

Pertanggungjawaban pidana nakhoda dalam kecelakaan kapal yang mengakibatkan kematian dan/atau luka berat = Criminal liability of ship captain in a shipwreck incident that causes death and or serious injury

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Abstrak

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Suatu tindak pidana menuntut adanya pertanggungjawaban pidana dari pihak yang dianggap bersalah. Dalam penulisan ini, terdapat permasalahan utama yakni bagaimana pertanggungjawaban pidana nakhoda dalam kecelakaan kapal yang dipengaruhi oleh faktor alam dan/atau faktor teknis sebagai faktor di luar kelalaian nakhoda. Penelitian ini menggunakan penelitian yuridis normatif. Berdasarkan hasil analisis ini, faktor alam dan faktor teknis merupakan faktor yang berpengaruh besar terhadap tindakan nakhoda namun tidak selalu menjadi alasan penghapusan pidana nakhoda.

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ABSTRACT

Every criminal act requires criminal liability from those who are guilty. In this writing, there is a major issue which is to determine a ship captain's criminal liability in a shipwreck incident which is affected by external factors beside the captain's negligence act, such as natural factors and/or technical factors. This study uses normative juridical research. Based on the results of the analysis, natural factors and technical factors indeed greatly affect in every act of a captain ? especially in the case of emergency ? however, those factors are not always be the reason the accused not to be blamed for his or her conduct.