

ABSTRAK

ANALISIS DASAR PERTIMBANGAN HAKIM DALAM MENJATUHKAN PUTUSAN TERHADAP PELAKU TINDAK PIDANA PENCABULAN YANG DILAKUKAN TENAGA PENDIDIK TERHADAP ANAK (Studi Putusan Nomor: 438/Pid.Sus/2022/PN.Tjk)

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Kasus tindak pidana pencabulan yang dilakukan oleh tenaga pendidik terhadap anak di bawah umur merupakan bentuk kejahatan serius yang tidak hanya melanggar ketentuan hukum, tetapi juga mencederai etika profesi pendidik serta merusak kepercayaan masyarakat terhadap institusi pendidikan. Perkara Nomor 438/Pid.Sus/2022/PN Tanjung Karang menunjukkan bagaimana pelaku memanfaatkan relasi kuasa dan kedudukannya sebagai pendidik untuk melakukan perbuatan pencabulan melalui tipu muslihat, ancaman, dan pemaksaan terhadap korban. Kondisi tersebut melatarbelakangi permasalahan mengenai dasar pertimbangan hakim dalam memutus perkara tindak pidana pencabulan yang dilakukan oleh tenaga pendidik terhadap anak di bawah umur serta kesesuaian putusan hakim dengan prinsip keadilan substantif.

Penelitian ini menggunakan pendekatan yuridis empiris. Data primer diperoleh melalui wawancara dengan hakim pada Pengadilan Negeri Tanjung Karang dan dosen Bagian Hukum Pidana Fakultas Hukum Universitas Lampung. Data sekunder bersumber dari peraturan perundang-undangan, literatur hukum, serta dokumen resmi yang berkaitan dengan perkara. Seluruh data dianalisis secara kualitatif untuk menilai kesesuaian antara pertimbangan hakim dalam putusan dengan nilai-nilai keadilan substantif.

Hasil penelitian menunjukkan bahwa dasar pertimbangan hakim dalam perkara ini mencakup aspek yuridis, filosofis, dan sosiologis. Aspek yuridis tercermin dari terpenuhinya unsur-unsur tindak pidana sebagaimana diatur dalam Pasal 81 dan Pasal 82 Undang-Undang Perlindungan Anak, yang dibuktikan melalui keterangan saksi, pengakuan terdakwa, alat bukti yang sah, serta dakwaan yang lengkap. Aspek filosofis menekankan adanya pelanggaran berat terhadap nilai moral, etika profesi pendidik, dan prinsip perlindungan anak. Aspek sosiologis mempertimbangkan dampak perbuatan pelaku terhadap korban, keluarga, serta masyarakat luas, khususnya terganggunya rasa aman dalam lingkungan pendidikan. Hubungan kuasa antara pendidik dan peserta didik dipandang sebagai faktor yang sangat memberatkan dalam penilaian hakim. Putusan pidana berupa penjara selama 10 tahun dan denda sebesar Rp100.000.000 mencerminkan adanya

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upaya penegakan hukum terhadap pelaku, sudah sepenuhnya memenuhi keadilan substantif. Hal ini dibuktikan dengan ketegasan Majelis Hakim yang menjatuhkan vonis jauh melampaui tuntutan Jaksa Penuntut Umum, yang mengindikasikan bahwa hakim telah menerapkan esensi pemberatan pidana sebagaimana semangat Pasal 82 ayat (2) Undang-Undang Perlindungan Anak. Hakim menilai bahwa status pelaku sebagai tenaga pendidik serta modus operandi yang melibatkan manipulasi psikologis dan penyalahgunaan relasi kuasa adalah faktor pemberat yang krusial. Putusan yang tegas dan berat ini bukan hanya sekadar sanksi formal, melainkan wujud nyata perlindungan maksimal bagi anak serta jawaban atas rasa keadilan masyarakat yang menghendaki agar predator seksual di lingkungan pendidikan dihukum setimpal dengan perbuatannya.

Saran dalam penelitian ini menekankan perlunya aparat penegak hukum menerapkan ketentuan pemberatan pidana secara konsisten dan tegas terhadap tenaga pendidik yang melakukan kejahatan seksual terhadap anak. Selain itu, hakim diharapkan lebih mengedepankan keadilan substantif dengan mempertimbangkan kerentanan korban, relasi kuasa yang timpang, serta dampak jangka panjang terhadap kondisi psikologis dan masa depan anak.

Kata Kunci: Pertimbangan Hakim, Tenaga Pendidik, Anak, Tindak Pidana, Pencabulan.

ABSTRACT

ANALYSIS OF THE JUDGE'S BASIS OF CONSIDERATION IN SENTENCING THE PERPETRATOR OF MOLESTATION COMMITTED BY AN EDUCATOR AGAINST A CHILD (Study of Decision Number: 438/Pid.Sus/2022/PN.Tjk)

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Cases of indecent acts committed by educators against minors constitute serious crimes that not only violate legal provisions but also undermine the ethics of the teaching profession and erode public trust in educational institutions. Case Number 438/Pid.Sus/2022/PN Tanjung Karang illustrates how the perpetrator exploited power relations and his position as an educator to commit acts of indecency through deceit, threats, and coercion against the victim. These circumstances form the basis of the issues concerning the judges' considerations in adjudicating cases of indecent acts committed by educators against minors and the conformity of the court's decision with the principle of substantive justice.

This research employs an empirical juridical approach. Primary data were obtained through interviews with judges of the Tanjung Karang District Court and lecturers from the Criminal Law Division of the Faculty of Law, University of Lampung. Secondary data were derived from statutory regulations, legal literature, and official documents related to the case. All data were analyzed qualitatively to assess the conformity between the judges' considerations in the decision and the values of substantive justice.

The research results indicate that the judge's basis of consideration in this case encompasses juridical, philosophical, and sociological aspects. The juridical aspect is reflected in the fulfillment of the criminal elements as regulated in Articles 81 and 82 of the Child Protection Law, evidenced through witness testimonies, the defendant's confession, valid evidence, and a comprehensive indictment. The philosophical aspect emphasizes the severe violation of moral values, the professional ethics of educators, and the principles of child protection. The sociological aspect considers the impact of the perpetrator's actions on the victim, the family, and the broader community, particularly the disturbance of the sense of security within the educational environment. The power dynamic between the educator and the student is viewed as a significant aggravating factor in the judge's assessment. The criminal sentence of 10 years imprisonment and a fine of Rp100,000,000 reflects a law enforcement effort against the perpetrator that has

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fully satisfied substantive justice. This is evidenced by the firmness of the Panel of Judges in imposing a verdict that far exceeded the Public Prosecutor's demands, indicating that the judge applied the essence of sentence enhancement as embodied in the spirit of Article 82 paragraph (2) of the Child Protection Law. The judge assessed that the perpetrator's status as an educator, along with a modus operandi involving psychological manipulation and the abuse of power relations, constituted crucial aggravating factors. This firm and severe verdict is not merely a formal sanction, but a tangible manifestation of maximum protection for children and a response to the community's sense of justice, which demands that sexual predators in the educational environment be punished commensurately with their actions.

The recommendations of this research emphasize the need for law enforcement authorities to consistently and firmly apply sentencing enhancements against educators who commit sexual crimes against children. Furthermore, judges are encouraged to prioritize substantive justice by taking into account the vulnerability of victims, unequal power relations, and the long-term impact on the psychological condition and future of the child.

Keywords: Judges' Considerations, Educators, Children, Criminal Offense, Indecent Acts.