

## ABSTRAK

### **PERTANGGUNGJAWABAN PIDANA TERHADAP PELAKU TINDAK PIDANA JUDI *ONLINE* DAN PORNOGRAFI YANG DILAKUKAN SECARA BERSAMA-SAMA (Studi Putusan Nomor 1156/Pid.Sus/2024/PN Tjk)**

Oleh

**MUHAMMAD NATHAN ATALLAH PRATAMA**

Tindak pidana judi online dan pornografi merupakan bentuk kejahatan berbasis teknologi informasi yang semakin berkembang seiring kemajuan media sosial dan akses internet. Permasalahan menjadi semakin kompleks ketika tindak pidana tersebut dilakukan secara bersama-sama, sehingga menimbulkan pertanyaan mengenai bentuk dan batas pertanggungjawaban pidana masing-masing pelaku. Penelitian ini bertujuan untuk menganalisis bentuk pertanggungjawaban pidana pelaku tindak pidana judi online dan pornografi yang dilakukan secara bersama-sama berdasarkan Putusan Nomor 1156/Pid.Sus/2024/PN Tjk, serta untuk mengetahui pertimbangan hakim dalam menjatuhkan putusan terhadap para pelaku.

Penelitian ini menggunakan pendekatan yuridis normatif dan yuridis empiris dengan sumber data berupa bahan hukum primer, sekunder, dan tersier, serta didukung oleh wawancara dengan narasumber terkait. Analisis dilakukan secara kualitatif dengan menelaah ketentuan Pasal 27 ayat (2) jo Pasal 45 ayat (3) Undang-Undang Nomor 1 Tahun 2024 tentang Informasi dan Transaksi Elektronik, Pasal 4 ayat (1) juncto Pasal 29 Undang-Undang Nomor 44 Tahun 2008 tentang Pornografi, serta Pasal 55 ayat (1) ke-1 KUHP mengenai penyertaan (*deelneming*).

Hasil penelitian menunjukkan bahwa pertanggungjawaban pidana terhadap pelaku yang bertindak sebagai talent dan admin dalam promosi judi *online* serta penjualan konten pornografi telah memenuhi unsur kemampuan bertanggung jawab, adanya kesalahan, dan tidak adanya alasan pemaaf. Majelis Hakim dalam menjatuhkan putusan mempertimbangkan aspek yuridis, filosofis, dan sosiologis, termasuk peran masing-masing pelaku dalam tindak pidana. Meskipun demikian, terdapat perbedaan antara tuntutan jaksa dan putusan hakim serta perbedaan pemidanaan antara para pelaku, yang menimbulkan perdebatan mengenai proporsionalitas dan rasa keadilan. Dapat disimpulkan bahwa penerapan konsep pertanggungjawaban pidana dalam tindak pidana berbasis media elektronik yang dilakukan secara bersama-sama harus mempertimbangkan kontribusi nyata dan kesadaran bersama para pelaku agar tercapai kepastian hukum, keadilan, dan kemanfaatan hukum.

*Muhammad Nathan Atallah Pratama*

Saran dalam Penelitian ini diharapkan berguna bagi perkembangan ilmu hukum serta berguna membantu aparat penegak hukum agar lebih menekankan efek jera dan dampak sosial luas dari tindak pidana berbasis teknologi informasi dalam menjatuhkan maupun menuntut pidana, serta mempertimbangkan kontribusi nyata dan kesadaran bersama para pelaku dalam konstruksi penyertaan.

**Kata Kunci: Pertanggungjawaban Pidana, Judi Online, Pornografi.**

## **ABSTRACT**

### **CRIMINAL LIABILITY FOR PERPETRATORS OF ONLINE GAMBLING AND PORNOGRAPHY CRIMES THAT DONE TOGETHER**

***(Study of Decision Number 1156/Pid.Sus/2024/PN Tjk)***

**By**

**MUHAMMAD NATHAN ATALLAH PRATAMA**

*Online gambling and pornography are forms of information technology-based crime that are growing along with the advancement of social media and internet access. The problem becomes more complex when the criminal acts are carried out together, thus raising questions about the form and limits of criminal responsibility of each perpetrator. This study aims to analyze the form of criminal responsibility of the perpetrators of online gambling and pornography crimes carried out jointly based on Decision Number 1156/Pid.Sus/2024/PN Tjk, as well as to find out the judge's considerations in imposing verdicts against the perpetrators.*

*This study uses normative juridical approaches and empirical juridical approaches with data sources in the form of primary, secondary, and tertiary legal materials, and supported by interviews with related sources. The analysis was carried out qualitatively by examining the provisions of Article 27 paragraph (2) jo Article 45 paragraph (3) of Law Number 1 of 2024 concerning Information and Electronic Transactions, Article 4 paragraph (1) in conjunction with Article 29 of Law Number 44 of 2008 concerning Pornography, and Article 55 paragraph (1) 1 of the Criminal Code regarding participation (deelneming).*

*The results of the study show that criminal liability for perpetrators who act as talents and admins in the promotion of online gambling and the sale of pornographic content has met the elements of responsibility, the existence of mistakes, and the absence of excuses. The Panel of Judges in making the decision considers juridical, philosophical, and sociological aspects, including the role of each perpetrator in the crime. However, there are differences between prosecutors' demands and judges' decisions as well as differences in punishment between perpetrators, which raises debates about proportionality and a sense of justice. It can be concluded that the application of the concept of criminal responsibility in electronic media-based criminal acts carried out jointly must consider the real contribution and mutual awareness of the perpetrators in order to achieve legal certainty, justice, and legal benefits.*

**Muhammad Nathan Atallah Pratama**

*The suggestions in this study are expected to be useful for the development of legal science and useful for helping law enforcement officials to emphasize the deterrent effect and broad social impact of information technology-based criminal acts in imposing and prosecuting crimes, as well as considering the real contribution and mutual awareness of perpetrators in the construction of participation.*

**Keywords: Criminal Liability, Online Gambling, Pornography.**