

## **ABSTACT**

### **An Analysis of Court Decisions on Crimes in General Elections (Case Study on Court Decision No. 70/PID/2014/PT. TJK/ in Tanjung Karang High Court)**

**By:**

**Arahmat Panca P.U.**

Article 1 (1) Law Number 8 /2012 stated that General Election is a means to implement people sovereignty which is carried out through direct, general, free, confidential, honest and fair election in Indonesia based on the constitution of the Republic of Indonesia Year 1945. Law enforcement efforts against criminal in general election is needed to reach a fair and just election. Law Enforcement efforts is implemented using the form of imprisonment and confinement / fine. In a legal state as Indonesia, court is a judicial body or institution that is a symbol of hope for justice. Related to that background, this undergraduate thesis will discuss several issues, namely: (1) What are the reasons considered by judges when they decided to handed down a suspended sentence for the perpetrators in election case? (2) Does those decisions has fulfilled the purpose of punishment, a sense of justice, as well as a deterrent for the perpetrators?

Method used in this research is normative and empirical approach. Resource persons interviewed in this researche were from Bandar Lampung State Attorney's Office and Tanjung Karang High Court's Judges. Data were collected by library research and field studies.

Based on the results of research and discussion, it could be concluded that (1) the judges handed down a suspended sentence toward perpetrator in general election case believe that the perpetrator was proven to be legally and convincingly guilty of "intentionally adding noise to a certain election participants". However, the perpetrators of this election case was sentenced to probation in order to create a sense of justice for the perpetrators. The judges believe that the community felt that the decision was appropriate to the offense and acts committed by the offender, and will be a deterrent effect against perpetrators who committed the crime therefore the perpetrator will never repeat his actions. (2)a. The judges in

*Arahmat Panca P.U.*

the case believed that their decision is in accordance with the purposes of sentencing and punishment theory, the theory of relative and specific prevention.b. It couldstated that the judges decision has already meet the taste of justice and provide a deterrent effect for the offender. It can be concluded from the results of interviews with respondents. It is stated by the respondents that based on the fact in the court, the offenders just following orders and did not get any profit from his actions.

According to the research conducted, the authors suggest that: (1) In the recruitment “Panitia Pemilihan Kecamatan (PPK)” should be given sufficient knowledge or training in carrying out its duties properly. Therefore, they can carry out their duties sufficiently so as to reduce the possibility of abuse. (2) Regulation on General Elections should regulate more on violations particularly on the categories of light or medium offenses. It is believed that this category would help the judges in granting balance punishment toward perpetrators.

**Key Words:** Judgemnet, General Election, Law Enforcment.