

ABSTRAK

Penelitian ini bertujuan untuk menganalisis dasar pertimbangan hakim dalam menjatuhkan putusan pidana pada perkara tindak pidana pornografi dalam Putusan Nomor 51/Pid.Sus/2025/PN Jmb. Pertimbangan hakim merupakan unsur penting dalam menentukan kualitas suatu putusan pengadilan, karena melalui pertimbangan tersebut hakim menilai fakta-fakta yang terungkap dalam persidangan baik dari aspek yuridis maupun non-yuridis. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Bahan hukum yang digunakan terdiri dari bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan, serta bahan hukum sekunder berupa literatur dan pendapat para ahli.

Hasil penelitian menunjukkan bahwa Majelis Hakim dalam Putusan Nomor 51/Pid.Sus/2025/PN Jmb mempertimbangkan aspek yuridis, filosofis, dan sosiologis dalam menjatuhkan putusan. Secara yuridis, hakim menilai terpenuhinya unsur Pasal 29 jo. Pasal 4 ayat (1) huruf a Undang-Undang Nomor 44 Tahun 2008 tentang Pornografi berdasarkan fakta persidangan dan alat bukti yang sah. Selain itu, hakim juga mempertimbangkan dampak sosial, nilai kesusilaan, serta norma agama yang hidup dalam masyarakat. Berdasarkan pertimbangan tersebut, majelis hakim menjatuhkan pidana penjara selama 10 bulan dan denda Rp250.000.000 subsidair 15 hari kurungan.

Kata Kunci: Pertimbangan Hakim, Tindak Pidana Pornografi, Putusan Pengadilan, Pemidanaan.

ABSTRACT

This study aims to analyze the basis of judicial considerations in imposing criminal sanctions in pornography cases as reflected in Decision Number 51/Pid.Sus/2025/PN Jmb. Judicial consideration is an important element in determining the quality of a court decision, as through such considerations judges evaluate the facts revealed during the trial from both juridical and non-juridical aspects. This research uses a normative legal research method with statutory, case, and conceptual approaches. The legal materials used consist of primary legal materials in the form of legislation and court decisions, as well as secondary legal materials in the form of literature and opinions of legal scholars.

The results of the study indicate that the panel of judges in Decision Number 51/Pid.Sus/2025/PN Jmb considered juridical, philosophical, and sociological aspects in delivering the verdict. Juridically, the judges assessed the fulfillment of the elements of Article 29 in conjunction with Article 4 paragraph (1) letter a of Law Number 44 of 2008 concerning Pornography based on the facts revealed in the trial and valid evidence. In addition, the judges also considered the social impact, moral values, and religious norms that exist within society. Based on these considerations, the panel of judges imposed a sentence of 10 months imprisonment and a fine of Rp250,000,000 with a subsidiary penalty of 15 days imprisonment.

Keywords: *Judicial Consideration, Pornography Crime, Court Decision, Criminal Sentencing.*