

ABSTRAK

Tulisan Penelitian ini bertujuan untuk menganalisis pertanggungjawaban pidana pelaku eksploitasi seksual komersial anak dalam sistem hukum pidana Indonesia serta penerapannya dalam Putusan Nomor 1321/Pid.Sus/2021/PN.Mdn. Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus melalui studi kepustakaan. Hasil penelitian menunjukkan bahwa pengaturan hukum terkait eksploitasi seksual anak telah diatur secara komprehensif dalam peraturan perundang-undangan, sehingga memberikan dasar yang kuat dalam menjerat pelaku. Pelaku dapat dimintai pertanggungjawaban pidana karena telah memenuhi unsur tindak pidana. Namun demikian, analisis terhadap putusan menunjukkan bahwa meskipun unsur delik telah terpenuhi secara formil, masih terdapat kelemahan dalam pertimbangan hakim, khususnya pada aspek pembuktian dan analisis kesalahan. Oleh karena itu, diperlukan peningkatan kualitas pertimbangan hukum agar putusan tidak hanya memenuhi aspek legalitas, tetapi juga mencerminkan keadilan substantif serta memberikan perlindungan optimal terhadap anak.

Kata kunci: pertanggungjawaban pidana, eksploitasi seksual anak, perlindungan anak.

ABSTRACT

This study aims to analyze the criminal liability of perpetrators of commercial sexual exploitation of children within the Indonesian criminal law system and to examine its application in Decision Number 1321/Pid.Sus/2021/PN.Mdn. The research method used is normative legal research with a statutory and case approach, conducted through a literature study of primary, secondary, and tertiary legal materials. The results indicate that the legal framework governing the commercial sexual exploitation of children in Indonesia has been comprehensively regulated through various laws and regulations, providing a strong legal basis to prosecute offenders. In terms of criminal liability, perpetrators can be held fully accountable as they fulfill the elements of a criminal offense, including unlawful acts, fault, and the capacity for responsibility. However, the analysis of the court decision shows that although the formal elements of the offense have been fulfilled, there are still shortcomings in the quality of judicial reasoning, particularly in the aspects of evidence assessment and the analysis of fault. Therefore, it is necessary to improve the quality of judicial considerations so that court decisions not only meet the principle of legality but also reflect substantive justice and provide optimal protection for child victims.

Keywords: *criminal liability, commercial sexual exploitation of children, child protection, court decision*