

**PEMBUKTIAN DAN PERTIMBANGAN HUKUM HAKIM PADA
TINDAK PIDANA PENGANIAYAAN YANG MENGAKIBATKAN
LUKA BERAT**

(Studi Kasus Putusan Nomor :9/Pid.Sus-Anak/PN Tsm)

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ABSTRAK

Penelitian ini dilatarbelakangi oleh permasalahan Tindak Pidana yang Mengakibatkan Luka Berat dalam kasus Putusan Nomor :9/Pid.Sus-Anak/2023/PN Tsm. Penelitian ini bertujuan untuk mengkaji isu hukum mengenai kesesuaian pembuktian dalam perkara penganiayaan yang mengakibatkan luka berat berdasarkan ketentuan Pasal 184 ayat (1) KUHAP serta pertimbangan hakim dalam menjatuhkan pidana penjara berdasarkan ketentuan Pasal 183 KUHAP jo Pasal 90 KUHP. Metode penelitian yang digunakan adalah penelitian hukum normatif bersifat preskriptif. Sumber bahan hukum yang digunakan adalah bahan hukum primer, sekunder, dan tersier. Metode pengumpulan dan pengolahan bahan hukum dengan cara studi kepustakaan dokumen. Teknik analisis bahan hukum menggunakan metode normatif kualitatif dengan menggunakan pola berfikir deduktif. Hasil penelitian menunjukkan bahwa pembuktian oleh penuntut umum dilakukan dengan menghadirkan alat bukti keterangan saksi, keterangan terdakwa, keterangan ahli, barang bukti, surat, dan petunjuk. Penilaian terhadap alat bukti yang dihadirkan dalam persidangan telah sesuai dengan ketentuan Pasal 184 KUHAP. Majelis hakim mengingat ketentuan Pasal 183 KUHAP, menjatuhkan pidana penjara yang telah terbukti secara sah dan meyakinkan berdasarkan alat-alat bukti yang sah dan keyakinan hakim sesuai dengan ketentuan Pasal 184 ayat (1) KUHAP serta memperhatikan ketentuan dalam Pasal 90 KUHP.

**Kata kunci : Terdakwa Anak, Tindak Pidana Penganiayaan Berat,
Pembuktian, Pertimbangan Hukum Hakim.**

EVIDENCE AND LEGAL CONSIDERATIONS OF JUDGES IN THE CRIME OF MALTREATMENT RESULTING IN SERIOUS INJURY

(Case Study of Decision Number :9/Pid.Sus-Child/PN Tsm)

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ABSTRACT

This research is motivated by the problem of Criminal Acts Causing Serious Injury in the case of Decision Number: 9/Pid.Sus-Anak/2023/PN Tsm. This study aims to examine legal issues regarding the suitability of evidence in the case of persecution resulting in serious injury based on the provisions of Article 184 paragraph (1) of the Criminal Procedure Code and the judge's consideration in imposing imprisonment based on the provisions of Article 183 of the Criminal Procedure Code jo Article 90 of the Criminal Code. The research method used is prescriptive normative legal research. The sources of legal materials used are primary, secondary, and tertiary legal materials. The method of collecting and processing legal materials by means of literature study documents. Legal material analysis techniques use qualitative normative methods using deductive thinking patterns. The results of the research show that proof by the public prosecutor is carried out by presenting evidence of witness testimony, defendant testimony, expert testimony, evidence, letters, and instructions. The assessment of the evidence presented in the trial was in accordance with the provisions of Article 184 of the Criminal Procedure Code. The panel of judges, considering the provisions of Article 183 of the Criminal Procedure Code, imposed a prison sentence that has been proven legally and convincingly based on valid evidence and the conviction of the judge in accordance with the provisions of Article 184 paragraph (1) of the Criminal Procedure Code and taking into account the provisions in Article 90 of the Criminal Code.

Keywords: Juvenile Defendant, Crime of Serious Maltreatment, Evidence, Judges' Legal Consideration.