

ABSTRAK

ANALISIS PUTUSAN HAKIM DALAM PEMIDANAAN TERHADAP ANAK SEBAGAI PELAKU TINDAK PIDANA PENCURIAN (Studi Putusan : Nomor 72/Pid.Sus-Anak/2024/PN.Tjk)

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Setiap pertumbuhan dan perkembangannya anak seharusnya dapat bertingkah laku sewajarnya sesuai dengan usianya sehingga tidak merugikan diri sendiri maupun orang lain, namun pada kenyataannya terdapat anak yang menjadi pelaku tindak pidana. Hakim dalam menjatuhkan pidana terhadap anak harus memperhatikan kepentingan terbaik bagi anak dan memenuhi rasa keadilan yang sesuai dengan tujuan pemidanaan. Permasalahan dalam penelitian ini adalah: (1) Pertimbangan hukum hakim dalam menjatuhkan putusan pidana terhadap anak sebagai pelaku tindak pidana pencurian dalam Putusan Nomor 72/Pid.Sus-Anak/2024/PN.Tjk (2) Putusan hakim dalam pemidanaan putusan terhadap anak sebagai pelaku tindak pidana pencurian dalam Putusan Nomor 72/Pid.Sus-Anak/2024/PN.Tjk sudah sesuai dengan tujuan pemidanaan

Metode penelitian yang digunakan adalah pendekatan yuridis normatif dan empiris. Narasumber penelitian terdiri dari Hakim Anak pada Pengadilan Negeri Tanjung Karang dan Dosen Bagian Hukum Pidana Fakultas Hukum Universitas Lampung. Prosedur pengumpulan data dilakukan dengan studi pustaka dan lapangan. Data yang diperoleh selanjutnya dianalisis secara kualitatif.

Hasil penelitian dan pembahasan menunjukkan: (1) Pertimbangan hukum hakim dalam menjatuhkan pidana terhadap anak didasarkan pada pertimbangan yuridis, filosofis, dan sosiologis, dengan memperhatikan ketentuan Kitab Undang-Undang Hukum Pidana, Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak, serta fakta-fakta yang terungkap di persidangan. (2) Putusan hakim dalam menjatuhkan pidana penjara selama 4 (empat) bulan di Lembaga Pembinaan Khusus Anak dinilai telah sesuai dengan tujuan pemidanaan.

Saran dalam penelitian ini adalah: (1) hakim diharapkan dapat lebih mengoptimalkan penerapan asas kepentingan terbaik bagi anak dan asas *ultimum remedium*, dengan mempertimbangkan secara mendalam alternatif pemidanaan selain pidana penjara. (2) Perlu dilakukan evaluasi dan penguatan regulasi terkait

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pelaksanaan Sistem Peradilan Pidana Anak, khususnya dalam memberikan pedoman yang lebih operasional bagi hakim dalam menerapkan diversi dan alternatif pemidanaan, agar tidak terjadi perbedaan antara norma hukum dan praktik peradilan.

Kata Kunci: Pertimbangan Hukum Hakim, Anak, Tindak Pidana Pencurian.

ABSTRACT

ANALYSIS OF JUDGES' DECISIONS IN SENTENCING CHILDREN AS PERPETRATORS OF THE CRIME OF THEFT (Case Study: Decision Number 72/Pid.Sus-Anak/2024/PN.Tjk)

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During their growth and development, children are expected to behave appropriately in accordance with their age so as not to harm themselves or others. However, in reality, there are children who become perpetrators of criminal acts. In imposing criminal sanctions on children, judges must consider the best interests of the child and uphold a sense of justice that is consistent with the objectives of punishment. The problems examined in this research are: (1) the legal considerations of judges in imposing criminal sanctions on children as perpetrators of the crime of theft in Decision Number 72/Pid.Sus-Anak/2024/PN.Tjk; and (2) whether the judge's decision in sentencing the child as a perpetrator of the crime of theft in Decision Number 72/Pid.Sus-Anak/2024/PN.Tjk is in accordance with the objectives of punishment.

The research method used in this study is a normative juridical and empirical approach. The research informants consisted of a Juvenile Judge at the Tanjung Karang District Court and a lecturer from the Criminal Law Department, Faculty of Law, University of Lampung. Data collection procedures were carried out through library research and field studies. The data obtained were then analyzed qualitatively.

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The results of the research and discussion indicate that: (1) the judges' legal considerations in imposing criminal sanctions on children are based on juridical, philosophical, and sociological considerations, taking into account the provisions of the Criminal Code, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, as well as the facts revealed during the trial; and (2) the judge's decision to impose a sentence of 4 (four) months of imprisonment in a Special Child Development Institution is considered to be in accordance with the objectives of punishment.

The recommendations of this research are: (1) judges are expected to further optimize the application of the principle of the best interests of the child and the principle of ultimum remedium by thoroughly considering alternatives to imprisonment; and (2) it is necessary to evaluate and strengthen regulations related to the implementation of the Juvenile Criminal Justice System, particularly in providing more operational guidelines for judges in applying diversion and alternative sentencing, so as to avoid discrepancies between legal norms and judicial practice.

Keywords: Judges' Legal Considerations, Children, Crime of Theft.