

Status kepemilikan barang bukti setelah adanya putusan pengadilan
(Studi putusan kasus illegal logging putusan no.
427/Pid.b/2012/PN.Tsm dan putusan no. 710/Pid.B/2011 /PN.Mkt =
The ownership status of evidence after being the court verdict (The
study verdict of illegal logging criminal act cases. Verdict No. No.
427/Pid.Sus/2012/PN.Tsm and verdict No. 710/Pid.B/2011/PN.Mkt

Teddy Cipta Lesmana, author

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Abstrak

Skripsi ini membahas tentang status kepemilikan barang bukti setelah putusan pengadilan, studi putusan kasus illegal logging Putusan No. 427/Pid.b/2012 /PN.Tsm dan Putusan No. 710/Pid.B/2011/PN.Mkt. Selain itu penulis juga menganalisis tentang putusan pengadilan terhadap barang bukti milik pihak ketiga dalam perkara tersebut. Metode penelitian yang digunakan yaitu metode penelitian kepustakaan yang bersifat yuridis-normatif. Dari penelitian yang dilakukan, Pasal 78 ayat (15) Undang-undang No. 41 Tahun 1999 Tentang Kehutanan tidak mengatur dengan jelas terhadap barang bukti milik pihak ketiga yang dipergunakan terdakwa sebagai alat angkut kayu ilegal. Hal tersebut menjadi dilematis bagi hakim dalam memutus status kepemilikan barang bukti tersebut apakah dinyatakan dirampas untuk negara ataukah dikembalikan. Sehingga tentang ketentuan Pasal 78 ayat (15) Undang-undang No. 41 Tahun 1999 Tentang Kehutanan perlu diatur dan dijelaskan lebih lanjut lagi demi terwujudnya kepastian, keadilan dan kemanfaatan hukum.

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This thesis discusses the ownership status of evidence after the court decision ruling illegal logging case study of decision number 427/Pid.b/2012 /PN.Tsm and decision number 710/Pid.B/2011/PN.Mkt. in addition, the author/writer also analyzed the evidence of the court decision against a third party in the case. The research method used is the method of literature research juridical-normatif. The research conducted, chapter 78 verse 15 law No.41 of 1997 on forestry is not set clearly against the evidence of a third party as a conveyance of illegal logging. This is a dilemma for the judges in deciding the ownership status of the evidence is otherwise deprived of or returned to the country. So on the provisions of article 78 paragraph 15 law No. 41 of 1999 on forestry needs to be regulated and explained further in order to create certainty, fairness, and legal expediency.