

DISPARITAS PIDANA PADA TINDAK PIDANA PEMBUNUHAN TERHADAP HEWAN

**(Studi Putusan No. 33/Pid.B/2023/PN. Kfm dan Studi Putusan No.
22/Pid.B/2019/PN. Bsk)**

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ABSTRAK

Disparitas pidana merupakan perbedaan penjatuhan hukuman terhadap tindak pidana yang serupa, yang dapat menimbulkan ketidakpastian hukum dan rasa ketidakadilan. Penelitian ini bertujuan untuk mengkaji penerapan unsur-unsur tindak pidana serta dasar pertimbangan hakim dalam menjatuhkan pidana pada kasus penganiayaan hewan, dengan studi pada Putusan Nomor 33/Pid.B/2023/PN. Kfm dan Putusan Nomor 34/Pid.B/2023/PN. Kfm serta Putusan Nomor 22/Pid.B/2019/PN. Bsk. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan preskriptif-analitis. Bahan hukum diperoleh melalui studi kepustakaan dan dianalisis secara kualitatif normatif. Hasil penelitian menunjukkan bahwa unsur subjektif dan objektif dari tindak pidana penganiayaan hewan telah terpenuhi dalam kedua perkara, namun terdapat perbedaan pertimbangan hakim yang menimbulkan disparitas pemidanaan. Oleh karena itu, disarankan agar aparat penegak hukum menerapkan Pasal 302 KUHP secara konsisten, serta diperlukan pedoman pemidanaan yang jelas dalam menilai faktor yang meringankan dan memberatkan. Pendekatan keadilan restoratif juga perlu dipertimbangkan, khususnya dalam kasus berdampak ringan, disertai peningkatan edukasi hukum kepada masyarakat mengenai kewajiban pemilik hewan guna mencegah kelalaian yang berujung tindak pidana.

Kata Kunci: Disparitas pidana; Keadilan restoratif; Penganiayaan hewan; Pertimbangan hakim.

CRIMINAL DISPARITY IN THE CRIMINAL ACTS OF KILLING ANIMALS
(Study of Decision No. 33/Pid.B/2023/PN. Kfm and Study of Decision No.
22/Pid.B/2019/PN. Bsk)

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ABSTRACT

Sentencing disparity refers to the differences in punishment imposed for similar criminal offenses, which may lead to legal uncertainty and a sense of injustice. This study aims to examine the application of criminal elements and the basis of judicial considerations in sentencing animal cruelty cases, using a case study approach to Decision No. 33/Pid.B/2023/PN. Kfm, Decision No. 34/Pid.B/2023/PN. Kfm, and Decision No. 22/Pid.B/2019/PN. Bsk. The research employs a normative juridical method with a prescriptive-analytical approach. Legal materials were obtained through library research and analyzed using qualitative normative analysis. The findings indicate that the subjective and objective elements of animal cruelty offenses were fulfilled in all decisions. However, differences in judges' considerations led to disparities in sentencing. Therefore, it is recommended that law enforcement officials, especially judges, apply Article 302 of the Indonesian Penal Code consistently. Clear sentencing guidelines are needed to assess aggravating and mitigating factors. Restorative justice should also be considered, particularly in minor-impact cases, along with increased legal education for the public regarding the responsibilities of animal owners to prevent negligence that may lead to criminal acts.

Keywords: *Sentencing disparity, Judicial consideration, Animal cruelty, Restorative justice.*