

RINGKASAN

**Analisis Putusan Hakim Terhadap Tindak Pidana
Eksplorasi Anak (Studi Putusan No. 87/
Pid.B/2012/PN.Jpr)**
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Anak adalah bagian dari HAM yang wajib dilindungi, sehingga negara, pemerintah, dan keluarga bertanggung jawab memberikan perlindungan, termasuk terhadap eksploitasi, perdagangan, kekerasan, dan penelantaran sesuai UU Perlindungan Anak. Indonesia juga berkomitmen internasional melalui Protokol Opsional Konvensi Hak Anak untuk mencegah dan menindak penjualan, prostitusi, serta pornografi anak. Eksploitasi anak merupakan pemanfaatan anak secara tidak wajar demi keuntungan pihak lain. Contoh kasus terjadi di Jayapura dalam putusan No. 87/ Pid.B/2012/PN.Jpr, di mana anak di bawah umur dieksploitasi di café dan pelaku dijatuhi hukuman 10 bulan penjara. Penelitian ini bertujuan untuk pertanggungjawaban dan pertimbangan hukum hakim bagi pelaku terhadap tindak pidana eksploitasi seksual anak dalam putusan No. 87/ Pid.B/2012/PN.Jpr.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan sekunder melalui sumber data utama berupa putusan No. 87/ Pid.B/2012/PN.Jpr, Analisis data dilakukan secara deskriptif (*descriptive analysis*).

Hasil penelitian menunjukkan pertanggungjawaban pidana pelaku eksploitasi anak dalam perkara ini sebenarnya telah memenuhi unsur kesalahan dan perbuatan melawan hukum sesuai UU Perlindungan Anak, namun hukuman yang dijatuhkan masih tergolong ringan jika dibandingkan dengan dampak serius yang dialami korban. Seharusnya sanksi lebih tegas diterapkan sesuai prinsip *the best interest of the child*. Sementara itu, pertimbangan hakim lebih berfokus pada unsur formil tanpa menggali aspek materiil seperti kerentanan dan dampak psikologis korban, sehingga putusan 10 bulan penjara belum mencerminkan keadilan substantif maupun tujuan pemidanaan yang melindungi anak dan memberikan efek jera bagi pelaku.

Pertanggungjawaban pidana terhadap pelaku eksploitasi anak dalam putusan No. 87/ Pid.B/2012/PN.Jpr. hukuman yang dijatuhkan masih tergolong ringan jika dibandingkan dengan dampak serius yang dialami korban. Penegakan hukum belum sepenuhnya mencerminkan prinsip *the best interest of the child*, terutama karena pertimbangan hakim masih berfokus pada aspek formil tanpa menggali lebih dalam aspek materiil seperti kerentanan, bahaya, dan dampak psikologis yang dialami anak. Disarankan aparat penegak hukum dan hakim menerapkan sanksi yang lebih tegas dan proporsional terhadap pelaku eksploitasi anak dengan mempertimbangkan secara komprehensif aspek viktimologi dan dampak jangka panjang bagi korban.

Kata Kunci : Eksploitasi Anak, Pertanggungjawaban, Tindak Pidana, Perlindungan Anak, Penegakan Hukum

SUMARRY

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***Analysis of Judge's Decisions on Child
Exploitation Crimes (Study of Decision No. 87/
Pid.B/2012/PN.Jpr)***

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Children are a human right that must be protected. Therefore, the state, government, and families are responsible for providing protection, including against exploitation, trafficking, violence, and neglect, as stipulated in the Child Protection Law. Indonesia also has an international commitment through the Optional Protocol to the Convention on the Rights of the Child to prevent and prosecute the sale, prostitution, and pornography of children. Child exploitation is the improper use of children for the benefit of others. An example of this case occurred in Jayapura, in decision No. 87/Pid.B/2012/PN.Jpr, where a minor was exploited in a cafe and the perpetrator was sentenced to 10 months in prison. This study aims to examine the judge's legal accountability and considerations for the perpetrator in the crime of child sexual exploitation in decision No. 87/Pid.B/2012/PN.Jpr.

This study uses a normative juridical method with a secondary approach, using decision No. 87/Pid.B/2012/PN.Jpr as the primary data source. Data analysis was conducted descriptively.

The research results indicate that the criminal liability of the perpetrator of child exploitation in this case actually met the elements of wrongdoing and an unlawful act as stipulated in the Child Protection Law. However, the sentence imposed was still relatively light compared to the serious impact experienced by the victim. Stricter sanctions should be applied in accordance with the principle of the best interest of the child. Meanwhile, the judge's considerations focused more on formal elements without delving into material aspects such as the victim's vulnerability and psychological impact. Therefore, the verdict of 10 months' imprisonment not reflect substantive justice or the goal of sentencing, which is to protect children and provide a deterrent effect for the perpetrator.

Regarding the criminal liability of the perpetrator of child exploitation in decision No. 87/Pid.B/2012/PN.Jpr, the sentence imposed is still relatively light compared to the serious impact experienced by the victim. Law enforcement has not fully reflected the principle of the best interest of the child, primarily because the judge's considerations still focus on formal aspects without delving more deeply into material aspects such as vulnerability, danger, and psychological impact experienced by the child. It is recommended that law enforcement officials and judges implement stricter and more proportionate sanctions against perpetrators of child exploitation, comprehensively considering the victimology and long-term impact on the victim.

Keywords : *Child Exploitation, Criminal Liability, Crime, Child Protection, Law Enforcement*