

ABSTRAK

Ketentuan Pasal 19 ayat (3) Peraturan Daerah (Perda) Kabupaten Pamekasan Nomor 3 Tahun 2015 tentang Penyelenggaraan Hiburan dan Rekreasi sebagaimana telah diubah terakhir dengan Peraturan Daerah (Perda) Kabupaten Pamekasan Nomor 2 Tahun 2019 tentang Perubahan Atas Perda Nomor 3 Tahun 2015 Tentang Penyelenggaraan Hiburan Dan Rekreasi hanya mengatur mengenai sanksi administratif, sehingga terdapat ketidaktercukupan hukum yang mengatur tentang sanksi pidana mengenai pelaku usaha karaoke dalam kamar atau bilik tanpa izin. Penelitian ini bertujuan untuk menganalisis terkait pemenuhan syarat formil dan syarat materil dakwaan jaksa penuntut umum terhadap pelaku usaha karaoke dalam kamar atau bilik tanpa izin yang melanggar ketentuan peraturan daerah di Kabupaten Pamekasan dalam putusan Nomor 26/Pid.B/2024/PN Pmk, serta pertimbangan hakim memutuskan penjatuhan pidana terhadap pelaku usaha karaoke dalam kamar atau bilik tanpa izin dalam Putusan Nomor 26/Pid.B/2024/PN Pmk.

Hasil analisis menunjukkan Terdapat ketidakkonsistenan antara fakta hukum, surat dakwaan, pertimbangan hukum hakim dan amar putusan, yang kurang cermat dalam menggali hubungan antara alat bukti dengan peran terdakwa. Seharusnya, jika hakim tetap melanjutkan pemeriksaan, hasilnya adalah putusan pembebasan yang diatur dalam Pasal 191 Ayat (1), putusan pelepasan dari segala tuntutan hukum yang diatur dalam Pasal 191 Ayat (2) atau putusan yang menyatakan dakwaan batal demi hukum.

Kata Kunci : Karaoke, Dakwaan, Pertimbangan Hakim, Putusan.

ABSTRACT

The provisions of Article 19 paragraph (3) of the Regional Regulation (Perda) of Pamekasan Regency Number 3 of 2015 concerning the Organization of Entertainment and Recreation as last amended by the Regional Regulation (Perda) of Pamekasan Regency Number 2 of 2019 concerning Amendments to Regional Regulation Number 3 of 2015 concerning the Organization of Entertainment and Recreation only regulate administrative sanctions, so there is a lack of law regulating criminal sanctions regarding karaoke business actors in rooms or booths without a permit. This study aims to analyze the fulfillment of formal requirements and material requirements of the public prosecutor's indictment against karaoke business actors in rooms or booths without a permit who violate the provisions of regional regulations in Pamekasan Regency in decision Number 26 / Pid.B / 2024 / PN Pmk, as well as the judge's considerations in deciding to impose criminal penalties on karaoke business actors in rooms or booths without a permit in Decision Number 26 / Pid.B / 2024 / PN Pmk.

The results of the analysis show that there is an inconsistency between the legal facts, the indictment, the judge's legal considerations and the verdict, which is less than thorough in exploring the relationship between the evidence and the role of the defendant. If the judge had continued the examination, the result would have been a decision of acquittal as regulated in Article 191 Paragraph (1), a decision of release from all legal charges as regulated in Article 191 Paragraph (2) or a decision declaring the charges null and void.

Keywords : Karaoke, Indictment, Judge's Consideration, Verdict