

**ANALISIS YURIDIS HUKUMAN PIDANA PERCOBAAN BAGI
PELAKU TINDAK PIDANA KEKERASAN SECARA
BERSAMA-SAMA
(STUDI KASUS PUTUSAN NOMOR: 2376/PID/2024/PT MDN)**

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ABSTRAK

Kasus kekerasan yang dilakukan oleh Terdakwa Mardelina Panjaitan, Terdakwa Aditia Putra Sitohang, Terdakwa Grae Nanda dan Terdakwa Nurhayati Napitupulu diputus oleh majelis hakim Pengadilan Tinggi Medan dengan pidana percobaan. Yang menjadi rumusan masalah adalah pengaturan hukum pidana percobaan dalam Kitab Undang-Undang Hukum Pidana dan pertimbangan hukum hakim dalam menjatuhkan pidana percobaan terhadap pelaku tindak pidana kekerasan secara bersama-sama dalam putusan nomot 2376/Pid/2024/PT Mdn. Penelitian ini menggunakan metode yuridis normatif dan teknik pengumpulan data melalui bahan hukum kepustakaan. Hasil penelitian dari skripsi ini adalah 1. Pengaturan mengenai pidana percobaan dalam Kitab Undang-Undang Hukum Pidana (KUHP) diatur dalam Pasal 14a sampai dengan Pasal 14f KUHP. 2. Pertimbangan hukum Majelis Hakim Pengadilan Tinggi Medan dalam Putusan Nomor 2376/Pid/2024/PT Mdn dalam menjatuhkan pidana percobaan terhadap pelaku tindak pidana kekerasan secara bersama-sama didasarkan pada penilaian bahwa pidana penjara yang dijatuhkan oleh Pengadilan Negeri terlalu berat. Majelis Hakim mempertimbangkan keadaan pribadi Para Terdakwa yang menunjukkan penyesalan, upaya perdamaian dengan korban, sikap kooperatif selama persidangan, serta fakta bahwa Para Terdakwa belum pernah dihukum dan perbuatan yang dilakukan tidak tergolong sebagai kejahatan serius. Selain itu, penjatuhan pidana percobaan dipandang sejalan dengan tujuan pemidanaan yang telah bergeser dari paradigma pembalasan menuju pembinaan dan restoratif serta sesuai dengan ketentuan Pasal 14a ayat (1) KUHP.

Kata Kunci: Pidana Percobaan, Pertimbangan Hakim, Tindak Pidana Kekeraan

***A JURIDICAL ANALYSIS OF PROBATIONARY CRIMINAL SENTENCING
FOR PERPETRATORS OF JOINTLY COMMITTED VIOLENT CRIMES
(A CASE STUDY OF DECISION NUMBER: 2376/PID/2024/PT MDN)***

ABSTRACT

The case of violence committed by the Defendants Mardelina Panjaitan, Aditia Putra Sitohang, Grace Nanda, and Nurhayati Napitupulu was adjudicated by the panel of judges of the Medan High Court, which imposed a probationary sentence. The formulation of the research problems concerns the regulation of probationary criminal punishment under the Indonesian Criminal Code and the legal considerations of judges in imposing probationary sentences on perpetrators of jointly committed violent crimes in Decision Number 2376/Pid/2024/PT Mdn. This research employs a normative juridical method, with data collection conducted through library-based legal materials. The results of this undergraduate thesis are as follows: (1) the regulation of probationary sentencing in the Indonesian Criminal Code (KUHP) is governed by Articles 14a through 14f of the KUHP; and (2) the legal considerations of the Panel of Judges of the Medan High Court in Decision Number 2376/Pid/2024/PT Mdn in imposing a probationary sentence on the perpetrators of jointly committed violent crimes were based on the assessment that the term of imprisonment imposed by the District Court was excessively severe. The Panel of Judges took into account the personal circumstances of the Defendants, which demonstrated remorse, efforts to reach reconciliation with the victim, cooperative conduct throughout the trial, and the fact that the Defendants had no prior criminal record and that the acts committed did not constitute serious crimes. Furthermore, the imposition of a probationary sentence was deemed consistent with the objectives of sentencing, which have shifted from a retributive paradigm toward rehabilitative and restorative approaches, and was in accordance with the provisions of Article 14a paragraph (1) of the Criminal Code.

Keywords: Suspended Sentence; Judicial Considerations; Violent Crime.