

RINGKASAN

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**ANALISIS YURIDIS
PERLINDUNGAN HAK ANAK
YANG BERKONFLIK DENGAN
HUKUM DALAM UNDANG-
UNDANG NOMOR 11 TAHUN 2012:
Studi Putusan Nomor 3/Pid.Sus-
Anak/2025/Pn.End**

(Dr. Herinawati, S.H., M.Hum., Dan Dr. Hadi Iskandar, S.H., M.H)

Penelitian ini mengkaji secara yuridis normatif perlindungan hak anak yang berkonflik dengan hukum berdasarkan UU No. 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak (UU SPPA), dengan studi kasus Putusan No. 3/Pid.Sus-Anak/2025/PN.End. Perkara ini melibatkan terdakwa anak usia 17 tahun yang melakukan tindak pidana pencabulan dan persetubuhan terhadap korban anak usia 5 tahun di Kabupaten Ende. Fokus kajian bertolak dari ketegangan normatif antara UU SPPA yang mengedepankan keadilan restoratif dengan UU No. 35 Tahun 2014 yang mengamanatkan sanksi berat atas kejahatan seksual terhadap anak. Penelitian menggunakan pendekatan perundang-undangan (*statute approach*) dan pendekatan kasus (*case approach*), dengan analisis preskriptif terhadap bahan hukum primer, sekunder, dan tersier.

Hasil penelitian menunjukkan dua temuan utama. *Pertama*, putusan secara prosedural cukup sesuai dengan UU SPPA mencakup pendampingan hukum, kehadiran Pembimbing Kemasyarakatan, Laporan Litmas, dan sidang tertutup namun terdapat celah substantif berupa absennya dakwaan kumulatif atas perbarengan perbuatan (*meerdaadse samenloop*) dan tidak adanya amar restitusi bagi korban.

Kedua, penerapan prinsip kepentingan terbaik bagi anak bersifat parsial: hakim menunjukkan orientasi rehabilitatif melalui penjatuhan pidana di bawah tuntutan jaksa dan penggantian denda dengan pelatihan kerja, namun putusan tidak memuat program rehabilitasi psikologis konkret bagi pelaku, tidak mengatur restitusi korban, dan tidak menguraikan Litmas secara substantif dalam pertimbangan pemidanaan.

Penelitian ini menyimpulkan bahwa pemenuhan prinsip kepentingan terbaik bagi anak memerlukan penguatan sistemik melalui penyempurnaan regulasi, peningkatan kompetensi aparat penegak hukum, serta penguatan sarana lembaga pembinaan khusus anak.

Kata Kunci: Perlindungan Hak Anak, Anak Berkonflik dengan Hukum, Sistem Peradilan Pidana Anak, Kepentingan Terbaik Bagi Anak

ABSTRACT

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**A LEGAL ANALYSIS OF THE
PROTECTION OF THE RIGHTS OF
CHILDREN IN CONFLICT WITH THE
LAW UNDER LAW NO. 11 OF 2012: A
Study Of Judgment No.3/Pid.Sus-
Anak/2025/Pn.End**

(Dr. Herinawati, S.H., M.Hum., Dan Dr. Hadi Iskandar, S.H., M.H)

This study examines, from a normative legal perspective, the protection of the rights of children in conflict with the law under Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA Law), using the case of Judgment No. 3/Pid.Sus-Anak/2025/PN.End. This case involves a 17-year-old juvenile defendant who committed the criminal acts of sexual molestation and sexual intercourse against a 5-year-old child victim in Ende Regency. The focus of the study stems from the normative tension between the UU SPPA, which prioritizes restorative justice, and Law No. 35 of 2014, which mandates severe penalties for sexual crimes against children. The research employs a statutory approach and a case approach, with a prescriptive analysis of primary, secondary, and tertiary legal materials.

The research results reveal two main findings. First, the rulings were procedurally in line with the Child Protection Act—including legal representation, the presence of a probation officer, a social assessment report, and closed-door hearings—but there were substantive gaps, namely the absence of cumulative charges for concurrent offenses (meerdaadse samenloop) and the lack of restitution orders for victims.

Second, the application of the principle of the best interests of the child is partial: judges demonstrate a rehabilitative orientation by imposing sentences below the prosecutor's request and substituting fines with vocational training; however, the rulings do not include concrete psychological rehabilitation programs for the offenders, do not address restitution for victims, and do not substantively elaborate on the Social Assessment Report in the sentencing considerations.

This study concludes that fulfilling the principle of the best interests of the child requires systemic strengthening through regulatory improvements, enhanced competence of law enforcement officials, and the strengthening of facilities for specialized child rehabilitation institutions.

Keywords: *rotection of Children's Rights, Children in Conflict with the Law, Juvenile Criminal Justice System, Best Interests of the Child*