

RINGKASAN

**DIMAS APRILIANDO
FAHREZA
NIM 220510340**

**ANALISIS YURIDIS PENANGANAN
KASUS PENGANIAYAAN OLEH ANAK
DALAM SISTEM PERADILAN PIDANA
ANAK (STUDI PUTUSAN NOMOR
16/PID.SUS-ANAK/2023/PN.MDN)**

**(Romi Asmara, S.H., M.Hum & Ferdy Saputra
S.H.,M.H.)**

Penelitian ini menuliskan belum optimalnya penerapan diversi dalam penanganan tindak pidana penganiayaan yang dilakukan oleh anak, meskipun Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak secara tegas mewajibkan pelaksanaannya pada setiap tahapan proses peradilan. Kondisi tersebut tercermin dalam Putusan Nomor 16/Pid.Sus-Anak/2023/PN Mdn, di mana perkara anak diproses melalui peradilan formal tanpa adanya upaya diversi sejak tahap penyidikan. Penelitian ini merumuskan permasalahan mengenai pengaturan hukum penanganan tindak pidana penganiayaan oleh anak dan pertimbangan hukum hakim dalam menjatuhkan putusan terhadap anak pelaku.

Tujuan dari penelitian ini membahas konsep diversi, keadilan restoratif, perlindungan anak, dan prinsip kepentingan terbaik bagi anak sebagaimana diatur dalam peraturan perundang-undangan nasional serta instrumen hukum internasional. Metode penelitian yang digunakan adalah penelitian hukum yuridis normatif dengan pendekatan perundang-undangan dan Pendekatan kasus melalui analisis terhadap Putusan Nomor 16/Pid.Sus-Anak/2023/PN Mdn.

Hasil penelitian menunjukkan bahwasanya pengaturan hukum mengenai diversi telah diatur secara jelas dan bersifat wajib, namun dalam praktiknya belum dilaksanakan secara optimal oleh aparat penegak hukum. Tidak terdapat upaya diversi sejak tahap penyidikan hingga persidangan meskipun syarat normatif telah terpenuhi. Kemudian hakim menjatuhkan tindakan berupa pengembalian anak kepada orang tua dengan mempertimbangkan usia dan latar belakang sosial.

Permasalahan utama dalam penyelesaian kasus pada Putusan Nomor 16/Pid.Sus-Anak/2023/PN Mdn. Kurangnya pemahaman dan konsistensi aparat penegak hukum dalam menerapkan prinsip diversi dan keadilan restoratif. Oleh karena itu, diperlukan peningkatan koordinasi, pelatihan dan komitmen aparat penegak hukum agar pelaksanaan diversi dapat berjalan secara adil dan di laksanakan.

Saran penulis bahwasan-nya aparat penegak hukum mulai dari kepolisian,kejaksaan hingga pengadilan seharusnya konsisten dalam menegakkan keadilan dan harus menguasai semua aspek yuridis terkhususnya Undang-Undang tentang Anak.

Kata Kunci: Diversi, Keadilan, Restoratif, Penganiayaan.

SUMMARY

**DIMAS APRILIANDO
FAHREZA
NIM 220510340**

**JURIDICAL ANALYSIS OF THE HANDLING OF
CHILD ABUSE CASES IN THE JUVENILE
CRIMINAL JUSTICE SYSTEM (STUDY OF
COURT DECISION NUMBER 16/PID.SUS-
ANAK/2023/PN MDN)**

**(Romi Asmara, S.H.,M.Hum & Ferdy Saputra
S.H.,M.H.)**

This research highlights that the implementation of diversion in handling cases of assault committed by children remains suboptimal, despite Law Number 11 of 2012 concerning the Juvenile Criminal Justice System explicitly mandating its execution at every stage of the judicial process. This condition is reflected in Decision Number 16/Pid.Sus-Anak/2023/PN Mdn, where the juvenile case was processed through formal litigation without any diversion efforts since the investigation stage. This study formulates problems regarding the legal regulations for handling assault committed by children and the judge's legal considerations in delivering the verdict against the juvenile offender

The objective of this research is to examine the concepts of diversion, restorative justice, child protection, and the principle of the best interests of the child as regulated under national legislation and international legal instruments. The research method employed is normative juridical legal research, utilizing a statute approach and a case approach through the analysis of Decision Number 16/Pid.Sus-Anak/2023/PN Mdn.

Results The research results indicate that the legal regulations regarding diversion have been clearly established and are mandatory; however, in practice, they have not been optimally implemented by law enforcement officers. No diversion efforts were made from the investigation stage through to the trial, despite the fulfillment of all normative requirements. Subsequently, the judge imposed a sanction in the form of returning the child to the parents, taking into account the child's age and social background.

Findings The research concludes that the primary obstacle in the case settlement of Decision Number 16/Pid.Sus-Anak/2023/PN Mdn is the inadequate understanding and inconsistency of law enforcement officers in implementing the principles of diversion and restorative justice. Consequently, there is an urgent need for improved coordination, comprehensive training, and stronger commitment among law enforcement to ensure that diversion is executed fairly and effectively.

The author recommends that law enforcement authorities encompassing the police, the prosecution, and the judiciary maintain consistency in upholding justice and demonstrate mastery over all juridical aspects, specifically the Law on Child Protection

Keywords: *Diversion, Justice, Restorative, Assault*