

ABSTRAK

Nadia Septifanny (2230010052) Reformulasi Batas Usia Pertanggungjawaban Pidana Anak Dalam Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

Penelitian ini dilatarbelakangi oleh meningkatnya kasus tindak pidana berat (tindak pidana terhadap nyawa dan kesusilaan) yang dilakukan oleh anak-anak yang berusia di bawah 14 (empat belas) tahun, yang menimbulkan perdebatan serius mengenai efektivitas dan keadilan sistem pertanggungjawaban pidana anak di Indonesia. Dalam kerangka hukum positif yakni dalam Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak, menentukan bahwa anak yang belum berusia 14 (empat belas) tahun hanya dapat dikenai sanksi tindakan dan tidak dapat dikenakan sanksi pidana, terlepas dari berat ringannya tindak pidana yang dilakukan. Kondisi tersebut menimbulkan persoalan mendasar terkait penerapan batas usia pertanggungjawaban pidana anak terhadap pelaku anak dalam perkara tindak pidana berat, serta memunculkan kebutuhan untuk mengkaji apakah pengaturan dalam Sistem Peradilan Pidana Anak yang berlaku saat ini telah mampu mewujudkan keadilan substantif, memberikan perlindungan terhadap hak anak maupun korban, sekaligus menjawab rasa keadilan masyarakat, sehingga diperlukan perumusan formulasi ideal mengenai sistem pertanggungjawaban pidana anak yang lebih proporsional dan berkeadilan.

Tujuan penelitian ini adalah untuk mengevaluasi dan menganalisis pendekatan usia dalam pertanggungjawaban pidana anak dari perspektif kriminologi, psikologi, dan hukum, serta merumuskan kebijakan alternatif yang lebih adaptif dan adil.

Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan konseptual dan perundang-undangan, didukung data empiris melalui wawancara kepada kriminolog, psikolog, aparat penegak hukum dan ahli pidana.

Kerangka berpikir penelitian didasarkan pada teori pertanggungjawaban pidana, teori keadilan substantif, dan teori pemidanaan anak. Teori pertanggungjawaban pidana digunakan untuk menelaah kelayakan pemberian sanksi pidana terhadap anak di bawah 14 (empat belas) tahun dalam kasus tindak pidana berat. Teori pemidanaan digunakan untuk merumuskan model perlakuan yang tepat terhadap anak pelaku tindak pidana berat, dengan mempertimbangkan perlindungan anak dan kepentingan korban secara seimbang. Sedangkan teori keadilan substantif menjadi dasar dalam menilai apakah pendekatan berbasis usia absolut telah memenuhi rasa keadilan bagi semua pihak.

Hasil penelitian menunjukkan bahwa konsep batas usia pertanggungjawaban pidana anak terhadap anak usia di bawah 14 (empat belas) tahun pelaku tindak pidana berat yang hanya ditentukan dari pendekatan berbasis usia absolut belum mencerminkan keadilan substantif. Perspektif kriminologi, psikologi, dan hukum menekankan pentingnya mempertimbangkan berat ringannya tindak pidana, faktor lingkungan penyebab anak melakukan tindak pidana berat, kapasitas individual anak, serta proporsionalitas sanksi. Formulasi ideal harus berbasis asesmen individual anak, mencakup perlindungan khusus bagi anak pelaku tindak pidana berat, serta sistem rehabilitasi yang terintegrasi bagi anak pelaku dan korban, guna mewujudkan keseimbangan antara perlindungan anak dan keadilan bagi korban.

Kata Kunci: Pertanggungjawaban Pidana Anak, Tindak Pidana Berat, Keadilan Substantif, Reformulasi Undang-Undang Sistem Peradilan Pidana Anak.

ABSTRACT

Nadia Septifanny (2230010052) Reformulation of the Age Limit of Juvenile Criminal Liability in Law Number 11 of 2012 on the Juvenile Criminal Justice System.

This research is motivated by the increasing incidence of serious criminal offenses—particularly crimes against life and sexual morality—committed by children under the age of 14 (fourteen) years, which has given rise to significant debate regarding the effectiveness and fairness of the juvenile criminal responsibility system in Indonesia. Within the framework of positive law, namely Law Number 11 of 2012 on the Juvenile Criminal Justice System, it is stipulated that children who have not yet reached the age of 14 (fourteen) years may only be subject to educational or corrective measures and cannot be imposed criminal sanctions, regardless of the gravity of the offense committed. This condition raises fundamental issues concerning the application of the age threshold for juvenile criminal responsibility to child offenders involved in serious crimes, and further underscores the need to examine whether the current juvenile justice system has been able to realize substantive justice, ensure protection of the rights of both children and victims, and respond to the sense of justice within society, thereby necessitating the formulation of an ideal, more proportional, and equitable system of juvenile criminal responsibility. The purpose of this study is to evaluate and analyze the age-based approach to juvenile criminal responsibility from criminological, psychological, and legal perspectives, as well as to formulate a more adaptive and just alternative policy.

This research uses a normative legal research method with a conceptual and statutory approach, supported by empirical data through interviews with criminologists, psychologists, law enforcement officials, and criminal law experts.

The theoretical framework of this research is based on the theory of criminal responsibility, the theory of substantive justice, and the theory of juvenile sentencing. The theory of criminal responsibility is used to examine the appropriateness of imposing criminal sanctions on children under the age of 14 (fourteen) in cases of serious crimes. The theory of juvenile sentencing is used to formulate an appropriate model of treatment for child offenders in serious crimes by balancing child protection and the interests of the victim. Meanwhile, the theory of substantive justice serves as the basis for assessing whether an absolute age-based approach fulfills the sense of justice for all parties.

The results of the study show that the concept of age-based criminal responsibility for children under the age of 14 (fourteen) who commit serious crimes, when determined solely by an absolute age-based approach, does not yet reflect substantive justice. Criminological, psychological, and legal perspectives emphasize the importance of considering the severity of the offense, environmental factors that contribute to the child's criminal behavior, the child's individual capacity, and the proportionality of sanctions. The ideal formulation must be based on an individual assessment of the child, include special protection for children who commit serious crimes, and establish an integrated rehabilitation system for both child offenders and victims, in order to achieve a balance between child protection and justice for victims.

Keywords: *Juvenile Criminal Liability, Serious Crimes, Substantive Justice, Reformulation of the Juvenile Criminal Justice System Law.*