

ABSTRACT

ANALYSIS OF LEGAL CONSIDERATIONS IN COURT CRIMINAL PUNISHMENT OF PERPETRATORS OF CRIME FISHING WITH EXPLOSIVES ARE MADE IN TOGETHER

(Study of Decision No. 107/Pid.B/2012)

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The use of bombs in fishing is one way of catching a very destructive and also illegal in Indonesia. Handling the case of fisheries has been considered not running optimally, agencies associated with law enforcement in the field of fisheries not work synergistically. As it happened in Decision No. 107/Pid.B/2012. The problem in this research is how basic legal considerations judge in decisions on criminal fishing using explosives in the decision No. 107/Pid.B/2012 and whether the Judge's decision that it meets the sense of justice and a deterrent effect.

The approach used is a matter of normative juridical approach. The data used are primary and secondary data. Data that has been processed and then presented in a narrative form, then to selanjutkan drawn a conclusion.

Based on the results of research and discussion in mind that the basic considerations in law judge ruled against the perpetrators of the crime of fishing with explosives in this case using the equilibrium approach. Judge to consider the balance of interests that is the balance between the public interest and the interests of the accused. Such decisions are adhered to the principle monodualistik between the interests of the community that refers to the principle of legality and also the protection of individuals based on the principal culpabilitas. Criminal punishment on Decision No. 1633 K / Pid.Sus / 2013 already provides a sense of justice and deterrent effect to the defendant. It can be seen from imprisonment for 1 (one) year and 6 (six) months imposed in accordance with the provisions of Article 84 paragraph (2) of Law No. 45 of 2009, and resulted in the imprisonment of the family he left behind will have difficulty because the defendant is the backbone of the family.

The judge in the case ruled should be careful in taking decisions. The sentencing will determine the fate or future of someone who still had a responsibility to the family.

Keywords: Considerations Judge, Fishing, Explosives.