

Analisis terhadap pembuktian usia anak sebagai pelaku tindak pidana pembunuhan berencana: studi kasus putusan pengadilan no. 08/PID.B/2013/PN-GST = Analysis of of evidence age kids as crime murder actors planning: case study Court Judgment No. 08/PID.B/2013/PN-GST

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Abstrak

ABSTRAK

Minimnya penerapan konsep fair trial menyebabkan rasa keadilan dan kepastian hukum menjadi berkurang selama proses pra-ajudikasi hingga ajudikasi, terbukti melalui Putusan No. 08/Pid.B/2013/PN-GST dengan memvonis anak dengan hukuman mati. Minimnya penerapan asas fair trial menyebabkan pembuktian usia Terdakwa menjadi tidak diperhatikan sehingga asas admissibilitas dan asas hukum acara lainnya dihilangkan, termasuk asas in dubio pro reo. Hakim menjadi kunci dalam vonis mati terdakwa karena integrasi penyidikan hingga pembuktian yang menjadi akar putusan Majelis Hakim. Penelitian ini menggunakan metode yuridis normatif. Berkenaan dengan permasalahan putusan ini, ditemukan suatu proses atas penyidikan dan penuntutan terkait usia terdakwa tanpa identitas resmi.

ABSTRACT

The lack of implementation of the concept of fair trial led to a sense of justice and legal certainty to be reduced during the pre-adjudication until the adjudication, as evidenced by Decision No. 08 / Pid.B / 2013 / PN-GST with children sentenced to the death penalty. The lack of a fair trial application of the principle causes of proof of age defendant be noted that the principle of admissibility and legal principles other events omitted, including in dubio pro reo principle. Judges became a key defendant in a death sentence for the integration of the investigation until evidence at the root of the decision of the judges. This research was conducted by the method of juridical normative. With regard to the issue of this decision, discovered a process on the investigation and prosecution of age-related defendants without official identity.;