

RINGKASAN

AKILA AULIA RAHMA
NIM 220510206

Pertanggungjawaban Pidana Terhadap Pelaku Kekerasan Dalam Rumah Tangga Yang Menyebabkan Kematian (Studi Kasus Putusan Nomor 260/Pid.Sus/2024/Pengadilan Negeri Sei Rampah)

(Dr. Muhammad Nur, S.H., M.H. dan Prof. Dr. Faisal, S.Ag., S.H., M.Hum)

Kekerasan dalam rumah tangga merupakan tindak pidana yang dapat mengakibatkan kematian korban. Putusan Nomor 260/Pid.Sus/2024/PN Sei Rampah merupakan perkara kekerasan fisik dalam lingkup rumah tangga yang menyebabkan matinya korban. Terdakwa dinyatakan terbukti melanggar Pasal 44 Ayat (3) Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga dan dijatuhi pidana penjara selama 11 tahun. Penuntut Umum mengajukan dakwaan alternatif berdasarkan Pasal 340 KUHP, Pasal 338 KUHP, dan Pasal 44 Ayat (3) UU PKDRT serta menuntut terdakwa berdasarkan Pasal 338 KUHP, hakim memilih menerapkan Pasal 44 Ayat (3) UU PKDRT. Penelitian ini bertujuan menganalisis pertanggungjawaban pidana terdakwa dan pertimbangan hukum hakim dalam menentukan ketentuan pidana yang diterapkan.

Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan kasus (*case approach*) dan pendekatan perundang-undangan (*statute approach*) serta bersifat deskriptif analitis. Sumber bahan hukum terdiri atas bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa pertanggungjawaban pidana terdakwa didasarkan pada terpenuhinya unsur Pasal 44 Ayat (3) UU PKDRT. Pertimbangan hakim didasarkan pada terpenuhinya unsur kekerasan fisik dalam lingkup rumah tangga yang mengakibatkan kematian korban. Namun, terdapat persoalan dalam pertimbangan hakim karena konstruksi Pasal 338 KUHP mengenai kesengajaan merampas nyawa orang lain tidak dibahas secara mendalam sebelum hakim memilih Pasal 44 Ayat (3) UU PKDRT. Pertimbangan non-yuridis meliputi keadaan yang memberatkan berupa duka mendalam bagi keluarga atau anak korban dan keadaan yang meringankan berupa terdakwa belum pernah dihukum.

Berdasarkan hasil penelitian, hakim diharapkan memberikan pertimbangan yang lebih komprehensif mengenai perbedaan konstruksi Pasal 338 KUHP dan Pasal 44 Ayat (3) UU PKDRT, khususnya alasan tidak digunakannya Pasal 338 KUHP. Aparat penegak hukum juga diharapkan lebih cermat dalam menentukan ketentuan pidana dalam perkara kekerasan dalam rumah tangga yang menyebabkan kematian agar tercipta kepastian hukum, keadilan, dan kemanfaatan.

Kata Kunci: Pertanggungjawaban Pidana, KDRT, Pertimbangan Hakim, Putusan Pengadilan.

SUMMARY

AKILA AULIA RAHMA
NIM 220510206

Criminal Liability For Perpetrators of Domestic Violence Causing Death (Case Study of Decision Number 260/Pid.Sus/2024/Sei Rampah District Court)
(Dr. Muhammad Nur, S.H., M.H. dan Prof. Dr. Faisal, S.Ag., S.H., M.Hum)

Domestic violence is a criminal offense that can result in the victim's death. Court Decision Number 260/Pid.Sus/2024/PN Sei Rampah involved a case of physical violence within the domestic sphere that caused the victim's death. The defendant was found guilty of violating Article 44 Paragraph (3) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT) and was sentenced to 11 years in prison. Although the Public Prosecutor filed alternative charges based on Article 340 of the Criminal Code (KUHP), Article 338 of the Criminal Code, and Article 44 Paragraph (3) of the UU PKDRT—and sought a conviction under Article 338 of the Criminal Code—the judge opted to apply Article 44 Paragraph (3) of the UU PKDRT. This study aims to analyze the defendant's criminal liability and the judge's legal reasoning in determining the applicable criminal provision.

This study employs a normative legal research method utilizing both a case approach and a statute approach, and is descriptive-analytical in nature. Legal sources consist of primary, secondary, and tertiary materials analyzed qualitatively.

The research findings indicate that the defendant's criminal liability was established based on the fulfillment of the elements of Article 44 Paragraph (3) of the UU PKDRT. The judge's reasoning rested on the fulfillment of the elements of physical violence within the domestic sphere resulting in the victim's death. However, an issue arises in the judge's reasoning because the construction of Article 338 of the Criminal Code—regarding the intentional taking of another person's life—was not discussed in depth before the judge selected Article 44 Paragraph (3) of the UU PKDRT. Non-juridical considerations included aggravating circumstances, such as the profound grief experienced by the victim's family or children, and mitigating circumstances, such as the defendant having no prior criminal record.

Based on the research findings, it is expected that judges provide more comprehensive reasoning regarding the differences in the construction of Article 338 of the Criminal Code and Article 44 Paragraph (3) of the UU PKDRT, specifically addressing the reasons for not applying Article 338 of the Criminal Code. Law enforcement officials are also expected to exercise greater care in determining the applicable criminal provisions in cases of domestic violence resulting in death, so as to ensure legal certainty, justice, and utility.

Keywords: Criminal Liability, KDRT, Judicial Considerations, Court Decision.