

ABSTRAK

Penelitian ini bertujuan untuk mengetahui bagaimanakah penerapan sanksi pidana terhadap pelaku tindak pidana turut serta melakukan pemalsuan surat dalam Putusan Nomor 21/Pid.B/2016/PN Pbg dan Nomor 22/Pid.B/2016/PN Pbg serta apa pertimbangan hakim dalam menjatuhkan sanksi pidana terhadap pelaku tindak pidana turut serta melakukan pemalsuan surat dalam Putusan Nomor 21/Pid.B/2016/PN Pbg dan Nomor 22/Pid.B/2016/PN Pbg.

Metode penelitian yang digunakan adalah yuridis normatif, jenis data yang digunakan adalah data sekunder yang terdiri dari bahan hukum primer dan bahan hukum sekunder. Data sekunder yang telah terkumpul disajikan dalam bentuk teks naratif, serta dianalisis dengan menggunakan analisis kualitatif.

Berdasarkan hasil penelitian dapat disimpulkan bahwa pelaku tindak pidana turut serta melakukan pemalsuan surat dalam putusan Nomor 21/Pid.B/2016/PN Pbg dan Nomor 22/Pid.B/2016/PN Pbg dijatuhi pidana masing-masing 5 (lima) bulan penjara terhadap Mizan alias Mizun bin Samiarjo, 5 (lima) bulan penjara terhadap Latiffudin bin Ahmad Sahirin serta 3 (tiga) bulan penjara terhadap Lilis Suryani, SP binti Ahmad Sahirin. Sedangkan pertimbangan hakim dalam menjatuhkan sanksi pidana terhadap pelaku yaitu pertama hakim mempertimbangkan mengenai delik penyertaan yang memungkinkan para pelaku untuk dijatuhi pidana yang berbeda, kedua hakim mempertimbangkan kerugian yang dialami korban, ketiga hakim mempertimbangkan hal-hal yang memberatkan dan hal hal yang meringankan, keempat hakim mempertimbangkan mengenai asas keadilan asas kemanfaatan serta asas kepastian hukum.

Kata Kunci : *Pertimbangan Hakim, Tindak Pidana, Pemalsuan Surat.*

ABSTRACT

The aim of the research was to know how the application of criminal sanctions toward perpetrators criminal acts in their participated doing falsifying letters in Decision Number 21 / Pid.B / 2016 / PN Pbg and Number 22 / Pid.B / 2016 / PN Pbg as well as what judges consider in imposing sanctions criminal acts towards the perpetrators of criminal acts as well as falsifying letters in Decision Number 21 / Pid.B / 2016 / PN Pbg and Number 22 / Pid.B / 2016 / PN Pbg.

The research method used normative juridical, the type of data used is secondary data consisting of primary legal material and secondary legal material. Secondary data that has been collected is presented in the form of narrative texts, and analyzed using qualitative analysis.

Based on the results of the research it can be concluded that the perpetrators of criminal acts participated in falsifying letters in decisions Number 21 / Pid.B / 2016 / PN Pbg and Number 22 / Pid.B / 2016 / PN Pbg were sentenced to 5 (five) months in prison toward Mizan alias Mizun bin Samiarjo, 5 (five) months in prison against Latiffudin bin Ahmad Sahirin and 3 (three) months in prison against to Lilis Suryani, SP binti Ahmad Sahirin. Whereas the judge's of judgment in imposing criminal sanctions on the perpetrators, that is first the judge considered the offense of inclusion that allowed the perpetrators to be sentenced to different crimes, second the judge considered the losses suffered by the victims, third the judge considered the incriminating things and the mitigating matters, forth the judge consider the principle of justice principle benefit and the principle of legal certainty.

Key words: *Judge Considerations, Crime, Falsification Letters.*