

## ABSTRAK

### **DASAR PERTIMBANGAN HAKIM DALAM MENJATUHKAN PUTUSAN TERHADAP PELAKU TINDAK PIDANA PERJUDIAN JENIS TOTO GELAP (TOGEL)**

**(Studi Putusan Nomor: 211/Pid/2024/PT.Tjk)**

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Penelitian ini dilatarbelakangi oleh maraknya perjudian Toto Gelap (Togel) online di Bandar Lampung yang dipicu motif ekonomi subsisten masyarakat menengah ke bawah. Fokus penelitian tertuju pada Putusan Pengadilan Tinggi Tanjungkarang Nomor 211/PID/2024/PT TJK, yang menguatkan vonis 10 bulan penjara bagi pengecer Togel. Permasalahan utama mencakup dasar pertimbangan hakim dalam menjatuhkan putusan serta kesesuaian putusan tersebut dengan tujuan pemidanaan dalam sistem hukum pidana Indonesia.

Metode penelitian yang digunakan adalah hukum normatif dengan pendekatan kasus (*case approach*) dan perundang-undangan (*statute approach*). Data sekunder diperoleh melalui studi pustaka terhadap bahan hukum primer berupa putusan pengadilan dan regulasi terkait (KUHP & UU ITE), serta bahan hukum sekunder dari literatur ilmiah. Analisis data dilakukan secara kualitatif untuk menghasilkan kesimpulan deduktif mengenai pertimbangan hukum hakim dan implementasi teori tujuan pemidanaan.

Hasil penelitian menunjukkan dasar pertimbangan hakim mencakup aspek yuridis (pemenuhan unsur Pasal 303 KUHP dan alat bukti sah) serta aspek non-yuridis (peran terdakwa sebagai pengecer kecil dan sikap kooperatif). Putusan ini mencerminkan penerapan teori gabungan (integratif), di mana hakim menyeimbangkan kepastian hukum dengan keadilan proporsional bagi pelaku marginal. Pidana 10 bulan dinilai tepat secara individual, meski dari sisi pencegahan umum dianggap kurang optimal oleh Penuntut Umum.

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Saran penelitian ini adalah agar aparat penegak hukum lebih memfokuskan penindakan pada bandar besar dan pemutusan akses situs judi, bukan hanya pengecer kecil. Hakim diharapkan konsisten menerapkan prinsip individualisasi pidana agar hukuman tetap mencerminkan kadar kesalahan pelaku. Selain itu, pemerintah perlu memperkuat upaya preventif melalui sosialisasi bahaya judi online dan program pemberdayaan ekonomi masyarakat untuk meminimalisir ketergantungan pada praktik perjudian ilegal.

**Kata Kunci: Pertimbangan Hakim, Pertanggungjawaban Pidana, Perjudian Togel, Tujuan Pidanaan.**

## **ABSTRACT**

### **JUDGE'S LEGAL CONSIDERATIONS IN IMPOSING SENTENCES AGAINST PERPETRATORS OF "TOTO GELAP" (TOGEL) GAMBLING CRIMES (Study of Decision Number: 211/Pid/2024/PT.Tjk)**

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*This research is motivated by the prevalence of online "Toto Gelap" (Togel) gambling in Bandar Lampung, driven by the subsistence economic motives of the lower-middle class. The study focuses on the Tanjungkarang High Court Decision Number 211/PID/2024/PT TJK, which upheld a 10-month prison sentence for a Togel retailer. The primary issues involve the judge's legal considerations in rendering a decision and the alignment of the verdict with the objectives of punishment in the Indonesian criminal justice system.*

*The research method employed is normative legal research using case and statute approaches. Secondary data were obtained through library studies of primary legal materials, including court decisions and relevant regulations (Criminal Code & ITE Law), and secondary materials from scientific literature. Qualitative data analysis was conducted to produce deductive conclusions regarding the judge's legal reasoning and the implementation of punishment theories.*

*The results indicate that the judge's considerations encompass juridical aspects (fulfillment of Article 303 of the Criminal Code and valid evidence) and non-juridical aspects (the defendant's role as a small retailer and cooperative attitude). The verdict reflects the application of integrative theory, balancing legal certainty with proportional justice for marginal offenders. A 10-month sentence is deemed individually appropriate, although it is considered less optimal for general deterrence by the Public Prosecutor.*

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*The research suggests that law enforcement officials should prioritize targeting major bookies and blocking gambling site access rather than low-level retailers. Judges are expected to consistently apply the principle of criminal individualization to ensure sentences reflect the offender's level of fault. Furthermore, the government must strengthen preventive efforts through socialization on the dangers of online gambling and economic empowerment programs to minimize reliance on illegal gambling practices.*

***Keywords: Judge's Consideration, Criminal Responsibility, Togel Gambling, Objectives of Punishment.***