

RINGKASAN

**NABILA BORU SITINJAK
NIM 220510253**

**KAJIAN YURIDIS PUTUSAN HAKIM
DALAM PENJATUHAN SANKSI PIDANA
TERHADAP PENYEBARAN KONTEN
INTIM NON-KONSENSUAL (STUDI
PUTUSAN NOMOR 45/PID.SUS/2022/PN
LSM)**

Perkembangan teknologi informasi telah meningkatkan berbagai bentuk kejahatan siber, salah satunya penyebaran konten intim non-konsensual. Tindak pidana ini menimbulkan dampak yang serius terhadap korban, baik secara psikologis, sosial, maupun terhadap kehormatan dan hak privasinya. Salah satu perkara yang menjadi perhatian adalah Putusan Nomor 45/Pid.Sus/2022/PN Lsm, di mana terdakwa dijatuhi pidana penjara selama 3 (tiga) tahun tanpa pidana denda, padahal Pasal 45 ayat (1) Undang-Undang Nomor 19 Tahun 2016 tentang Informasi dan Transaksi Elektronik mengatur ancaman pidana penjara paling lama 6 (enam) tahun dan/atau pidana denda paling banyak Rp1.000.000.000,00. Kondisi tersebut menimbulkan pertanyaan mengenai pertimbangan hakim dalam menjatuhkan pidana serta efektivitas sanksi yang diberikan dalam memberikan perlindungan kepada korban.

Penelitian ini bertujuan untuk menganalisis pertimbangan hakim dalam menjatuhkan sanksi pidana terhadap pelaku penyebaran konten intim non-konsensual dalam Putusan Nomor 45/Pid.Sus/2022/PN Lsm serta menganalisis efektivitas sanksi pidana yang dijatuhkan dalam memberikan perlindungan kepada korban.

Penelitian ini merupakan penelitian hukum normatif dengan menggunakan pendekatan perundang-undangan, pendekatan konseptual, dan pendekatan studi kasus. Bahan hukum yang digunakan terdiri atas bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier yang dianalisis secara deskriptif analitis.

Hasil penelitian menunjukkan bahwa pertimbangan hakim telah memenuhi aspek yuridis melalui pembuktian unsur-unsur tindak pidana sebagaimana diatur dalam Pasal 27 ayat (1) juncto Pasal 45 ayat (1) Undang-Undang Nomor 19 Tahun 2016 tentang Informasi dan Transaksi Elektronik. Namun, dari aspek sosiologis, pertimbangan tersebut belum sepenuhnya mencerminkan orientasi pada pemulihan korban. Sanksi pidana yang dijatuhkan telah memberikan kepastian hukum secara formal, tetapi belum sepenuhnya memenuhi prinsip keadilan dan kemanfaatan karena tidak disertai pidana denda maupun mekanisme pemulihan bagi korban. Oleh karena itu, hakim diharapkan lebih memperhatikan kepentingan dan pemulihan korban melalui penerapan prinsip keadilan restoratif serta mempertimbangkan bentuk pemidanaan yang tidak hanya berorientasi pada penghukuman pelaku, tetapi juga pada perlindungan hak-hak korban.

Kata Kunci: Pertimbangan Hakim, Sanksi Pidana, Konten Intim Non-Konsensual, Efektivitas Hukum.

SUMMARY

NABILA BORU SITINJAK
NIM 220510253

Juridical Analysis of Judicial Decisions in Imposing Criminal Sanctions for the Distribution of Non-Consensual Intimate Content (Study of Decision Number 45/Pid.Sus/2022/PN Lsm)

The rapid development of information technology has led to the emergence of various forms of cybercrime, one of which is the dissemination of non-consensual intimate content. This crime causes serious psychological, social, and reputational harm to victims, as well as violating their dignity and right to privacy. One of the cases that has attracted legal attention is Decision Number 45/Pid.Sus/2022/PN Lsm, in which the defendant was sentenced to three years' imprisonment without the imposition of a criminal fine. This is despite Article 45 paragraph (1) of Law Number 19 of 2016 concerning Electronic Information and Transactions prescribing a maximum penalty of six years' imprisonment and/or a fine of up to IDR 1,000,000,000. This situation raises questions regarding the judge's legal considerations in imposing the sentence and the effectiveness of the sanction in providing legal protection for the victim.

This study aims to analyze the judge's legal considerations in imposing criminal sanctions on the perpetrator of non-consensual intimate content dissemination in Decision Number 45/Pid.Sus/2022/PN Lsm and to examine the effectiveness of the imposed criminal sanction in providing protection for the victim.

This research is a normative legal study employing a statutory approach, a conceptual approach, and a case study approach. The legal materials consist of primary, secondary, and tertiary legal sources, which are analyzed using a descriptive-analytical method.

The findings indicate that the judge's legal considerations fulfilled the juridical aspect by establishing all elements of the criminal offence as stipulated in Article 27 paragraph (1) in conjunction with Article 45 paragraph (1) of Law Number 19 of 2016 concerning Electronic Information and Transactions. However, from a sociological perspective, the judgment has not fully reflected a victim-oriented approach to recovery. Although the imposed sentence provides formal legal certainty, it has not fully satisfied the principles of justice and legal expediency, as it did not include a criminal fine or any mechanism for victim recovery. Therefore, judges are expected to place greater emphasis on victims' interests and recovery by applying restorative justice principles and by considering sentencing policies that focus not only on punishing offenders but also on protecting and restoring victims' rights.

Keywords: *Judicial Considerations, Criminal Sanctions, Non-Consensual Intimate Content, Legal Effectiveness.*