

ABSTRAK

PENEGAKAN HUKUM TERHADAP PELAKU TINDAK PIDANA PENGANIAYAAN ANAK DENGAN MENGGUNAKAN *RESTORATIVE JUSTICE* (Studi Pada Kejaksaan Negeri Pesawaran)

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Anak merupakan kelompok yang sangat rentan terhadap pelanggaran hak asasi manusia, khususnya kekerasan fisik dan psikologis. Perlindungan terhadap anak menjadi kewajiban negara dan masyarakat agar mereka dapat tumbuh dan berkembang secara optimal dalam lingkungan yang aman. Namun, praktik kekerasan terhadap anak masih ditemukan, termasuk di lembaga pendidikan berbasis agama seperti pesantren yang seharusnya menjadi ruang aman dan pembinaan moral. Kasus kekerasan terhadap seorang santri berusia 13 tahun di Pondok Pesantren Pesona Al-Qur'an, Pesawaran, Lampung, menunjukkan bahwa kekerasan dapat terjadi akibat relasi kuasa yang timpang antara pengurus dan santri, sehingga memunculkan keprihatinan terhadap sistem perlindungan anak di lingkungan pesantren.

Penelitian ini bertujuan menganalisis penegakan hukum melalui penerapan *Restorative Justice* dalam perkara penganiayaan terhadap anak serta mengidentifikasi faktor-faktor penghambat penerapannya. Metode yang digunakan adalah penelitian normatif empiris dengan pendekatan perundang-undangan dan pendekatan kasus untuk mengkaji ketentuan hukum yang berlaku dan implementasinya dalam praktik penegakan hukum pidana.

Hasil penelitian menunjukkan bahwa perkara penganiayaan terhadap anak diselesaikan melalui pendekatan *restorative justice* sesuai dengan Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020 melalui dialog antara pelaku, korban, dan keluarga. Namun, penerapannya masih menghadapi berbagai hambatan sebagaimana dikemukakan oleh Soerjono Soekanto, yakni faktor hukum, aparat penegak hukum, sarana dan prasarana, masyarakat, serta kebudayaan, yang dalam konteks pesantren tercermin pada luasnya diskresi hukum, orientasi aparat pada penyelesaian administratif, keterbatasan mekanisme pemulihan korban, tekanan sosial terhadap korban, serta budaya institusional yang menormalisasi kekerasan.

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berdasarkan hasil penelitian tersebut, dapat disimpulkan bahwa penerapan *Restorative Justice* dalam perkara penganiayaan terhadap anak telah memiliki dasar hukum yang jelas, namun belum sepenuhnya menjamin perlindungan optimal bagi anak sebagai korban. Oleh karena itu, diperlukan peningkatan kapasitas aparat penegak hukum, peran aktif masyarakat dan lembaga pendidikan keagamaan, serta penguatan prinsip kepentingan terbaik bagi anak agar penerapan *Restorative Justice* benar-benar berorientasi pada pemulihan dan perlindungan anak.

**Kata Kunci: Penegakan Hukum, Penganiayaan, Restorative Justice ,
Perlindungan Anak.**

ABSTRAK

ENFORCEMENT OF LAW AGAINST PERPETRATORS OF CHILD ABUSE THROUGH A RESTORATIVE RESTORATIVE JUSTICE APPROACH (Study on the Pesawaran District Prosecutor's Office)

By

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Violence against children remains a legal and social problem in Indonesia and requires comprehensive handling. Children as victims of criminal acts are in a vulnerable position, both physically and psychologically, and therefore require optimal legal protection. One case of child abuse that occurred in a religious educational environment has drawn attention because it was resolved through a restorative Restorative Justice approach and was not pursued to the court stage. This condition raises academic questions regarding the effectiveness of law enforcement and its conformity with the principles of protection and the best interests of the child.

This study aims to analyze law enforcement through the application of restorative Restorative Justice in cases of child abuse and to identify the factors hindering its implementation. The research employs a normative-empirical method using statutory and case approaches to examine applicable legal provisions and their implementation in criminal law enforcement practice.

The research findings indicate that cases of child assault were resolved through a restorative justice approach in accordance with Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 through dialogue between the perpetrator, the victim, and their families. However, its implementation still faces various obstacles as identified by Soerjono Soekanto, namely legal factors, law enforcement authorities, facilities and infrastructure, society, and culture, which in the context of Islamic boarding schools are reflected in broad legal discretion, the orientation of law enforcement toward administrative settlement, limited mechanisms for victim recovery, social pressure on victims, and institutional cultures that normalize violence.

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Based on the research findings, it can be concluded that the application of restorative justice in cases of child assault has a clear legal basis; however, it has not yet fully ensured optimal protection for children as victims. Therefore, it is necessary to enhance the capacity of law enforcement authorities, strengthen the active role of society and religious educational institutions, and reinforce the principle of the best interests of the child so that the implementation of restorative justice is genuinely oriented toward the recovery and protection of children.

Keywords: Law Enforcement, Persecution, Restorative Justice , Child Protection.