

CHAPTER V

CLOSING

A. Conclusion

1. The basis for the consideration of minority judges in imposing a crime in case Number 678/Pid.B/2020/PN Smr which caused a dissenting opinion , namely the minority judge stated that the defendant was not proven to have committed a criminal act of persecution due to the non-fulfillment of the element of intent based on theory. intentional.
2. The basis for the consideration of the majority judges in imposing criminal charges in case Number 678/Pid.B/2020/PN Smr namely that the Defendant has been proven to have committed the Crime of Persecution because all elements have been fulfilled.

B. Suggestion

Based on the results of the research that has been done, the researcher would like to provide suggestions that are considered necessary to do, namely:

1. the majority judge should be more careful and thorough in seeking the actual material truth in the trial, especially in the evidentiary trial
2. The judge should be able to see the facts that actually happened in the trial and the relationship between the mens rea must be harmonized, especially in the use of the element of intent in Article 351 paragraph (1) of the Criminal Code.