

ABSTRACT

This research aims to find out and analyze the judge's considerations in imposing a warning sentence on children who have committed criminal acts. In this research the author analyzes how the judge considers when imposing a crime in decision Number 12/Pid.Sus-Anak/2023/PN Sgn and decision Number 14/Pid.Sus-Anak/2022/PN Bks. In this research, researchers will discuss whether warning penalties have been effectively used in juvenile courts in Indonesia, because warning penalties are included in one of the main penalties in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. This research uses normative juridical research methods where this research is based on applicable laws and regulations and is relevant to the legal issues that are the focus of the research. This research also uses three approach methods, namely, the legislative approach (Normative/Statute approach), the conceptual approach (Conceptual Approach), the case approach (Case Approach). The result of this research is that the judge's considerations between the two decisions have different results, where the decision should have the same decision. This is due to the absence of additional regulations or explanatory regulations from Article 72 of the Juvenile Criminal Justice System Law, so law enforcers need implementing regulations so that warning sentences can be more optimally imposed on children who are in conflict with the law. With this research, the draft law on the juvenile criminal justice system will immediately be ratified and include an explanation of the extent to which a child who has committed a crime has committed that crime.

Keywords: Warning Crime, Juvenile Crime, Judge's Consideration

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