

ABSTRAK

**ANALISIS PEMIDANAAN TERHADAP ANAK YANG MELAKUKAN
TINDAK PIDANA Pengeroyokan BERSAMA
DENGAN PELAKU DEWASA**

(Studi Putusan Nomor: 12/Pid.Sus-Anak/2024/PN Gdt)

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Fenomena keterlibatan anak dalam tindak pidana bersama dengan pelaku dewasa menimbulkan persoalan penting dalam sistem peradilan pidana anak, terutama terkait pemenuhan hak anak, penentuan pertanggungjawaban pidana, serta penerapan pemidanaan yang sesuai dengan prinsip keadilan restoratif. Penelitian ini bertujuan untuk menganalisis penerapan pemidanaan terhadap anak dalam Putusan Nomor 12/Pid.Sus-Anak/2024/PN Gdt serta mengkaji dasar pertimbangan hakim dalam menjatuhkan putusan.

Penelitian menggunakan pendekatan yuridis normatif dan yuridis empiris melalui studi kepustakaan dan wawancara dengan hakim, jaksa, serta akademisi hukum pidana. Data dianalisis secara kualitatif untuk memperoleh gambaran menyeluruh antara teori dan praktik penegakan hukum.

Hasil penelitian menunjukkan bahwa pemidanaan terhadap anak dalam perkara tersebut telah berpedoman pada Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak. Meskipun tindak pidana dilakukan secara bersama-sama dengan pelaku dewasa, hakim tetap membedakan tingkat pertanggungjawaban anak berdasarkan usia, kematangan psikologis, serta peran anak dalam terjadinya tindak pidana. Pertimbangan hakim meliputi: (1) aspek yuridis berupa pembuktian unsur Pasal 170 ayat (2) ke-1 KUHP serta pemenuhan alat bukti; (2) aspek filosofis yang menempatkan pemidanaan sebagai sarana pembinaan, rehabilitasi, dan pemulihan anak; serta (3) aspek sosiologis yang mempertimbangkan kondisi keluarga, lingkungan sosial, dan potensi perubahan perilaku anak.

Penelitian ini menyimpulkan bahwa pemidanaan yang dijatuhkan telah mencerminkan prinsip perlindungan anak dan keadilan restoratif karena tidak hanya berorientasi pada hukuman, tetapi juga memperhatikan pembinaan dan reintegrasi sosial anak. Saran penelitian menekankan pentingnya penguatan implementasi *restorative justice*, peningkatan kualitas pendampingan bagi anak, agar keadilan substantif dan perlindungan anak dapat terwujud secara optimal.

Kata kunci: Pemidanaan Anak, Tindak Pidana Bersama, Pertimbangan Hakim, SPPA.

ABSTRACT

ANALYSIS OF IMPRISONMENT OF CHILDREN WHO COMMIT CRIMES OF MASS ASSAULT TOGETHER WITH ADULT PERPETRATORS (Study of Decision Number: 12/Pid.Sus-Anak/2024/PN Gdt)

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The phenomenon of children's involvement in criminal acts alongside adult perpetrators raises important issues in the juvenile justice system, particularly in relation to the fulfillment of children's rights, the determination of criminal responsibility, and the application of punishment in accordance with the principles of restorative justice. This study aims to analyze the application of punishment against children in Decision Number 12/Pid.Sus-Anak/2024/PN Gdt and to examine the basis for the judge's considerations in handing down the decision.

The research uses a normative legal and empirical legal approach through literature studies and interviews with judges, prosecutors, and criminal law academics. Data is analyzed qualitatively to obtain a comprehensive picture of the theory and practice of law enforcement.

The results of the study show that the punishment of children in these cases was based on Law No. 11 of 2012 on the Criminal Justice System for Children. Even though the crimes were committed jointly with adult perpetrators, the judges still differentiated the level of responsibility of the children based on their age, psychological maturity, and role in the crime. The judge's considerations included: (1) legal aspects in the form of proving the elements of Article 170 paragraph (2) of the Criminal Code and the fulfillment of evidence; (2) philosophical aspects that place punishment as a means of guidance, rehabilitation, and recovery for children; and (3) sociological aspects that consider family conditions, social environment, and the potential for behavioral change in children.

This study concludes that the sentences imposed reflect the principles of child protection and restorative justice because they are not only punishment-oriented but also take into account the rehabilitation and social reintegration of children. The study recommends strengthening the implementation of restorative justice and improving the quality of assistance for children so that substantive justice and child protection can be optimally realized.

Keywords: Juvenile Punishment, Joint Criminal Acts, Judicial Considerations, SPPA.