

ABSTRACT

Fostering the state apparatus of law enforcement, namely the Police, Attorney General's Office, and Courts will provide protection to the public, especially those who have been harmed due to actions that violate the law or mistakes in implementing the law by law enforcers. Law as a means of creating justice requires fostering the state apparatus of law enforcement, namely the Police, Attorney General's Office, and Courts, in other words, the guidance of the Police, Attorney General's Office, and Courts will provide protection to the public, especially those who have been harmed due to actions that violate the law or errors in implementing the law. by law enforcers. Errors in law enforcement by law enforcers reflect the lack of professionalism of law enforcers, as in the Bandung District Court Decision Number 53 / Pid.B / 2019 / PN.Bdg. Based on this, what is interesting to research is how the Bandung District Court Decision Analysis Number 53 / Pid.B / 2019 / PN.Bdg and how the Judges' Legal Considerations in the Bandung District Court Decision Number 53 / Pid.B / 2019 / PN.Bdg.

In the discussion of this case study the author uses a normative juridical research method that aims to find the principles and foundations of positive legal philosophy, and to find law in a concreto manner. The specification of this research is descriptive analytical, which does not only describe the problem, but also analyzes it through the applicable regulations in criminal law. Data collection techniques are carried out through library research to obtain secondary data and field research to collect primary data.

The results of the study concluded that the Bandung District Court Decision Number 53 / Pid.B / 2019 / PN.Bdg is a legal handling that seems forced. PT Triputra Karya Agung with Ir. Adrianto Trisnadi Bin Harjoko as the Main Director has the intention of abusing the trust of consumers who have deposited a certain amount of money to buy a Royal Tulip type apartment / condotel, a five-star facility to be built by PT Triputra Karya Agung, but by the board of directors by PT Triputra Karya Agung, the construction of the apartment Premiere type condotels with three star hotel facilities under construction financing partly using financing from buyers / consumers of apartments / condotel types of Royal Tulip with five star facilities. Juridical considerations are still inaccurate, especially in applying the elements in the first indictment, namely Article 378 of the Criminal Code, because the element "with the intention of benefiting oneself or others against the rights" is not appropriate if applied to Ir. Adrianto Trisnadi Bin Harjoko, because the existing legal facts are not proven by Ir. Adrianto Trisnadi Bin Harjoko benefits himself or others from deposits from consumers who buy apartments / condotels to be built by PT Triputra Karya Agung. The fact is that the money from consumers who buy the apartment / condotel is used to build another apartment / condotel.