

RINGKASAN

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**Analisis Putusan Terhadap Pelaku Jarimah
maisir judi Online Studi Putusan Nomor
12/Jn/2024/Ms.Idi
(Fauzah Nur Aksa, Ag. S.H., M.H, dan
Ferdy Saputra, S.H., M.H)**

Jarimah maisir akhir-akhir ini menjadi permasalahan serius di Aceh. Qanun Aceh Nomor 6 Tahun 2014 tentang Hukum Jinayat, khususnya Pasal 19, telah mengatur ancaman sanksi berat bagi pelaku maisir berupa cambuk, denda, dan penjara. Namun dalam praktiknya, putusan hakim sering kali berbeda dengan ancaman maksimal yang diatur dalam qanun.

Penelitian ini bertujuan untuk menjelaskan penerapan sanksi pidana terhadap pelaku perjudian online dalam Putusan Nomor 12/Jn/2024/Ms.Idi di Mahkamah Syar'iyah Idi, serta menganalisis pertimbangan hakim dalam memutuskan perkara tersebut berdasarkan Qanun Jinayat. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus, bersifat deskriptif, dengan teknik pengumpulan data melalui studi kepustakaan dan analisis data kualitatif.

Hasil penelitian menunjukkan bahwa terdakwa TF terbukti melakukan jarimah maisir dan dijatuhi uqubat ta'zir berupa cambuk sebanyak 10 kali, sesuai dengan Pasal 19 ayat (3) Qanun Aceh Nomor 6 Tahun 2014. Dari sisi penerapan, putusan tersebut telah sesuai dengan ketentuan qanun, tetapi masih tergolong ringan jika dibandingkan dengan ancaman maksimal yang dapat mencapai 30 kali cambuk. Dalam analisis pertimbangan hakim, selain berpedoman pada qanun, hakim juga memperhatikan fakta persidangan, alat bukti, serta prinsip Maqashid Syariah. Akan tetapi, secara yuridis dan sosiologis, putusan ini dinilai kurang memberi efek jera, mengingat hakim sebenarnya memiliki kewenangan untuk menjatuhkan hukuman lebih berat daripada tuntutan jaksa.

Dengan demikian, penelitian ini menegaskan bahwa meskipun putusan sudah sesuai dengan aturan hukum, namun efektivitasnya dalam mencegah maraknya judi online masih perlu dipertanyakan karena aspek pertimbangan yuridis dan non-yuridis belum sepenuhnya dimaksimalkan..

Kata Kunci : Jarimah Maisir , Tindak pidana, Perjudian Online

SUMMARY

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***Analysis of the Decision Against the Perpetrators
of Online Gambling Jarimah Maisir Decision
Study Number 12/Jn/2024/Ms.Idi
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The crime of maisir (gambling) has recently become a serious problem in Aceh. Aceh Qanun Number 6 of 2014 on Jinayat Law, particularly Article 19, stipulates severe sanctions for perpetrators of maisir, including whipping, fines, and imprisonment. However, in practice, court decisions often differ from the maximum sanctions regulated in the qanun.

This study aims to explain the application of criminal sanctions against online gambling offenders in Decision Number 12/Jn/2024/Ms.Idi at the Idi Sharia Court and to analyze the judges' considerations in deciding the case based on the Jinayat Qanun. The research method used is normative legal research with a statutory approach and a case approach, descriptive in nature, with data collected through literature studies and analyzed qualitatively.

The results show that the defendant, TF, was proven guilty of committing maisir and was sentenced to ta'zir punishment in the form of 10 lashes, as stipulated in Article 19 paragraph (3) of Aceh Qanun Number 6 of 2014. In terms of application, the decision is consistent with the qanun, but relatively light, considering that the maximum penalty can reach 30 lashes. In the analysis of judicial considerations, apart from referring to the qanun, the judge also took into account trial facts, evidence, and the principles of Maqashid Shariah. However, from both juridical and sociological perspectives, the verdict is considered less effective in providing a deterrent effect, as the judge actually has the authority to impose a heavier punishment than the prosecutor's demand.

Thus, this study emphasizes that although the decision complies with applicable law, its effectiveness in preventing the spread of online gambling remains questionable, as juridical and non-juridical considerations have not been fully maximized..

Keywords: Criminal Sanctions, Crime, Online Gambling