

## **ABSTRAK**

Judul penelitian adalah "Deskripsi tentang pertimbangan hakim dalam menjatuhkan putusan pidana terhadap pelaku tindak pidana pemberian upah lebih rendah dari upah minimum". Rumusan masalah yang diangkat dalam penelitian ini menggambarkan tentang:

- 1) Bagaimana pertimbangan hakim dalam menjatuhkan putusan pidana terhadap pelaku tindak pidana pemberian upah lebih rendah dari upah minimum?
- 2) Mengapa putusan hakim terhadap pelaku tindak pidana pemberian upah dibawah upah minimum ada yang berupa pidana dan denda tetapi juga ada yang hanya berupa denda?
- 3) Apa akibat hukum dari putusan hakim terhadap pelaku tindak pidana pemberian upah lebih rendah dari upah minimum?

Tujuan penelitian adalah: 1) Untuk mengetahui pertimbangan hakim dalam menjatuhkan putusan pidana terhadap pelaku tindak pidana pemberian upah lebih rendah dari upah minimum. 2) Untuk mengetahui alasan hakim menjatuhkan putusan terhadap pelaku tindak pidana pemberian upah dibawah upah minimum ada yang berupa pidana dan denda tetapi juga ada yang hanya berupa denda. 3) Untuk mengetahui akibat hukum dari putusan hakim terhadap pelaku tindak pidana pemberian upah lebih rendah dari upah minimum. Jenis penelitian dalam penelitian ini adalah: penelitian Normatif, yang terdiri dari dua sifat penelitian variable yaitu variable bebas dan variabel terikat. Variabel bebas dalam penelitian ini adalah Penegakan Hukum Terhadap Pelaku Tindak Pidana Pemberian Upah Dibawah Upah Minimum. Variabel terikat adalah Putusan Hakim terhadap pelaku tindak pidana pemberian upah di bawah upah minimum.

Berdasarkan hasil penelitian dan pembahasan maka pertimbangan hakim dalam menjatuhkan putusan pidana terhadap pelaku tindak pidana pemberian upah dibawah upah minimum yaitu: Yang pertama, Hakim menjatuhkan putusan terhadap terdakwa sesuai ketentuan pasal 185 ayat (1) Jo, pasal 90 ayat 1 (satu), UU Nomor 13 tahun 2003 tentang Ketenagakerjaan. Yang kedua, alasan hakim menjatuhkan putusan pidana terhadap pelaku tindak pidana pemberian upah dibawah upah minimum yaitu: Karena perbuatan terdakwa merupakan perbuatan pidana. Alasan hakim menjatuhkan putusan denda terhadap pelaku tindak pidana pemberian upah dibawah upah minimum: Terdakwa mengakui kesalahannya dan terdakwa bersedia mengganti kerugian kepada karyawan. Yang ketiga akibat hukum dari putusan hakim terhadap pelaku tindak pidana pemberian upah dibawah upah minimum: pelaku dipidana penjara, pelaku dipidana denda, pelaku membayar biaya perkara.

**Kata Kunci: Putusan Hakim, Tindak Pidana, Upah Minimum**

## **ABSTRACT**

The title of the research is "Description of the judge's considerations in handing down criminal decisions against perpetrators of criminal acts of giving wages lower than the minimum wage." The problem formulation raised in this research describes:

- 1) What is the judge's consideration in handing down a criminal decision to the perpetrator of a crime by giving wages lower than the minimum wage?
- 2) Why do judges' decisions for perpetrators of criminal acts of giving wages below the minimum wage include punishment and fines but also others only in the form of fines?
- 3) What are the legal consequences of the judge's decision on the perpetrator of the crime of giving wages lower than the minimum wage?

The objectives of the research are: 1) To find out the judge's considerations in handing down criminal decisions against perpetrators of criminal acts of giving wages lower than the minimum wage. 2) To find out the reasons why the judge handed down a decision against the perpetrator of the criminal act of giving wages below the minimum wage, some in the form of punishment and fines but also some in the form of only fines. 3) To find out the legal consequences of the judge's decision on perpetrators of criminal acts of giving wages lower than the minimum wage. The type of research in this research is: Normative research, which consists of two variable research characteristics, namely independent variables and dependent variables. The independent variable in this research is law enforcement against criminals who pay wages below the minimum wage. The dependent variable is the judge's decision regarding the perpetrator of the crime of giving wages below the minimum wage.

Based on the results of the research and discussion, the judge's considerations in handing down a criminal decision against the perpetrator of the crime of paying wages below the minimum wage are: Firstly, the judge handed down a decision against the defendant in accordance with the provisions of article 185 paragraph (1) Jo, article 90 paragraph 1 (one), UU No. 13 of 2003 concerning Employment. Second, the reason the judge handed down a criminal decision against the perpetrator of the crime of paying wages below the minimum wage was: Because the defendant's actions constituted a criminal act. The reason the judge imposed a fine on the perpetrator of the crime of paying wages below the minimum wage: The defendant admitted his mistake and the defendant was willing to compensate the employee for the loss. The third is the legal consequence of the judge's decision on the perpetrator of the crime of giving wages below the minimum wage: the perpetrator is sentenced to prison, the perpetrator is sentenced to a fine, perpetrator pays the court costs.

**Keywords: Decision Criminal, Judge, Minimum Wage**