

ABSTRAK

ANALISIS DASAR PERTIMBANGAN HAKIM DALAM MENJATUHKAN PIDANA TERHADAP PELAKU PENYEBARAN SITUS JUDI ONLINE (Studi Putusan Nomor 350/Pid.Sus/2025/PN Tjk)

**Oleh
M. Joesoef Alfath H**

Tingginya angka kasus judi online di Indonesia saat ini telah mencapai tahap yang mengkhawatirkan dengan perputaran uang mencapai Rp327 triliun pada tahun 2023. Aktivitas ilegal ini membawa dampak sosial yang sangat serius, mencakup keterpurukan ekonomi, penipuan, hingga insiden tragis di tengah masyarakat. Salah satu kasus nyata tercermin dalam Putusan Nomor 350/Pid.Sus/2025/PN Tjk, di mana seorang wiraswasta dijatuhi vonis 1 (satu) tahun dan 6 (enam) bulan penjara karena terbukti mentransmisikan informasi elektronik bermuatan perjudian melalui situs www.sedaptogel.com. Hal tersebut melatarbelakangi rumusan masalah dalam penelitian ini, yaitu Bagaimanakah dasar pertimbangan hakim dalam memutus perkara tindak pidana terhadap pelaku penyebaran situs judi online studi Putusan Nomor 350/Pid.Sus/2025/PN Tjk dan apakah putusan hakim tersebut telah sesuai dengan tujuan pemidanaan.

Penelitian ini menerapkan pendekatan yuridis normatif dan yuridis empiris. Data primer diperoleh melalui wawancara dengan narasumber relevan, yang meliputi Hakim Pengadilan Negeri Tanjung Karang serta akademisi Bagian Hukum Pidana Fakultas Hukum Universitas Lampung. Sementara itu, data sekunder berasal dari bahan hukum berupa peraturan perundang-undangan, literatur hukum, serta dokumen putusan pengadilan yang berkaitan. Pengumpulan data dilakukan melalui studi kepustakaan dan penelitian lapangan, yang selanjutnya dianalisis menggunakan metode analisis kualitatif.

Hasil penelitian dan pembahasan menunjukkan bahwa dasar pertimbangan hakim dalam Putusan Nomor 350/Pid.Sus/2025/PN Tjk diletakkan secara komprehensif melalui integrasi tiga aspek utama. Secara yuridis, hakim menitikberatkan pada terpenuhinya seluruh unsur Pasal 27 ayat (2) *juncto* Pasal 45 ayat (3) UU ITE melalui alat bukti sah berupa keterangan saksi polisi dan bukti digital tangkapan layar serta histori peramban. Secara sosiologis, hakim menunjukkan kepekaan terhadap realitas darurat judi online namun tetap mengedepankan pendekatan manusiawi dengan mempertimbangkan latar belakang ekonomi terdakwa sebagai wiraswasta kecil serta sikap jujur selama persidangan sebagai alasan meringankan.

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Secara filosofis, putusan mencerminkan orientasi pemidanaan rehabilitatif dan preventif guna menumbuhkan penyesalan sekaligus memberikan efek jera. Putusan ini telah sepenuhnya memenuhi tujuan pemidanaan sebagaimana diamanatkan dalam Pasal 51 UU Nomor 1 Tahun 2023. Melalui sanksi penjara dan denda, hakim berhasil mengintegrasikan fungsi perlindungan masyarakat, pembinaan pelaku, pemulihan keseimbangan hukum melalui perampasan barang bukti, serta penumbuhan rasa penyesalan terdakwa.

Saran dari penelitian ini adalah bahwa Majelis Hakim di wilayah hukum Lampung diharapkan secara konsisten mempertahankan pendekatan integratif yang menyelaraskan aspek yuridis, filosofis, dan sosiologis agar tercapai keadilan substantif yang peka terhadap realitas ekonomi terdakwa. Aparat penegak hukum perlu terus meningkatkan penguasaan teknologi informasi dalam pengumpulan alat bukti elektronik. Selain itu, diperlukan sinergi yang lebih masif antara lembaga peradilan dan pemerintah daerah untuk memperkuat edukasi hukum mengenai dampak destruktif judi daring guna mencegah residivisme dan memulihkan keseimbangan sosial secara berkelanjutan.

Kata Kunci: Pertimbangan Hakim, Judi Online, Tujuan Pemidanaan.

ABSTRACT

ANALYSIS OF JUDGES' FUNDAMENTAL CONSIDERATIONS IN SENTENCING PERPETRATORS OF ONLINE GAMBLING SITE DISSEMINATION (Study of Decision Number 350/Pid.Sus/2025/PN Tjk)

By
M. Joesoef Alfath H

The high prevalence of online gambling cases in Indonesia has reached an alarming level, with transaction turnover reaching IDR 327 trillion in 2023. This illegal activity carries profound social impacts, including economic downturns, fraud, and tragic incidents within the community. A real case is reflected in Decision Number 350/Pid.Sus/2025/PN Tjk, where a small-scale entrepreneur was sentenced to 1 (one) year and 6 (six) months in prison for being proven to have transmitted electronic information containing gambling content through the website www.sedaptogel.com. This background leads to the research problems: How are the judges' basic considerations in deciding the criminal case against the perpetrator of online gambling site dissemination in Decision Number 350/Pid.Sus/2025/PN Tjk, and whether the judges' decision is in accordance with the objectives of sentencing.

This research applies normative juridical and empirical juridical approaches. Primary data were obtained through interviews with relevant informants, including a Judge of the Tanjung Karang District Court and an academic from the Criminal Law Department, Faculty of Law, Universitas Lampung. Meanwhile, secondary data were derived from legal materials such as laws and regulations, legal literature, and related court decision documents. Data collection was conducted through library research and field research, which were subsequently analyzed using qualitative analysis methods.

The results and discussion indicate that the judges' considerations in Decision Number 350/Pid.Sus/2025/PN Tjk were established comprehensively through the integration of three main aspects. Juridically, the judges focused on the fulfillment of all elements of Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of the ITE Law through valid evidence consisting of police witness testimony and digital evidence such as screenshots and browser history. Sociologically, the judges demonstrated sensitivity toward the online gambling emergency while maintaining a humane approach by considering the defendant's economic background as a small entrepreneur and their honest attitude during the trial as mitigating factors. Philosophically, the decision reflects a rehabilitative and preventive sentencing orientation to foster remorse while providing a deterrent

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effect. This decision has fully complied with the sentencing objectives as mandated in Article 51 of Law Number 1 of 2023. Through the prison sentence and fines, the judges successfully integrated the functions of community protection, perpetrator rehabilitation, restoration of legal equilibrium through the seizure of evidence, and fostering the defendant's remorse.

The suggestions from this research are: The Panel of Judges within the jurisdiction of Lampung is expected to consistently maintain an integrative approach that aligns juridical, philosophical, and sociological aspects to achieve substantive justice sensitive to the defendant's economic reality. Law enforcement officials need to continuously improve their mastery of information technology in collecting digital evidence. Furthermore, a more massive synergy is required between the judiciary and local government to strengthen legal education regarding the destructive impacts of online gambling to prevent recidivism and restore social equilibrium sustainably.

Keywords: Judges' Consideration, Online Gambling, Sentencing Objectives.