

CHAPTER V

CONCLUSION

A. Conclusion

Based on what has been attached in the results of the research and discussion, it can be concluded as follows:

1. The Supreme Court's legal considerations in the cassation decision show the proper and comprehensive application of the law. The Supreme Court stated that the defendant's actions were not solely civil relations in the form of buying and selling, but there were elements of malicious intent (*mens rea*) and deception that were carried out consciously and plannedly. The defendant even resold the vehicle that had not been paid off to another party without permission and without completing the payment obligation, thus causing real losses for the victim. On that basis, the Supreme Court tried this case itself and sentenced the defendant to prison without returning him to the court of first instance. This decision shows the importance of legal certainty that every act that is proven to be a criminal act must be sanctioned in accordance with applicable law, and reflects substantive justice by providing legal protection for victims who suffer losses.
2. The Supreme Court's cassation decision in this case has real legal consequences on the legal status of the defendant. The Supreme Court stated that there had been an error in the application of the law by the

court of first instance and ruled that the defendant was legally and convincingly proven to have committed a criminal act of fraud, so that there was a change in the legal status of the defendant from free to criminally sentenced. In addition, the cassation decision also caused the change in the legal relationship between the defendant and the victim witness, which was originally considered a sale and purchase agreement in the civil realm, to a criminal act because it was accompanied by malicious intent (*mens rea*). This resulted in a change in the legal position of the defendant, from a party in a legitimate transaction to a perpetrator of a criminal act of fraud. As a consequence, the Supreme Court sentenced him to 1 year and 6 months in prison and other legal sanctions for unlawful acts proven to have been committed by the defendant at the cassation level.

B. Suggestion

Based on the above conclusion, the author conveys suggestions for the problems posed in this thesis research, namely:

1. The Limboto District Court judge should carry out his duties more carefully and thoroughly. This precision is very important so that there are no errors in the application of the law that can have an impact on decisions that are not in accordance with justice and legal certainty. In addition, the court must ensure that every fact revealed at the trial, whether through witness statements, written evidence, or other evidence, is thoroughly and objectively analyzed. The judge of first instance as a *judex facti* examiner should have the courage to impose criminal punishment on the defendant

if the evidence and facts of the trial have shown indications of malicious intent (*mens rea*). Thus, the decision taken can reflect the material truth and not cause doubt or injustice for the parties involved in the case.

2. The author hopes that the judges in giving legal considerations will not only focus on objectivity related to the acts committed by the defendant, but also consider the sociological factors behind the occurrence of the criminal act. Sociological factors, such as economic conditions, social pressures, the surrounding environment, and the psychological state of the defendant, can provide a more complete picture of the reasons behind his actions. By considering these aspects, judges can give a fairer and more proportionate verdict, not only punitive, but also provide educational and preventive effects. A more comprehensive approach to assessing criminal cases will help the justice system create a more humane justice and ensure that the verdicts taken not only rigorously uphold the law, but also take into account human values and social justice.