

**EFEKTIVITAS PENERAPAN SANKSI HUKUM TERHADAP PELAKU TINDAK PIDANA
PENCABULAN ANAK DIBAWAH UMUR (STUDI KASUS PERKARA NOMOR
90/PID.SUS/2024/PN.KBR)**

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ABSTRAK

Anak merupakan anugerah Tuhan Yang Maha Esa sekaligus amanah yang wajib dilindungi. Kekerasan seksual terhadap anak adalah kejahatan serius yang menimbulkan dampak psikologis jangka panjang. Anak-anak sebagai kelompok rentan memerlukan perlindungan khusus dari masyarakat dan negara. Efektivitas hukum diukur dari sejauh mana penegakan hukum mencapai tujuan perlindungan anak sebagaimana diatur dalam peraturan perundang-undangan. Kasus yang menjadi fokus adalah tindak pidana pencabulan anak di bawah umur oleh Rangga Hadi Saputra dalam perkara Nomor 90/Pid.Sus/2024/PN Kbr. Jaksa menuntut 7 tahun penjara, namun hakim menjatuhkan hukuman 5 tahun penjara dan denda Rp10 juta. Perbuatan terdakwa melanggar Pasal 76D jo Pasal 81 ayat (2) UU No. 35 Tahun 2014 Tentang Perlindungan Anak (perubahan atas UU No. 23 Tahun 2002) sebagaimana diubah dengan UU No. 17 Tahun 2016. Adapun rumusan masalah yang dipakai yaitu Bagaimana efektivitas penerapan sanksi hukum terhadap pelaku tindak pidana pencabulan anak dibawah umur berdasarkan ketentuan perundang-undangan yang berlaku, Bagaimana pertimbangan hakim dalam menjatuhkan sanksi pidana terhadap pelaku tindak pidana pencabulan anak dibawah umur pada perkara Nomor 90/Pid.Sus/2024/Pn.Kbr. Penelitian ini menggunakan metode yuridis normatif, yaitu menganalisis ketentuan hukum positif dan putusan pengadilan. Proses penegakan hukum yang efektif menuntut tahapan penting: penyelidikan yang profesional dan sensitif terhadap korban, proses peradilan yang memastikan hukuman setimpal dengan kejahatan, serta pelaksanaan pidana yang memberi efek jera. Hukuman yang ringan dapat mengurangi kepercayaan publik terhadap sistem hukum. Hakim dalam putusan ini mempertimbangkan pemenuhan unsur tindak pidana sesuai Pasal 76D jo Pasal 81 ayat (2) UU Perlindungan Anak. Faktor yang meringankan antara lain sikap kooperatif terdakwa dan pengakuan perbuatan. Namun, penulis menilai vonis 5 tahun penjara belum maksimal dalam memberikan efek jera, mengingat ancaman pidana dalam pasal tersebut lebih tinggi. Secara historis, efektivitas sanksi hukum untuk pencabulan anak di Indonesia berkembang seiring perubahan regulasi. KUHP lama dinilai kurang efektif karena sanksi ringan dan definisi sempit. UU No. 39 Tahun 1999 Tentang HAM memberikan dasar filosofis perlindungan anak. UU No. 23 Tahun 2002 yang diperbarui dengan UU No. 35 Tahun 2014 memperberat sanksi dan berorientasi pada korban. Perkembangan ini dilanjutkan dengan UU Tindak Pidana Kekerasan Seksual (UU TPKS) 2022 dan KUHP Baru 2023. Meski kerangka normatif semakin progresif, efektivitas perlindungan anak masih dipengaruhi oleh implementasi di lapangan. Peningkatan kapasitas aparat penegak hukum dan penerapan sanksi yang konsisten menjadi kunci dalam menekan angka kekerasan seksual terhadap anak.

Kata Kunci : *Efektivitas Hukum, Pencabulan Anak, Perlindungan Anak, Pertimbangan Hakim.*

**THE EFFECTIVENESS OF LEGAL SANCTIONS AGAINST PERPETRATORS OF CHILD
MOLESTATION CRIMES UNDER THE LEGAL AGE**

(Case Study of Decision Number 90/Pid.Sus/2024/PN.Kbr)

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ABSTRACT

Children are a gift from God Almighty as well as a trust that must be protected. Sexual violence against children is a serious crime that causes long-term psychological impacts. Children, as a vulnerable group, require special protection from both society and the state. The effectiveness of the law is measured by the extent to which law enforcement achieves the goal of child protection as stipulated in legislation. The case in focus is the criminal act of sexual abuse of a minor committed by Rangga Hadi Saputra in case Number 90/Pid.Sus/2024/PN Kbr. The public prosecutor demanded seven years of imprisonment, but the judge sentenced the defendant to five years in prison and a fine of IDR 10 million. The defendant's actions violated Article 76D in conjunction with Article 81 paragraph (2) of Law No. 35 of 2014 on Child Protection (amendment to Law No. 23 of 2002) as amended by Law No. 17 of 2016. The formulated research problems are as follows, How effective is the application of legal sanctions against perpetrators of child molestation under the prevailing laws and regulations. What were the judge's considerations in imposing a criminal sentence on the perpetrator in Case Number 90/Pid.Sus/2024/PN Kbr, This research uses the normative juridical method, namely analyzing positive legal provisions and court decisions. Effective law enforcement requires key stages: professional and victim-sensitive investigation, a judicial process that ensures punishment proportional to the crime, and the execution of the sentence that provides a deterrent effect. Light sentences can reduce public trust in the legal system. In this decision, the judge considered the fulfillment of the elements of the criminal act in accordance with Article 76D in conjunction with Article 81 paragraph (2) of the Child Protection Law. Mitigating factors included the defendant's cooperative attitude and confession of the crime. However, the author considers the five-year prison sentence insufficient to provide a maximum deterrent effect, given that the statutory penalty in the article is higher. Historically, the effectiveness of legal sanctions for child sexual abuse in Indonesia has developed alongside regulatory changes. The old Criminal Code was deemed ineffective due to light sanctions and narrow definitions. Law No. 39 of 1999 on Human Rights provided a philosophical basis for child protection. Law No. 23 of 2002, later amended by Law No. 35 of 2014, increased penalties and adopted a victim-centered approach. This development continued with the enactment of the Sexual Violence Crimes Law (Law on TPKS) in 2022 and the New Criminal Code in 2023. Although the normative framework has become more progressive, the effectiveness of child protection remains influenced by its implementation in practice. Strengthening the capacity of law enforcement officers and ensuring consistent application of sanctions are key to reducing the incidence of sexual violence against children.

Keywords: *Legal Effectiveness, Child Sexual Abuse, Child Protection, Judicial Considerations.*