

Kewenangan hakim memutus perkara dikaitkan dengan kewenangan penuntutan oleh jaksa : studi kasus Nazril Irham Alias Ariel Peterpan dan M. Arifin Bin Sukari = The judge's authority to convict the case which is related to prosecutor's authority to prosecute : case study of Nazril Irham Alias Ariel Peterpan dan M. Arifin Bin Sukari

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Abstrak

Skripsi ini membahas kewenangan hakim untuk memutus perkara dikaitkan kewenangan jaksa untuk melakukan penuntutan Metode penelitian adalah penelitian yuridis normatif Putusan Nazril Irham dan M Arifin bin Sukari dibahas sebagai bahan analisis skripsi Berdasarkan hasil analisis bahwa asas stelsel aktif hakim mengenai pengubahan surat dakwaan pada proses adjudikasi tidak bisa dilakukan karena KUHAP menganut sistem spesialisasi diferensiasi dan kompartemenisasi hakim tidak memiliki kewenangan memutus perkara berdasarkan ketentuan perundang undangan yang tidak didakwakan oleh jaksa atau di luar surat dakwaan Putusan Nazril Irham bukan merupakan putusan di luar surat dakwaan karena hakim telah mempertimbangkan semua unsur tindak pidana delik Sementara itu putusan judex factie M Arifin bin Sukari termasuk putusan di luar surat dakwaan karena hakim tidak mempertimbangkan semua unsur tindak pidana delik

.....This research focuses on the judge rsquo s authority to make the court judgment which is related to the prosecutor rsquo s authority to conduct prosecution Normative juridical method is used to analyze the data The judgment of Nazril Irham and M Arifin bin Sukari are being analyzed in this research The result of this research concludes that the principle of stelsel active of the judges to amend an indictment in adjudication process is not allowed Since the Code of Criminal Procedure consists of the specialization differentiation and compartment system The judges are prohibited to impose criminal charges that is not stated in the indictment The verdict of Nazril Irham case is not one kind of such indictment because the judges have considered all the elements of crime delict Meanwhile the verdict judex factie of M Arifin bin Sukari is one kind of court judgment that impose charges which is over the indictment and did not considered all the elements of crime delict