

CHAPTER V

CONCLUSION

A. Conclusion

Based on the descriptions of the results of the research and discussion above, it can be concluded that the judge's legal considerations in imposing a free verdict on the crime of embezzlement in decision No.27/Pid.B/2024/PN.Pwt:

1. The judge's legal considerations in issuing a free verdict saw that all the elements charged by the public prosecutor were not proven in the trial. The defendant Pramudya anak Ong Thai Pun (Alm) was submitted to trial by the public prosecutor based on the combined indictment of Article 372 jo Article 55 paragraph (1) 1 of the Criminal Code, Article 372 jo Article 56 of the 2nd Criminal Code, Article 263 paragraph (1) jo Article 55 paragraph (1) of the 1st Criminal Code, and Article 266 paragraph (2) jo Article 55 paragraph (1) 1 of the Criminal Code where the defendants were jointly charged with committing the crime of embezzlement, forgery of letters, or entering false information into an authentic deed against 4 (four) land certificates used as debt collateral by Hasan Budiman. The panel of judges should have handed down a release verdict because it saw that the defendant's actions were not a criminal act.
2. The legal consequences arising from this verdict are to declare that the defendant Pramudya anak Ong Thai Pun (Alm) is not legally and

convincingly proven guilty of committing a criminal act as charged by the public prosecutor either the primary indictment, the subsidiary indictment, or the second charge, and the third acquittal of the defendant Pramudya anak Ong Thai Pun (Alm) from all charges of the public prosecutor, releasing the defendant from custody, and restore the rights of the defendant in his ability, position, dignity and dignity, determine evidence in the form of numbers 1 (one) to 129 (one hundred and twenty-nine) as stated in the decision, and charge the state the cost of the case. According to the author, with this free verdict, it is feared that it will cause disparity in verdicts with the same case in the future, causing legal uncertainty.

B. Suggestion

1. The panel of judges in deciding a case must be solely based on law, truth, and justice that does not discriminate against anyone in the eyes of the law by considering the facts that cover the case under examination so that the verdict handed down is in accordance with the sense of justice, utility, and legal certainty. The panel of judges should be more detailed in conducting examinations in the trial, especially in the case of debts and receivables because in this case, according to the author, it is part of the scope of civil law, so that if indeed the defendant's actions are wrong but not a criminal act, then the judge can issue a release verdict so that this case can be transferred to the scope of civil law.

2. The Public Prosecutor should be more thorough and careful in drafting the indictment so that the defendant can be charged with the appropriate article if he is really guilty of committing a criminal act, as well as not making a mistake in filing the defendant in front of the court. The Public Prosecutor should also improve his understanding in handling cases whose regulations are not sourced from the Criminal Code alone. Especially in case No.27/Pid.B/2024/PN.Pwt, it is clear that the case is a land certificate dispute that falls within the scope of civil law.