

## ABSTRAK

Dalam konteks Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak telah menggunakan konsep *double track system* yang memuat sanksi pidana dan sanksi tindakan secara setara terhadap anak. Sanksi pidana menitikberatkan pada pembalasan dan penjeraan, sedangkan sanksi tindakan fokus pada pembinaan dan pendidikan. Rumusan masalah pada penelitian ini terdiri dari (1) bagaimana kebijakan pengaturan mengenai *double track system* dalam sistem peradilan pidana anak dan (2) bagaimana pertimbangan hakim pada putusan *double track system* nomor 5/Pid.Sus-Anak/2023/PN Wno.

Metode penelitian yang digunakan adalah metode penelitian hukum doktrinal. Spesifikasi penelitian yang digunakan ialah deskriptif. Bahan hukum yang digunakan terdiri dari bahan hukum primer, sekunder, dan tersier melalui pemanfaatan teknik *literatur research*.

Berdasarkan hasil penelitian, konsep *double track* terhadap pemidanaan anak telah ada sejak 1997 melalui UU Pengadilan Anak yang kemudian diperbaharui melalui UU SPPA utamanya diatur di dalam Bab V. Selanjutnya, pertimbangan fundamental hakim dalam Putusan Nomor 5/Pid.Sus-Anak/2023/PN Wno sebagai penentu penjatuhan sanksi *double track system* di dasarkan atas ketentuan Pasal 71 ayat (3) UU SPPA sehingga ancaman pidana kumulatif berupa denda di dalam Pasal 81 ayat (2) UU Perlindungan Anak diubah menjadi pelatihan kerja.

**Kata Kunci:** *Pertimbangan Hakim, Sistem Pemidanaan, Anak, Double Track System.*

## ABSTRACT

*In the context of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the concept of a double track system has been used, which contains criminal sanctions and sanctions for actions that are equal to children. Criminal sanctions focus on retaliation and deterrence, while sanctions for actions focus on guidance or education. The formulation of the problem in this study consists of (1) how is the regulatory policy regarding the double track system in the juvenile criminal justice system and (2) how is the Judge's consideration in the double track system decision number 5/Pid.Sus-Anak/2023/PN Wno.*

*The research method used is the doctrinal legal research method. The research specifications used are descriptive. The legal materials used consist of primary, secondary and tertiary legal materials through the use of literature research techniques.*

*Based on the research results, the double track concept for child punishment has existed since 1997 through the Children's Court Law which was then updated through the SPPA Law, mainly regulated in Chapter V. Furthermore, the fundamental considerations of the Judge in Decision Number 5/Pid.Sus-Anak/2023/PN Wno as determining the imposition of double track system sanctions were based on the provisions of Article 71 paragraph (3) of the SPPA Law so that the cumulative criminal threat in the form of a fine in Article 81 paragraph (2) of the Child Protection Law was changed to job training.*

**Keywords:** *Judge's Considerations, Criminal System, Children, Double track system.*