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**PENJATUHAN PIDANA TERHADAP TINDAK PIDANA
KEKERASAN DALAM RUMAH TANGGA DITINJAU DARI
ASAS KEADILAN *RETRIBUTIF*
(Studi Putusan Nomor 149/Pid.Sus/2023/PN Tjg)**

ABSTRAK

Penelitian ini dilatar belakangi oleh fenomena Kekerasan Dalam Rumah Tangga (KDRT) yang merupakan pelanggaran hak asasi manusia serta hambatan bagi pembangunan bangsa. Fokus utama penelitian ini adalah menganalisis penjatuhan pidana dalam perkara KDRT melalui lensa asas keadilan *retributif*, dengan studi kasus pada Putusan Nomor 149/Pid.Sus/2023/PN Tjg. Permasalahan yang dikaji mencakup pengaturan pemidanaan bagi pelaku KDRT dalam hukum positif Indonesia serta implementasi asas keadilan retributif dalam pertimbangan hakim saat menjatuhkan vonis. Penelitian ini bertujuan memberikan tinjauan kritis terhadap keadilan bagi korban yang sering kali belum terwakili sepenuhnya melalui besaran hukuman yang dijatuhkan pengadilan.

Metode penelitian yang digunakan adalah yuridis normatif dengan spesifikasi deskriptif analitis. Pendekatan yang digunakan meliputi pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Data utama bersumber dari bahan hukum primer seperti UU No. 23 Tahun 2004 (UU PKDRT) dan salinan Putusan Nomor 149/Pid.Sus/2023/PN Tjg. Teknik pengumpulan data dilakukan melalui studi pustaka dan dokumen yang dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa meskipun secara prosedural penjatuhan pidana dalam putusan tersebut telah memenuhi unsur Pasal 44 ayat (2) UU PKDRT, secara substansial vonis penjara selama 1 tahun 6 bulan belum sepenuhnya mencerminkan asas keadilan *retributif*. Dalam kasus ini, korban mengalami luka fisik berat dengan 21 luka tusukan, sehingga vonis dirasa tidak proporsional dengan penderitaan yang dialami. Penelitian ini menyimpulkan bahwa hakim perlu lebih menginternalisasi prinsip proporsionalitas agar putusan memberikan keadilan nyata bagi korban, bukan sekadar kepastian hukum formal.

Kata Kunci : Penjatuhan Pidana; KDRT; Keadilan *Retributif*; Putusan Hakim; Proporsionalitas.

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**CRIMINAL SENTENCING IN DOMESTIC VIOLENCE CRIMES
REVIEWED FROM THE PRINCIPLE OF RETRIBUTIVE JUSTICE
(Study of Decision Number 149/Pid.Sus/2023/PN Tjg).**

ABSTRACT

This research is motivated by the phenomenon of Domestic Violence (KDRT), which constitutes a violation of human rights and an obstacle to national development. The main focus of this study is to analyze the sentencing in domestic violence cases through the lens of retributive justice principles, with a case study on Decision Number 149/Pid.Sus/2023/PN Tjg. The issues examined include the regulation of sentencing for domestic violence perpetrators in Indonesian positive law and the implementation of retributive justice principles in the judge's considerations when delivering a verdict. This study aims to provide a critical review of justice for victims, who are often not fully represented through the severity of the sentences imposed by the court.

The research method used is normative juridical with a descriptive-analytical specification. The approaches employed include the statutory approach, case approach, and conceptual approach. The primary data is sourced from primary legal materials such as Law No. 23 of 2004 (UU PKDRT) and the copy of Decision Number 149/Pid.Sus/2023/PN Tjg. Data collection techniques were carried out through literature and document studies, which were then analyzed qualitatively.

The results show that although procedurally the sentencing in the decision fulfilled the elements of Article 44 paragraph (2) of the UU PKDRT, substantially the prison sentence of 1 year and 6 months does not yet fully reflect the principle of retributive justice. In this case, the victim suffered severe physical injuries with 21 stab wounds; therefore, the verdict is considered disproportionate to the suffering endured. This research concludes that judges need to further internalize the principle of proportionality so that court decisions provide real justice for victims, rather than merely formal legal certainty.

Keywords: Criminal Sentencing; Domestic Violence; Retributive Justice; Judges' Decision; Proportionality.