

ABSTRACT

ANALYSIS OF BASIC CONSIDERATION IN IMPOSING CRIMINAL JUDGE UNDER SPECIAL MINIMUM PUNISHMENT OF PERPETRATORS OF CRIMINAL ACTS AGAINST CHILDREN DECENCY (Case Study Number: 168/Pid.B/PN.TK/2013)

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Every criminal morals of children should be punishable by a maximum, thus providing a deterrent effect to the perpetrators and as a lesson for others, in fact the judges convict under minimal threat to the perpetrator. The problem of this research are: (1) What is the basic consideration in imposing criminal judge under special minimum punishment of perpetrators of criminal acts against children decency in case number: 168/Pid.B/PN.TK/2013? (2) How is the power law judge's ruling that criminalize under special minimum decency towards criminals against children in case number: 168/Pid.B/PN.TK/2013?

The research approach used is juridical normative and empirical. Data collection procedures performed by literature and field studies. Informant consists of prosecutors in the State Court of Bandar Lampung, the judge in the District Court Cape Coral Class IA and criminal law academics. The data were then analyzed qualitatively.

Based on the results of research and discussion can be concluded: (1) Basic considerations judges in imposing criminal punishment under special minimum against criminals decency of children in case number: 168/Pid.B/PN.TK/2013 consists of aggravating and relieving. The burden is defendant resulted in the victim losing chastity. Things are easing, the defendant admitted his actions, has made peace with the victims and their families and courteous in the trial. Over these things then the judges convict the defendant Maesa aka Andi Setiawan Dika Bin Suprpto with imprisonment for seven (7) months in prison and a fine of Rp.60.000.000 (sixty million dollars) provided that if the fine is not paid then replaced to imprisonment for 1 (one month). (2) The power of the judge's ruling laws that criminalize under special minimum decency towards criminals against children is to have a legally enforceable and binding, as a court of first instance verdict appealed and upheld by the appellate court that the appeal is not filed within the time defined by the Law on Criminal Proceedings.

Suggestions in this study were: (1) Law enforcement officers are advised to be more intense in dealing with legal protection for children (2) Parents and the public in general, should further improve the supervision and control of the environment and children's playground.

Keywords: Considerations Judge, Special Minimal, Decency.