

## **ABSTRAK**

### **ANALISIS DASAR PERTIMBANGAN HAKIM TERHADAP PELAKU TINDAK PIDANA KEKERASAN DALAM RUMAH TANGGA (KDRT) (Studi Putusan Nomor. 487/Pid.Sus/2024/PN Tjk)**

**Oleh:  
Salsa Paramitha**

Kekerasan Dalam Rumah Tangga (KDRT) merupakan pelanggaran hak asasi manusia yang menimbulkan penderitaan fisik dan psikis bagi korban, dan masih marak terjadi akibat budaya patriarki. Dalam Putusan Nomor 487/Pid.Sus/2024/PN.Tjk, terdakwa Fajar Supriyanto terbukti melakukan kekerasan fisik terhadap istrinya, namun hanya dijatuhi pidana penjara 10 (sepuluh) bulan meskipun merupakan residivis dan menimbulkan luka fisik serta trauma psikologis. Hal tersebut melatarbelakangi rumusan masalah dalam penelitian ini, yaitu, Apakah Pertimbangan Hakim dalam menjatuhkan pidana terhadap pelaku tindak pidana Kekerasan Dalam Rumah Tangga (KDRT) berdasarkan Putusan No. 487/Pid.Sus/2024/PN,Tjk. Dan Apakah Putusan Hakim Nomor 487/Pid.Sus/2024/PN.TJK dalam perkara tindak pidana Kekerasan Dalam Rumah Tangga (KDRT) sudah sesuai dengan Tujuan Pemidanaan.

Penelitian ini menggunakan metode pendekatan yuridis normatif dan yuridis empiris, dengan data primer diperoleh melalui wawancara dengan Hakim Pengadilan Negeri Tanjung Karang, dan Dosen Fakultas Hukum Universitas Lampung. Data sekunder bersumber dari peraturan perundang-undangan, literatur hukum, serta dokumen resmi terkait. Pengumpulan data dilakukan melalui studi pustaka dan studi lapangan, kemudian diolah dan dianalisis menggunakan metode analisis kualitatif.

Hasil penelitian dan pembahasan menunjukkan bahwa pertimbangan hakim dalam Putusan Nomor 487/Pid.Sus/2024/PN.TJK telah mengintegrasikan tiga aspek utama secara komprehensif, yaitu yuridis, filosofis, dan sosiologis. Secara yuridis, hakim membuktikan kesalahan terdakwa berdasarkan Pasal 44 ayat (1) Undang-Undang Nomor 23 Tahun 2004 melalui alat bukti yang sah berupa *visum et*

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*repertum*, keterangan saksi, dan pengakuan terdakwa. Pada aspek filosofis, pidanaaan yang dijatuhkan tidak sekadar bersifat retributif pembalasan, melainkan mengedepankan nilai edukatif dan korektif guna memperbaiki perilaku terdakwa. Sedangkan secara sosiologis, hakim mempertimbangkan latar belakang sosial terdakwa serta dampak perbuatan terhadap ketertiban masyarakat. Putusan tersebut belum sepenuhnya mencerminkan tujuan pidanaaan karena lebih menekankan pembalasan dan penjeraan, tanpa memperhatikan perlindungan dan pemulihan korban. Tidak adanya rekomendasi rehabilitasi pelaku maupun pendampingan korban, serta status terdakwa sebagai residivis, menunjukkan bahwa keadilan substantif dan efektivitas pidanaaan belum sepenuhnya terwujud.

Saran penelitian ini adalah hakim dan aparat penegak hukum perlu menyeimbangkan aspek yuridis, filosofis, dan sosiologis dalam pidanaaan KDRT, serta menyesuaikan hukuman dengan tingkat kesalahan pelaku dan meningkatkan edukasi hukum kepada masyarakat. Pemerintah dan pemangku kepentingan perlu memperkuat koordinasi pencegahan dan penanggulangan KDRT melalui pendekatan humanis, dengan meningkatkan pendampingan korban, rehabilitasi pelaku, dan literasi hukum guna menciptakan lingkungan keluarga yang aman dan bebas kekerasan.

**Kata Kunci: Pertimbangan Hakim, Kekerasan Dalam Rumah Tangga, Tujuan Pidanaaan.**

## **ABSTRACT**

### **ANALYSIS OF THE JUDGE'S LEGAL CONSIDERATION TOWARD THE PERPETRATOR OF DOMESTIC VIOLENCE (Study of Decision Number 487/Pid.Sus/2024/PN Tjk)**

**By:**

**Salsa Paramitha**

*Domestic Violence constitutes a violation of human rights that causes physical and psychological suffering to victims and remains prevalent due to entrenched patriarchal culture. In Decision Number 487/Pid.Sus/2024/PN.Tjk, the defendant, Fajar Supriyanto, was legally proven to have committed physical violence against his wife; however, he was sentenced to only ten (10) months of imprisonment despite being a recidivist and causing physical injuries as well as psychological trauma to the victim. This condition forms the basis of the research problems, namely: how the judge's considerations in imposing criminal sanctions against perpetrators of domestic violence based on Decision Number 487/Pid.Sus/2024/PN.Tjk; and whether the court's decision in the domestic violence case is in accordance with the objectives of punishment.*

*This research employs normative juridical and empirical juridical approaches. Primary data were obtained through interviews with judges of the Tanjung Karang District Court and lecturers of the Faculty of Law, University of Lampung. Secondary data were derived from statutory regulations, legal literature, and relevant official documents. Data collection was conducted through library research and field studies, and the data were analyzed using qualitative analysis methods.*

*The results of the research and discussion indicate that the judge's considerations in Decision Number 487/Pid.Sus/2024/PN.TJK have comprehensively integrated three main aspects: juridical, philosophical, and sociological. Juridically, the judge proved the defendant's guilt based on Article 44 Paragraph (1) of Law Number 23 of 2004 through valid evidence, namely visum et repertum, witness testimonies, and the defendant's confession. Philosophically, the imposed punishment is not merely*

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*retributive, but prioritizes educational and corrective values to improve the defendant's behavior. Sociologically, the judge considered the defendant's social background and the impact of the act on public order. However, the decision does not yet fully reflect the objectives of sentencing as it emphasizes retribution and deterrence without paying attention to the protection and recovery of the victim. The absence of recommendations for the perpetrator's rehabilitation or victim assistance, along with the defendant's status as a recidivist, indicates that substantive justice and the effectiveness of sentencing have not been fully realized.*

*The recommendations of this research are as follows: Judges and law enforcement officials should balance juridical, philosophical, and sociological aspects in sentencing domestic violence cases, adjust punishments according to the level of culpability, and enhance public legal education; and the government and relevant stakeholders should strengthen coordination in preventing and addressing domestic violence through a humane approach, by improving victim assistance, offender rehabilitation, and legal literacy to create a safe and violence-free family environment.*

**Keywords: Judicial Consideration, Domestic Violence, Objectives of Punishment.**