

ABSTRAK

Penegakan hukum pidana di Indonesia masih didominasi oleh pendekatan represif melalui penerapan pidana penjara (*custodial punishment*), termasuk terhadap anak yang berhadapan dengan hukum. Paradigma tersebut, tidak sepenuhnya selaras dengan prinsip perlindungan anak serta perkembangan hukum pidana modern yang menempatkan pidana penjara sebagai upaya terakhir (*ultimum remedium*), sebagaimana juga ditegaskan dalam *Tokyo Rules*. Di sisi lain, maraknya tindak pidana balap liar yang melibatkan anak di wilayah Kabupaten Bangkalan menimbulkan problematika hukum yang kompleks, karena selain melanggar ketentuan peraturan Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan, juga berdampak terhadap ketertiban dan keselamatan masyarakat. Kondisi ini menunjukkan urgensi penerapan sanksi non-custodial yang bersifat rehabilitatif dan berorientasi pada kepentingan terbaik bagi anak.

Metode penelitian yang digunakan adalah penelitian hukum empiris dengan pendekatan sosiologis dan lokasi penelitian dilakukan di Kabupaten Bangkalan.

Hasil penelitian menunjukkan bahwa penerapan sanksi non-custodial oleh Polres Bangkalan dilakukan melalui tindakan pembinaan, pengarahan, penindakan berupa razia, serta pelibatan orang tua terhadap anak pelaku balap liar. Namun, penerapan tersebut belum berjalan optimal karena keterbatasan sarana dan prasarana, lemahnya pengawasan, serta masih adanya faktor lingkungan dan budaya masyarakat yang mendukung terjadinya balap liar. Berdasarkan teori efektivitas hukum Soerjono Soekanto, kondisi tersebut menunjukkan bahwa faktor penegak hukum, sarana, dan budaya hukum masyarakat menjadi hambatan utama dalam pelaksanaan prinsip non-custodial. Meskipun demikian, penerapan sanksi ini memiliki potensi dalam menekan tindak pidana balap liar serta mendukung pembinaan dan reintegrasi sosial anak.

Kata Kunci : Sanksi Non-Custodial, Anak, Balap Liar, Efektivitas Hukum

ABSTRACT

Criminal law enforcement in Indonesia is still predominantly characterized by a repressive approach through the imposition of imprisonment (custodial punishment), including for children in conflict with the law. This paradigm is not fully aligned with the principles of child protection and the development of modern criminal law, which positions imprisonment as a last resort (ultimum remedium), as also emphasized in the Tokyo Rules. On the other hand, the increasing occurrence of illegal street racing involving children in the Bangkalan Regency presents a complex legal issue, as it not only violates the provisions of Law Number 22 of 2009 concerning Road Traffic and Transportation, but also poses a threat to public order and safety. This condition highlights the urgency of implementing non-custodial sanctions that are rehabilitative in nature and oriented toward the best interest of the child.

The research method employed is empirical legal research with a sociolegal approach, and the research was conducted in Bangkalan Regency.

The result of the study indicate that the implementation of non-custodial sanctions by the Bangkalan Police is carried out through guidance, counseling, enforcement actions in the form of raids, and the involvement of parents of child offenders. However, the implementation has not been optimal due to limitations in facilities and infrastructure, weak supervision, and the influence of environmental and societal culture factors that support the occurrence of illegal street racing. Based on the theory of legal effectiveness proposed by Soerjono Soekanto, these conditions demonstrate that law enforcement factors, facilities, and legal culture constitute the main obstacles in the implementation of non-custodial principles. Nevertheless, the applications of support the rehabilitation and social reintegration of children.

Keyword : *Non-Custodial Sanction, Children, Illegal Street Racing, Legal Effectiveness.*