

ABSTRAK

ANALISIS PERTANGGUNGJAWABAN PIDANA TERHADAP PELAKU TINDAK PIDANA YANG MENAWARKAN JUDI (Studi Putusan Nomor : 477/Pid.B/2024/PN. Tjk)

Oleh

Rensy Kurnia

Perjudian memiliki dampak sangat luas dari segi sosial dan ekonomi, judi dapat menyebabkan kerugian bagi individu dan keluarga, meningkatnya angka kriminalitas dan pengangguran. Permasalahan dalam penulisan ini adalah bagaimanakah pertanggungjawaban pidana terhadap pelaku tindak pidana yang menawarkan judi Putusan Nomor: 477/Pid.B/2024/PN. Tjk dan apakah dasar pertimbangan hakim dalam menjatuhkan pidana kepada pelaku yang menawarkan judi Nomor. 477/Pid.B/2024/PN. Tjk.

Penelitian ini menggunakan pendekatan secara yuridis normatif dan yuridis empiris. Sumber data yang digunakan adalah data primer dan data sekunder. Narasumber dalam penelitian ini terdiri dari Hakim Pengadilan Negeri Tanjung Karang dan Dosen Bagian Hukum Pidana Fakultas Hukum Universitas Lampung, Pengumpulan data sesuai dengan studi pustaka dan studi lapangan, dan dianalisis secara kualitatif.

Berdasarkan hasil penelitian dan pembahasan ini menunjukkan bahwa pertanggungjawaban pidana terhadap terdakwa Matsari Bin Samsudin dinyatakan telah terpenuhinya seluruh unsur seperti kemampuan bertanggungjawab dan adanya terdapat unsur kesalahan berupa kesengajaan dan kelalaian dilihat dari pembuktian alternatif seperti dengan sengaja menawarkan dan memberikan kesempatan kepada khalayak umum untuk bermain judi, serta keterangan dari saksi, dan tidak ada alasan penghapus pidana yang dijatuhkan kepada terdakwa. Dasar pertimbangan hakim dalam putusan menjatuhkan pidana terhadap perkara Nomor: 477/Pid.B/2024/PN. Tjk yaitu Hakim mempertimbangkan putusannya berdasarkan pertimbangan yuridis bahwa perbuatan terdakwa lakukan Majelis Hakim mempertimbangkan Pasal 303 ayat 1 ke-2 KUHP, pertimbangan filosofis mempertimbangkan berlandaskan pada nilai keadilan, dan pertimbangan sosiologis didasarkan pada kondisi masyarakat, dan dampak putusan terhadap kehidupan sosial.

Rensy Kurnia

Saran dari penelitian ini aparat penegak hukum harus mempertimbangkan aspek yuridis, filosofis, dan sosiologis dampak sosial perjudian, serta kondisi pribadi pelaku sehingga pidana berfungsi sebagai alat pembinaan dan pencegahan, bukan sekadar hukuman. Masyarakat diharapkan aktif mencegah dan melaporkan perjudian, dengan meningkatkan kesadaran bahwa praktik ini merusak moral, ketertiban sosial, dan kesejahteraan keluarga.

Kata Kunci: Pertanggungjawaban Pidana, Pelaku, Menawarkan Judi.

ABSTRACT

ANALYSIS OF CRIMINAL LIABILITY FOR PERPETRATORS OF CRIMINALS OFFERING GAMBLING (Study of Decision Number : 477/Pid.B/2024/PN.Tjk)

By

Rensy Kurnia

Gambling has a wide ranging social and economic impact. It can cause harm to individuals and families, increasing crime rates and unemployment. The problem in this paper is how criminal liability is applied to perpetrators of criminal acts offering gambling in Decision Number: 477/Pid.B/2024/PN. Tjk and what is the basis for the judge's considerations in sentencing perpetrators who offer gambling in Decision Number: 477/Pid.B/2024/PN. Tjk.

This study uses a normative and empirical juridical approach. The data sources used are primary and secondary data. The sources in this study consisted of Judges of the Tanjung Karang District Court and Lecturers in the Criminal Law Department of the Faculty of Law, University of Lampung. Data collection was based on literature and field studies, and was analyzed qualitatively.

Based on the results of this research and discussion, it shows that the criminal responsibility of the defendant Matsari Bin Samsudin is stated to have fulfilled all elements such as hunting ability and the existence of elements of error in the form of intent and negligence seen from alternative evidence such as intentionally offering and providing opportunities for the general public to gamble, as well as statements from witnesses, and there is no reason to eliminate the sentence given to the defendant. The basis for the judge's consideration in the decision to impose a criminal sentence on case Number: 477/Pid.B/2024/PN. Tjk is that the Judge considers his decision based on legal considerations that the defendant's actions were carried out by the Panel of Judges considering Article 303 paragraph 1 point 2 of the Criminal Code, philosophical considerations based on the value of justice, and sociological considerations based on the condition of society, and the impact of the decision on social life.

Rensy Kurnia

This research recommends that law enforcement officials consider the legal, philosophical, and sociological aspects of the social impacts of gambling, as well as the personal circumstances of the perpetrators, so that criminal penalties serve as a tool for development and prevention, rather than simply punishment. The public is expected to actively prevent and report gambling, raising awareness that this practice undermines morals, social order, and family well being.

Keywords: Criminal Liability, Perpetrator, Offering Gambling.