

RINGKASAN

SARAH NADIA **Analisis Yuridis Tanggung Jawab Pidana Pelaku**
NIM 220510094 **Kejahatan Terhadap Kemerdekaan Orang Lain Dalam**
 Kasus Membawa Pergi Seorang Wanita Yang Belum
 Dewasa (Studi Putusan Nomor 62/Pid.B/2022/PN Lsm)
 (Dr. Yusrizal, S.H., M.H. dan Nuribadah, S.H., M.H.)

Putusan Nomor 62/Pid.B/2022/PN Lsm menunjukkan bahwa perbuatan membawa pergi perempuan belum dewasa tanpa izin orang tua merupakan tindak pidana yang melanggar kemerdekaan seseorang dan memenuhi unsur pertanggungjawaban pidana karena dilakukan dengan sengaja. Dasar hukumnya ialah Pasal 332 ayat (1) KUHP dengan ancaman pidana maksimal 7 sampai 9 tahun, serta dapat dikaitkan dengan Pasal 76D jo. Pasal 83 UU Perlindungan Anak yang mengancam pidana 3 sampai 15 tahun dan denda Rp60.000.000,00 sampai Rp300.000.000,00. Dalam perkara ini, Pengadilan Negeri Lhokseumawe menyatakan terdakwa terbukti bersalah dan menjatuhkan pidana penjara 2 tahun serta biaya perkara Rp5.000,00, sehingga menimbulkan persoalan mengenai ringannya pidana dibanding ancaman hukuman yang diatur dalam undang-undang.

Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan kasus dan bersifat deskriptif analitis. Penelitian dilakukan melalui studi kepustakaan dengan menggunakan data sekunder. Data yang diperoleh kemudian dianalisis secara kualitatif melalui penafsiran hukum dan penarikan kesimpulan.

Hasil penelitian menunjukkan bahwa pertimbangan hakim dalam Putusan Nomor 62/Pid.B/2022/PN Lsm didasarkan pada fakta persidangan yang membuktikan terdakwa dengan sengaja membawa korban yang masih berusia 16 tahun tanpa izin orang tua atau walinya, sehingga seluruh unsur Pasal 332 ayat (1) ke-1 KUHP terpenuhi. Pertanggungjawaban pidana dibebankan karena adanya unsur kesengajaan, perbuatan melawan hukum, serta tindakan membawa korban dari pengawasan orang tua dengan tujuan menguasai korban, yang diperkuat dengan terbuktinya hubungan badan selama korban berada di Medan. Meskipun ancaman pidana mencapai 7 tahun penjara, hakim menjatuhkan pidana penjara selama 2 tahun dengan mempertimbangkan keadaan meringankan, yaitu usia terdakwa yang masih muda, sikap sopan, pengakuan atas perbuatan, belum pernah dihukum, serta korban pergi atas persetujuannya sendiri. Di sisi lain, hakim tetap memperhatikan keadaan memberatkan berupa trauma korban, hilangnya masa depan korban, dan belum tercapainya perdamaian antara kedua belah pihak.

Disarankan agar aparat hakim menerapkan ketentuan hukum secara lebih cermat dan konsisten untuk memberikan perlindungan yang lebih efektif terhadap anak serta menjaga kemerdekaan pribadi setiap orang. kepada masyarakat dan orang tua lebih meningkatkan pengawasan terhadap anak yang baru beranjak dewasa.

Kata Kunci : Tanggung Jawab Pidana, Pelaku, Kejahatan, Kemerdekaan Orang, Wanita, Dewasa.

SUMMARY

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Juridical Analysis Of Criminal Liability Of Perpetrators Of Crimes Against The Freedom Of Others In The Case Of Taking Away An Underage Woman (Study of Decision Number 62/Pid.B/2022/PN Lsm)
(Dr. Yusrizal, S.H., M.H. dan Nuribadah, S.H., M.H.)

Decision Number 62/Pid.B/2022/PN Lsm shows that the act of taking away a minor girl without her parents' permission constitutes a criminal offense violating an individual's liberty and fulfills the elements of criminal liability because it was committed intentionally. The legal basis is Article 332 paragraph (1) of the Indonesian Criminal Code (KUHP), which carries a maximum penalty of 7 to 9 years of imprisonment, and it may also be linked to Article 76D in conjunction with Article 83 of the Child Protection Law, which provides penalties of 3 to 15 years of imprisonment and fines ranging from Rp60,000,000.00 to Rp300,000,000.00. In this case, the Lhokseumawe District Court declared the defendant guilty and sentenced him to 2 years of imprisonment and court costs of Rp5,000.00, raising issues regarding the leniency of the sentence compared to the statutory punishment.

This research uses a normative legal research method with a case approach and is descriptive-analytical in nature. The research was conducted through library research using secondary data. The obtained data were then analyzed qualitatively through legal interpretation and conclusion drawing.

The findings indicate that the court's consideration in Decision Number 62/Pid.B/2022/PN Lsm was based on the facts established during the trial, which proved that the defendant intentionally took a 16-year-old victim without the consent of her parents or legal guardian, thereby fulfilling all the elements of Article 332 paragraph (1) point 1 of the Indonesian Criminal Code (KUHP). Criminal liability was imposed because the defendant acted intentionally, unlawfully removed the victim from her parents' supervision with the intention of taking control of her, and was proven to have engaged in sexual intercourse with the victim while they were in Medan. Although Article 332 paragraph (1) of the KUHP provides for a maximum sentence of seven years' imprisonment, the court imposed a sentence of two years' imprisonment after considering several mitigating factors, including the defendant's young age, polite demeanor, confession of guilt, lack of prior criminal convictions, and the fact that the victim left of her own accord. Nevertheless, the court also considered aggravating circumstances, namely the psychological trauma suffered by the victim, the loss of her future opportunities, and the absence of reconciliation between the victim's family and the defendant.

It is recommended that judges apply legal provisions more carefully and consistently to provide stronger protection for children and safeguard every individual's personal liberty. It is also recommended that parents and the community strengthen their supervision of adolescents who are entering early adulthood.

Keywords: Criminal Liability, Perpetrator, Crime, Personal Liberty, Woman, Minor