

# **ANALISIS HUKUM TERHADAP PUTUSAN BEBAS DALAM PERKARA TINDAK PIDANA PERDAGANGAN ORANG (STUDI PUTUSAN NOMOR 555/PID.SUS/2023/PN. STB)**

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## **ABSTRAK**

Tindak Pidana Perdagangan Orang (TPPO) merupakan kejahatan serius yang melanggar hak asasi manusia dan menjadi perhatian hukum nasional maupun internasional. Adanya putusan bebas terhadap terdakwa Tindak Pidana Perdagangan Orang (TPPO), sebagaimana tercermin dalam Putusan Nomor 555/Pid.Sus/2023/PN Stb sehingga menimbulkan persoalan yuridis mengenai bagaimana pertimbangan hukum hakim dalam menjatuhkan putusan bebas serta apakah pertimbangan tersebut telah sesuai dengan ketentuan peraturan perundang-undangan, khususnya Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang. Tujuan penelitian ini untuk menganalisis secara yuridis pertimbangan hukum hakim dalam putusan bebas perkara TPPO serta menilai kesesuaiannya dengan hukum positif yang berlaku. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Bahan hukum yang digunakan meliputi bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan, serta bahan hukum sekunder berupa literatur hukum dan pendapat para ahli. Analisis dilakukan secara kualitatif dengan penarikan kesimpulan secara deduktif. Hasil penelitian menunjukkan bahwa putusan bebas dijatuhkan karena majelis hakim menilai unsur-unsur TPPO tidak terbukti secara sah dan meyakinkan berdasarkan alat bukti yang diajukan di persidangan. Kelemahan pembuktian terutama terletak pada tidak terpenuhinya unsur eksploitasi dan keterkaitan perbuatan terdakwa dengan rangkaian tindak pidana perdagangan orang sebagaimana diatur dalam undang-undang.

**Kata Kunci:** Putusan Bebas, Tindak Pidana Perdagangan Orang, Pertimbangan Hakim

***A Legal Analysis concerning the Acquittal Verdict in Human  
Trafficking Offenses  
(A Case Study of Decision Number 555/Pid.Sus/2023/PN Stb)***

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***ABSTRACT***

*Human Trafficking constitutes a serious crime that violates human rights and has become a concern of both national and international law. The existence of an acquittal verdict against a defendant in a human trafficking case, as reflected in Decision Number 555/Pid.Sus/2023/PN Stb, gives rise to juridical issues regarding the legal reasoning of judges in rendering acquittal decisions and whether such considerations are in accordance with the prevailing laws and regulations, particularly Law Number 21 of 2007 on the Eradication of the Crime of Human Trafficking. The purpose of this study is to conduct a juridical analysis of the judges' legal considerations in the acquittal decision in a human trafficking case and to assess its conformity with applicable positive law. This research employs a normative legal research method using statutory, case, and conceptual approaches. The legal materials used consist of primary legal materials in the form of legislation and court decisions, as well as secondary legal materials comprising legal literature and scholarly opinions. The analysis is conducted qualitatively with deductive reasoning. The results of the study indicate that the acquittal was rendered because the panel of judges concluded that the elements of the crime of human trafficking were not proven legally and convincingly based on the evidence presented at trial. The weakness in evidentiary aspects primarily lies in the failure to establish the element of exploitation and the linkage between the defendant's actions and the sequence of acts constituting human trafficking as stipulated by law.*

*Keywords: Acquittal Verdict, Human Trafficking, Judicial Considerations*