

## **Abstrak**

Berdasarkan Putusan Nomor 344/Pid.Sus/2020/PN.Mgl. Majelis Hakim menjatuhkan pidana bersyarat kepada Terdakwa Suhaimy Bin Yurni yang didakwa melakukan kekerasan terhadap anak Machmud Rifai Mustofa Alias Fai Bin Imam Mustofa (12 Tahun). Hakim menjatuhkan pidana bersyarat kepada terdakwa dirasa kurang tepat, seharusnya hakim memberikan pidana yang lebih maksimal kepada terdakwa agar memiliki efek jera dan tidak mengulangi perbuatannya. Penelitian ini bertujuan untuk mengetahui pertimbangan hukum hakim dan mengetahui penerapan pidana bersyarat pada tindak pidana kekerasan terhadap anak. Penelitian ini bersifat yuridis normatif, metode pendekatan kasus dan pendekatan perundang-undangan. Spesifikasi penelitian yaitu preskriptif dengan sumber data sekunder yang meliputi bahan hukum primer, sekunder, dan tersier. Metode pengumpulan menggunakan metode kepustakaan dengan metode pengolahan data berupa reduksi data, display data, dan kategorisasi data. Metode penyajian bahan hukum disajikan dalam bentuk teks naratif, serta metode analisis data menggunakan metode deskriptif kualitatif dengan cara melakukan interpretasi. Kesimpulan penelitian, hakim menjatuhkan pidana bersyarat berdasarkan faktor yuridis yaitu Pasal 14 a KUHP dan faktor non-yuridis keyakinan hakim dan pertimbangan terhadap hal-hal yang meringankan terdakwa, hakim sesuai menerapkan pidana dengan ketentuan Pasal 14 a KUHP yang dalam penjelasannya bahwa pidana bersyarat dapat dijatuhkan kepada pelaku tindak pidana apabila pidana yang dijatuhkan oleh hakim tidak lebih dari 1 (satu) tahun.

**Kata Kunci : Pidana Bersyarat; Penganiayaan Anak.**

## **Abstract**

Based on Decision Number 344/Pid.Sus/2020/PN.Mgl. The Panel of Judges imposed a conditional sentence on the Defendant Suhaimy Bin Yurni who was charged with committing violence against the child Machmud Rifai Mustofa alias Fai Bin Imam Mustofa (12 years old). The judge's imposition of a conditional sentence on the defendant was deemed inappropriate, the judge should have given the defendant a maximum sentence so that it has a deterrent effect and does not repeat his actions. This study aims to determine the judge's legal considerations and to determine the application of conditional sentences to criminal acts of violence against children. This research is normative juridical, case approach method and statutory approach. The research specifications are prescriptive with secondary data sources including primary, secondary, and tertiary legal materials. The collection method uses the library method with data processing methods in the form of data reduction, data display, and data categorization. The method of presenting legal materials is presented in the form of narrative text, and the data analysis method uses a qualitative descriptive method by interpreting. The conclusion of the study, the judge imposed a conditional sentence based on legal factors, namely Article 14 a of the Criminal Code and non-legal factors,

namely the judge's belief and consideration of mitigating factors for the defendant, the judge in accordance with the provisions of Article 14 a of the Criminal Code, which in its explanation states that a conditional sentence can be imposed on the perpetrator of a crime if the sentence imposed by the judge is not more than 1 (one) year.

**Keywords: Conditional Sentence; Child Abuse.**