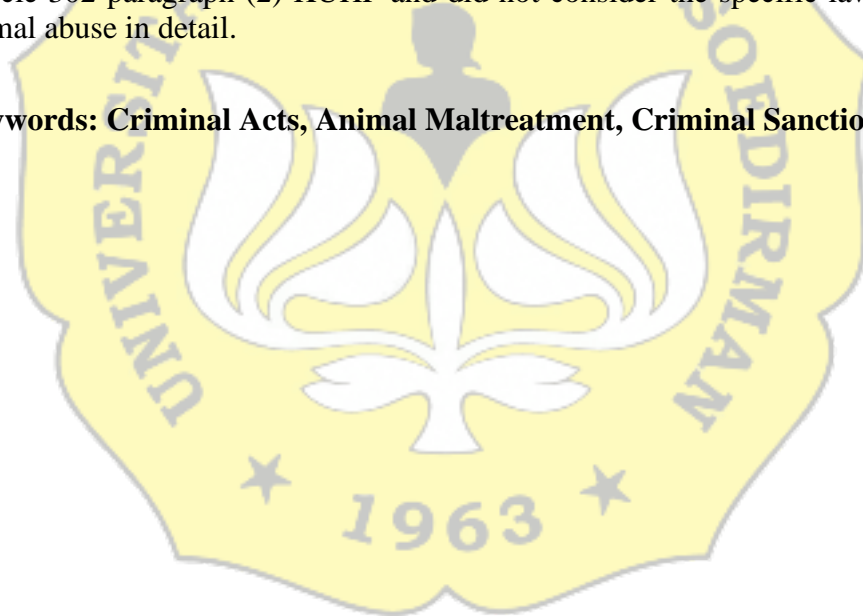# ABSTRACT

The purpose of law in Indonesia includes protecting the lives of humans and animals. Cases of animal abuse frequently occur due to the lack of public awareness that such actions are criminal offenses. According to Article 66 paragraph (2) letter c of UU No. 18 Tahun 2009 Tentang Peternakan dan Kesehatan Hewan, animal abuse is defined as actions to gain satisfaction or profit by treating animals beyond their biological and physiological capacities. This research aims to determine the legal considerations of the Judge imposition of punishment in Court Decision Number: 27/Pid.B/2023/PN Pbr and the appropriateness of the imposed sentence. Using a normative juridical approach and prescriptive research, data were obtained from library research and analyzed qualitatively in a normative manner. The results show that the judge's legal considerations meet the elements of the charges and the requirements for sentencing according to the negative statutory proof theory. However, the imposed sentence was less appropriate because the judge only applied Article 302 paragraph (2) KUHP and did not consider the specific law regarding animal abuse in detail.

Keywords: Criminal Acts, Animal Maltreatment, Criminal Sanctions

ABSTRAK

Tujuan hukum di Indonesia mencakup melindungi kehidupan manusia dan hewan. Kasus penganiayaan hewan sering terjadi karena kurangnya kesadaran masyarakat bahwa tindakan tersebut adalah tindak pidana. Menurut Pasal 66 ayat (2) huruf c UU No. 18 Tahun 2009 Tentang Peternakan dan Kesehatan Hewan, penganiayaan hewan adalah tindakan untuk memperoleh kepuasan atau keuntungan dengan memperlakukan hewan di luar batas kemampuan biologis dan fisiologisnya. Penelitian ini bertujuan mengetahui dasar pertimbangan hukum hakim dalam penjatuhan pidana pada Putusan Nomor 27/Pid.B/2023/PN Pbr dan ketepatan pidana yang dijatuhkan. Digunakan pendekatan yuridis normatif dan penelitian preskriptif, data diperoleh dari studi perpustakaan dan dianalisis secara normatif kualitatif. Hasilnya menunjukkan bahwa dasar pertimbangan hakim memenuhi unsur-unsur dakwaan dan syarat pemidanaan sesuai teori pembuktian berdasarkan undang-undang secara negatif. Walau demikian, pidana yang dijatuhkan kurang tepat karena hakim hanya menggunakan Pasal 302 ayat (2) KUHP dan tidak mempertimbangkan undang-undang khusus mengenai penganiayaan hewan secara rinci.

Kata kunci: Tindak Pidana, Penganiayaan Hewan, Sanksi Pidana