

ABSTRACT

CRIMINAL LIABILITY OF PLAYERS CRIME OF ELECTIONS IN ARTICLE 309 LEGISLATIVE LAW NUMBER 8 IN 2012 (Study Case Number: 70 / Pid. / 2014 / PT.Tjk.)

**By
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Legislative elections should be conducted honestly and fairly as in mandated by law, but in fact the organizers of the election committed a criminal act in the form of additional votes on certain election participants. Every criminal act elections should be held accountable in accordance with the error does. The problems of this study are: (1) How is the criminal responsibility of the perpetrators of criminal acts of the legislative elections in article 309 of Law No. 8 of 2012 (case No. 70 / Pid. / 2014 / PT / TJK.)? (2) Does the consideration of judges in imposing criminal offense to legislative elections in article 309 of Law No. 8 of 2012 (case No. 70 / Pid. / 2014 / PT / TJK.)?

This research approach used is a normative juridical approach and empirical jurisdiction. The type of data using secondary data and primary data. Speakers consisted of judges in the country pengadilan rock promontory, the prosecutor at the high prosecutor lampung and lecturer of criminal law section lampung university law faculties. Analysis using qualitative analysis.

Results of research and discussion shows: (1) criminal liability against the perpetrators of criminal acts legislative elections in article 309 of Law No. 8 of 2012 is done with criminal sanctions as stated in the decision No. 70 / Pid. / 2014 / PT / TJK., Because the act have met the elements of criminal responsibility which the offender has been ably or adult to take legal actions, there is no reason forgiving justification and reasons for the accused in the presence of a tau adding sound legislative candidates, so that the perpetrators must be held accountable for criminal acts elections meet the elements -unsur intent. (2) Basic pertimbangan judge in imposing punishment on criminals elections in accordance with the theory of equilibrium which emphasizes the balance antara actions of the defendant who committed the crime of legislative elections in article 309 of Law No. 8 of 2012, the provisions of the law. The verdict can be found to comply with the theory of balance between the guilt of the accused, the provisions of the law and the sentence imposed between the defendant. Additionally aggravating things

that defendant is contrary to the spirit of the legislative elections and fair, accused of abusing their authority and actions prejudicial to the rights of people accused (voice calegpeserta election). Lighten things are terdakawa admitted his actions, be polite in court and the defendant has not been convicted.

Suggestions in this study were: (1) criminal responsibility of the perpetrators of the crime of election should be optimized through the maximum punishment in accordance with the threat contained in the legislation. (2) The judge in imposing punishment to the perpetrators of criminal acts of the election are advised to consider the various aspects of the causes of crime, the interests of the community towards the eradication of the State elections and the amount of loss caused by the actions of the defendant.

Keywords: criminal responsibility, Legislative election