

ABSTRAK

UPAYA HUKUM KASASI DALAM PERKARA BAIQ NURIL (Studi Putusan Nomor 574K/Pid.Sus/2018)

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Penelitian dengan judul “Upaya Hukum Kasasi Dalam Perkara Baiq Nuril (Studi Putusan Nomor 574K/Pid.Sus/2018)”, dengan latar belakang masalah mengenai pengabulan kasasi dan pembatalan terhadap putusan bebas yang diajukan oleh jaksa penuntut umum dalam perkara Baiq Nuril Maknun pada Pengadilan Negeri Mataram. Penelitian dengan rumusan masalah apa dasar pertimbangan hukum hakim dalam mengabulkan kasasi dan akibat hukum terhadap putusan 6 (enam) bulan penjara dan denda Rp.500.000.000 (lima ratus juta rupiah) subsidiar 3 (tiga) bulan kurungan dalam putusan No.574K/Pid.Sus/2018 oleh Mahkamah Agung. Metode penelitian yang digunakan adalah metode pendekatan yuridis normatif, yaitu penelitian dilakukan dengan data sekunder. Dari penelitian dan pembahasan putusan, diperoleh hasil bahwa dalam putusan nomor 574K/Pid.Sus/2018 hakim mengabulkan permohonan kasasi karena semua prosedur syarat formil serta materil sudah terpenuhi dan aspek-aspek untuk hakim mengabulkan dan mengadili sendiri sudah terpenuhi, dan mengakibatkan akibat hukum bagi termohon kasasi.

Kata Kunci : Putusan bebas, Kasasi.

ABSTRACT

LEGAL EFFORTS FOR CASSATION IN THE BAIQ NURIL CASE (Study of Decision Number 574K/Pid.Sus.2018)

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The research entitled "Legal Efforts for Cassation in the Baiq Nuril Case (Study of Decision Number 574K / Pid.Sus / 2018)", with the background of the problem of granting cassation and cancellation of the free decision filed by the public prosecutor in the Baiq Nuril Maknun case at the Court Mataram State. Research with the formulation of the problem of what is the basis for judges' legal considerations in granting cassation and the legal consequences of a 6 (six) month prison sentence and a fine of Rp. 500,000,000 (five hundred million rupiah) subsidiary 3 (three) months imprisonment in the decision No.574K / Pid .Sus / 2018 by the Supreme Court. The research method used is a normative juridical approach, namely the research was conducted with secondary data. From the research and discussion of the decision, it was found that in the decision number 574K / Pid.Sus / 2018 the judge granted the appeal because all the formal and material requirements procedures had been fulfilled and the aspects for the judge to grant and judge himself had been fulfilled, and resulted in legal consequences for petitioned for cassation.

Keywords: Acquittal, Cassation.

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