

**PERTANGGUNGJAWABAN PIDANA TERHADAP ANAK SEBAGAI  
PELAKU TINDAK PIDANA PERSETUBUHAN DITINJAU DARI SISTEM  
PERADILAN PIDANA ANAK DI INDONESIA**

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**ABSTRAK**

Penelitian ini bertujuan untuk (1) mengetahui pengaturan terkait pertanggungjawaban pidana terhadap anak sebagai pelaku tindak pidana persetubuhan ditinjau dari sistem peradilan pidana di Indonesia, dan (2) dasar pertimbangan hukum hakim dalam menjatuhkan sanksi pidana terhadap anak sebagai pelaku tindak pidana persetubuhan tersebut. Penelitian ini merupakan penelitian hukum normatif dengan melakukan kajian terhadap beberapa dokumen hukum berupa peraturan perundang-undangan, jurnal hukum, karya tulis, dan literatur-literatur yang relevan dengan pokok permasalahan yang dikaji. Bahan hukum yang telah dikumpulkan kemudian dianalisis menggunakan teknik deskriptif. Hasil penelitian ini diketahui bahwa (1) Pengaturan terkait pertanggungjawaban pidana terhadap anak sebagai pelaku tindak pidana persetubuhan ditinjau dari sistem peradilan pidana anak telah diatur dalam Undang-Undang tersebut, namun tidak dijelaskan secara jelas keterkaitan hukum pidana terhadap wajibnya pelaksanaan diversi sesuai dengan ketentuan Pasal 7 Undang-Undang SPPA. (2) Dasar pertimbangan hukum hakim dalam menjatuhkan sanksi pidana terhadap anak sebagai pelaku tindak pidana persetubuhan yang digunakan adalah pertimbangan yuridis yaitu pertimbangan yang didasarkan atas fakta-fakta hukum yang terungkap dipersidangan dan oleh Undang-Undang, pertimbangan non yuridis yaitu pertimbangan yang mengkaji mengenai sosiologis, psikologis, dan kriminologis anak dalam melakukan tindak pidana, serta pertimbangan filosofis yaitu pertimbangan bahwa Undang-Undang SPPA bersumber dari Pancasila.

**Kata Kunci:** Pertanggungjawaban Pidana, Anak, Tindak Pidana Persetubuhan, Diversi.

**CRIMINAL RESPONSIBILITY FOR CRIMINAL CRIMINAL OFFENDERS  
REVIEWED FROM THE CRIMINAL CRIMINAL SYSTEM IN INDONESIAN**

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**ABSTRACT**

*This research aims to (1) know the arrangements related to criminal liability for children as perpetrators of promiscators are reviewed from the criminal justice system in Indonesia, and (2) The basis of consideration of the law of judges in the prosecution of criminal sanctions against children as perpetrators of any criminal offence. This research is a normative legal research by conducting a study of several legal documents in the form of legislation, legal journals, papers, and literature relevant to the subject matter studied. The legal material that had been collected then analyzed using descriptive techniques. The results of this study are known that (1) Arrangements relating to criminal liability against children as perpetrators of sexual intercourse in terms of the juvenile justice system in Indonesia have been regulated in the art, but it is not clearly explained the relation of criminal law to the necessity of the diversion in accordance with the provisions of article 7 of the SPPA law. (2) Basic consideration of the legal judge in impose criminal sanction towards the child as a perpetrator of criminal offence used is a juridical consideration of consideration which is based on the facts of the law which are revealed to be contained in and by law, non-juridical consideration is a consideration that examines the sociological, psychological, and criminological child in committing a criminal act, as well as philosophical considerations that is the consideration that the SPPA act is sourced from Pancasila.*

*Keywords: criminal liability, children, criminal offence, versioning.*