

ABSTRAK

Tujuan penelitian untuk mengetahui penerapan unsur Pasal 351 ayat (1) tentang penganiayaan pada Putusan Pengadilan Negeri Cilacap Nomor 331/Pid.B/2021/PN Clp, dan untuk mengetahui pertimbangan hukum hakim dalam menjatuhkan pidana terhadap terdakwa sebagai pelaku tindak pidana penganiayaan pada Putusan Pengadilan Negeri Cilacap Nomor : 331/Pid.B/2021/PN Clp. Spesifikasi penelitian yang digunakan adalah *Clinical Legal Research* yaitu penelitian untuk menemukan hukum *inabstracto* dalam perkara *inconcerto*. Data yang diperlukan dalam penelitian ini adalah data sekunder yang bersumber pada : Peraturan Perundang-Undangan, Buku-buku Literatur, putusan Pengadilan Negeri Cilacap Nomor 331/Pid.B/2021/PN Clp. Data dianalisis secara normatif kualitatif, yaitu dengan menjabarkan dan menafsirkan bahan yang akan disusun secara logis dan sistematis berdasarkan pengertian-pengertian hukum yang didapat dalam ilmu hukum.

Berdasarkan hasil penelitian dan analisa dapat disimpulkan bahwa penerapan unsur-unsur Pasal 351 ayat (1) tentang penganiayaan pada Putusan Pengadilan Negeri Cilacap Nomor 331/Pid.B/2021/PN Clp telah sesuai, dimana perbuatan terdakwa telah terbukti secara sah dan meyakinkan memenuhi semua unsur-unsur dari Pasal yang didakwa. Pasal 351 ayat (1) tentang penganiayaan : Penganiayaan di pidana dengan pidana penjara paling lama dua tahun delapan bulan atau denda paling banyak tiga ratus rupiah. Dasar pertimbangan hukum hakim dalam menjatuhkan pidana terhadap terdakwa sebagai pelaku sanksi pidana terhadap pelaku penganiayaan akibat minuman keras pada putusan Pengadilan Negeri Cilacap Nomor 331/Pid.B/2021/PN Clp, pertimbangan yuridis dan pertimbangan sosiologis.

Kata kunci : pembedaan, tindak pidana, penganiayaan

ABSTRACT

The purpose of the study was to determine the application of the elements of Article 351 paragraph (1) regarding persecution in the Cilacap District Court Decision Number 331/Pid.B/2021/PN Clp, and to determine the judge's legal considerations in imposing a sentence on the defendant as the perpetrator of the criminal act of persecution in the Court's Decision. Cilacap State Number: 331/Pid.B/2021/PN Clp. The specification of the research used is Clinical Legal Research, which is a study to find the abstract law in *inconcorto* cases. The data needed in this study is secondary data sourced from: Legislation, Literature Books, the decision of the Cilacap District Court Number 331/Pid.B/2021/PN Clp. The data were analyzed in a qualitative normative manner, namely by describing and interpreting the material to be arranged logically and systematically based on legal understandings obtained in legal science.

Based on the results of the research and analysis, it can be concluded that the application of the elements of Article 351 paragraph (1) regarding persecution in the Cilacap District Court Decision Number 331/Pid.B/2021/PN Clp is appropriate, where the defendant's actions have been legally and convincingly proven to fulfill all elements of the indicted Article. Article 351 paragraph (1) concerning persecution: Persecution is punished with imprisonment for a maximum of two years and eight months or a fine of a maximum of three hundred rupiahs. The basis of the judge's legal considerations in imposing a sentence on the defendant as a criminal sanction against perpetrators of abuse due to alcohol in the Cilacap District Court's decision Number 331/Pid.B/2021/PN Clp, juridical considerations and sociological considerations.

Keywords: punishment, crime, persecution