

ABSTRAK

Penelitian ini dilatarbelakangi oleh meningkatnya praktik perakitan senjata api ilegal yang berpotensi mengancam keamanan nasional, khususnya yang berkaitan dengan distribusi kepada kelompok kriminal bersenjata (KKB). Penelitian ini bertujuan untuk menganalisis pertanggungjawaban pidana pelaku serta menilai apakah pertimbangan hakim dalam Putusan Nomor 100/Pid.Sus/2025/PN.Bjn telah mencerminkan keadilan yang proporsional. Kajian teori yang digunakan meliputi teori pertanggungjawaban pidana, teori pembuktian dalam hukum acara pidana, serta konsep penyertaan (*deelneming*) dan perbuatan berlanjut dalam hukum pidana.

Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan studi kasus, sedangkan data diperoleh melalui studi kepustakaan dan analisis putusan pengadilan. Hasil penelitian menunjukkan bahwa para terdakwa terbukti melakukan perakitan senjata api ilegal secara bersama-sama dan berlanjut tanpa izin, dengan peran yang berbeda namun saling melengkapi. Namun, pertimbangan hakim belum sepenuhnya menguraikan perbedaan tingkat peran dan kontribusi masing-masing terdakwa secara mendalam.

Kesimpulan penelitian ini menegaskan bahwa meskipun putusan telah memenuhi unsur yuridis, aspek keadilan substantif belum sepenuhnya tercapai karena belum mempertimbangkan secara proporsional peran individual terdakwa dalam tindak pidana tersebut.

Kata kunci: pertanggungjawaban pidana, senjata api ilegal, pertimbangan hakim, penyertaan

ABSTRACT

This study was motivated by the rise in the illegal assembly of firearms, which poses a potential threat to national security, particularly in relation to their distribution to armed criminal groups (ACGs). This study aims to analyze the criminal liability of the perpetrators and assess whether the judge's considerations in Judgment No. 100/Pid.Sus/2025/PN.Bjn reflect proportional justice. The theoretical frameworks employed include the theory of criminal liability, the theory of proof in criminal procedure law, as well as the concepts of participation (deelnemings) and continuing offenses in criminal law.

The research method used is a normative legal approach with a case study methodology, while data was obtained through literature review and analysis of court rulings. The research findings indicate that the defendants were proven to have jointly and continuously assembled illegal firearms without a license, with distinct yet complementary roles. However, the judge's reasoning did not fully and thoroughly elaborate on the differing levels of role and contribution of each defendant.

The conclusion of this study affirms that although the judgment has fulfilled the legal elements, the aspect of substantive justice has not been fully achieved because it has not proportionally considered the individual roles of the defendants in the criminal act.

Keywords : criminal liability, ilegal firearms, judge consideration, inclusion