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Program Studi Ilmu Hukum, Fakultas Ekonomi, Hukum, dan Humaniora

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**PERTIMBANGAN HAKIM DALAM PERKARA PENGANIAYAAN RINGAN
DITINJAU DARI PERSPEKTIF KEADILAN RESTORATIF (Studi Putusan Nomor
4/Pid.C/2024/PN Unr)**

ABSTRAK

Penanganan tindak pidana ringan dalam praktik peradilan pidana Indonesia masih didominasi oleh paradigma retributif yang menempatkan pembedaan sebagai respons utama. Pendekatan ini kerap diterapkan secara formalistik, termasuk dalam perkara penganiayaan ringan sebagaimana diatur dalam Pasal 352 Kitab Undang-Undang Hukum Pidana, meskipun dampak sosialnya relatif terbatas dan sering berakar pada konflik personal. Kondisi tersebut berpotensi mengesampingkan keadilan substantif dan pemulihan hubungan sosial antara pelaku dan korban, padahal hukum positif Indonesia telah membuka ruang penerapan keadilan restoratif. Penelitian ini bertujuan menganalisis pertimbangan hakim dalam memutus perkara penganiayaan ringan pada Putusan Pengadilan Negeri Ungaran Nomor 4/Pid.C/2024/PN Unr berdasarkan ketentuan hukum pidana yang berlaku serta meninjaunya dari perspektif keadilan restoratif. Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan dan studi putusan, diperkuat pendekatan empiris melalui wawancara. Hasil penelitian menunjukkan bahwa pertimbangan hakim telah memenuhi aspek kepastian hukum formal, namun belum optimal menginternalisasi prinsip keadilan restoratif. Penelitian ini menyimpulkan bahwa penerapan keadilan restoratif dalam pertimbangan hakim pada perkara penganiayaan ringan masih perlu diperkuat.

Kata Kunci: *Pertimbangan; Hakim; Penganiayaan; Restoratif; Putusan.*

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***JUDICIAL CONSIDERATIONS IN MINOR ASSAULT CASES FROM A
RESTORATIVE JUSTICE PERSPECTIVE***

(An Analysis of Decision Number 4/Pid.C/2024/PN Unr)

ABSTRACT

The handling of minor criminal offenses in Indonesian criminal justice practice remains dominated by a retributive paradigm that places punishment as the primary response. This approach is frequently applied in a formalistic manner, including in cases of minor assault as regulated under Article 352 of the Indonesian Criminal Code, despite their relatively limited social impact and personal conflict-based nature. Such conditions risk marginalizing substantive justice and the restoration of social relations between offenders and victims, even though Indonesian positive law has provided normative space for the application of restorative justice. This study aims to analyze judicial considerations in adjudicating minor assault cases in Decision of the Ungaran District Court Number 4/Pid.C/2024/PN Unr based on applicable criminal law provisions and to examine those considerations from a restorative justice perspective. The research employs a normative juridical method using statutory and case approaches, strengthened by an empirical approach through interviews. The findings indicate that judicial considerations have fulfilled formal legal certainty requirements but have not yet optimally internalized restorative justice principles. This study concludes that the incorporation of restorative justice in judicial reasoning in minor assault cases requires further strengthening.

Keywords: *Considerations; Judge; Abuse; Restorative; Decision.*