

ABSTRAK

ANALISIS PUTUSAN HAKIM DALAM MENJATUHKAN PIDANA TERHADAP PELAKU PERKOSAAN BERDASARKAN UNDANG-UNDANG TINDAK PIDANA KEKERASAN SEKSUAL (Studi Putusan PN Nomor 492/Pid.Sus/2024/PN SRG)

Oleh

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Rifky Rizaldhika A. Pratama melakukan tindak pidana perkosaan dalam Putusan Pengadilan Negeri Serang Nomor : 492/Pid.Sus/2024/PN SRG dituntut oleh penuntut umum dengan pidana penjara selama 1 (satu) tahun dan denda sejumlah Rp 10.000.000,- (sepuluh juta rupiah) subsidair 2 (dua) bulan kurungan. Selanjutnya hakim menjatuhkan pidana penjara selama 9 (sembilan) bulan dan denda sejumlah Rp 10.000.000,- (sepuluh juta rupiah) dengan ketentuan apabila pidana denda tersebut tidak dibayar oleh terdakwa maka diganti dengan pidana kurungan selama 1 (Satu) Bulan. Permasalahan penelitian: Bagaimanakah pertimbangan putusan hakim dalam menjatuhkan pidana terhadap pelaku perkosaan dalam Putusan Nomor 492/Pid.Sus/2024/PN SRG. Apakah putusan hakim dalam Putusan Nomor 492/Pid.Sus/2024/PN SRG telah mencerminkan prinsip-prinsip perlindungan korban sebagaimana diatur dalam Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual.

Pendekatan penelitian yang digunakan adalah yuridis normatif dan didukung yuridis empiris. Narasumber penelitian adalah Hakim Pengadilan Negeri Serang dan Dosen Bagian Pidana Fakultas Hukum Universitas Lampung. Pengumpulan data dilakukan dengan studi Pustaka dan lapangan selanjutnya dianalisis secara kualitatif.

Berdasarkan hasil penelitian dan pembahasan maka dapat disimpulkan bahwa pertimbangan hakim dalam menjatuhkan pidana terhadap pelaku perkosaan dalam Putusan Nomor 492/Pid.Sus/2024/PN SRG telah mencerminkan penerapan teori pertimbangan hakim, khususnya teori keseimbangan dan putusan Nomor 492/Pid.Sus/2024/PN SRG tidak sepenuhnya menerapkan prinsip perlindungan korban yang diatur dalam Undang-Undang Tindak Pidana Seksual maupun teori perlindungan korban yang menekankan pentingnya pemulihan nama baik (rehabilitasi).

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Saran dalam penelitian ini adalah agar para Hakim dalam menangani perkara tindak pidana kekerasan seksual hendaknya mempertimbangkan keseimbangan antara korban, pelaku, dan masyarakat agar dapat memperoleh nilai keadilan yang sesungguhnya. Prinsip perlindungan korban tindak pidana kekerasan seksual harus di tegakkan oleh semua pihak terutama aparat penegak hukum dan diharapkan lebih aktif mendorong pelaksanaan rehabilitasi psikologis korban agar hak-hak korban benar-benar terpenuhi.

Kata Kunci: Putusan Hakim, Tindak Pidana Kekerasan Seksual, Perkosaan, Perlindungan Korban

ABSTRACT

ANALYSIS OF JUDGE'S DECISION IN IMPOSING CRIMINAL PENALTIES ON RAPE PERPETRATORS BASED ON THE CRIMINAL ACTS LAW ON SEXUAL VIOLENCE (Study of District Court Decision Number 492/Pid.Sus/2024/PN SRG)

By

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Rifky Rizaldhika A. Pratama committed the crime of rape in the Serang District Court Decision Number: 492 / Pid.Sus / 2024 / PN SRG demanded by the public prosecutor with a prison sentence of 1 (one) year and a fine of Rp. 10,000,000, - (ten million rupiah) subsidiary 2 (two) months imprisonment. Furthermore, the judge sentenced him to 9 (nine) months imprisonment and a fine of Rp. 10,000,000, - (ten million rupiah) with the provision that if the fine is not paid by the defendant, it will be replaced with imprisonment for 1 (one) month. Research problem: How is the judge's decision consideration in sentencing the perpetrator of rape in Decision Number 492 / Pid.Sus / 2024 / PN SRG. Does the judge's decision in Decision Number 492/Pid.Sus/2024/PN SRG reflect the principles of victim protection as regulated in Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence.

The research approach used is normative juridical and supported by empirical juridical. The research sources are judges from the Serang District Court and lecturers from the Criminal Law Department of the Faculty of Law, University of Lampung. Data collection was carried out through literature and field studies, which were then analysed qualitatively.

Based on the research results and discussion, it can be concluded that the judge's considerations in imposing punishment on the perpetrator of rape in Decision Number 492/Pid.Sus/2024/PN SRG have reflected the application of the theory of judicial discretion, particularly the theory of balance, and that Decision Number 492/Pid.Sus/2024/PN SRG did not fully apply the principle of victim protection as stipulated in the Sexual Crimes Law or the theory of victim protection that emphasises the importance of rehabilitation.

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The recommendation in this study is that judges handling cases of sexual violence should consider the balance between the victim, the perpetrator, and the community in order to achieve true justice. The principle of protecting victims of sexual violence crimes must be upheld by all parties, especially law enforcement officials, and it is hoped that they will be more active in promoting the psychological rehabilitation of victims so that their rights are truly fulfilled.

Keywords: Judge's Decision, Sexual Violence Crimes, Rape, Victim Protection