

RINGKASAN

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Analisis Yuridis Pertanggungjawaban Anak Sebagai Anggota Geng Motor Dalam Tindak Pidana Kepemilikan Senjata Tajam (Studi Putusan Nomor 7/Pid.Sus-Anak/2025/ Pn. Mdn)

(Dr. Zul Akli, S.H., M.H. & Ferdy Saputra, S.H., M.H.)

Penelitian ini dilatar belakangi oleh maraknya keterlibatan anak dalam tindak pidana kepemilikan senjata tajam, khususnya dalam lingkungan geng motor dan aksi tawuran, meskipun perbuatan tersebut telah dilarang dalam Pasal 2 ayat (1) Undang-Undang Darurat Nomor 12 Tahun 1951. Di sisi lain, Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak mengedepankan perlindungan, pembinaan, rehabilitasi, keadilan restoratif, dan kepentingan terbaik bagi anak. Kondisi tersebut menimbulkan persoalan dalam menyeimbangkan pertanggungjawaban pidana dengan perlindungan anak, khususnya dalam menentukan sanksi yang tepat. Oleh karena itu, penelitian ini menganalisis pertanggungjawaban pidana anak dan Pertimbangan Hakim dalam penjatuhannya sanksinya berdasarkan hukum pidana dan sistem peradilan pidana anak.

Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus, menggunakan data sekunder berupa peraturan perundang-undangan dan literatur hukum, yang dikumpulkan melalui studi kepustakaan, serta dianalisis secara kualitatif

Hasil penelitian menunjukkan bahwa pertanggungjawaban pidana terhadap Anak sebagai anggota geng motor dalam tindak pidana kepemilikan senjata tajam dapat dibebankan karena telah terpenuhinya unsur-unsur tindak pidana dan unsur kesalahan sebagaimana diatur dalam Pasal 2 ayat (1) Undang-Undang Darurat Nomor 12 Tahun 1951 jo. Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak. Putusan Nomor 7/Pid.Sus-Anak/2025/PN Mdn, Anak berusia 17 tahun terbukti secara sah membawa senjata tajam tanpa hak untuk digunakan dalam tawuran dan dijatuhi pidana penjara selama 10 (sepuluh) bulan. Sedangkan pertimbangan Hakim didasarkan pada aspek yuridis dan non-yuridis, barang bukti, serta alat bukti yang sah di persidangan. Hakim menilai seluruh unsur tindak pidana telah terbukti dan mempertimbangkan keadaan yang memberatkan maupun meringankan. Meskipun putusan tersebut telah tepat secara yuridis, pendekatan pembinaan dan rehabilitasi terhadap Anak masih perlu lebih diutamakan guna mewujudkan prinsip *the best interest of the child*.

Disarankan agar Anak menjauhi geng motor, tawuran, kepemilikan senjata tajam, serta bagi orang tua dan masyarakat untuk meningkatkan pengawasan dan pembinaan. Selain itu, Hakim diharapkan lebih mengedepankan perlindungan dan pembinaan Anak dengan mempertimbangkan kondisi psikologis dan lingkungan sosialnya guna mewujudkan prinsip *the best interest of the child*.

Kata Kunci: Pertanggungjawaban, Pidana Anak, Senjata Tajam, Geng Motor.

SUMMARY

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Juridical Analysis of Criminal Liability of a Child as a Member of a Motorcycle Gang in the Crime of Possession of Sharp Weapons (Study of Decision Number 7/Pid.Sus-Anak/2025/PN Mdn)
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This research is motivated by the widespread involvement of children in criminal offenses involving the possession of sharp weapons, particularly within motorcycle gangs and brawling activities, despite such conduct being prohibited under Article 2 paragraph (1) of Emergency Law Number 12 of 1951. On the other hand, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System emphasizes child protection, rehabilitation, restorative justice, and the best interests of the child. This condition raises the issue of balancing criminal liability with child protection, particularly in determining the appropriate sanctions. Therefore, this research analyzes the criminal liability of children and the imposition of sanctions based on criminal law and the juvenile criminal justice system.

This study is a normative legal research employing a statutory approach and a case approach. The research uses secondary data in the form of legislation and legal literature, collected through library research and analyzed qualitatively.

The results of the study indicate that criminal liability can be imposed on a child as a member of a motorcycle gang involved in the crime of possessing a sharp weapon because the elements of the criminal offense and criminal responsibility as stipulated in Article 2 paragraph (1) of Emergency Law Number 12 of 1951 in conjunction with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System have been fulfilled. In Decision Number 7/Pid.Sus-Anak/2025/PN Mdn, the 17-year-old child was legally and convincingly proven to have carried a sharp weapon without authorization for use in a brawl and was sentenced to 10 (ten) months of imprisonment. The judge's considerations were based on both juridical and non-juridical aspects, witness testimonies, the child's statement, physical evidence, and other valid evidence presented during the trial. The judge concluded that all elements of the offense had been proven and considered both aggravating and mitigating circumstances. Although the decision was legally appropriate, greater emphasis should be placed on guidance and rehabilitation approaches to realize the principle of the best interest of the child.

It is recommended that children avoid involvement in motorcycle gangs, brawls, and the possession of sharp weapons, while parents and society should enhance supervision and guidance. Furthermore, judges are expected to prioritize child protection and rehabilitation by considering the child's psychological condition and social environment in order to uphold the principle of the best interest of the child.

Keywords: Criminal Liability, Juvenile, Sharp Weapons, Motorcycle Gangs.