

SUMMARY

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**CRIMINAL LIABILITY FOR WITNESSES WHO
PROVIDE FALSE INFORMATION**
(Study of Decision Number 15/Pid.B/2023/PN.Psr)

(Zulfan, S.H., M.Hum. dan Sumiadi, S.H., M.Hum.)

The witnesses who provide false testimony are a criminal act that violates Article 242 of the Criminal Code with a maximum prison sentence of 9 (nine) years. However, in criminal case 15/Pid.B/2023/PN.Psr. The defendant Putri Nabilatul Kasiati was sentenced very lightly, not in accordance with the crime committed, even though the defendant already understood the law and had harmed the victim. Therefore, the decision Number 15/Pid.B/2023/PN.Psr. needs to be reviewed.

This study aims to determine and analyze criminal liability and the judge's considerations for witnesses who provide false information in decision Number 15/Pid.B/2023/PN.Psr.

In the context of criminal law to determine whether a person who commits a crime will be sentenced according to the threat, it will depend on whether the person has made a mistake. According to Moeljatno, only someone who is able to take responsibility can be held accountable for their actions.

This study uses a normative legal research type using a legal case approach in the form of a Court Decision study, descriptive research nature and prescriptive research form.

Based on the research results, it is known that: Criminal liability for witnesses who provide false information in decision Number 15/Pid.B/2023/PN.Psr. is a prison sentence of 1 (one) year and 9 (nine) months because Putri Nabilatul Kasiati has been legally and convincingly proven guilty of committing the crime of providing false information so that it has influenced the course of the trial and decision-making by the judge, and is very detrimental to the victim's family. The judge's considerations regarding witnesses who provide false information in decision Number 15/Pid.B/2023/PN.Psr. consist of legal and non-legal considerations. The panel of judges in sentencing witnesses who provide false information has fulfilled the legal elements, but has not fulfilled the elements of the philosophical aspect, namely justice for the victim even though the victim has suffered great harm. In addition, it has not fulfilled the elements of the sociological aspect because the criminal sanctions imposed on the defendant are too light so that they do not fulfill the element of error in criminal responsibility..

It is recommended that the panel of judges impose a sentence in accordance with the provisions of applicable law as a criminal threat to witnesses who provide false testimony as a deterrent effect and the fairest possible law can be enforced for the victim and the defendant and has the value of legal objectives, legal benefits, and legal certainty. It is expected that the general public will not commit the crime of providing false information because such actions can violate the law and will be subject to criminal sanctions.