

ABSTRAK

PERTANGGUNGJAWABAN PIDANA TERHADAP ANAK PELAKU TINDAK PIDANA TANPA HAK MEMBAWA SENJATA TAJAM (Studi Putusan Nomor 20/Pid.Sus-Anak/2024/Pn Kla)

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Keterlibatan anak dalam tindak pidana membawa senjata tajam tanpa hak merupakan persoalan hukum yang tidak hanya berkaitan dengan penegakan norma pidana, tetapi juga menyangkut perlindungan hak anak sebagai individu yang masih dalam tahap perkembangan. Perbuatan membawa senjata tajam berpotensi menimbulkan gangguan keamanan dan ketertiban umum, terlebih apabila dilakukan dalam konteks tawuran. Oleh karena itu, pertanggungjawaban pidana terhadap anak harus diterapkan secara proporsional dengan tetap memperhatikan prinsip kepentingan terbaik bagi anak sebagaimana diatur dalam Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak. Penelitian ini bersifat deskriptif analitis dengan menggunakan pendekatan yuridis normatif, serta teknik pengumpulan data melalui studi kepustakaan dengan mengkaji Putusan Nomor 20/Pid.Sus-Anak/2024/PN Kla.

Penelitian ini menggunakan pendekatan yuridis normatif yang didukung dengan data empiris melalui studi kepustakaan dan wawancara kepada narasumber, yaitu Jaksa Penuntut Umum pada Kejaksaan Negeri Lampung Selatan serta Dosen Hukum Pidana Fakultas Hukum Universitas Lampung. Selanjutnya data yang diperoleh dianalisis secara deskriptif kualitatif.

Hasil penelitian menunjukkan bahwa: (1) Pertanggungjawaban pidana terhadap anak dalam Putusan Nomor 20/Pid.Sus-Anak/2024/PN Kla didasarkan pada terpenuhinya unsur-unsur tindak pidana sebagaimana diatur dalam Pasal 2 ayat (1) Undang-Undang Darurat Nomor 12 Tahun 1951, yaitu unsur “barang siapa”, unsur “tanpa hak”, serta unsur “membawa atau menguasai senjata tajam”. Berdasarkan fakta persidangan, anak terbukti membawa senjata tajam jenis celurit tanpa alasan yang sah dan tidak ditemukan adanya alasan pembenar maupun alasan pemaaf yang dapat menghapuskan pertanggungjawaban pidananya. (2) Pertimbangan hakim dalam menjatuhkan pidana didasarkan pada pertimbangan

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yuridis, sosiologis, dan filosofis. Secara yuridis hakim menilai seluruh unsur tindak pidana telah terpenuhi, secara sosiologis hakim mempertimbangkan usia anak, latar belakang perbuatan, serta kondisi sosial anak, sedangkan secara filosofis hakim menekankan bahwa pemidanaan terhadap anak harus diarahkan pada pembinaan dan rehabilitasi sesuai dengan prinsip Sistem Peradilan Pidana Anak.

Saran dari penelitian ini yaitu agar aparat penegak hukum, khususnya Kepolisian, Kejaksaan, dan Pengadilan, dalam menangani perkara anak yang berkonflik dengan hukum lebih mengedepankan penerapan prinsip-prinsip yang diatur dalam Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak (UU SPPA), terutama pendekatan keadilan restoratif dan upaya diversifikasi pada setiap tahapan proses peradilan. Selain itu, diharapkan pemerintah dan aparat penegak hukum dapat meningkatkan upaya pencegahan melalui sosialisasi kepada masyarakat dan kalangan remaja mengenai bahaya serta konsekuensi hukum membawa senjata tajam tanpa hak. Selanjutnya, diharapkan lembaga terkait dapat memperkuat pembinaan dan pengawasan terhadap anak melalui peran keluarga, sekolah, dan masyarakat agar anak tidak terlibat dalam pergaulan yang mengarah pada tindak pidana.

Kata Kunci : Pertanggungjawaban Pidana, Anak, Senjata Tajam

ABSTRACT

CRIMINAL LIABILITY FOR CHILDREN OF CRIMINAL OFFENSES WITHOUT THE RIGHT TO CARRY SHARPENED WEAPONS

(Study Decision Number 20/Pid.Sus-Anak/2024/Pn Kla)

By

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The involvement of children in the criminal offense of carrying sharp weapons without authorization constitutes a legal issue that is not only related to the enforcement of criminal law norms but also concerns the protection of children's rights as individuals who are still in the developmental stage. The act of carrying sharp weapons has the potential to disrupt public security and order, particularly when it occurs in the context of brawls. Therefore, criminal liability imposed on children must be applied proportionally while considering the principle of the best interests of the child as regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. This research is descriptive-analytical using a normative juridical approach, with data collection techniques conducted through library research by examining Decision Number 20/Pid.Sus-Anak/2024/PN Kla.

This research applies a normative juridical approach supported by empirical data through literature study and interviews with resource persons, namely the Public Prosecutor at the South Lampung District Attorney's Office and a Criminal Law Lecturer from the Faculty of Law, University of Lampung. The data obtained were then analyzed using a descriptive qualitative method.

The results of the study indicate that: (1) Criminal liability against the child in Decision Number 20/Pid.Sus-Anak/2024/PN Kla is based on the fulfillment of the elements of the criminal offense as regulated in Article 2 paragraph (1) of Emergency Law Number 12 of 1951, namely the element of "any person," the element of "without authorization," and the element of "carrying or possessing a sharp weapon." Based on the facts revealed in the trial, the child was proven to have carried a sharp weapon in the form of a sickle without a lawful reason, and no justifying or excusing reasons were found that could eliminate the child's criminal liability. (2) The judge's considerations in imposing the sentence were

based on juridical, sociological, and philosophical aspects. Juridically, the judge assessed that all elements of the criminal offense had been fulfilled; sociologically, the judge considered the child's age, background of the act, and social conditions; while philosophically, the judge emphasized that punishment against children must be directed toward guidance and rehabilitation in accordance with the principles of the Juvenile Criminal Justice System.

The recommendation of this research is that law enforcement officers, particularly the Police, Prosecutor's Office, and Courts, in handling cases involving children in conflict with the law should prioritize the implementation of the principles regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law), especially the application of restorative justice and diversion at every stage of the judicial process. In addition, it is expected that the government and law enforcement officers will increase preventive efforts through socialization to the community and adolescents regarding the dangers and legal consequences of carrying sharp weapons without authorization. Furthermore, related institutions are expected to strengthen guidance and supervision of children through the role of families, schools, and communities to prevent children from becoming involved in environments that lead to criminal acts.

Keywords: *Criminal Liability, Child, Sharp Weapon.*