

Penjatuhan pidana bersyarat terhadap tindak pidana kelalaian berlalu lintas yang mengakibatkan orang lain meninggal dunia = Sentencing of the suspended sentence to the crime of traffic negligence that causing other people death

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Abstrak

ABSTRAK

Pidana bersyarat di Indonesia menganut sistem suspended sentence, dimana yang ditangguhkan adalah pelaksanaan pidananya. Pertimbangan Hakim dalam penjatuhan pidana bersyarat terhadap tindak pidana kelalaian berlalu lintas yang mengakibatkan orang lain meninggal dunia, didasari oleh adanya karakteristik restorative justice dalam upaya penyelesaian oleh terdakwa melalui perdamaian dengan pihak keluarga korban, sehingga mencerminkan sikap tanggungjawab dari terdakwa. Dalam penerapan pidana bersyarat terhadap tindak pidana ini, ditemukan adanya persamaan konsep dengan model kombinasi Denmark, dimana selain dijatuhi pidana bersyarat, tetapi juga dijatuhkan pidana pokok lainnya. Namun, jenis pidana pokok yang diterapkan oleh sistem kombinasi Denmark berbeda dengan pidana pokok yang ditemukan dalam penelitian ini.

ABSTRACT

The conditional sentence of Indonesia in accordance with the suspended sentence system which is execution of sentence is suspended. The consideration of judge in sentencing of the suspended sentence to the crime of traffic negligence that causing other people death, based on the existence of a characteristic of restorative justice in the settlement attempts by the defendant through peace with the families of victims, so that reflect the attitude of the defendant's liability. In the implementation of suspended sentence to this crime, it was found that there is a common concept with the model combination Denmark, where beside sentenced suspended sentence, but also sentenced with another sentence. However, the sentence which combined with suspended sentence in model combination Denmark is different with the sentence that found in this study.