

**ANALISIS YURIDIS PUTUSAN HAKIM PENJATUHAN HUKUMAN BAGI PELAKU
TINDAK PIDANA ASUSILA DISERTAI TINDAK PIDANA PENGANIAYAAN DI
PENGADILAN NEGERI PADANG (STUDI KASUS NOMOR 1020/PID.B/2023/PN PDG)**

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ABSTRAK

Penelitian ini menganalisis fenomena disparitas pemidanaan dalam perkara tindak pidana penganiayaan yang disertai kekerasan seksual sesama jenis pada Putusan Nomor 1020/Pid.B/2023/PN Pdg. Masalah utama dalam penelitian ini dipicu oleh adanya ketimpangan antara beratnya fakta kejahatan di persidangan dengan ringannya sanksi pidana penjara selama 3 (tiga) tahun yang dijatuhkan hakim. Hal ini menimbulkan kesan ketidakadilan substantif bagi korban dan melemahkan daya jera hukum pidana. Adapun rumusan masalah yang diangkat adalah: (1) Bagaimana pertimbangan hukum hakim dalam memutus perkara Nomor 1020/Pid.B/2023/PN Pdg; dan (2) Apakah putusan tersebut telah sesuai dengan peraturan perundang-undangan yang berlaku di Indonesia. Metode penelitian yang digunakan adalah yuridis normatif dengan dukungan data lapangan melalui teknik wawancara dan studi kepustakaan. Pendekatan penelitian mencakup pendekatan perundang-undangan (*statute approach*) dan pendekatan kasus (*case approach*) yang dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa pertimbangan hukum hakim dalam perkara ini didasarkan pada terpenuhinya unsur Pasal 289 KUHP jo. Pasal 55 ayat (1) ke-1 KUHP. Namun, secara kritis ditemukan bahwa hakim terjebak dalam paradigma positivisme-legalistik yang mengedepankan faktor meringankan terdakwa, seperti sikap kooperatif, tanpa mempertimbangkan secara proporsional sifat melawan hukum dari kekerasan fisik menggunakan obeng. Hakim juga tidak menerapkan teori perbarengan tindak pidana (*concursum realis*), sehingga sanksi yang dijatuhkan tidak maksimal. Kesimpulannya, secara yuridis-formal putusan tersebut memang sah, namun secara substantif putusan ini mengandung kekeliruan karena belum menerapkan prinsip *victim-oriented justice*. Ketidakkonsistenan ini menunjukkan urgensi reformasi sistem peradilan pidana dan penguatan pedoman pemidanaan agar selaras dengan semangat pembaruan hukum dalam UU No. 1 Tahun 2023 tentang KUHP Nasional yang lebih mengedepankan keseimbangan keadilan bagi pelaku, korban, dan masyarakat.

Kata Kunci: Hukum Pidana, Pertimbangan Hakim, Penganiayaan, Kekerasan Seksual, Sistem Peradilan.

**LEGAL ANALYSIS OF THE JUDGE'S DECISION IMPOSING SENTENCES FOR
PERPETRATORS OF THE CRIMINAL ACT OF ASSAULT AND IMMORAL ACTS AT THE
PADANG DISTRICT COURT (CASE STUDY NUMBER 1020/PID.B/2023/PN PDG)**

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ABSTRACT

*This research analyzes the phenomenon of sentencing disparity in a case of assault accompanied by same-sex sexual violence in Court Decision Number 1020/Pid.B/2023/PN Pdg. The primary issue in this study is triggered by the imbalance between the severity of the crime facts revealed in court and the leniency of the 3 (three) year imprisonment sentence imposed by the judges. This discrepancy creates an impression of substantive injustice for the victim and weakens the deterrent effect of criminal law. The research problems addressed are: (1) How were the legal considerations of the judges in deciding case Number 1020/Pid.B/2023/PN Pdg; and (2) Whether the decision is in accordance with the prevailing laws and regulations in Indonesia. The research method employed is juridical-normative, supported by empirical data through interviews and literature studies. The research approaches include a statute approach and a case approach, analyzed qualitatively. The results of the study indicate that the judges' legal considerations in this case were based on the fulfillment of the elements of Article 289 of the Criminal Code in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code. However, a critical finding suggests that the judges were trapped in a legal-positivistic paradigm, prioritizing mitigating factors for the defendant, such as cooperative behavior, without proportionally considering the unlawful nature of physical violence involving a screwdriver. Furthermore, the judges failed to apply the theory of multiple offenses (*concurus realis*), resulting in a non-maximal sentence. In conclusion, while the decision is valid from a formal-juridical perspective, it contains substantive flaws as it has not implemented the principle of victim-oriented justice. This inconsistency highlights the urgency of criminal justice system reform and the strengthening of sentencing guidelines to align with the spirit of legal reform in Law Number 1 of 2023 concerning the National Criminal Code, which emphasizes balanced justice for the perpetrator, the victim, and society.*

Keywords: *Criminal Law, Judge's Consideration, Assault, Sexual Violence, Criminal Justice System.*