

**TINJAUAN YURIDIS TINDAK PIDANA KEKERASAN
TERHADAP ORANG YANG MENGAKIBATKAN LUKA DAN
PERBUATAN TIDAK MENYENANGKAN**

(Studi Putusan Nomor 144/Pid.B/2018PN.Tng)

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Abstrak

Penelitian ini bertujuan untuk mengetahui penerapan unsur-unsur tindak pidana dengan terang-terangan dan dengan tenaga bersama melakukan kekerasan terhadap orang yang mengakibatkan luka dan melakukan perbuatan tidak menyenangkan, serta untuk mengetahui dasar pertimbangan hakim dalam menjatuhkan pidana dalam Putusan Pengadilan Negeri Tangerang Nomor 144/Pid.B/2018PN.Tng. Metode pendekatan yuridis normatif. Spesifikasi deskriptif analitis. Sumber data sekunder, Metode pengumpulan data studi kepustakaan, disajikan secara deskriptif, dijabarkan dengan bentuk uraian dan dianalisis menggunakan metode kualitatif.

Majelis Hakim Pengadilan Negeri Tangerang dalam Putusan Nomor 144/Pid.B/2018PN.Tng. telah sesuai menerapkan unsur-unsur tindak pidana dalam Pasal 170 ayat (2) ke-1, namun kurang tepat dalam menerapkan unsur-unsur dalam Pasal 335 ayat (1) ke-1 KUHP karena majelis hakim masih mempertimbangkan unsur “suatu perbuatan lain maupun perbuatan tidak menyenangkan” dimana unsur tersebut telah dihapus oleh Mahkamah Konstitusi melalui Putusan Mahkamah Konstitusi Nomor 1/PUU-XI/2013. Berdasarkan fakta yang terungkap di persidangan diketahui bahwa semua unsur dari kedua pasal tersebut telah terbukti dan terpenuhi secara hukum.

Hakim dalam memutus Perkara Nomor 144/Pid.B/2018/PN.Tng telah mempertimbangkan fakta yang terungkap di persidangan, keterangan saksi, keterangan terdakwa, alat bukti surat, serta barang bukti yang diajukan ke persidangan, hal-hal yang memberatkan dan meringankan para terdakwa, serta tidak ditemukan adanya alasan pembenar dan alasan pemaaf maka dengan ini Majelis Hakim menjatuhkan pidana terhadap para terdakwa dengan pidana penjara selama 3 (tiga) tahun.

Kata kunci: kekerasan, perbuatan tidak menyenangkan, tindak pidana

**JURIDICAL REVIEW OF CRIMINAL VIOLENCE AGAINST PERSONS
THAT CAUSES INJURY AND UNPLEASANT ACTS**

(Study of Decision No. 144/Pid.B/2018PN.Tng)

By:

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Abstract

This study aimed to determine the application of the elements of criminal acts openly and with collective energy to commit violence against people who cause injuries and commit unpleasant acts, and to find out the basis for judges' considerations in imposing crimes in the Tangerang District Court Decision Number 144 / Pid .B / 2018PN.Tng. The approach method was normative juridical. The specification was analytical descriptive. The data were secondary data sources. The data collection method was literature study. Data were presented descriptively, described in the form of descriptions and were analyzed using qualitative methods.

The Panel of Judges at the Tangerang District Court in Decision Number 144/Pid.B/2018PN.Tng. was appropriate in applying the elements of a criminal offense in Article 170 paragraph (2) point 1, but the panel was not appropriate in applying the elements in Article 335 paragraph (1) point 1 of the Criminal Code because the panel of judges was still considering the element of "another act or an unpleasant act", whereas the element has been removed by the Constitutional Court through the Constitutional Court Decision Number 1/PUU-XI/2013. Based on the facts revealed at the trial, it was known that all elements of the two articles have been legally proven and fulfilled.

The judge, in deciding Case Number 144/Pid.B/2018/PN.Tng, has considered the facts revealed at the trial, the testimony of witnesses, the testimony of the defendant, documentary evidence, as well as evidence presented at trial, matters which incriminate and relieve the defendant, and there was no justification and excuse, hereby the Panel of Judges sentenced the defendants to imprisonment for 3 (three) years.

Keywords: violence, unpleasant acts, criminal acts