



Proceeding of 2nd Malikussaleh Internasional
Conference on Law, Legal Studies and Social
Science (MICoLLS) 2022

**Criminal Sanctions By Judges In Deciding Illegal Ownership Of
Firegams (Study of Decision Number
2/Pid.Sus/2016/PN.LSM)**

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Criminal Sanctions By Judges In Deciding Illegal Ownership Of Firegams (Study of Decision Number 2/Pid.Sus/2016/PN.LSM)

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Abstrack

The problem that will be studied in this research is how the criminal sanctions against the perpetrators of the crime of illegal possession of firearms in the decision no. 2/Pid.Sus/2016/PN.LSM and what are the basis for the judge's consideration in making a decision on the crime of illegal possession of firearms No. 2/Pid.Sus/2016/PN.LSM. The type of research used to answer the problems in this research is normative legal research using the legislation approach and the case approach. This research is descriptive. Data collection is done through literature study. The data analysis used is qualitative analysis. The results of the study indicate that (1) Criminal sanctions against perpetrators of criminal acts of illegal possession of firearms in Decision No. 2/Pid.Sus/2016/PN.LSM is 8 months in prison, but the sanctions given are very disproportionate to the guilt of the defendant who has been proven to intentionally help hide illegal firearms and the consequences of this crime can be life threatening. (2) The basis for the judge's consideration in making a decision on the crime of illegal possession of firearms No. 2/Pid.Sus/2016/PN.LSM is based on the consideration of the evidence and also based on the condition of the defendant, the judge in imposing sanctions only refers to the theory of punishment which is relative and upholds the human aspect too much so that it will reduce the deterrent effect of sentencing.

Keywords

Legal Protection, Indirect Victims, PKH Corruption Cases

DOI : 10.29103/micolls.v2i.79

1. Introduction

There are 2 (two) groups of criminal acts, namely, general criminal acts and specific criminal acts. General criminal acts are acts contained in the Criminal Code and are carried out for all individuals in essence, while certain criminal acts are criminal acts contained outside the Criminal Code, or only contain specific offenses. These specific crimes include crimes such as possession of Illegal Firearms. The distribution of firearms within the scope of civil society is an international phenomenon. Control arrangements are still lacking in the ownership of firearms, whether official or unofficial, owned by civilians, including one reason for the rise of crime by misusing firearms in Indonesia. This crime occurred at one of the East Batuphat gas stations, Muara Satu District, Lhokseumawe City, under the name of the accused Ismuhar Bin Sulaiman who had supported Brujuk when carrying out the criminal act of possessing firearms as a suspect handled by the Aceh Police Criminal Investigation team and proven to have unofficial firearms.

Decision No. 2/Pid.Sus/2016/PN.LSM Ismuhar Bin Ismail decided that he was subject to criminal sanctions including a maximum prison sentence of 8 months in prison

because he had opposed Article 1 paragraph (1) of Law No. 12/Drt./1951 which reads "Whoever who without the right to enter Indonesia forms, obtains, tries to obtain, gives or tries to give, authorizes, brings, has procurement for him or has in his possession, keeps, carries, keeps secret, uses, or makes him leave Indonesia a firearm, ammunition or an explosive device, shall be punished with the death penalty or imprisonment for life or imprisonment for a maximum of twenty years." In contrast to the criminal threat in the law that was charged, Ismuhar bin Sulaiman was sentenced by the judge to get a criminal sanction for only 8 (eight) months, the sanction decided by the Panel of Judges was still relatively small, it was appropriate for the Panel to pay attention to the things that made the suspect weigh heavily on his thoughts namely the actions of the suspect components "Planned to provide assistance when a crime is committed" and the actions of the suspect are categorized into certain groups of criminal acts. The explanation of the background of the problem above then makes the writer worried and anxious about this case of illegal possession of firearms.

2. Research Method

This research has two formulations of the problem, namely how is the implementation of criminal sanctions against perpetrators of criminal acts of illegal firearms in the decision number 2/Pid.Sus/2016/PN.LSM and what is the basis for judges' considerations in imposing a decision on the crime of possession of firearms Illegal in Decision Number 2/Pid.Sus/2016/PN.LSM. This type of research used is normative research method. Normative legal research or what is called library research is a research method that uses a variety of secondary data such as laws and regulations, court decisions, legal theory, and opinions of legal experts. This research uses a statutory approach and a case approach based on the Emergency Law Number 12 of 1956 concerning Possession of Illegal Firearms and Decision Number 2/Pid.Sus/2016/PN.LSM. This research is descriptive in nature, the meaning of the research is descriptive, that the researcher in analyzing wishes to provide an overview or explanation of the subject and object of research. This research uses library data sources, namely data that the author obtains from various sources of literature related to topics/issues raised by legislation, books, print media, journals as well as various opinions of legal experts and divided into 3 (three), namely Primary legal materials, namely data sources obtained from decision documents No. 2/Pid.Sus/2016/PN.LSM, as well as documents including Law No. 12/Drt./1951. Secondary legal materials are materials that provide explanations of primary legal materials such as books, legal dictionaries, and legal journals, and tertiary legal materials are legal materials that provide explanations of primary legal materials and secondary legal materials such as scientific papers, the internet, and others. Analysis of the research data was carried out qualitatively so that the results will be presented descriptively and can be easily understood by readers. This means that the research data is described in a systematic manner such as sentences that are orderly, coherent, logical, and do not overlap each other and are effective so that it makes it easier for the reader to understand the research results.

3. Discussion

3.1. Criminal Sanctions Against Perpetrators of the Crime of Possession of Illegal Firearms Based on Decision Number 2/Pid.Sus/2016/PN.LSM

Decision Number 2/Pid.Sus/2016/PN.LSM. This was a case of intentionally providing assistance with concealing a firearm, ammunition or something explosive which was carried out by a civilian named ISMUHAR BIN SULAIMAN. Thursday, August 27 2015, at around 3:00 p.m. at the Batuphat Timur Gas Station, Muara Satu District, Lhokseumawe City, the Aceh Police Team heard information from the public that one of the armed groups led by Din Minimi was in the Legal Area of Muara Satu District, Lhokseumawe City. The team arrived at the East Batuphat gas station. The Aceh Police team saw a suspicious person riding a motorcycle, (whose name was later found out by Mr. Brujuk (Alm)) headed towards the bathroom of the gas station, then a member of the armed group and at that time Meanwhile, the Aceh Police Team believes that Br. Brujuk (Alm) was storing weapons, then a member of the Aceh Police Team decided to fire a warning shot into the air and Br. Brujuk (Alm) ignored him and was about to run away and then a member of the Polda Team immediately shot at Br. Brujuk (Alm) and Mr. Brujuk (Alm) fell, then a member of the Polda Team secured and arrested the accused Ismuhar Bin Sulaiman while other members of the Aceh Police Team checked Br. Brujuk (Alm) had a firearm or not and after checking it turned out there wasn't one. The Aceh Police Team then interrogated the accused Ismuhar Bin Sulaiman at the gas station, while other members of the Aceh Police Team contacted members of the Lhokseumawe Police Resmob, then at around 15.30 WIB the team from the Lhokseumawe Police arrived at the Batuphat Timur Gas Station, Kec. Muara Satu city of Lhokseumawe, then the Regional Police Team handed over the defendant to the Team from the Lhokseumawe Police for development and after that the Team from the Lhokseumawe Police immediately carried out the development and went to Br. Brujuk (Alm) Kec. Nisam Between and to Kec. Kuta Makmur to find weapons belonging to Mr. Brujuk (Alm) and no firearms were found. Then the Lhokseumawe Police Team carried out development on the defendant and headed for the defendant's house in Blang Mulo Village, Kec. Muara Satu found a long-barreled firearm, 47 rounds of ammunition, 1 AK firearm and handcuffs belonging to Br. Brujuk (Alm) who was in a corner behind the house of the defendant Ismuhar Bin Sulaiman under a pile of garbage. Furthermore, the defendant Ismuhar Bin Sulaiman and the evidence were taken to the Lhokseumawe Police for further investigation.

Decision Number 2/Pid.Sus/2016/PN.LSM stated that the defendant ISMUHAR BIN SULAIMAN was charged with an alternative form of indictment because he was guilty of deliberately providing assistance at the time the crime was committed without the right to enter into Indonesia, make, receive, try, obtain, surrender or trying to surrender, control, carry, have supplies to him or have in his possession, store, transport, hide, use or remove from Indonesia, a firearm, ammunition or an explosive weapon. The Panel of Judges then, taking into account the legal facts mentioned above, immediately chose the second alternative indictment as stipulated in Article 1 paragraph (1) of the Emergency Law Number 12 of 1951 in conjunction with Article 56 of the Criminal Code.

The criminal charges of the public prosecutor in decision Number 2/Pid.Sus/2016/PN.LSM are as follows :

1. Declare the defendant ISMUHAR Bin SULAIMAN legally and convincingly proven guilty of committing the crime of "intentionally providing assistance when the crime was committed without the right to enter into Indonesia making, receiving, trying to obtain, handing over or trying to hand over, control, carry, have supplies to him or has in his possession, stores, transports, hides, uses or removes from Indonesia firearms, ammunition or explosives," as stated in the second indictment, violating Article 1 paragraph (1) of the Emergency Law Number 12 of 1951 in conjunction with Article 56 of the Criminal Code;
2. Sentenced a sentence against the defendant ISMUHAR Bin SULAIMAN with imprisonment for 8 (eight) months in prison reduced while the accused is in detention with an order for the accused to remain detained;
3. State the evidence in the form of: 1) 1 (one) long-barreled firearm of the AK type without butts; 2) 1 (one) AK Magazen; 3) 1 (one) handcuffs; Deprived for destruction;
4. Sentenced the defendant to pay court costs of Rp. 2,000,- (two thousand rupiah).

Decision Number 2/Pid.Sus/2016/PN.LSM Taking into account Article 1 paragraph (1) Emergency Law Number 12 of 1951 Jo. Article 56 of the Criminal Code and Law Number 8 of 1981 concerning Criminal Procedure Code and other laws and regulations related to this case, the verdicts in this decision are as follows :

1. Declare the Defendant ISMUHAR BIN SULAIMAN as mentioned above, proven legally and convincingly guilty of committing the crime of "deliberately providing assistance in hiding firearms, ammunition or some explosive material";
2. Convicts for this with imprisonment for 8 (eight) months;
3. Determine that the period of arrest and detention that has been served is deducted in its entirety from the sentence imposed;
4. Stipulates that the Defendant remains in detention / 5. Establish evidence in the form of: 1) 1 (one) long-barreled firearm of the AK type without butts; 2) 1 (one) AK magazine; 3) 47 (forty seven) rounds of AK Ammunition; 4) 1 (one) handcuffs 5) Seized for destruction; 6) Burden the Defendant to pay the costs of the case in the amount of Rp.2.000,- (two thousand rupiah).

3.2. Analysis Related to Criminal Sanctions for Perpetrators of the Crime of Possession of Illegal Firearms Based on Decision Number 2/Pid.Sus/2016/PN.LSM

The facts that have been revealed in the judicial process, both from the testimony of witnesses and the testimony of the defendant himself and some evidence, then it comes to proof regarding the elements of the crime charged, namely, as stipulated in Article 1 paragraph (1) of the Law Emergency Law Number 12 of 1951 in conjunction with article 56 of the Criminal Code, the elements of which are as follows:

1. Elements of "Whoever"

Whereas what is meant by whoever here is any person or legal subject who can be held accountable for his actions and for whom there is no reason to abolish his actions, in relation to this case the defendant ISMUHAR BIN SULAIMAN is legally competent and can be held accountable for his actions, the defendant as the

perpetrator the crime in this case was strengthened by the testimony of witnesses and connected with the existence of evidence and the testimony of the defendant himself.

2. The element of "Deliberately giving assistance when a crime is committed"

Whereas the actions mentioned in Article 56 of the KHUP in the doctrine are usually called "medeplichtigheid" which means being involved or taking responsibility for the actions of other people, because it has facilitated or encouraged the commission of a crime by another person. Equality medeplichtigheid" with "uitlokking" that among other things the perpetrator has been given the opportunity, the means or information was given to the perpetrator, before other people have the intention to commit a crime, while in "medeplichtigheid", the opportunity and so on is given to the perpetrator, when this person had the intention to commit a crime. People can help others commit crimes by allowing the crimes to be committed, that is, by not preventing them so that the opportunity given can also be in the form of leaving the door unlocked, even though one "can" and must lock it. In other words, people can help other people commit crimes by allowing, even though preventing the action is an obligation.

3. The element of "Without the right to make, receive, try, obtain, surrender or try to surrender, control, carry, have supplies on him or have in his possession, store, transport, hide, use or remove from Indonesia a firearm, ammunition or material explosives".

The defendant ISMUHAR BIN SULAIMAN kept or hid 1 (one) AK long-barreled firearm without butts, 1 (one) AK 47 (forty-seven) rounds of AK ammunition and 1 (one) handcuff belonging to the defendant's friend named JUNAIDI alias BRUJUK which was kept at the defendant's house in Blang Pulo Village, Muara Satu District, Lhokseumawe City, to be precise, behind the defendant's house under a pile of rubbish, both during the examination by Police Investigators and at trial the defendant could not show evidence that he kept or hid the firearm has received permission from the authorities..

The mild criminal sanction imposed by the judge against the defendant can make the perpetrator repeat his actions because there is no deterrent effect from the sentence decided. Decision Number 2/Pid.Sus/2016/PN.LSM also contains the actions of the defendant who deliberately provided assistance at the time the crime was committed, then from the testimony of witnesses in the decision, the defendant also tricked TIM from the Lhokseumawe Police before then admitted that he had hidden illegal firearms belonging to (Brukuk). The defendant at the time of committing this crime consciously knew that his actions harmed himself as well as the people around him, even though he knew that he had to avoid committing his actions but he still did them. The facts stated above should greatly influence the imposition of a heavier criminal sentence that can be given by the judge to the defendant Ismuhar Bin Sulaiman. It is also known that hidden firearms are a type of destructive weapon which is very dangerous if owned by civilians. The imposition of a criminal sentence decided by a judge should be able to create a deterrent effect for the defendant, and can prevent other people from committing the same act, because the consequences or impacts arising from this crime will be very dangerous.

Possession of illegal firearms by civilians if they are negligent in keeping or accidentally misusing them can endanger their own lives as well as those of the people around them. If a crime like this is not monitored and is not threatened with a serious penalty, then irresponsible persons will not feel afraid of the criminal threat of possessing illegal firearms. A person who owns a firearm without a license and without expertise will also have other very dangerous impacts for himself and for others, the perpetrator may commit murder, robbery, robbery and so on which will greatly disturb the community.

3.3. Basic Considerations of Judges in Delivering Decisions Against the Crime of Possession of Illegal Firearms Based on Decision Number 2/Pid.Sus/2016/PN.LSM

1. Considerations of Judges in Delivering Decisions Against the Crime of Possession of Illegal Firearms Based on Decision Number 2/Pid.Sus/2016/PN.LSM

Judges in trying criminal offenders must go through the process of presenting justice in a court decision as a series of law enforcement processes. Thus, court decisions are required to fulfill the theory of justice, namely justice according to the will of the law that must be carried out. In deciding a criminal case, the judge has 2 (two) forms of consideration, namely: 1) Juridical Considerations Juridical considerations are judges' considerations based on factors revealed in the trial and by law it has been determined as something that must be included in the trial, while the basic juridical considerations include: a. Public Prosecutor Service Indictment Decision Number 2/Pen.Pid/2016/PN-LSm contained that the defendant Ismuhar Bin Sulaiman was charged with an alternative form of indictment, because he was guilty of deliberately providing assistance at the time the crime was committed without the right to enter Indonesia to make, receive, try, obtain , surrender or attempt to surrender, control, carry, have supplies with him or have in his possession, keep, transport, hide, use or remove from Indonesia, a firearm, ammunition or an explosive weapon. Therefore, the Panel of Judges, by taking into account the legal facts mentioned above, immediately chose the second alternative indictment as stipulated in Article 1 paragraph (1) of the Emergency Law Number 12 of 1951 in conjunction with Article 56 of the Criminal Code. b. Defendant's Statement Decision Number 2/Pen.Pid/2016/PN-LSm, contains that the defendant Ismuhar Bin Sulaiman before the trial has provided information which is principally as follows:

- 1) That the defendant was brought before this trial because of the problem of concealing a firearm;
- 2) That the incident occurred on Thursday 27 August 2015 at around 15.30 WIB in Blang Pulo Village, Muara Satu District, Lhokseumawe City;
- 3) That the weapon was hidden by Brujuk (Alm) in Blang Pulo Village, Muara Satu District, Lhokseumawe City, behind the defendant's house in a pile of garbage;
- 4) That initially the defendant met Brujuk beside Meunasah Ds Blang Pulo, Muara Satu sub-district, Lhokseumawe City and at that time Brujuk asked to be taken to the defendant's house then when he arrived at the defendant's house Brujuk showed an object wrapped in cloth and then immediately stored it behind the

defendant's house and Brujuk threatened the defendant, if the defendant told someone then the defendant would be shot;

- 5) 5) That the defendant knew the weapon, when Brujuk said that the object was a weapon;
- 6) Whereas Berjuk himself planted the weapon;
- 7) That the weapon was hidden in a trash can covered with leaves, right behind the defendant's house;
- 8) Whereas the distance between Brujuk and the defendant at the gas station was about 6 (six) meters;
- 9) That between the defendant's house and Brujuk's house is approximately 5 (five) minutes;
- 10) That when the defendant had just returned from buying ice cubes, Berujuk asked the defendant to take him to the defendant's house.

a. Witness Statement

In decision Number 2/Pen.Pid/2016/PN-LSm, to prove his indictment the Public Prosecutor has presented the following witnesses: 1) Witness M. RIO ANGGARA under oath before the trial on principally explained as follows: a. The witness knew that the defendant was brought before the court regarding the issue of firearms hidden by the defendant Ismuhar; b. That the incident occurred on Thursday 27 August 2015 at around 15.30 WIB in Blang Pulo Village, Muara Satu District, Lhokseumawe City; c. Whereas the witness and the team from the Lhokseumawe Polres arrested the defendant at the East Bathuphat gas station after being secured by the team from the Aceh Police; d. Whereas the witness knew about the firearms the defendant said so himself, we took the defendant to Nisam Antara and to Kuta Makmur and from that development the defendant said the firearms from DPO Brujuk were stored at his house in Blang Pulo Village, Muara Satu District, Lhokseumawe City; e. Whereas after we went to the defendant's house in Blang Pulo Village, Muara Satu District, Lhokseumawe City, the defendant immediately showed us where he had hidden the firearm, then one of our team took the package after checking that the long barrel firearm contained 47 bullets from an AK weapon. 1 piece and handcuffs; f. That the firearms were stored behind the defendant's house under a pile of rubbish; g. That the witnesses consist of 6 (six) people; h. That the defendant took us there only to trick the officers, until finally the defendant admitted that the firearms were hidden in his house, namely in Blang Pulo Village, Muara Satu District, Lhokseumawe City; i. Whereas the defendant himself dug up the pile of garbage and took what weapon he was hiding; j. That this type of weapon is often used by Brimob units; k. That the weapons confiscated were genuine or not homemade weapons; l. That the magazine is 30 (thirty) years old; m. That the weapon is made in Russia; The type of weapon is AK 56; n. Whereas what the witness knew, the firearm was a type of destructive weapon; o. That the witness came to the gas station when the incident was over; The weapon belonged to Berujuk (DPO) but was kept at the defendant's house.

b. The witness ANDRA FANIZHA

Before the court under oath, testified as follows: a. That the witness knew that the defendant was to be brought forward in this trial regarding the issue of firearms hidden by the defendant Ismuhar; b. That the incident occurred on Thursday 27 August 2015 at

around 15.30 WIB in Blang Pulo Village, Muara Satu District, Lhokseumawe City; c. Whereas the witness and the team from the Lhokseumawe Polres arrested the defendant at the East Bathuphat gas station after being secured by the team from the Aceh Police; d. That the witness and the team from the Lhokseumawe Police conducted further developments against the defendant; e. Whereas the witness knew about the firearms the defendant said so himself, we took the defendant to Nisam Antara and to Kuta Makmur and from that development the defendant said the firearms from Brujuk (Alm) were kept in his house in Blang Pulo Village, Muara Satu District, Lhokseumawe City; f. Whereas after we went to the defendant's house in Blang Pulo Village, Muara Satu District, Lhokseumawe City, the defendant immediately showed us where he had hidden the firearm, then one of our team took the package after checking that the long barrel firearm contained 47 bullets from an AK weapon. 1 piece and handcuffs; g. That the firearms were stored behind the defendant's house under a pile of rubbish; h. That our team from the Lhokseumawe Police consists of 6 (six) people; i. That the defendant took us there only to trick the officers, until finally the defendant admitted that the firearms were hidden in his house, namely in Blang Pulo Village, Muara Satu District, Lhokseumawe City; j. Whereas the defendant himself dug up the pile of garbage and took what weapon he was hiding; k. That the witness came to the gas station when the incident was over; l. That the weapon belonged to Berjuk but was kept at the defendant's house; Previously the firearm had 1) The witness MUHAMMAD ALI, has been legally and properly summoned but is not present before the hearing at the request of the Public Prosecutor and the defendant's approval of the statement in the BAP being read out; 2) The witness CHAIRUL UMAM Bin ABDULLAH, has been summoned legally and properly but was not present before the trial at the request of the Public Prosecutor and the defendant's approval of the statement in the BAP being read out; 3) Expert testimony from BINSAUDIN SARAGIH, has been legally and properly summoned but is not present before the hearing at the request of the Public Prosecutor and the defendant's approval of the information in the BAP is read out.

c. Evidence

Decision Number 2/Pen.Pid/2016/PN-Lsm, contains evidence in the form of:

1. 1(one) long-barreled firearm of AK type without butts;
2. 1 (one) magazine;
3. 47 (forty seven) rounds of ammunition;
4. 1 (one) handcuffs;

d. Articles of Criminal Regulations

Decision Number 2/Pen.Pid/2016/PN-Lsm The defendant was charged with Article 1 paragraph (1) of the Emergency Law Number 12 of 1951 in conjunction with article 56 of the Criminal Code, which reads "anyone who without the right to enter Indonesia makes, receives, trying to obtain, surrender, or attempt to surrender, control, carry, have supplies to him or have in his possession, store, transport, hide, use, or remove from Indonesia a firearm, ammunition or explosives, shall be punished with death penalty or imprisonment life imprisonment, or imprisonment for a maximum of twenty years.

1) Non Juridical Considerations

Non-judicial considerations are factors that must be considered by the judge in making a decision on a case. There are several non-judicial considerations, namely: a) Background of the Defendant's actions The background of the defendant's actions is every circumstance that causes the desire and strong encouragement of the defendant to commit a criminal act⁶⁰. In decision Number 2/Pen.Pid/2016/PN-LSm the defendant testified that the defendant was threatened by Brujuk if the defendant said that he hid a weapon from someone then the defendant would be shot. b) As a result of the Defendant's actions The criminal act of possessing illegal firearms committed by the defendant in decision Number 2/Pen.Pid/2016/PN-LSm, even though it did not cause casualties or material losses, the actions committed by the defendant had a negative impact on the wider community, namely in terms of peace and security that has been created in the environment where the defendant lives. Anxiety in the surrounding community will arise because of this, in carrying out daily activities because the community will be haunted by feelings of fear/parno. The defendant's family and relatives will also feel the impact of the defendant's actions, the family will feel extraordinary shame and will also be ostracized from the association of the surrounding community. The impact arising from the actions of the defendant that the authors have described above, the judge can take into consideration in imposing a criminal decision, not to mention if we allude to other acts or crimes that can occur in the crime of possessing illegal firearms, in the form of misuse of illegal firearms and so on. c) Defendant's Condition The definition of the defendant's self-condition is the physical and psychological condition of the defendant before committing the crime, including the social status attached to the defendant. The intended physical state is age and level of maturity, while the intended psychological state is related to feelings that can be in the form of being pressured by other people, the mind is chaotic, angry, sanity and others. In decision Number 2/Pen.Pid/2016/PN-LSm, it was confirmed that the two defendants had a sane soul (not crazy) and were also of mature age.

2) Aggravating and Mitigating Criminal Matters

Decision Number 2/Pen.Pid/2016/PN-Lsm, contains that for the defendant there are no aggravating criminal matters, but mitigating criminal matters include:

- a) The accused has never been convicted;
- b) The defendant behaved politely;
- c) The defendant regretted his actions;
- d) The defendant is still young and can improve his attitude..

3) Analysis Regarding Judges' Considerations in Delivering Decisions Against the Crime of Possession of Illegal Firearms Based on Decision Number 2/Pid.Sus/2016/PN.LSM

Decision Number 2/Pen.Pid/2016/PN-Lsm, the defendant should have been given a more severe sentence because of the defendant's actions, also the impact of his actions which could endanger the lives of people around him, and if we refer to the theory of justice, the imposition of such criminal sanctions also not suitable, because justice is putting something in its place, in this case the application of criminal sanctions is not in accordance with the actions and consequences that can arise from the actions of the accused. In fact, the punishments and criminal sanctions imposed by judges are not as appropriate so that the purpose of punishment, such as creating a deterrent effect, cannot be achieved. This is due to the fact that the imposition of a sentence does not have an

impact or a different effect on the perpetrators⁶². The imposition of criminal sanctions in decision number 2/Pen.Pid/2016/PN-LSm, is also very contrary to the theory of punishment, namely the pure retributive theory which views that punishment must be commensurate with mistakes. Another theory, namely Relative or Purpose Theory (Doel Theorien) says that this theory is based on the basis that crime is a tool to enforce order (law) in society.

The rationale for a crime to be punished means that criminal punishment has a specific purpose, for example improving mental attitudes or making the perpetrator harmless, a process of attitude and mental development is needed. In the decision regarding the possession of illegal firearms, the judge only refers to the theory of punishment which is relative (deterrence), this theory views punishment not as retaliation for the wrongdoing of the perpetrator, but as a means of achieving useful goals to protect society towards prosperity⁶³, the judge is here too much respect for the human aspect, we can see from the relatively lightness of the criminal sanction that was decided but it was very inconsistent with the actions of the defendant who had consciously committed a crime as well as the harmful consequences that could be caused by his actions for the people around him, indeed this had a positive impact for the psychic of the accused, but it will reduce the deterrent effect that can arise from sentencing, and it is also less assertive to frighten potential criminal offenders, they will even underestimate the criminal threat.

4. Conclusion

The criminal sanction for the perpetrators of the crime of possessing illegal firearms in decision number 2/Pid.Sus/2016/PN.LSM is 8 months in prison, this sanction is very inconsistent with the actions of the defendant who has been proven to have deliberately helped hide illegal firearms and deceived TIM. from the Lhokseumawe Police Chief before later admitting his actions, the impact arising from this crime was also very dangerous, if the defendant was negligent in storing or misusing it it could endanger his life as well as that of the people around him. Actions that can endanger the lives of other people do not deserve to be punished with just 8 months in prison. If the imposition of criminal sanctions is very light and the harm caused is very serious, of course this will be very contrary to the objectives of sentencing and the theories of sentencing. The basis for the judge's considerations in imposing a decision on the crime of possessing illegal firearms in the decision number 2/Pid.Sus/2016/PN.LSM is based on consideration of evidence and also based on the condition of the defendant himself, the judge in imposing sanctions only refers to the theory of punishment. which is relative (deterrence), namely punishment is not in retaliation for the mistakes of the perpetrators, but as a means of achieving useful goals to protect society towards prosperity. The judge in deciding this case too upholds the human aspect, so that he forgets about the actions as well as the impact that can be caused by the defendant's actions, this does have a positive impact on the defendant's psychology but will reduce the deterrent effect that can arise from sentencing, the light decision is also not firm enough to frighten-frighten potential criminal offenders, they will even underestimate criminal sanctions.

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