

ABSTRACT

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PENERAPAN *RESTORATIVE JUSTICE* PADA
TINDAK PIDANA ANAK DALAM
MEWUJUDKAN KEPASTIAN HUKUM (Studi
Putusan No.1/Pid.Sus-Anak/2025/PN Lsk dan
Putusan No.5/Pid.Sus-Anak/2025/PN Lsk)
(Prof. Dr. Malahayati, S.H., LL.M. dan Dr. Joelman
Subaidi, S.H., M.H)

Penelitian ini mengkaji penerapan *Restorative justice* dalam penyelesaian tindak pidana anak ditinjau dari aspek yuridis dalam mewujudkan kepastian hukum, dengan studi kasus pada Putusan Nomor 1/Pid.Sus-Anak/2025/PN Lsk dan Putusan Nomor 5/Pid.Sus-Anak/2025/PN Lsk. Penelitian ini bertujuan untuk mengetahui konsep dan prinsip yang diterapkan dalam perkara tindak pidana anak berdasarkan *Restorative justice* pada kedua putusan tersebut, serta untuk mengetahui apakah penerapan *Restorative justice* dapat mewujudkan kepastian hukum dalam penyelesaian tindak pidana anak.

Metode penelitian untuk mengetahui bagaimana konsep, prinsip dan penerapan yang diterapkan dalam penelitian ini adalah yuridis normatif dengan pendekatan perundang-undangan, pendekatan konseptual, dan pendekatan kasus. Data primer diperoleh dari putusan-putusan pengadilan yang diteliti, sedangkan data sekunder diperoleh dari literatur hukum, peraturan perundang-undangan, dan hasil penelitian terdahulu yang dianalisis secara kualitatif dan disajikan secara deskriptif-preskriptif.

Hasil penelitian menunjukkan bahwa: (1) Penerapan *Restorative justice* dalam kedua putusan tersebut telah sesuai dengan konsep dan prinsip yang diatur dalam UU SPPA. (2) Penerapan *Restorative justice* dalam kedua putusan tersebut menunjukkan bahwa secara prosedural hakim telah berupaya menerapkan ketentuan dalam UU SPPA, walaupun hasil akhirnya menunjukkan perbedaan yang sangat signifikan terhadap kedua putusan tersebut. Dalam Putusan pertama, hakim mengedepankan pendekatan restoratif. Sebaliknya, Putusan kedua menunjukkan pendekatan yang lebih represif karena anak tetap diproses melalui mekanisme pemidanaan formal.

Berdasarkan hasil penelitian, peneliti menyarankan perlunya penguatan regulasi dan pedoman teknis terkait penerapan *Restorative justice* dalam Sistem Peradilan Pidana Anak agar tercipta kepastian hukum dan keseragaman pemahaman Aparat Penegak Hukum, BAPAS, Masyarakat. Selain itu, diperlukan penelitian lanjutan untuk mengkaji efektivitas penerapan *Restorative justice* terhadap reintegrasi sosial dan tingkat residivisme anak.

Kata Kunci: *Restorative justice, Tindak Pidana Anak, Kepastian Hukum, Sistem Peradilan Pidana Anak.*

ABSTRACT

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IMPLEMENTATION OF RESTORATIVE
JUSTICE IN JUVENILE CRIMINAL OFFENSES
IN REALIZING LEGAL CERTAINTY
(A Study of Decision No. 1/Pid.Sus-Anak/2025/PN
Lsk and Decision No. 5/Pid.Sus-Anak/2025/PN Lsk)
(Prof. Dr. Malahayati, S.H., LL.M. dan Dr. Joelman
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This study examines the implementation of Restorative justice in the settlement of juvenile criminal offenses from a juridical perspective in realizing legal certainty, with case studies of Decision Number 1/Pid.Sus-Anak/2025/PN Lsk and Decision Number 5/Pid.Sus-Anak/2025/PN Lsk. The purpose of this study is to determine the concepts and principles applied in juvenile criminal cases based on Restorative justice in both decisions, as well as to analyze whether the implementation of Restorative justice can realize legal certainty in the settlement of juvenile criminal offenses.

The research method used in this study is normative juridical research with statutory, conceptual, and case approaches. Primary data were obtained from the court decisions examined, while secondary data were derived from legal literature, statutory regulations, and previous research. The data were analyzed qualitatively and presented descriptively-prescriptively.

The results of the study indicate that: (1) The implementation of Restorative justice in both decisions is in accordance with the concepts and principles regulated under the Juvenile Criminal Justice System Law (UU SPPA). (2) The implementation of Restorative justice in both decisions demonstrates that procedurally the judges attempted to apply the provisions of the UU SPPA, although the final outcomes showed very significant differences between the two decisions. In the first decision, the judge prioritized a restorative approach. In contrast, the second decision reflected a more repressive approach because the child was still processed through the formal criminal justice mechanism.

Based on the findings of the study, the researcher suggests the need to strengthen regulations and technical guidelines regarding the implementation of Restorative justice in the Juvenile Criminal Justice System in order to create legal certainty and uniform understanding among law enforcement officers, Correctional Centers (BAPAS), and the community. In addition, further research is needed to examine the effectiveness of Restorative justice implementation on social reintegration and the recidivism rate of children.

Keywords: *Restorative justice, juvenile crime, legal certainty, juvenile criminal justice system.*