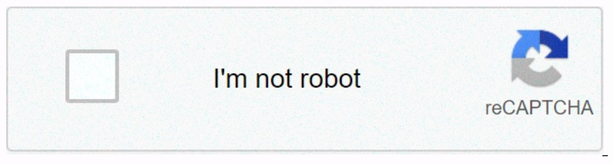

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Format surat dakwaan penipuan

By Ghanawati Dini Ganawati Candra Dini, 2008. USE OF THE COMBINATIONS OF ALLEGATIONS BY PUBLIC PROSECUTOR (Case Study of Surakarta State Prosecutor). Faculty of Law Sebelas Maret University of Surakarta. This study aims to find a clear picture of the application through the use of a combination of allegations by prociring the public in a criminal case and be able to provide solutions for problems resolved over obstacles – obstacles faced by the Public Prosecutor in the preparation of a combination indictment of the Surakarta State Prosecutor's Office. This query includes a type of legal empirical query that is descriptive. This query data includes primary and secondary data. Data collection techniques used to research by field research and literature research in the form of documents, books, legislation and other materials related to the study problem. Data analysis using qualative data analysis and interactive patterns. Based on this research may find the results that used in the form of a combination education by the Public Prosecutor in terms of the practice of making it have 2 possibilities to draw a combination of forms of accusations commonly used in the Surakarta State Prosecutor's Office, namely with compulsive and alternative formats. In the making of a combination of allegations should not be separated from the form terms and materials. The reason the public prosecutor uses the form of a combination of allegations is because of the public prosecutor's hesitation of defending the defendant so that he cannot escape the law, and one of his legal analysis because there is the principle of Lex Specialist Derogat Lex Practitioner and Article 63 paragraph 2 of the Criminal Code. The obstacles facing the public prosecutor in the preparation of a combination of the allegations are lack of evidence, no similar perception between officers enforcing fellow law enforcement officers in the process of criminal settlement, the results of the incomplete investigations, The hesitation of the Public Prosecutor to draft the format contained in the combined accusation, lack of interest of the Public Prosecutor to follow the development of the theoretically and practically law, habits proxy to Attitude Factor is not time and also the position or factor rank factor: Law (General) Year: 2008 OAI Identity Identifier: oai: generic.eprints.org:10373/core478 Provided by: Eleven Mass Institutional Repository downloaded from the allegation is a letter made by the Public Prosecutor on the basis of News Exams (BAP) that it received from investigators who had carefully contained the description , unclear, and fill on the formulation of criminal acts committed by a person or several people. Proxies are often in accordance with the the defending, moreover, the Public Prosecutor also pays less attention to the elements of the crime, as well as the form of an indictment. An example of the case that the author of the analysis is the case of the allegation that quotes are authors from Verdict Number: 190 / Pid.B / 2016 / PN. Sda. The public prosecutor in the indictment charged the defending with an alternative charge to an article violating 340 of the Criminal Code or the second charge of violating Article 338 of the Criminal Code. The problem that will be raised by the Author is the article charged by the Public indirect of the Verdict Number: 190 / Pid.B/2016/PN. SDA is associated with actions committed by the defendant as in the description of the indictment and the form of an alternative indictment of the Public Prosecutor at the Verdict Number: 190 / Pid.B / 2016 / PN. SDA is in accordance with the Circular Letter of the Attorney General In Indonesia Number: B-607/E/11/1993 on the Making ofSuratiDakan. The goal of writing this thesis is to analyze the article charged by the Public Prosecutor of the Verdict Number: 190 / Pid.B / 2016 / PN. SDA and the actions of the accused as described in the accusation, and analyzing the form of alternative education in public prosecutor's verdict number: 190 / Pid.B / 2016 / PN. SDA and Circular Letter of the Attorney General in indonesia Number Republic: B-607/E/11/1993 on Making ofSuratiDakan. The research method used to compile this thesis is the normal jurisdict method, the issue approach uses a legal approach and designal approach, and the source of legal material used includes the source of primary and secondary materials related to it. First conclusion, the prosecutors in making his indictment led the defendants' judgment. Second, that the proclaimed indictment would be in the form of Subsidair not in the form of Alternative Facts, because actions committed by the defendants are a group of same types of criminals, distinguished only by the level of the heavier criminal. The advice of the author has 2 (two), first, the public prosecutor should indicate defending in accordance with all the violating actions, pay attention to each committing action by the defending and then formulating it to articles that meet the elements. The formulation of the article must be in accordance with the actions of the defending so that the components of the Article can be fulfilled and the defendant may be liable in accordance with the actions it has made. If the alleged items are not in accordance with the actions of the accused, then the defendant may be released or free of lawsuit or can also be asked. Second, the public prosecutor must pay attention to the appropriateness between the items and form an indictment that matched the criminal case. Pay attention to the quality and accuracy of the public prosecutor to formulate the form of an indictment. So in identifying the public prosecutor's accusation may select the appropriate form of indictment. The indictment must choose appropriate because the legal counsel is still trying to find the weakness of the accusation requesting the repeal of the indictment. The charges were compiled after a dose of investigation and investigations concluded the crime allegedly and found the suspect was transferred by investigators to the public proclaimed. Overall criminal act, conduct investigation and investigation is the Police. One of those who compiled the allegation is the public prosecutors (JPU). There are five types of accommodations. One, is one, because only one item is loaded. For example Article 340 of the Criminal Code (premediate murder). Second, criminal indictments have been laid, from the most serious criminal threat. There's a main-subsider. For example Article 340 primary, Article 338 secondary (assassin), Article 355 Paragraph (2) more suicidal (persecution causes of death). Third, an alternative priquity. In an alternative indictment, several items of allegations are filed, but only one item will be sent in the prosecution. The fourth is a cumulative indictment, namely several deliberations packed together, because it is carried out together (samenloop / contest / simultaneously), but each is a stand-alone criminal act. For example, kill people with rape and theft. The fifth one is a combined priquity. So there are ridicule accommodations, as well as alternative resize. The burden of evidence is about D.A. all elements of the criminal deliberation in the form of threatening articles to be proven in court. Therefore, before being introduced to the court, an internal title of case is carried out to ensure no towns in the amendment. Who is the postulator, people who must prove (probable to underestimate affirm). The allegation is presented at the beginning of the examination of the trial, while the charges are submitted after the examination and the evidence process is completed. The difference between an alternative acquitity and a actually riye is in the format of the charges. The prosecutor will prosecute threatening crimes from all items of indictment, regardless of articles the judge thinks is proven legally proven. While in alternative allegations, the prosecutor only sued based on one article that he thinks will be proven at trial. Criminal article contains the threat of maximum punishment. Prosecutors do not have to prosecute the maximum. The proxy requests take into account the legal and legal facts that have appeared in the trial, since the examination of witnesses, experts, evidence, evidence, examination of the defendant, the defense and the full debate of the court evidence process. Prosecutor Nature is an assumption of guilt, which is why he was accused. Meanwhile the principle of advocates the assumption of innocence,. A man including the defendant, by we are found guilty until the court proves. Meanwhile, judges are in court serving to ensure the progress of justice. Justice for the victim, as well as the defending. Panel judges can only take a criminal conviction if with at least two valid evidence he finds the belief that the crimes allegedly actually occurred and that he has defended the guilty cause of doing so. Four components of law enforcing (police/investigators, proxies, judges, and advocates/advocates) each carry out their duties in accordance with the corridors and provisions of the law, and should not be searched. In civil cases, judges are more like moderators and decision-making based on formal evidence of plaintiffs and defendants, while in criminal court judges are active. The goal is for him to gain confidence. If there are any skeptics, then there is a skeptics' benefit. One of the activities of the judge, including the discoveries of the law (rettsvinding). Judges are given the freedom to make interpretations and inventions of the law, the purpose of which only breaks reflects all aspects of juridical, philosophical and sociological. This is called by dig, after and understanding the values of the laws and the sense of justice living in society (Article 28 Paragraph (1) law No. 4 of 2004 about the Power of Justice). But that freedom has its corridors. The aim is to give order and legal certainty, as well as reduce the suggestivity of these freedoms of belief. What if they are in the judgment for example do not match the accused? In principle the judge should not adjust to the allegation. Some call it ultra-petita. Actually, the understanding is not right. Ultra-petita granted more than requested (ultra = beyond, petita = petitom = petition). The argument that the most well-equipped is because the burden of proof is about the proxy, not the judge. The judge can't change the role of prosecutor as well as become a case. Then what if the current draft is with an incorrect item? It is the responsibility of the Prosecutor's Office and it should not be consequently charged with defendants of the judge. For example, the public prosecutor filed an alternative indictment under Article 340 and Article 338. Then in the judgment it came back out that the public proclaimed not to prove the element of deliberation, so consciously, objectively, and realistic, jpu filed his charges accompanied by his criminal threat under Article 338 of the Criminal Code. But for example the judge has argued that elements of deliberation have been proven, so it should convict Article 340 of the Criminal Code. Is that permissible? The unknown answer isn't worth anything. The judge can decide on Article 340 of the Criminal Code if the nature of the indictment anxiety or combine. What if the judge keeps deciding under Article 340? Proxy and/or defendants can appeal. But isn't this contrary to the prosekutorial nature that the assumption is guilty? The answer is not. Why? The proxy is part of the criminal justice system to find material truth. The appeal made by the prosecutors is not only if the judge the verdict is lower than the charges, but especially if the function of the prosecution where there is a burden for evidence in its sense taken over by another institution. If such a thing is permitted, then the purpose of the rule of law and law is moved in the wrong direction.