

**PENERAPAN SANKSI PIDANA DENDA PADA TUNTUTAN DAN PUTUSAN
PERKARA TINDAK PIDANA PENELANTARAN RUMAH TANGGA SERTA
IMPLIKASINYA TERHADAP KEUTUHAN RUMAH TANGGA PADA
WILAYAH HUKUM PENGADILAN NEGERI PADANG PANJANG**

TESIS

*Diajukan Sebagai Syarat Untuk Memperoleh Gelar Magister Hukum
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PROGRAM KEKHUSUSAN : HUKUM PIDANA

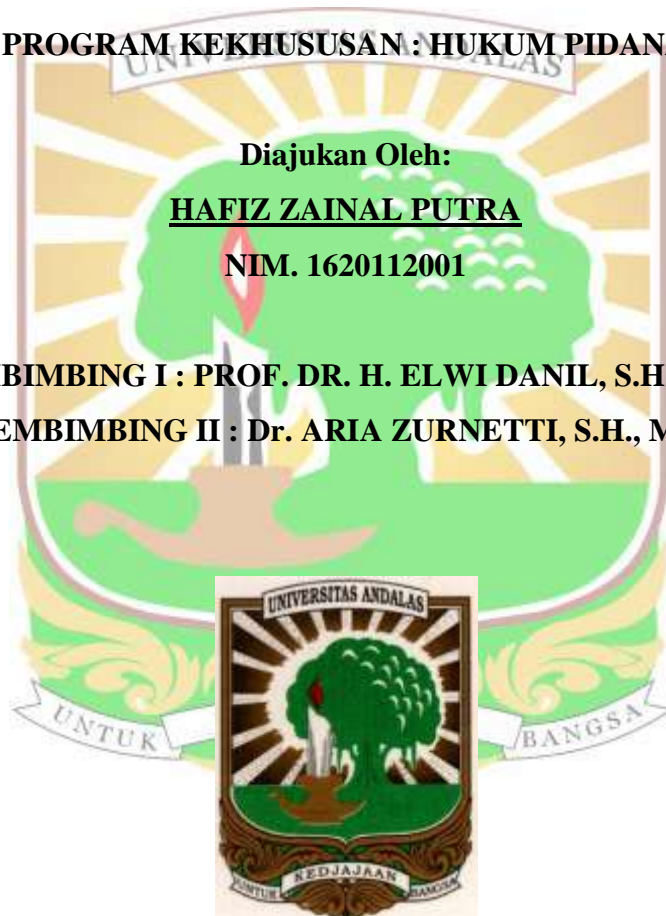
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PENERAPAN SANKSI PIDANA DENDA PADA TUNTUTAN DAN PUTUSAN PERKARA TINDAK PIDANA PENELANTARAN RUMAH TANGGA SERTA IMPLIKASINYA TERHADAP KEUTUHAN RUMAH TANGGA PADA WILAYAH HUKUM PENGADILAN NEGERI PADANG PANJANG

(Hafiz Zainal Putra, NIM. 1620112001, 196 Halaman, Program Studi Magister Ilmu Hukum Universitas Andalas, 2018)

ABSTRAK

Pasal 49 Undang-undang Nomor 23 tahun 2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga (UU PKDRT) memberikan alternatif pilihan sanksi pidana penjara atau denda terhadap pelaku penelantaran rumah tangga. Sedapat mungkin untuk pelaku tindak pidana penelantaran rumah tangga dijauhkan dari pidana penjara. Penjatuhan pidana penjara bagi pelaku, tidak akan mendatangkan manfaat bagi anggota keluarga baik istri maupun anak, dikarenakan istri dan anak menjadi terlantar dengan tidak terpenuhi kehidupan sehari-hari. Penelitian ini bertujuan untuk mengetahui penerapan sanksi pidana denda di Pengadilan Negeri Padang Panjang terhadap pelaku penelantaran rumah tangga, dasar pertimbangan Penuntut Umum menuntut, hakim memutus pidana denda terhadap pelaku penelantaran rumah tangga dan implikasi penerapan sanksi pidana denda terhadap keutuhan rumah tangga. Metodologi penelitian *juridis sosiologis (empiris)*. Data yang digunakan adalah data Primer yaitu data yang diperoleh langsung dilapangan berhubungan dengan permasalahan yang penulis bahas dengan melakukan wawancara dengan responden, dan data Sekunder yaitu data yang diperoleh melalui penelitian kepustakaan terhadap bahan-bahan hukum yang berkaitan dengan permasalahan penulis. Analisis data yang digunakan analisis secara kualitatif, yaitu uraian terhadap data yang terkumpul dengan tidak menggunakan angka-angka tapi berdasarkan peraturan perundang undangan, pandangan pakar dan pendapat peneliti sendiri. Dalam menarik kesimpulan digunakan metode berpikir deduktif yaitu menarik kesimpulan dari hal-hal yang bersifat umum kepada hal-hal yang bersifat khusus. Hasil penelitian yang diperoleh : 1) Dari tahun 2012-2017, Hakim Pengadilan Negeri Padang Panjang menerapkan sanksi pidana denda terhadap semua pelaku tindak pidana penelantaran rumah tangga. 2) Dasar pertimbangan Penuntut Umum mengajukan tuntutan pidana denda kepada pelaku penelantaran rumah tangga, pidana denda dirasakan lebih bermanfaat bagi pelaku dan korban daripada pidana penjara. Dasar pertimbangan Hakim dalam menjatuhkan putusan pidana denda terhadap pelaku penelantaran rumah tangga yaitu dampak psikologis, emosional dan perilaku pada anak apabila pelaku yang merupakan ayah si anak dipidana penjara. 3). Penerapan pidana denda belum berimplikasi positif terhadap keutuhan rumah tangga. Kesimpulan: 1). Hakim Pengadilan Negeri Padang Panjang selalu menerapkan sanksi pidana denda terhadap semua pelaku tindak pidana penelantaran rumah tangga. 2) Penuntut Umum mengajukan tuntutan pidana denda dengan harapan rumah tangga terdakwa dan korban dapat kembali rukun dan utuh sesuai dengan amanat UU PKDRT. Hakim menjatuhkan putusan pidana denda terhadap pelaku penelantaran rumah tangga bukan semata aspek penjeraan, namun bermanfaat bagi pelaku dan keluarganya, korban dan masyarakat. 3). Putusan pidana denda belum berimplikasi positif terhadap keutuhan rumah tangga. Dari 3 kasus, hanya 1 kasus dimana pelaku dan korban dapat mempertahankan keutuhan rumah tangganya.

Kata Kunci : Sanksi pidana denda, penelantaran rumah tangga, KDRT.

**THE IMPLEMENTATION OF FINE PUNISHMENT SANCTION ON
PROSECUTION AND JUDGEMENT OF HOUSEHOLD ABANDONMENT
CRIMINAL CASE AND THE IMPLICATION FOR THE
INTEGRITY OF HOUSEHOLD AT JURISDICTION OF
THE DISTRICT COURT PADANG PANJANG**

**(Hafiz Zainal Putra, NIM. 1620112001, 196 pages, Master Degree
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ABSTRACT

Article 49 in Law No. 23 of 2004 regarding Elimination of Violence in Household (KDRT) provides some choices of alternative sanction, which are prison punishment or fine punishment for the perpetrator of household abandonment. It is considerable for the perpetrator of household abandonment to be kept away from the prison punishment. The imposition of imprisonment to the perpetrator may not give any benefit to the member of family, neither for the wife nor the children, because the wife and the children will be neglected and it will be difficult for them to meet the needs of daily living. This study aims to give information the implementation of fine punishment sanction in the district Court Padang Panjang for the perpetrator of household abandonment. The basic consideration of public prosecutors to file, the judges to impose the fine punishment against the accused of household abandonment, and the implication of the fine punishment application for the integrity of household. Method used in this study was the sociologic juridical (empirical) method. This study used primary data, which is data that is obtained directly from the field in regard to the problem that will be discussed by the author by interviewing the respondents, and secondary data, which is data that was collected through research of literature associated with problems discussed in this study. The data was analyzed qualitatively, which means the collected data will not be elucidated by using numbers but based on legislation and regulation, expert point of view, and author's own opinion. In drawing a conclusion, author used deductive thinking methods, which means drawing a conclusion from common things to more specific ones. The results of this study were: 1) Since 2012-2017, Judges In the district Court of Padang Panjang, impose the fine punishment against all of the accused of household abandonment 2) Basic consideration of public prosecutors to file the fine punishment against the accused of household abandonment was because the fine punishment is considered to be more useful for the perpetrator and the victim than the prison punishment. Basic consideration of judges to impose the fine punishment against the accused of household abandonment was the psychological, emotional, and behavioral impacts of the children if the perpetrator which is their father got prison punishment. 3) The fine punishment application couldn't give a positive implication for the integrity of the household. Conclusion: 1) Judges In the district Court of Padang Panjang always impose the fine punishment against all of the case 2) The public prosecutors file the fine punishment with the hope that the home of the accused and the victim could return to harmony and integrity in accordance of the mandate of UU PKDRT. The judges impose the fine punishment against the accused of household abandonment was not only to give a deterrent effect but also to give a more beneficial condition for the perpetrator and the family, the victim, and the society. 3) The fine punishment application couldn't give a positive implication for the integrity of the household. From three cases of household abandonment, there is one case where the perpetrator and the victim managed to keep the integrity of the household.

Key words: fine punishment sanction, household abandonment, violence in household.