

ABSTRAK

ANALISIS PERTANGGUNGJAWABAN PIDANA TERHADAP PENYANDANG DISABILITAS SEBAGAI PELAKU PERKOSAAN (Studi Putusan Nomor 23/Pid.Sus/2025/PN Mtr)

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Peningkatan kasus kejahatan seksual, khususnya perkosaan, menimbulkan persoalan hukum yang kompleks ketika pelakunya merupakan penyandang disabilitas. Kondisi disabilitas pelaku memunculkan perdebatan mengenai kemampuan bertanggung jawab secara pidana dalam hukum pidana. Penelitian ini menganalisis Putusan Nomor 23/Pid.Sus/2025/PN Mtr yang melibatkan penyandang disabilitas sebagai pelaku perkosaan, dengan fokus pada penerapan unsur pertanggungjawaban pidana serta dasar pertimbangan Majelis Hakim dalam menjatuhkan putusan. Rumusan masalah pada penelitian ini yaitu bagaimanakah pertanggungjawaban pidana dan apakah dasar pertimbangan majelis hakim dalam menentukan pertanggungjawaban pidana terhadap penyandang disabilitas sebagai pelaku tindak pidana perkosaan.

Penelitian ini menggunakan metode penelitian hukum yuridis normatif yang didukung empiris dengan pendekatan studi kasus. Data dikumpulkan melalui studi dokumen (Putusan No. 23/Pid.Sus/2025/PN Mtr, KUHP, dan Undang-undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual serta Undang-undang terkait lainnya) dan wawancara dengan narasumber ahli (Heni Siswanto dan Tri Andrisman) untuk mendapatkan pandangan mendalam. Data yang diperoleh dianalisis secara kualitatif- deskriptif untuk merumuskan kesimpulan.

Hasil penelitian menunjukkan bahwa penerapan pertanggungjawaban pidana terhadap pelaku penyandang disabilitas fisik bernama I Wayan Agus Suartama alias Agus Buntung dalam Putusan Nomor 23/Pid.Sus/2025/PN Mtr telah memenuhi unsur-unsur pertanggungjawaban pidana. Disabilitas fisik terdakwa dinilai tidak menghilangkan kemampuan bertanggung jawab secara pidana karena fakta persidangan membuktikan bahwa terdakwa mampu memahami, mengendalikan, dan mengarahkan kehendaknya secara sadar dan terencana. Dengan demikian, Pasal 44 KUHP tidak berlaku. Majelis Hakim mendasarkan putusan pada pertimbangan yuridis (terpenuhinya unsur Pasal 6 huruf *c juncto* Pasal 15 Ayat (1) huruf e UU TPKS) serta pertimbangan filosofis dan sosiologis.

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Tingginya tingkat kesalahan (*schuld*) dan bahaya sosial akibat kejahatan berantai terhadap lebih dari 15 korban (termasuk anak di bawah umur) menjadi faktor krusial, sehingga kondisi disabilitas terdakwa tidak signifikan meringankan hukuman. Penjatuhan pidana penjara 10 (sepuluh) tahun dan denda Rp100.000.00 (Seratus juta rupiah) merupakan penegasan prinsip *equality before the law* dan upaya mewujudkan keadilan substantif, efek jera, serta perlindungan masyarakat dari pola kejahatan seksual yang manipulatif dan eksploitatif.

Saran yang diajukan dalam penelitian ini yaitu Putusan hakim sebaiknya mempertimbangkan kerugian bagi korban agar hukuman bagi pelaku memberi efek jera meskipun pelaku merupakan seorang penyandang disabilitas dan mencegah tindakan tersebut terulang dan hakim perlu menilai faktor memberatkan demi putusan yang adil.

**Kata Kunci : Pertanggungjawaban Pidana, Pelaku Perkosaan,
Penyandang Disabilitas**

ABSTRACT

ANALYSIS OF CRIMINAL LIABILITY FOR PEOPLE WITH DISABILITIES AS PERPETRATORS OF RAPE

(Study of Decision Number 23/Pid.Sus/2025/PN Mtr)

By

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The increase in sexual crimes, particularly rape, raises complex legal issues when the perpetrator is a person with a disability. The perpetrator's disability raises debates about their criminal responsibility under criminal law. This study analyzes Decision Number 23/Pid.Sus/2025/PN Mtr involving a person with a disability as the perpetrator of rape, focusing on the application of the elements of criminal responsibility and the basis for the panel of judges' considerations in handing down the verdict. The research questions in this study are: what is criminal responsibility and what are the basis for the panel of judges' considerations in determining criminal responsibility for persons with disabilities as perpetrators of rape.

This study uses a normative legal research method supported by empirical evidence with a case study approach. Data was collected through document studies (Decision No. 23/Pid.Sus/2025/PN Mtr, Criminal Code, and Law Number 12 of 2022 concerning Sexual Violence Crimes and other related laws) and interviews with expert sources (Heni Siswanto and Tri Andrisman) to obtain in-depth insights. The data obtained was analyzed qualitatively and descriptively to formulate conclusions.

The results of the study show that the application of criminal liability to the perpetrator with physical disabilities named I Wayan Agus Suartama alias Agus Buntung in Decision Number 23/Pid.Sus/2025/PN Mtr has fulfilled the elements of criminal liability. The defendant's physical disability was deemed not to negate his criminal responsibility because the facts of the trial proved that the defendant was able to understand, control, and direct his will consciously and deliberately. Thus, Article 44 of the Criminal Code did not apply. The Panel of Judges based the verdict on legal considerations (fulfillment of the elements of Article 6 letter c in conjunction with Article 15 Paragraph (1) letter e of the TPKS Law) as

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well as philosophical and sociological considerations. The high level of guilt (schuld) and social danger resulting from a series of crimes against more than 15 victims (including minors) were crucial factors, so that the defendant's disability did not significantly mitigate the sentence. The imposition of a 10 (ten) year prison sentence and a fine of Rp100,000,000 (one hundred million rupiah) affirms the principle of equality before the law and efforts to achieve substantive justice, a deterrent effect, and protection of the community from manipulative and exploitative patterns of sexual crime.

The recommendation proposed in this study is that judges should consider the harm caused to victims so that the punishment for perpetrators has a deterrent effect, even if the perpetrator is a person with a disability, and prevents such acts from recurring. Judges need to assess aggravating factors in order to reach a fair verdict

Keywords: Criminal Liability, Rapists, Persons with Disabilities