

ABSTRACT**JURIDICAL REVIEW OF DISSENTING OPINION ON THE VERDICT
OF THE CRIMINAL ACT OF PERSECUTION****(Case Study of Verdict Number 678/Pid.B/2020/PN Smr)****By:****Sheva Syahdaramitha****E1B018007**

The existence of the principle of freedom for judges in making decisions causes a Dissenting Opinion. The object of this research is Decision Number 678/Pid.B/2020/PN Bms. The purpose of this study is to find out the basis for the consideration of minority and majority judges so that it causes a difference of opinion or Dissenting Opinion . The research method in this case is normative juridical with a statutory approach and an analytical approach. The results of this study indicate that judges in the application of Dissenting Opinion in Case Number 678/Pid.B/2020/PN Bms have been in accordance with Law Number 48 of 2009 concerning Judicial Powers that during confidential judges' deliberation meetings, each The judge has given his opinion. These considerations have also been included in the decision. The majority of judges are of the opinion that the Defendant has fulfilled all the elements in Article 351 paragraph (1) of the Criminal Code which consists of elements who, intentionally, cause discomfort, pain or injury. Minority Judges conduct a Dissenting Opinion with the view that one of the elements, namely the element of intent in Article 351 paragraph (1) of the Criminal Code is not fulfilled.

Keywords : Judicial independence, Dissenting Opinion, Intentional, Crime of Persecution.

