

ABSTRAK

DISPARITAS PUTUSAN PENGADILAN TERHADAP PELAKU RETARDASI MENTAL (Studi Putusan Nomor: 256/Pid.B/2019/PN.Idm dan Putusan Nomor 57/Pid.B/2021/PN.Kba)

Penderita retardasi mental dapat menerima penghapusan pidana bilamana menurut penilaian hakim tidak mampu melakukan pertanggungjawaban pidana. Kendati demikian pada praktiknya penghapusan pidana bagi pelaku retardasi mental tidak berlaku mutlak. Hal ini terbukti melalui disparitas putusan pidana pelaku retardasi mental. Putusan tersebut memiliki perbedaan dalam menafsirkan ratio pertanggungjawaban pidana pelaku retardasi mental. Penelitian ini akan mengulas secara mendalam mengenai disparitas putusan pengadilan terhadap pelaku retardasi mental yang dikaitkan dengan unsur pertanggungjawaban pidana. Terdapat dua permasalahan pada penelitian ini, yaitu 1) Bagaimana Pertimbangan Majelis Hakim Mengenai Pertanggungjawaban Pidana Terdakwa Retardasi Mental? 2) Apa sajakah Faktor Penghambat Majelis Hakim dalam Menjatuhkan Pidana Pada Terdakwa Retardasi Mental?

Penelitian ini menggunakan metode penelitian normatif dengan metodologi studi kasus dan perundang-undangan. Sumber datanya yaitu data kepustakaan dengan jenis data sekunder. Selanjutnya, data dikumpulkan dan diolah dengan tiga tahapan yakni evaluasi, klasifikasi, dan sistematisasi data. Terakhir, analisis data kualitatif dilakukan.

Hasil penelitian diketahui bahwa disparitas putusan pengadilan bagi terdakwa yang mengalami retardasi mental ditimbulkan oleh perbedaan pertimbangan kemampuan bertanggungjawab masing terdakwa. Disparitas tersebut mempermasalahkan perihal kasus yang sama-sama melibatkan terdakwa retardasi mental ringan namun memiliki hasil putusan yang berbeda. Faktor yang menghambat majelis hakim dalam menjatuhkan pidana bagi terdakwa retardasi mental itu dipengaruhi oleh tiga faktor, yakni faktor struktur, substansi, dan budaya hukum. Struktur hukum penghambatnya pada validitas dan akuntabilitas pernyataan ahli kejiwaan dan psikiatrik. Substansi hukum pada ambiguitas frasa Pasal 44 Ayat (1) KUHP dan budaya hukum pada peran masyarakat dalam dunia peradilan pidana.

Kata kunci: Retardasi mental, pertanggungjawaban pidana, disparitas

ABSTRACT

DISPARITY OF COURT DECISIONS TOWARDS MENTAL RETARDATION ACTORS (Study of Decision Number: 256/Pid.B/2019/PN.Idm and Decision Number 57/Pid.B/2021/PN.Kba)

People with mental retardation can receive a criminal abolition if, according to the judge's assessment, they cannot carry out criminal responsibility. However, abolishing punishment for mentally disabled perpetrators is not absolute in practice. This is proven by the disparity of illegal decisions for mentally disabled perpetrators. The verdict has a difference in interpreting the ratio of criminal liability of mentally disabled perpetrators. This study will review the disparity of court decisions against mentally disabled actors associated with elements of criminal responsibility. The problems in this study are divided into two, namely 1) What are the considerations of the Panel of Judges regarding the Criminal Liability of Defendants of Mental Retardation? 2) What are the inhibiting factors for the panel of judges in imposing a sentence on a mentally disabled defendant?

This research uses the basis of normative research methods with a case study approach and legislation. The data source used is library data with secondary data types. Furthermore, the data is collected and processed in three stages: evaluation, classification, and data systematization. Finally, the data analysis was carried out qualitatively.

The study results found that the disparity in court decisions for defendants who had mental retardation was caused by differences in consideration of the responsibility of each defendant. The discrepancy raises issues regarding cases involving defendants with mild mental retardation but with different verdicts. Factors that hinder the panel of judges in imposing criminal penalties for mentally disabled defendants are influenced by three factors, namely the legal structure, legal substance, and legal culture. The legal system hinders the validity and accountability of the statements of psychiatrists and psychiatrists. Legal meaning in the ambiguity of the phrase Article 44 Paragraph (1) of the Criminal Code and legal culture on the role of society in the world of criminal justice.

Keywords: Mental retardation, criminal liability, the disparity