

## RINGKASAN

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**Analisis Yuridis Alasan Hakim Menjatuhkan Putusan Ultra Petita Dalam Tindak Pidana Penodaan Agama (Studi Putusan Nomor: 1537/Pid.B/2016/PN Jkt Utr) (Dr. Muhammad Hatta, S.H., LL.M & Prof. Dr. Malahayati, S.H., LL.M)**

Fenomena putusan hakim yang melebihi tuntutan Jaksa Penuntut Umum (*ultra petita*), yang menimbulkan perdebatan dalam hukum pidana terkait kepastian hukum, keadilan, dan asas legalitas. Sebagaimana yang terjadi dalam Putusan Nomor: 1537/Pid.B/2016/PN Jkt Utr tentang penjatuhan putusan *ultra petita* dalam kasus tindak pidana penodaan agama. Secara normatif tindak pidana penodaan agama diatur pada Pasal 156 huruf a (Kitab Undang-Undang Hukum Pidana) KUHP. Dalam penegakan hukum, hakim memiliki peran penting, namun sering muncul putusan *ultra petita*, hal ini berpotensi bertentangan dengan prinsip kepastian hukum.

Tujuan penelitian ini adalah mengetahui pertimbangan hakim dalam menjatuhkan putusan *ultra petita* serta menganalisis putusan tersebut dalam kasus tindak pidana penodaan agama berdasarkan Putusan Nomor: 1537/Pid.B/2016/PN Jkt Utr. Rumusan masalah pada penelitian ini adalah bagaimana pertimbangan hakim dalam menjatuhkan putusan *ultra petita* dan bagaimana analisis terhadap putusan *ultra petita* dalam kasus tindak pidana penodaan agama berdasarkan Putusan Nomor: 1537/Pid.B/2016/PN Jkt Utr.

Metode penelitian yang digunakan adalah yuridis normatif, dengan pendekatan kasus, pengumpulan data yang dilakukan dengan studi kepustakaan, serta analisis yang bersifat deskriptif.

Hasil penelitian ini menunjukkan Putusan Nomor: 1537/Pid.B/2016/PN Jkt Utr dinilai kurang sesuai, hal ini dikarenakan hakim menafsirkan unsur penodaan agama secara luas dengan menitikberatkan pada dampak sosial daripada niat subjektif terdakwa, sehingga menjatuhkan pidana yang lebih berat dari tuntutan jaksa. Jaksa menuntut pidana penjara selama 1 tahun dengan masa percobaan selama 2 tahun, Hakim memutus pidana penjara selama 2 tahun Putusan tersebut dipandang berpotensi merusak prinsip kepastian hukum, independensi peradilan, dan perlindungan hak asasi manusia, khususnya kebebasan berpendapat, serta membuka peluang penyalahgunaan pasal penodaan agama di masa mendatang.

Oleh karena itu, disarankan kepada Mahkamah Agung beserta badan peradilan di bawahnya perlu menyusun pedoman yang lebih jelas mengenai penerapan putusan *ultra petita* dalam perkara pidana guna menjamin kepastian hukum, keseragaman putusan, dan independensi hakim. Selain itu, hakim, jaksa, dan aparat penegak hukum lainnya hendaknya mengedepankan pembuktian yang objektif berdasarkan fakta persidangan serta tetap memperhatikan prinsip negara hukum, hak asasi manusia, dan kebebasan berekspresi guna mewujudkan keadilan, kemanfaatan, dan kepastian hukum secara seimbang.

***Kata Kunci: Ultra Petita, Hakim, Tindak Pidana Penodaan Agama***

## SUMMARY

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***Juridical Analysis of the Judge Reasons for Imposing an Ultra Petita Decision in the Crime of Blasphemy Against Religion (Study of Decision Number: 1537/Pid.B/2016/PN Jkt Utr)***

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*The phenomenon of judges' decisions exceeding the Public Prosecutor's demands ultra petita has sparked debate in criminal law regarding legal certainty, justice, and the legality principle. This is evident in Decision Number: 1537/Pid.B/2016/PN Jkt Utr, which imposed an ultra petita ruling in a blasphemy against religion case. Normatively, the crime of blasphemy against religion is regulated under Article 156 letter a of the Criminal Code (Kitab Undang-Undang Hukum Pidana/KUHP). In law enforcement, judges play a crucial role, yet ultra petita decisions frequently arise, potentially conflicting with the principle of legal certainty.*

*The purpose of this research is to identify the judge's considerations in issuing an ultra petita decision and to analyze that decision in the case of the crime of blasphemy against religion based on Decision Number: 1537/Pid.B/2016/PN Jkt Utr. The research questions in this study are how were the judge's considerations in issuing the ultra petita decision, and how is the analysis of the ultra petita decision in the case of the crime of blasphemy against religion based on Decision Number: 1537/Pid.B/2016/PN Jkt Utr.*

*The research method employed is normative juridical, using a case approach, data collection through literature study, and descriptive analysis.*

*The results of this research indicate that Decision Number 1537/Pid.B/2016/PN Jkt Utr is deemed insufficiently appropriate, as the judge interpreted the element of religious blasphemy too broadly, emphasizing social impact over the defendant's subjective intent, thereby imposing a harsher sentence than the prosecutor's demand. The prosecutor sought a prison term of 1 year with a 2 year probation period, while the judge ruled for a 2 year prison term. This decision is viewed as potentially undermining the principles of legal certainty, judicial independence, and human rights protection particularly freedom of expression and opening the door to future misuse of blasphemy articles.*

*Therefore, it is recommended that the Supreme Court and the courts under its authority establish clearer guidelines regarding the application of ultra petita decisions in criminal cases in order to ensure legal certainty, consistency of judicial decisions, and judicial independence. Furthermore, judges, prosecutors, and other law enforcement officials should prioritize objective assessment based on the facts revealed during trial proceedings while upholding the principles of the rule of law, human rights, and freedom of expression, so as to achieve a balanced realization of justice, legal certainty, and legal expediency.*

**Keywords: Ultra Petita, Judge, Crime of Blasphemy Against Religion**