

ABSTRACT

ANALYSIS OF JUDGE'S LEGAL CONSIDERATIONS TOWARD CIVIL SERVANTS THAT DO FRAUD CRIME WITH CIVIL SERVANT RECRUITMENT MODE

(Study on Decision No. 137/Pid/2013/PT.TK)

By

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Civil Servants is supposed to be a role model and figure for people in his capacity as state and public servants, but in reality there are civil servants who commit the crime of fraud. The research problem is: (1) How is Judge's legal considerations toward civil servants that do fraud crime with civil servant recruitment mode? (2) What is the punishment toward civil servants that do fraud crime with civil servant recruitment mode?

This research uses normative juridical and juridical empirical approach. Data collected by literature and field studies. The data were analyzed qualitatively.

The results showed: (1) Judge's legal considerations toward civil servants that do fraud crime with civil servant recruitment mode consists of aggravating circumstances that defendant caused financial losses to the victim and disturbing the public. Mitigating factors is the defendant admit and regret for his actions, willing to compensate victims and courteous in the trial. Based on these considerations, the Judge in Case No. 137/Pid /2013/PT.TK, convict the defendant Lasmidar Binti Wahab with imprisonment for 1 (one) year imprisonment. (2) Punishment of the civil servants who commit criminal fraud with ID receiving mode implemented within the framework of the criminal justice system, the investigation by the police after receiving reports of victims and investigation measures are arranged in a dossier , the charges against civil servants as criminals fraud carried Attorney and forth in the indictment with a lawsuit in accordance with Article 378 of the Criminal Code. Further court proceedings conducted by the judges to impose imprisonment for civil servants who commit fraud with civil servant recruitment mode.

Suggestion of this research are: (1) law enforcement authorities (police, prosecutors and judges) should improve performance in handling criminal fraud by civil servants with the investigation, prosecution and punishment in accordance with applicable law, to give deterrent effect to the perpetrators. (2) The public should increase alertness and caution against the possibility of unscrupulous civil servants who promised that someone would be accepted as a civil servant in the admissions process of civil servant recruitment.

Keywords: Legal Considerations, Civil Servant, Fraud.