

**DASAR PERTIMBANGAN HAKIM DALAM MENJATUHKAN PUTUSAN
BEBAS TERHADAP PELAKU TINDAK PIDANA PENGANIAYAAN
YANG MENYEBABKAN KEMATIAN (ANALISIS PUTUSAN NOMOR
454/Pid.B/2024/Pn.Sby)**

ABSTRAK

Tujuan dari penelitian ini yaitu untuk menganalisis dasar pertimbangan hakim dalam menjatuhkan putusan bebas terhadap pelaku tindak pidana penganiayaan yang menyebabkan kematian (Analisis Putusan Nomor 454/Pid.B/2024/Pn.Sby). Rumusan masalah dalam penelitian ini yaitu bagaimana dasar pertimbangan hakim dalam putusan bebas terhadap pelaku tindak pidana penganiayaan yang menyebabkan kematian (Analisis Putusan Nomor 454/Pid.B/2024/Pn.Sby) serta apakah pertimbangan hakim putusan bebas terhadap pelaku tindak pidana penganiayaan yang menyebabkan kematian (Analisis Putusan Nomor 454/Pid.B/2024/Pn.Sby) telah sesuai dengan teori individualisasi. Tipe penelitian ini adalah penelitian yuridis normatif, pendekatan yang digunakan adalah pendekatan Undang-Undang, pendekatan kasus dan pendekatan konseptual. Analisis bahan hukum dengan cara mengkaji dan mengevaluasi bahan hukum yang telah ditemukan kemudian dikaitkan dengan kasus yang sedang diteliti. Berdasarkan hasil penelitian yang penulis lakukan bahwa masih ada beberapa kekeliruan pada hakim dalam menilai fakta-fakta di persidangan kemudian dalam putusan ini menurut penulis tidak adanya penerapan dari teori individualisasi.

Kata Kunci: putusan bebas, pertimbangan hakim, penganiayaan yang menyebabkan kematian, teori individualisasi.

**BASIS FOR JUDGE'S CONSIDERATION IN IMPOSING A FREE
VERDICT AGAINST THE PERPETRATOR OF THE CRIME OF
PERSECUTION CAUSING DEATH (ANALYSIS OF DECISION NUMBER
454/Pid.B/2024/Pn.Sby)**

ABSTRACT

The purpose of this study is to analyze the basis for the judge's consideration in imposing a free verdict against the perpetrator of the crime of persecution that caused death (Analysis of Decision Number 454/Pid.B/2024/Pn.Sby). The formulation of the problem in this study is how the basis of the judge's consideration in the free verdict against the perpetrator of the crime of persecution that caused death (Analysis of Decision Number 454/Pid.B/2024/Pn.Sby) and whether the judge's consideration of the free verdict against the perpetrator of the crime of persecution causing death (Analysis of Decision Number 454/Pid.B/2024/Pn.Sby) is in accordance with the theory of individualization. This type of research is normative juridical research, the approach used is the Law approach, the case approach and the conceptual approach. The analysis of legal materials by examining and evaluating the legal materials that have been found is then associated with the case being researched. Based on the results of the research conducted by the author, there are still some mistakes in the judge in assessing the facts in the trial, then in this decision, according to the author, there is no application of the individualization theory.

Keywords: free verdict, judge's consideration, persecution that causes death, individualization theory.