

**PERTANGGUNGJAWABAN PIDANA BAGI PELAKU *EIGENRICHTING*  
(MAIN HAKIM SENDIRI) YANG MENGAKIBATKAN KORBAN  
MENGALAMI LUKA  
(Studi Putusan Pengadilan Negeri Lubuk Pakam  
Nomor 929/Pid.B/2021/PN Lbp)**

**ABSTRAK**

**Zulfan Ahmadi \***

Main hakim sendiri memang fenomena yang sering ditemui di masyarakat Indonesia akhir-akhir ini. Kenyataannya hukum yang ada di Indonesia saat ini belum dapat memberikan hukuman yang tegas terhadap pelaku perbuatan main hakim sendiri (*eigenrichting*).

Rumusan masalah dalam tesis ini adalah bagaimana pengaturan delik pidana berupa tindakan main hakim sendiri menurut KUHP, bagaimana kualifikasi delik tindakan main hakim sendiri (*eigenrichting*) yang mengakibatkan timbulnya korban jiwa dalam hukum pidana, bagaimana dasar pertimbangan hakim dalam menjatuhkan putusan terhadap pelaku tindakan main hakim sendiri (*eigenrichting*) dalam Putusan Nomor 929/Pid.B/2021/PN Lbp.

Metode penelitian yang digunakan adalah deskriptif analisis yang mengarah pada penelitian hukum yuridis normatif yakni penelitian yang dilakukan dengan cara mengacu pada norma-norma hukum yaitu meneliti terhadap bahan pustaka atau bahan sekunder. Data sekunder dengan mengolah data dari bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier.

Hasil penelitian menunjukkan bahwa pengaturan delik pidana berupa tindakan main hakim sendiri menurut KUHP diatur dalam Pasal 170, Pasal 351, Pasal 406, Pasal 338 dan dalam putusan perbuatan sebagaimana diatur dan diancam pidana di dalam putusan Nomor 929/Pid.B/2021/PN Lbp pelaku tindakan main hakim sendiri didakwa dengan Pasal 351 ayat (1) jo Pasal 55 ayat (1) ke-1 KUHP. Kualifikasi delik tindakan main hakim sendiri (*eigenrichting*) yang mengakibatkan timbulnya korban jiwa dalam hukum pidana adalah perbuatan terdakwa telah memenuhi semua unsur dakwaan dalam Pasal 351 ayat (1) KUHP sehingga majelis hakim menjatuhkan pidana terhadap terdakwa dengan pidana penjara selama 9 (sembilan) bulan. Dasar pertimbangan hakim dalam menjatuhkan putusan terhadap pelaku tindakan main hakim sendiri (*eigenrichting*) dalam Putusan Nomor 929/Pid.B/2021/PN Lbp adalah selama proses persidangan tidak ditemukan adanya alasan pemaaf maupun alasan pembenar yang dapat menghapus sifat pertanggungjawaban pidana dan melawan hukum pada diri terdakwa.

**Kata Kunci: Pertanggungjawaban Pidana, *Eigenrichting*, Korban.**

\*Mahasiswa Program Pascasarjana Program Ilmu Hukum Universitas Islam Sumatera Utara.

**CRIMINAL LIABILITY FOR EIGENRICHTING PERFORMERS (PLAYING  
YOUR OWN JUDGE) THAT RESULTS IN THE VICTIMS SOUL  
ACCORDING TO KUHP  
(Study of Decisions of the Lubuk Pakam District Court  
Number 929/Pid.B/2021/PN Lbp)**

**ABSTRACT**

**Zulfan Ahmadi \***

*Violence is indeed a phenomenon that is often encountered in Indonesian society lately. In fact, the existing law in Indonesia has not been able to provide strict punishments for perpetrators of vigilantism (eigenrichting).*

*The formulation of the problem in this thesis is how to regulate criminal offenses in the form of vigilante actions according to the Criminal Code, how to qualify for vigilante offenses (eigenrichting) that result in fatalities in criminal law, what is the basis for judges' considerations in making decisions against perpetrators of vigilante action. (eigenrichting) in Decision Number 929/Pid.B/2021/PN Lbp.*

*The research method used is descriptive analysis that leads to normative juridical legal research, namely research conducted by referring to legal norms, namely researching library materials or secondary materials. Secondary data by processing data from primary legal materials, secondary legal materials and tertiary legal materials.*

*The results of the study indicate that the regulation of criminal offenses in the form of taking vigilante action according to the Criminal Code is regulated in Article 170, Article 351, Article 406, Article 338 and in the decision of the act as regulated and threatened with punishment in the decision Number 929/Pid.B/2021/PN Lbp perpetrators of acts of vigilantism were charged with Article 351 paragraphs (1) in conjunction with Article 55 paragraph (1) 1st of the Criminal Code. The qualification for the offense of vigilante action (eigenrichting) that results in fatalities in criminal law is that the defendant has fulfilled all the elements of the indictment in Article 170 of the Criminal Code so that the panel of judges sentenced the defendant to imprisonment for 9 (nine) months. The basis for the judge's consideration in making a decision against the perpetrator of the vigilante act (eigenrichting) is in Decision Number 929/Pid.B/2021/PN Lbp is that during the trial process there was no forgiving reason or justification that could erase the criminal and unlawful nature of the defendant.*

**Keywords: Criminal Liability, Eigenrichting, Victims.**

*\* Student of the Postgraduate Program in the Law Science Program of the Islamic University of North Sumatra.*