wawancara dengan praktisi dan akademisi sebagai data primer.

Hasil penelitian menunjukkan bahwa penerapan Peraturan Mahkamah Agung Nomor 1 Tahun 2024 telah memberikan ruang yang lebih manusiawi dalam penyelesaian perkara pidana ringan melalui pendekatan keadilan restoratif. Namun, penerapannya di lapangan masih menghadapi beberapa kendala, seperti kurangnya pemahaman aparat penegak hukum terhadap prinsip keadilan restoratif, keterbatasan sarana pendukung, serta resistensi dari sebagian masyarakat dan korban yang lebih memilih proses hukum formal. Kesimpulannya, meskipun Peraturan Mahkamah Agung ini membuka peluang besar bagi penyelesaian perkara secara damai, implementasinya membutuhkan komitmen bersama dari seluruh pihak terkait.

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Saran yang diajukan adalah perlunya peningkatan pelatihan dan sosialisasi kepada aparat penegak hukum mengenai konsep dan mekanisme keadilan restoratif, penyediaan fasilitas pendukung mediasi penal, serta pembentukan regulasi tambahan untuk memperjelas penerapan keadilan restoratif terhadap kelompok rentan seperti anak dan lansia.

Kata kunci: Penerapan Peraturan, Anak, Lansia, Tindak Pidana Ringan.

Abstract

ANALYSIS OF THE APPLICATION OF THE SUPREME COURT REGULATION NUMBER 1 OF 2024 FOR CHILDREN AND THE ELDERLY WHO COMMIT MINOR CRIMES

By

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Law enforcement against minor criminal acts committed by children and the elderly often causes public dissatisfaction because they do not consider the principles of justice and benefits. To overcome this, the Supreme Court issued Supreme Court Regulation Number 1 of 2024 concerning the Guidelines for Trial of Criminal Cases Based on Restorative Justice. Based on the description above, the problems raised in this research include: How is the implementation of the Supreme Court Regulation Number 1 of 2024 on children and the elderly who commit minor crimes? What are the inhibiting factors in the application of Supreme Court regulations Number 1 of 2024 against children and the elderly who commit minor criminal offenses?. This research aims to analyze the implementation of the Supreme Court Regulations on children and the elderly who commit minor criminal offenses and identify inhibitory factors in their implementation.

The research methods used are normative and empirical juridical methods. Research approaches include legislative approaches, case approaches, and conceptual approaches. Data is collected through the study of documents on laws and regulations and legal literature, as well as interviews with practitioners and academics as primary data.

The research results show that the implementation of the Supreme Court Regulation Number 1 of 2024 has provided a more humane space in the settlement of minor criminal cases through a restorative justice approach. However, its implementation in the field still faces several obstacles, such as the lack of understanding of law enforcement officers towards the principle of restorative justice, limited supporting facilities, and resistance from some people and victims who prefer formal legal processes. In conclusion, although this Supreme Court Regulation opens up great opportunities for the peaceful settlement of cases, its implementation requires a joint commitment from all related parties.

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The suggestions proposed are the need to increase training and socialization to law enforcement officers regarding the concept and mechanism of restorative justice, the provision of facilities to support penal mediation, as well as the establishment of additional regulations to clarify the application of restorative justice to vulnerable groups such as children and the elderly.

Keywords: Regulation Implementation, Children, Elderly, Minor Crimes.