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**PENJATUHAN PIDANA DALAM TINDAK PIDANA KEKERASAN
DALAM RUMAH TANGGA MEWUJUDKAN KEPASTIAN HUKUM
(STUDI PUTUSAN NOMOR 121/Pid.Sus/2025/PN Pti)**

ABSTRAK

Penelitian ini bertujuan untuk menganalisis peran surat dakwaan Penuntut Umum dalam mewujudkan kepastian hukum melalui studi kasus Putusan Nomor 121/Pid.Sus/2025/PN Pti. Masalah utama yang dikaji adalah kualifikasi luka menurut Kitab Undang-Undang Hukum Pidana dan Undang-Undang Penghapusan Kekerasan Dalam Rumah Tangga, serta bagaimana strategi penyusunan dakwaan tersebut mempengaruhi pencapaian keadilan dan kepastian hukum bagi korban anak. Metode penelitian yang digunakan adalah penelitian hukum normatif. Pendekatan penelitian mencakup pendekatan studi kasus (*case approach*) dan pendekatan perundang-undangan (*statute approach*). Data sekunder berupa putusan pengadilan dan regulasi terkait dianalisis secara kualitatif menggunakan instrumen Teori Nilai Hukum dari Gustav Radbruch (aspek kepastian dan keadilan) serta Teori Sistem Hukum dari Lawrence M. Friedman (interaksi struktur, substansi, dan budaya hukum). Hasil penelitian menunjukkan bahwa surat dakwaan dalam perkara *a quo* telah memenuhi kepastian hukum prosedural sesuai syarat formal dan materiil Pasal 143 Kitab Undang-Undang Hukum Acara Pidana. Namun, ditemukan kelemahan substansial dalam strategi dakwaan; Penuntut Umum hanya mencantumkan Pasal 44 Ayat (1) Undang-Undang Penghapusan Kekerasan Dalam Rumah Tangga sebagai Dakwaan Primair dan mengabaikan Pasal 44 Ayat (2). Padahal, fakta persidangan membuktikan adanya luka berat berupa pendarahan telinga dan rawat inap selama tiga hari pada anak korban berusia sembilan bulan. Berdasarkan analisis teori Friedman, hal ini menunjukkan adanya budaya hukum menghindari risiko di tingkat struktural (aparatus penegak hukum). Penelitian menyimpulkan bahwa meskipun kepastian hukum secara prosedural telah tercapai, ketiadaan keberanian strategis dalam mengualifikasikan luka pada surat dakwaan menghalangi tercapainya keadilan maksimal. Ketidaksesuaian antara fakta kualifikasi luka dengan pasal yang didakwakan menunjukkan bahwa aspek substansi hukum belum terimplementasi secara optimal dalam melindungi hak korban.

Kata Kunci: Surat Dakwaan, Kepastian Hukum, Kekerasan Dalam Rumah Tangga.

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**CRIMINAL SENTENCES IN DOMESTIC VIOLENCE
CREATING LEGAL CERTAINTY
(STUDY OF DECISION NUMBER 121/Pid.Sus/2025/PN Pti)**

ABSTRACT

This study aims to analyze the role of the Public Prosecutor's indictment in achieving legal certainty through a case study of Decision Number 121/Pid.Sus/2025/PN Pti. The main issues examined are the qualification of injuries according to the Criminal Code and the Law on the Elimination of Domestic Violence, and how the strategy for drafting the indictment affects the achievement of justice and legal certainty for child victims. The research method used is normative legal research. The research approach includes a case study approach and a statute approach. Secondary data in the form of court decisions and related regulations are analyzed qualitatively using instruments such as Gustav Radbruch's Theory of Legal Values (aspects of certainty and justice) and Lawrence M. Friedman's Theory of Legal Systems (the interaction of structure, substance, and legal culture). The results of the study indicate that the indictment in the a quo case has fulfilled procedural legal certainty according to the formal and material requirements of Article 143 of the Criminal Procedure Code. However, substantial weaknesses were found in the indictment strategy; the Public Prosecutor only included Article 44 Paragraph (1) of the Law on the Elimination of Domestic Violence as the Primary Charge and ignored Article 44 Paragraph (2). In fact, the trial facts proved that there were serious injuries in the form of ear bleeding and three days of hospitalization for the nine-month-old victim's child. Based on Friedman's theoretical analysis, this indicates the existence of a risk-averse legal culture at the structural level (law enforcement officers). The study concluded that although procedural legal certainty had been achieved, the lack of strategic courage in qualifying injuries in the indictment hindered the achievement of maximum justice. The discrepancy between the facts qualifying injuries and the articles charged indicated that the substantive aspects of the law had not been optimally implemented to protect victims' rights.

Keywords: Indictment, Legal Certainty, Domestic Violence Law.