

ABSTRACT

AN ANALYSIS OF FREE DECISION ON THE CASE NUMBER: 241 / Pid.B / 2011 / PN.Mgl ON CRIME DECENCY PERFORMED BY CHILDREN IN MENGGALA

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Crimes involving children as criminals is certainly not a new thing happening, as on the case Number. 241 / Pid.B. / 2011 / PN.Mgl on crime decency performed by children. Panel of Judges then imposing acquittal of the defendant because the Prosecutor's indictment was not proven beyond reasonable doubt. The problem in this study were: (1) How do children of criminal liability in terms of criminal law? and (2) What is the basis for the consideration of the judge in imposing acquittal in criminal decency committed by a child?

The approach used in this study were normative and empirical juridical approaches. Data collecting technique was obtained through library research and interviews. Data presentation technique is done through the editing process, systematic, and classification. Data analysis technique which was used; qualitative analysis technique, and draw the conclusion deductively.

Based on research and discussion, it can be concluded that the criminal responsibility of children in terms of criminal law emphasizes on restorative justice and diversion of children who committed the crime. On the case number: 241 / Pid.B / 2011 / PN.Mgl defendant can't received criminal liability because the Judge said the defendant has not proven legally guilty of a criminal offense is prosecuted by the Public Prosecutor, this means the offense the defendant has not proven. Therefore, the defendant can not incur criminal responsibility for criminal accountability is fundamental in "not convicted if does not have an error". Basic considerations in giving free desicion is alleged act to the defendant was not proven legally and convincingly as in the judgment of all the evidence presented was not sufficient or insufficient refute the charges to the accused, or proven error is also not supported by the judge belifes.

Criminal liability rules for children seem has been appropriate, but law enforcement should considerate wether the child deserve to be punished or not. If a child has committed a criminal act that can be considered disturbing the public

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then the child should be punished. Later, it should not need to get to the stage of the court if the victim is already stated there is no element of coercion and persuasion in such cases, it will be better resolved amicably between the defendant and the victim.

Keywords: Free Decision, Crime Decency, Children.