

**Penerapan Ajaran Kausalitas dalam Menentukan Sebab pada Tindak Pidana Omisi tidak Murni (Studi Kasus Beberapa Putusan Pengadilan Negeri tentang Tindak Pidana Kelalaian yang Mengakibatkan Kematian) = Implementation of Causation to Determine Cause in Crime by Omissions. (Case Study in Several District Court Decision Regarding Crime by Omission Resulting in Death)**

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**Abstrak**

Penelitian ini membahas penerapan ajaran kausalitas pada tindak pidana omisi tidak murni dalam peradilan pidana Indonesia. Penelitian ini merupakan penelitian preskriptif yang ditinjau melalui metode penelitian yuridis normatif. Data yang digunakan berupa data sekunder yang diperoleh melalui studi kepustakaan, dengan menggunakan analisis data secara kualitatif. Ajaran kausalitas pada tindak pidana omisi tidak murni dibutuhkan dan harus dibuktikan terlebih dahulu untuk menentukan apakah tindakan pasif seseorang dapat disebut sebab dalam timbulnya akibat. Berdasarkan hasil penelitian terhadap sejumlah putusan Pengadilan Negeri di Indonesia, ditemukan bahwa ajaran kausalitas tidak diterapkan dalam tindak pidana omisi tidak murni. Penegak hukum cenderung langsung membuktikan pertanggungjawaban pidana terdakwa tanpa terlebih dahulu menimbang mengenai ajaran kausalitas.

.....This research explores how is implementation of causation to determine cause in criminal omissions in several Indonesian district court decision. This study is prescriptive research that is conducted through a normative legal research method. The data used were obtained by conducting a literature study using qualitative data analysis. Causation in criminal omission is necessary and must be proven to determine whether a person's passive act can be called cause in the onset of effect so that it can then be considered as to criminal liability. According to research on several district court decisions in Indonesia, it was found that causation is not applied in criminal omissions cases. The results showed that law enforcement tends to directly prove the formulation of the offense against the defendant without take causation into consideration.