

Penerapan pidana denda oleh hakim pasca berlakunya peraturan Mahkamah Agung nomor 2 tahun 2012 = Application of fine punishment by judges after the validity of supreme court regulation number 2 year 2012

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Abstrak

[Pidana denda adalah salah satu pidana pokok yang ditentukan dalam Pasal 10 KUHP yang digunakan sebagai pidana alternatif atau pidana tunggal dalam Buku II dan Buku III KUHP. Menurunnya nilai rupiah mengakibatkan penegak hukum enggan untuk menerapkan pidana denda. Pada tahun 2012, Mahkamah Agung telah mengeluarkan Peraturan Mahkamah Agung Nomor 2 Tahun 2012 tentang Penyesuaian Batasan Tindak Pidana Ringan dan Jumlah Denda dalam KUHP (PERMA). Salah satu pengaturannya adalah bahwa maksimum hukuman denda yang diancamkan dalam KUHP dilipatgandakan menjadi 1.000 (seribu) kali. Tipologi penelitian ini adalah deskriptif analitis yang bersifat yuridis normatif. Penelitian ini menunjukkan bahwa Hakim belum menerapkan pidana denda meskipun nilai rupiah telah disesuaikan. Dalam menerapkan PERMA ini, Hakim mengalami beberapa kendala, salah satunya mengenai hierarki PERMA yang lebih rendah dari KUHP. Penelitian ini juga menjabarkan tentang RUU KUHP versi 2013 berusaha untuk mengatasi kendala yang dialami hakim dalam menerapkan PERMA.;

Fine punishment is one of the main punishments, which is regulated in Article 10 of Indonesian Criminal Code, it is used as an alternative punishment or as a sole punishment in Book II and Book III of the Criminal Code. The decreasing value of Rupiah caused law enforcers unwilling to apply the fine punishment. In the year of 2012, the Supreme Court released Supreme Court Regulation (PERMA) Number 2 year 2012 about The Limitation Adjustment for Light Criminal Offense and The Amount of Fine in Criminal Code (KUHP). One of its arrangement is that the maximum amount of fine regulated in Criminal Code is to be multiplied by 1.000 (a thousand) times. The typology of this research is descriptive analysis in normative juridical characteristic. The research shows that have not yet applied the fine punishment even when the Rupiah's value has been adjusted. In applying this PERMA, Judges experienced some problems, one of which is the hierarchial position of PERMA that is lower than KUHP. This research also explains about the 2013 version of the New Criminal Code Draft (RUU KUHP 2013 version) that tried to settle the problems experienced by Judges in applying PERMA., Fine punishment is one of the main punishments, which is regulated in Article 10 of Indonesian Criminal Code, it is used as an alternative punishment or as a sole punishment in Book II and Book III of the Criminal Code. The decreasing value of Rupiah caused law enforcers unwilling to apply the fine punishment. In the year of 2012, the Supreme Court released Supreme Court Regulation (PERMA) Number 2 year 2012 about The Limitation Adjustment for Light Criminal Offense and The Amount of Fine in Criminal Code (KUHP). One of its arrangement is that the maximum amount of fine regulated in Criminal Code is to be multiplied by 1.000 (a thousand) times. The typology of this research is descriptive analysis in normative juridical characteristic. The research shows that have not yet applied the fine punishment even when the Rupiah's value has been adjusted. In applying this PERMA, Judges experienced some problems, one of which is the hierarchial position of PERMA that is lower than KUHP. This research also explains about the 2013 version of the New Criminal Code Draft (RUU KUHP 2013 version) that tried to settle the

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