

ABSTRAK

Penelitian ini berjudul “Tinjauan Yuridis Tindak Pidana Pelecehan Seksual terhadap Anak yang Dilakukan oleh Aparat TNI (Studi Putusan No. 88-K/PMT-BDG/AL/X/2024)”. Penelitian ini bertujuan untuk menganalisis secara yuridis tindak pidana pelecehan seksual terhadap anak yang dilakukan oleh aparat TNI, serta menilai penerapan hukum dan prinsip supremasi hukum dalam proses peradilan militer.

Metode penelitian yang digunakan adalah metode yuridis normatif dengan pendekatan perundang-undangan dan studi kasus terhadap putusan pengadilan militer Nomor 88-K/PMT-BDG/AL/X/2024.

Hasil penelitian menunjukkan bahwa perbuatan pelecehan seksual yang dilakukan oleh aparat TNI telah memenuhi unsur delik pidana, yaitu adanya perbuatan yang bersifat seksual, adanya unsur kesengajaan, serta adanya kerugian fisik, psikologis, dan moral yang dialami oleh korban. Analisis yuridis terhadap putusan pengadilan militer menunjukkan bahwa prinsip supremasi hukum telah diterapkan, di mana pelaku tidak memperoleh perlakuan istimewa meskipun berstatus sebagai aparat negara.

Kesimpulannya, tindakan pelecehan seksual terhadap anak yang dilakukan oleh aparat TNI merupakan tindak pidana yang jelas secara yuridis. Oleh karena itu, penegakan hukum harus menegaskan prinsip kesetaraan di hadapan hukum, perlindungan korban, serta akuntabilitas aparat negara. Penelitian ini diharapkan dapat menjadi bahan pertimbangan dalam meningkatkan mekanisme perlindungan anak dan penegakan hukum terhadap aparat negara yang melanggar hukum pidana.

Kata Kunci: Tindak Pidana, Pelecehan Seksual terhadap Anak, Aparat TNI, Delik, Supremasi Hukum, Putusan Pengadilan

ABSTRACT

This study is entitled “A Legal Review of the Criminal Act of Sexual Abuse Against Children Committed by Indonesian National Armed Forces Personnel (Case Study of Verdict No. 88-K/PMT-BDG/AL/X/2024)”. This study aims to analyze, from a legal perspective, the criminal act of sexual abuse against children committed by TNI personnel, as well as to evaluate the application of the rule of law principle in military court proceedings.

This research employs a normative juridical method, using statutory and case study approaches based on Military Court Verdict No. 88-K/PMT-BDG/AL/X/2024. The data sources include the Indonesian Criminal Code (KUHP), Law No. 23 of 2002 concerning Child Protection and its amendments, military regulations, and relevant court decisions.

The results show that the sexual abuse committed by TNI personnel fulfills the elements of a criminal offense, namely the existence of sexual acts, the presence of intent, and the physical, psychological, and moral harm suffered by the victims. The legal analysis of the military court verdict indicates that the principle of the rule of law has been properly applied, as the perpetrator did not receive any special treatment despite being a member of the armed forces.

However, this study also identifies challenges in law enforcement, particularly regarding the transparency of judicial processes and the psychological protection of victims.

In conclusion, sexual abuse against children committed by TNI personnel constitutes a clear criminal offense. Therefore, law enforcement must emphasize equality before the law, protection of victims, and accountability of state apparatus. This study is expected to contribute to improving child protection mechanisms and strengthening law enforcement against state officials who violate criminal law provisions.

Keywords: Criminal Act, Sexual Abuse of Children, TNI Personnel, Offense (Delik), Rule of Law, Court Verdict