

## ABSTRAK

Tujuan dan penelitian ini adalah Penerapan Sanksi Pidana Terhadap Pelaku Tindak Pidana Perjudian di Pengadilan Negeri Kudus dan Kebijakan Hukum Pidana di Dalam Rancangan Kitab Undang-Undang Hukum Pidana Yang Berbasis Nilai Keadilan. Penelitian ini adalah penelitian hukum empiris, yaitu penelitian berdasarkan penerapan sanksi pidana terhadap pelaku tindak pidana perjudian di Pengadilan Negeri Kudus belum berbasis nilai keadilan, dianalisa secara kuantitatif.

Penerapan sanksi pidana terhadap pelaku tindak pidana perjudian di Pengadilan Negeri Kudus Pada dasarnya dalam menerapkan sanksi pidana majelis hakim terlebih dahulu melihat aturan normatifnya dan seperti apa ancaman pidananya. Berdasarkan dakwaan yang diajukan oleh jaksa penuntut umum di pengadilan maka majelis hakim akan memeriksa dakwaan mana yang terbukti apakah dakwaan primer atau subsidernya. Dalam hal memutuskan perkara di sidang pengadilan peranan hakim besar sekali, sebab meskipun alat bukti yang diajukan penuntut umum berlebih dari bukti minimum apabila hakim tidak yakin bahwa terdakwa salah maka terdakwa harus dibebaskan. Hakim tidak boleh menjatuhkan pidana kepada seseorang kecuali dengan sekurang-kurangnya dua alat bukti yang sah dan hakim juga memperoleh keyakinan bahwa suatu tindak pidana benar-benar terjadi dan terdakwa yang bersalah melakukannya. Alat bukti tersebut meliputi : keterangan saksi, keterangan ahli, surat, petunjuk, dan keterangan terdakwa.

Menganalisis penerapan sanksi pidana terhadap pelaku tindak pidana perjudian di Pengadilan Negeri Kudus belum berbasis nilai keadilan Penerapan Pasal 303 ayat (1) ke-1 KUHP di mana jaksa mempertimbangkan terdakwa melakukan tindak pidana perjudian di mana telah memenuhi semua unsur dalam pasal tersebut. Dalam ketentuan Pasal tersebut di mana terdakwa dalam artian barang siapa adalah siapa saja sebagai subjek hukum yang melakukan perbuatan pidana, unsur mengadakan atau memberi kesempatan untuk main judi atau sengaja turut campur dalam perusahaan main judi. pertimbangan hakim dalam menjatuhkan putusan mencerminkan belum rasa keadilan dalam masyarakat yaitu tidak hanya berdasarkan pada perdasarkan pertimbangan dari sisi yuridisnya tetapi juga pertimbangan psikologi dan sosiologisnya yang mengarah pada latar belakang terjadinya kejahatan.

**Kata Kunci :Penerapan Sanksi, Tindak Pidana Perjudian, Nilai Keadilan**

## **ABSTRACT**

The aim and this study is the Application of Criminal Sanctions Against Perpetrators of Gambling in the Holy District Court and Criminal Law Policies in the Draft Law on Criminal Law Based on Justice Value. This study is empirical legal research, namely research based on the application of criminal sanctions against perpetrators of gambling crimes in the Holy District Court has not been based on the value of justice, analyzed qualitatively.

Application of criminal sanctions against perpetrators of gambling crime in the Holy District Court Basically in applying criminal sanctions the panel of judges first looks at the normative rules and what the criminal threat looks like. Based on the charges filed by the public prosecutor in court, the panel of judges will examine which charges are proven to be the primary or subsidiary charges. In the case of deciding the case in the court the role of the judge is immense, because even if the evidence presented by the public prosecutor exceeds the minimum evidence if the judge is not sure that the defendant is wrong then the defendant must be released. The judge may not impose a sentence on someone except with at least two valid evidences and the judge also obtains the conviction that a criminal offense actually occurs and the accused is guilty of doing so. The evidence includes: witness statements, expert information, letters, instructions, and statements of the defendant.

Analyzing the application of criminal sanctions against perpetrators of gambling crimes in the Holy District Court has not been based on the value of justice. The application of Article 303 paragraph (1) of the first Criminal Code in which the prosecutor considers the defendant committing a gambling crime which has fulfilled all elements in the article. In the provisions of the Article where the defendant in the sense of whoever is a legal subject who commits a criminal act, the element of holding or giving an opportunity to play gambling or deliberately interfering in the company is playing gambling. the judge's consideration in making a decision reflects a sense of justice in society that is not only based on the basis of judicial considerations but also psychological and sociological considerations that lead to the background of the occurrence of crime.

**Keywords: Application of Sanctions, Crime of Gambling, Value of Justice**