

ABSTRACT

JURIDICAL ANALYSIS OF ACQUITTAL DECISION IN HUMAN TRAFFICKING CRIMINAL CASES (Study of Case No. 489/Pid.Sus/2013/PN.TK)

BY

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Human Trafficking is an organized crime and one of the fastest growing crime in the world. Gaps in law enforcement against human trafficking criminal is ideally with Enactment of Eradication Law of Human Trafficking Crime which is expected to provide a deterrent effect against perpetrators of human trafficking, especially if the victim is a child who must get legal protection, but inversely with example of case in Bandar Lampung in case No. 489/Pid.Sus/ 2013/PN.TK. Issues in this thesis is what is the basic considerations of the judge acquitted criminal cases of human trafficking in case No. 489/Pid.Sus/2013/PN.TK. ? and whether the acquittal decision in case No. 489/Pid.Sus/2013/PN.TK. compliance with applicable laws and regulations?

This thesis research using normative juridical approach which is based on legislation, theories and concepts associated with this research.

The results showed that legal considerations of the judges in imposing criminal sanction against the defendant in Case No. 489/Pid.Sus/2013/PN.TK. in accordance with facts revealed in the trial as well as other legitimate considerations. The judge ruled acquittal decision in accordance with the charges of Public Prosecutor, the suspect was not proven as a criminal offense according to indictment. The conclusion is the charges filed by the Public Prosecutor is not appropriate because the elements contained in accused clause is not fulfilled if it is associated with the defendant's action. Another indictment is to use section 88 UU No. 23 Tahun 2002.

Finally, advise for law enforcer in order to harmonize all policies, laws and regulations which already exist and will exist with UU PTPPO and local regulation. Furthermore, to the judges in ruled of verdict on human trafficking should be tightened by precede a sense of justice for litigants, to satisfy all parties, and also can give deterrent effect for the accused/convict.

Keywords: Acquittal Decision, Crime, Human Trafficking