

ABSTRAK

ANALISIS YURIDIS PERLINDUNGAN HUKUM TERHADAP ANAK KORBAN EKSPLOITASI SECARA EKONOMI (Studi Putusan Pengadilan Tinggi Medan Nomor 1155/Pid.Sus/2023/PT.Mdn)

Layla Iramadayani*

Adil Akhyar, S.H., LLM. Ph.D**

Dr. Indra Gunawan Purba, S.H., M.H ***

Praktek eksploitasi ekonomi terhadap anak akan berdampak negatif bagi anak. Bukan merusak masa depan secara fisik saja, tetapi juga akan merusak mental dan kejiwaan anak, seperti gangguan depresi berat dapat terbawa kelak hingga dewasa. Permasalahan dalam tesis ini adalah bagaimana pengaturan hukum terhadap tindak pidana anak korban eksploitasi secara ekonomi, bagaimana perlindungan khusus anak korban eksploitasi secara ekonomi, bagaimana pertimbangan hukum hakim dalam Putusan Pengadilan Tinggi Medan Nomor 1155/Pid.Sus/ 2023/PT.Mdn.

Penelitian yang dilakukan adalah penelitian normatif dan didukung dengan data yuridis empiris yaitu melakukan wawancara dengan Kepala Divisi Perlindungan Anak Pusat Kajian Dan Perlindungan Anak (PKPA) Setia Budi Pasar I Medan dan Anggota Unit Perlindungan Perempuan dan Anak Polrestabes Medan. Analisis data yang digunakan adalah data kualitatif.

Berdasarkan hasil penelitian bahwa pengaturan hukum terhadap tindak pidana anak korban eksploitasi secara ekonomi diatur dalam Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak. Anak korban eksploitasi haruslah mendapat perlindungan dari negara, pemerintah, masyarakat dan orang tua. Pertimbangan hukum hakim dalam Putusan Pengadilan Tinggi Medan Nomor 1155/Pid.Sus/2023/ PT.Mdn bahwa perbuatan terdakwa telah memenuhi unsur dari pasal yang didakwakan kepada terdakwa telah terbukti secara sah sehingga terdakwa dijatuhi dengan pidana penjara selama 5 (lima) tahun dan membayar denda sebesar Rp.200.000.000,00 (dua ratus juta rupiah) dengan ketentuan apabila denda tersebut tidak dibayar maka diganti dengan pidana kurungan selama 3 (tiga) bulan. Penulis dalam hal ini tidak sepakat atas putusan hakim tersebut karena bertentangan dengan Pasal 88 UU Nomor 35 Tahun 2014 yang seharusnya dipidana penjara paling lama 10 tahun dan/atau denda paling banyak Rp200 juta sebab perbuatan terdakwa sudah menyebabkan anak menderita dan masa depan anak hancur.

Kata Kunci: Perlindungan, Anak, Eksploitasi

*Mahasiswa Program Ilmu Hukum Universitas Islam Sumatera Utara.

**Dosen Pembimbing I Program Ilmu Hukum Universitas Islam Sumatera Utara

**Dosen Pembimbing II Program Ilmu Hukum Universitas Islam Sumatera Utara.

ABSTRACT

**JURIDICAL ANALYSIS OF LEGAL PROTECTION OF CHILD VICTIMS
OF ECONOMIC EXPLOITATION
(Study of Medan High Court Decision Number
1155/Pid.Sus/2023/PT.Mdn)**

Layla Iramadayani*
Adil Akhyar, S.H., LL.M. Ph.D**
Dr. Indra Gunawan Purba, S.H., M.H ***

The practice of economic exploitation of children will have a negative impact on children. Not only will it damage the future physically, but it will also damage the child's mental and mental health, such as severe depressive disorders which can be carried over into adulthood. The problems in this thesis are how to regulate the law regarding criminal acts of children who are victims of economic exploitation, what special protection is given to children who are victims of economic exploitation, what are the legal considerations of judges in the Medan High Court Decision Number 1155/Pid.Sus/ 2023/PT.Mdn.

The research carried out was normative research and supported by empirical juridical data, namely conducting interviews with the Head of the Child Protection Division of the Setia Budi Pasar I Medan Child Protection and Study Center (PKPA) and members of the Medan Police Women and Child Protection Unit. The data analysis used is qualitative data.

Based on the research results, legal regulations for criminal acts of children who are victims of economic exploitation are regulated in Law Number 35 of 2014 concerning Child Protection. Children who are victims of exploitation must receive protection from the state, government, society and parents. The judge's legal considerations in the Medan High Court Decision Number 1155/Pid.Sus/2023/ PT.Mdn stated that the defendant's actions fulfilled the elements of the article for which the defendant was charged had been legally proven so that the defendant was sentenced to prison for 5 (five) years and paid a fine of Rp. 200,000,000.00 (two hundred million rupiah) with the provision that if the fine is not paid it will be replaced by imprisonment for 3 (three) months. In this case, the author does not agree with the judge's decision because it is contrary to Article 88 of Law Number 35 of 2014 which requires a maximum prison sentence of 10 years and/or a maximum fine of IDR 200 million because the defendant's actions have caused the child to suffer and the child's future is destroyed..

Keywords: Protection, Children, Exploitation.

**Students of the Law Studies Program at the Islamic University of North Sumatra.*

***Supervisor I of the Legal Studies Program at the Islamic University of North Sumatra*

***Supervisor II of the Legal Studies Program at the Islamic University of North Sumatra*

KATA PENGANTAR