

## ABSTRAK

### **PERTANGGUNGJAWABAN PIDANA PELAKU PENGANIAYAAN YANG MENYEBABKAN KEMATIAN (Studi Putusan Nomor 122/Pid.B/2023/PN.Blg)**

Oleh

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Tindak pidana penganiayaan yang menyebabkan kematian merupakan bentuk kejahatan kekerasan serius yang mengganggu ketertiban sosial dan bertentangan dengan amanat negara hukum sebagaimana termaktub dalam Pasal 1 ayat (3) UUD NRI 1945. Persoalan hukum yang muncul dalam kasus semacam ini berkaitan dengan kompleksitas pembuktian unsur kesalahan (*mens rea*), penentuan kualifikasi delik antara penganiayaan yang berakibat kematian (Pasal 351 ayat (3) KUHP) dengan pembunuhan (Pasal 338 KUHP), serta rasionalitas pertimbangan hakim dalam menjatuhkan putusan.

Penelitian ini menggunakan dua kerangka teori utama, yaitu Teori Pertanggungjawaban Pidana dan Teori Dasar Pertimbangan Hakim. Kajian pustaka mencakup ketentuan penganiayaan dalam Pasal 351 KUHP, konsep *actus reus* dan *mens rea*, klasifikasi *dolus eventualis*, jenis alat bukti menurut Pasal 183–184 KUHP, serta tinjauan kriminologis terhadap kejahatan kekerasan. Metode penelitian yang diterapkan adalah penelitian hukum normatif dengan pendekatan kasus (*case approach*). Data sekunder diperoleh dari peraturan perundang-undangan, putusan pengadilan, doktrin hukum, dan literatur akademik yang relevan, kemudian diolah secara kualitatif.

Hasil penelitian menunjukkan bahwa pertanggungjawaban pidana terdakwa Merry Panggabean telah terpenuhi secara sah dan meyakinkan. Seluruh unsur Pasal 351 ayat (3) KUHP terbukti, meliputi perbuatan aktif berupa kekerasan fisik berulang menggunakan benda tumpul (sandal, pelepah kelapa, dan plastik berisi kemiri), kesengajaan dalam bentuk *dolus eventualis*, ketiadaan alasan pembenar maupun pemaaf, serta kecakapan hukum terdakwa. Kematian korban akibat perdarahan pada rongga kepala dikuatkan melalui *visum et repertum* dokter ahli forensik. Adapun dasar pertimbangan hakim dalam menjatuhkan pidana 2 tahun 6 bulan penjara mencakup tiga dimensi: yuridis (terpenuhinya minimal dua alat bukti sah sesuai Pasal 183–184 KUHP), sosiologis (kondisi sosial terdakwa sebagai

perempuan lanjut usia), dan filosofis (orientasi pemidanaan yang bersifat korektif, preventif, dan edukatif).

Penelitian ini menyimpulkan bahwa putusan hakim telah mencerminkan keseimbangan antara kepastian hukum, keadilan, dan kemanfaatan dalam sistem peradilan pidana Indonesia.

**Kata Kunci: pertanggungjawaban pidana, penganiayaan, kematian, pertimbangan hakim, Pasal 351 KUHP.**

## **ABSTRACT**

### **CRIMINAL LIABILITY OF PERPETRATORS OF ASSAULT RESULTING IN DEATH**

***(A Study of Court Decision Number 122/Pid.B/2023/PN Blg)***

***By***

***Yunus Gilbert M Sianipar***

*Assault resulting in death constitutes a serious form of violent crime that undermines social order and conflicts with Indonesia's identity as a rule-of-law state as mandated under Article 1 paragraph (3) of the 1945 Constitution. The legal issues arising in such cases concern the complexity of proving the element of fault (mens rea), the qualification of the offense between assault causing death under Article 351 paragraph (3) of the Indonesian Penal Code (KUHP) and murder under Article 338 KUHP, as well as the rationality of judicial considerations in sentencing*

*This research employs two principal theoretical frameworks: the Theory of Criminal Liability and the Theory of Judicial Consideration. The literature review encompasses provisions on assault under Article 351 KUHP, the concepts of actus reus and mens rea, the classification of dolus eventualis, categories of valid evidence under Articles 183–184 of the Criminal Procedure Code (KUHAP), and a criminological perspective on violent crime. A normative legal research method was adopted with a case approach. Secondary data were derived from statutory regulations, court decisions, legal doctrine, and relevant academic literature, and were subsequently analyzed qualitatively.*

*The findings establish that the criminal liability of the defendant, Merry Panggabean, was proven legally and convincingly. All elements of Article 351 paragraph (3) KUHP were satisfied, encompassing repeated active physical violence committed with blunt objects (sandals, a palm frond, and a plastic bag filled with kemiri nuts), intentionality in the form of dolus eventualis, the absence of any justifying or excusing grounds, and the defendant's legal competence to bear criminal responsibility. The victim's death resulting from intracranial hemorrhage was corroborated by forensic medical expert testimony through a visum et repertum. The judicial considerations underlying the sentence of 2 years and 6 months of imprisonment encompassed three dimensions: juridical (fulfillment of a*

*minimum of two valid pieces of evidence pursuant to Articles 183–184 KUHP), sociological (the defendant's social condition as an elderly woman), and philosophical (an orientation toward corrective, preventive, and educative sentencing purposes).*

*This study concludes that the court's decision reflects a balanced application of legal certainty, justice, and social utility within Indonesia's criminal justice system.*

***Keywords: criminal liability, assault, death, judicial consideration, Article 351 KUHP.***