

ABSTRAK

ANALISIS PERTIMBANGAN HAKIM DALAM MENJATUHKAN PUTUSAN TERHADAP PELAKU TINDAK PIDANA PEMALSUAN SURAT IZIN MENGEMUDI (Studi Putusan Nomor: 107/Pid.B/2023/PN.Kbu)

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Salah satu jenis tindak pidana yang ada di dalam konteks kehidupan masyarakat adalah tindak pidana pemalsuan, termasuk pemalsuan Surat Izin Mengemudi (SIM) sebagaimana dalam Putusan Nomor: 107/Pid.B/2023/PN.Kbu. Terdakwa dijatuhi pidana penjara selama 7 (tujuh) bulan, yang masih terlalu tinggi mengingat terdakwa bukan pelaku utama. Selain itu peralatan kerja terdakwa di bidang usaha percetakan dirampas untuk negara. Permasalahan penelitian adalah bagaimanakah dasar pertimbangan hakim dalam menjatuhkan pidana terhadap pelaku tindak pidana pemalsuan Surat Izin Mengemudi (Putusan Nomor 107/Pid.B/2023/PN.Kbu) dan apakah pidana yang dijatuhkan hakim terhadap pelaku tindak pidana pemalsuan Surat Izin Mengemudi telah sesuai dengan keadilan substantif.

Penelitian ini menggunakan pendekatan yuridis normatif dan empiris. Pengumpulan data dilakukan dengan studi pustaka dan studi Lapangan. Narasumber penelitian terdiri dari Hakim, Jaksa dan Dosen Bagian Hukum pidana Fakultas Hukum Universitas Lampung. Analisis data dilakukan secara kualitatif untuk mendapat simpulan sesuai dengan permasalahan yang dibahas.

Hasil penelitian dan pembahasan menunjukkan bahwa dasar pertimbangan hakim dalam menjatuhkan pidana penjara selama 7 (tujuh) bulan terhadap pelaku tindak pidana pemalsuan Surat Izin Mengemudi dalam Putusan Nomor: 107/Pid.B/2023/PN.Kbu terdiri dari pertimbangan yuridis, filosofis dan sosiologis. Pertimbangan yuridis yaitu perbuatan terdakwa terbukti melanggar Pasal 263 ayat (1) KUHP Jo. Pasal 55 ayat (1) Ke-1 KUHP. Pertimbangan filosofis yaitu hakim menilai bahwa pemidanaan tidak hanya bertujuan untuk menimbulkan efek jera pada pelakunya tetapi sebagai upaya pemidanaan terhadap terdakwa agar terdakwa tidak mengulangi tindak pidana. Pertimbangan sosiologis yaitu hakim mempertimbangkan hal-hal yang memberatkan yaitu perbuatan terdakwa menimbulkan citra buruk bagi kepolisian dan perbuatan terdakwa menyebabkan kerugian bagi para saksi. Keadaan yang meringankan adalah terdakwa berterus terang selama menjalani persidangan, terdakwa menyesal dan berjanji tidak akan mengulangi perbuatannya dan terdakwa belum pernah dihukum. Selain itu hakim mempertimbangkan bahwa pidana yang dijatuhkan dapat memberikan manfaat kepada masyarakat. Pidana yang dijatuhkan hakim terhadap pelaku tindak pidana pemalsuan Surat Izin Mengemudi belum memenuhi

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aspek keadilan substantif, karena pidana penjara selama 7 (tujuh) bulan masih terlalu tinggi mengingat terdakwa dalam perkara ini bukan pelaku utama. Selain itu dalam putusan ditetapkan bahwa peralatan kerja terdakwa di bidang usaha percetakan dirampas untuk negara. Hakim idealnya menjatuhkan pidana yang lebih ringan, sebab peralatan kerja tersebut merupakan sumber bagi terdakwa untuk menghasilkan pendapatan (uang) dengan kembali bekerja di bidang percetakan setelah terdakwa nantinya selesai menjalani masa pidana.

Saran kepada majelis hakim yang menangani perkara tindak pidana pemalsuan Surat Izin Mengemudi di masa mendatan hendaknya mempertimbangkan aspek peran terdakwa dalam tindak pidana, apakah sebagai pelaku utama atau sebagai pelaku turut serta. Majelis hakim yang menangani perkara tindak pidana pemalsuan Surat Izin Mengemudi memperhatikan aspek keadilan substantif, khususnya pelaku yang berperan sebagai pelaku turut serta. Dengan demikian maka pidana yang dijatuhkan tidak hanya semata-mata didasarkan pada keadilan hukum secara formal, tetapi juga keadilan hukum secara substatif.

Kata Kunci: Pertimbangan Hakim, Pemalsuan, Surat Izin Mengemudi.

ABSTRACT

ANALYSIS OF JUDICIAL CONSIDERATIONS IN IMPOSING SENTENCES ON PERPETRATORS OF THE CRIMINAL OFFENSE OF DRIVER'S LICENSE FORGERY

(A Study of Decision Number: 107/Pid.B/2023/PN.Kbu)

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One type of criminal offense that exists within the context of social life is the crime of forgery, including the forgery of a Driving License (Surat Izin Mengemudi/SIM), as reflected in Decision Number: 107/Pid.B/2023/PN.Kbu. The defendant was sentenced to imprisonment for 7 (seven) months, which is considered excessive given that the defendant was not the principal perpetrator. In addition, the defendant's work equipment used in the printing business was confiscated for the state. The issues examined in this research are: (1) what constituted the basis of the judge's considerations in imposing a sentence on the perpetrator of the criminal offense of Driver's License forgery (Decision Number: 107/Pid.B/2023/PN.Kbu); and (2) whether the sentence imposed by the judge conforms to the principle of substantive justice.

This research employs both normative juridical and empirical approaches. Data were collected through library research and field research. The research informants consisted of judges, public prosecutors, and lecturers in Criminal Law at the Faculty of Law, University of Lampung. Data analysis was conducted qualitatively in order to draw conclusions consistent with the issues under discussion.

The result and discussion indicate that the judge's basis for imposing a sentence of seven (7) months' imprisonment on the perpetrator of the criminal offense of Driver's License forgery in Decision Number: 107/Pid.B/2023/PN.Kbu comprised juridical, philosophical, and sociological considerations. The juridical consideration was that the defendant's conduct was proven to have violated Article 263 paragraph (1) of the Indonesian Criminal Code (KUHP) in conjunction with Article 55 paragraph (1) point 1 of the KUHP. The philosophical consideration was that punishment is not merely intended to create a deterrent effect for the offender, but also serves as an effort to prevent the defendant from repeating the criminal act. The sociological consideration involved aggravating factors, namely that the defendant's actions damaged the image of the police and caused losses to the witnesses. Mitigating factors included the defendant's candor throughout the trial, remorse and promise not to reoffend, and the fact that the defendant had never previously been convicted. In addition, the judge considered that the sentence imposed would provide benefits to society.

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However, the sentence imposed by the judge on the perpetrator of the criminal offense of Driver's License forgery has not fulfilled the element of substantive justice, as a seven (7) month term of imprisonment is considered excessive given that the defendant in this case was not the principal offender. Furthermore, the decision ordered the confiscation of the defendant's work equipment in the printing business for the state. Ideally, the judge should have imposed a lighter sentence, as such work equipment constitutes the defendant's means of livelihood to generate income by returning to work in the printing sector after completing the term of imprisonment.

It is recommended that, in future cases of Driver's License forgery, panels of judges carefully consider the defendant's role in the criminal offense, whether as a principal perpetrator or as an accomplice. Judges adjudicating cases of Driver's License forgery should give due attention to the aspect of substantive justice, particularly with respect to defendants acting as accomplices. Accordingly, sentences imposed should not be based solely on formal legal justice, but should also reflect substantive legal justice.

Keywords: Judicial Considerations, Forgery, Driver's License.