

**PERLINDUNGAN HUKUM TERHADAP PEKERJA ANAK YANG  
DIPERLAKUKAN TIDAK MANUSIAWI  
DALAM HUBUNGAN KERJA  
(STUDI PUTUSAN MA RI NO. 271K/PID.SUS/2017)**

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**ABSTRAK**

Tujuan penelitian ini adalah untuk menggambarkan implementasi perlindungan hukum terhadap pekerja anak berdasarkan UU Ketenagakerjaan pada Putusan MA RI No. 271 K/Pid.Sus/2017. Penelitian ini juga bertujuan menggambarkan penerapan sanksi hukum terhadap pelaku tindak pidana yang mempekerjakan anak dengan perlakuan tidak manusiawi melalui studi kasus pada Putusan MA RI No. 271 K/Pid.Sus/2017.

Jenis penelitian ini normatif-empiris bersifat deskriptif analisis. Data yang digunakan adalah data sekunder berupa bahan hukum primer terdiri dari peraturan perundang-undangan yang terkait dengan topik ini dan Putusan Pengadilan. Teknik pengumpulan data dilakukan dengan studi kepustakaan, dan pendekatan penelitian ini meliputi pendekatan undang-undang (*statute approach*) dan pendekatan kasus (*case approach*). Analisis data dilakukan secara kualitatif.

Hasil penelitian, implementasi perlindungan hukum bagi pekerja anak dalam Putusan MA RI No. 271 K/Pid.Sus/2017, dari segi hukum formil telah sesuai KUHAP. Negara diwakili Jaksa Penuntut Umum telah hadir untuk melindungi hak-hak pekerja anak, dan perlindungan hukum dari segi hukum materil telah ditegakkan dimana perbuatan Para Terdakwa telah memenuhi unsur-unsur Pasal 185 ayat (1) jo. Pasal 68 jo. Pasal 69 ayat (2) UU Ketenagakerjaan jo. Pasal 55 KUHAP, yang merupakan tindak pidana kejahatan. Penerapan sanksi pidana oleh Majelis Hakim tingkat pertama dan tingkat banding belum mencerminkan perlindungan hak asasi anak. Majelis Hakim kasasi mendasarkan pertimbangannya dari perpektif HAM anak, sehingga membatalkan Putusan Pengadilan Tinggi dan mengadili sendiri dengan menerapkan sanksi hukum maksimal pidana penjara 4 (empat) tahun kepada Terdakwa I dan 2 (dua) tahun kepada Terdakwa II, serta denda masing-masing Rp 200 juta. Putusan Majelis Hakim Kasasi menunjukkan ketelitian, kecermatan dalam mewujudkan keadilan (*ex aequo et bono*) dan kepastian hukum, dan kemanfaatan.

**Kata Kunci: Perlindungan Hukum, Pekerja Anak, Diperlakukan Tidak Manusiawi, Hubungan Kerja.**

**LEGAL PROTECTION AGAINST CHILD LABOR THAT IS TREATED IN  
HUMANITY IN A WORK RELATIONSHIP  
(STUDY OF MA RI DECISION NO. 271K/PID.SUS/2017)**

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**ABSTRACT**

*The purpose of this research is to describe the implementation of legal protection for child workers based on the Manpower Law in Supreme Court Decision No. RI. 271 K/Pid.Sus/2017. This study also aims to describe the application of legal sanctions against perpetrators of crimes that employ children with inhumane treatment through case studies on Supreme Court Decision No. RI. 271 K/Pid.Sus/2017.*

*This type of research is normative-empirical with descriptive analysis. The data used is secondary data in the form of primary legal materials consisting of laws and regulations related to this topic and Court Decisions. The data collection technique was carried out by literature study, and the research approach included a statute approach and a case approach. Data analysis was carried out qualitatively.*

*The results of the research, the implementation of legal protection for child labor in the RI Supreme Court Decision No. 271 K/Pid.Sus/2017, from a formal legal standpoint it is in accordance with the Criminal Procedure Code. The state represented by the Public Prosecutor has been present to protect the rights of child workers, and legal protection from a material legal perspective has been upheld where the actions of the Defendants have fulfilled the elements of Article 185 paragraph (1) jo. Article 68 jo. Article 69 paragraph (2) of the Manpower Law jo. Article 55 of the Criminal Procedure Code, which is a criminal offense. The application of criminal sanctions by the Panel of Judges at first instance and at the appellate level has not reflected the protection of children's human rights. The Panel of Cassation Judges based their considerations from the perspective of child human rights, thus canceling the High Court's Decision and adjudicating themselves by imposing a maximum legal sanction of 4 (four) years imprisonment for Defendant I and 2 (two) years for Defendant II, as well as a fine of Rp. 200 each million. The decision of the Panel of Cassation Judges shows thoroughness, accuracy in realizing justice (ex aequo et bono) and legal certainty, and expediency*

**Keywords:** *Legal Protection, Child Labor, Special Crimes, Labor Law, Employment Relations.*