

ABSTRACT

ANALYSIS OF CRIMINAL LIABILITY TOWARD CRIMINAL OF BANKING CRIME (Study of Decision No. 483/Pid.Sus./2013/PN.TK)

**By
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The background of this study criminal sanctions difference between a bank employee BRI Branch Office Teluk Betung with the chief commissioner of PT Natar Perdana Motor, although both do the same banking criminal acts, namely financing fictitious. The research problem is: (1) How does the criminal liability criminal banking at Bank BRI Branch Office Teluk Betung? (2) Whether the consideration of judges in imposing criminal offense to banking at Bank BRI Branch Office Teluk Betung?

Approach the problem using normative juridical and empirical jurisdiction. Data were collected through literature and field studies. Data were analyzed qualitatively juridical and conclusion made by the inductive method.

Based on the results of research and discussion, it can be concluded: (1) Accountability criminal offense to banking with the fictitious financing mode BRI Branch Office Teluk Betung disparity between the Court's Decision No.483/Pid.Sus./2013/PN.TK, with defendant Didit Wijayanto as a bank employee sentenced to 3 years in prison for violating Article 49 paragraph (2) letter b Banking Act, while the defendant Melin Haryani Wijaya as Commissioner of PT Natar Perdana Motor only sentenced to eight months' probation with probation for 2 years, for violating Article 263 Paragraph (2) of the Criminal Code. (2) Basic considerations judges in imposing criminal offense to banks consist of aggravating things that defendant may reduce public confidence in the Bank, especially the Bank BRI and the defendant did not confess openly. Things that ease is the loan has been repaid by PT. Natar Prime Eternal as avails or guarantor.

Suggestions in this study were (1) Law enforcement officers should apply professionalism in accordance with the duties and functions of each, so as to foster public confidence and improve law supreme. (2) The judge in imposing punishment on criminals banks are advised to consider the various aspects of the causes of crime, the interests of society and state the amount of loss caused by the defendant.

Keywords: Criminal Liability, Criminal, Banking