

ABSTRAK

Kekerasan seksual terhadap anak merupakan tindak pidana yang berdampak serius terhadap korban, baik secara fisik maupun psikologis, sehingga diperlukan perlindungan hukum khusus. Penelitian ini bertujuan untuk menganalisis pengaturan perlindungan hukum anak korban kekerasan seksual, kedudukan anak korban dalam sistem peradilan pidana anak, serta penerapan perlindungan hukum dalam Putusan Pengadilan Negeri Medan Nomor 35/Pid.Sus-Anak/2023.

Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan pendekatan kasus. Bahan hukum terdiri dari bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa perlindungan anak korban kekerasan seksual telah diatur dalam Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak dan Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual, termasuk pendampingan, rehabilitasi, dan restitusi. Kedudukan anak korban dalam Undang-Undang Nomor 11 Tahun 2012 menempatkan korban sebagai subjek hukum yang wajib dilindungi berdasarkan prinsip kepentingan terbaik bagi anak. Dalam putusan tersebut, perlindungan hukum diterapkan melalui pembuktian berdasarkan keterangan saksi dan visum et repertum. Hakim menjatuhkan tindakan pembinaan terhadap pelaku yang juga anak, namun pemulihan korban belum optimal karena restitusi tidak dapat direalisasikan akibat keterbatasan ekonomi pelaku.

Kata Kunci: perlindungan hukum, anak korban, kekerasan seksual, sistem peradilan pidana anak.

ABSTRACT

Sexual violence against children is a criminal act that causes serious physical and psychological impacts on victims, therefore requiring special legal protection. This study aims to analyze the legal regulations concerning the protection of child victims of sexual violence, the position of child victims within the juvenile criminal justice system, and the implementation of legal protection in the Decision of the Medan District Court Number 35/Pid.Sus-Anak/2023.

This research applies a normative legal method using a statutory approach and a case approach. The legal materials consist of primary, secondary, and tertiary sources, which are analyzed qualitatively.

*The results show that legal protection for child victims of sexual violence has been regulated under Law Number 35 of 2014 on Child Protection and Law Number 12 of 2022 on Sexual Violence Crimes, including legal assistance, rehabilitation, and restitution. The position of child victims under Law Number 11 of 2012 places them as legal subjects whose rights must be protected based on the best interests of the child principle. In the court decision, legal protection was implemented through an evidentiary process supported by witness testimony and medical evidence (*visum et repertum*). The judge imposed rehabilitative measures on the offender who was also a child; however, the victim's recovery was not fully optimal because restitution could not be realized due to the offender's limited economic condition.*

Keywords: legal protection, child victim, sexual violence, juvenile criminal justice system.