

ABSTRAK

Penelitian ini mengkaji penerapan konsep *dolus determinatus* dalam pertimbangan hakim terhadap kasus penembakan yang mengakibatkan luka berat di Kabupaten Sampang. Permasalahan dari disparitas pidana pertimbangan hakim dalam menilai niat terdakwa pada tindak pidana penembakan yang berujung pada perbedaan vonis meskipun perkara yang dihadapi memiliki kemiripan. Oleh karena itu, fokus penelitian ini adalah bagaimana hakim menilai niat pelaku berdasarkan konsep *dolus determinatus* dan rasio keputusan dalam Putusan Nomor 57/Pid.B/2024/PN Spg. Penelitian ini menggunakan pendekatan Peraturan PerUndang-Undangan, Kasus, dan Konseptual. dengan informasi yang dikumpulkan melalui pemeriksaan putusan pengadilan yang berkekuatan hukum atau ingkrah, serta mempelajari doktrin dan peraturan hukum yang relevan. Hasil penelitian ini, menunjukkan bahwa *dolus determinatus* merupakan unsur penting dalam menilai niat pelaku dalam kasus penembakan, namun implementasinya dalam praktik peradilan masih belum konsisten seperti yang terjadi dalam Putusan Nomor 57/Pid.B/2024/PN Spg, meskipun terdakwa tidak terbukti melakukan percobaan pembunuhan berencana, hakim tetap memvonis terdakwa atas tindak penganiayaan berat berdasarkan penilaian atas niat jahat yang spesifik. Penelitian ini menyoroti pentingnya penilaian yang lebih sistematis dan konsisten terhadap unsur niat dalam pertimbangan hakim, guna menciptakan putusan yang merefleksikan keadilan substantif.

Kata Kunci: Konsep *Dolus determinatus*, Rasio Decidendi, Tindak Pidana Penganiayaan.

ABSTACT

This study examines the application of the concept of dolus determinatus in the judge's consideration of a shooting case that resulted in serious injuries in Sampang Regency. The problem of the inconsistency of judges in assessing the defendant's intention in the shooting crime which led to differences in sentences even though the cases faced were similar. Therefore, the focus of this research lies on how the judges assessed the intent of the perpetrator based on the concept of dolus determinatus and ratio decidendi in Decision Number 57/Pid.B/2024/PN Spg. The method used in this research is normative law with a statutory approach, case approach, and conceptual approach. With data collected through a review of court decisions that have permanent legal force, as well as a study of legal regulations and doctrines that are relevant. The results showed that dolus determinatus is an important element in assessing the intention of the perpetrator in shooting cases, but its implementation in judicial practice is still inconsistent, as was the case in Decision Number 57/Pid.B/2024/PN Spg, although the defendant was not proven to have committed attempted premeditated murder, the judge still convicted the defendant of serious maltreatment based on an assessment of specific malicious intent. This research highlights the importance of a more systematic and consistent assessment of the element of intent in judges' considerations, in order to create decisions that reflect substantive justice in accordance.

Keywords: *Concept of Dolus determinatus, Ratio Decidendi, Criminal Act of Assault.*