

Application of Criminal Sanctions Against Perpetrators of the Crime of Destruction (Vandalism) at the Long Port Loading and Unloading Workforce Cooperative Office (Decision Study Number: 1199/Pid.B/2021/PN.Tjk)

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Abstract

This type of crime of destruction or vandalism is one of the most common crimes in society, which occurs in almost every region in Indonesia. The problem in this research is how to apply criminal sanctions to the perpetrators of the crime of vandalism at the Cooperative Office for loading and unloading workers at the port of Panjang (Decision Study Number: 1199/Pid.B/2021/PN.Tjk), as well as the judge's considerations in passing a decision on the perpetrators of the crime of vandalism at the Cooperative Office for loading and unloading workers at the Long Port (Decision Study Number: 1199/Pid.B/2021/PN.Tjk). This research includes qualitative research. Qualitative methods allow researchers to get to know people or individuals firsthand and watch them as they express opinions and draw conclusions. Application of criminal sanctions against perpetrators of criminal acts of destruction (vandalism) at the Long Port Loading and Unloading Workforce Cooperative Office, Defendant AN who is proven guilty where the Defendant has violated and fulfilled the elements in Article 406 paragraph (1) of the Criminal Code accompanied by good legal facts through the testimony of the Defendant, witnesses and evidence available at trial. The application of material criminal sanctions applied by judges based on the elements of Article 406 of the Criminal Code is appropriate and fulfilled. Thus, according to the author, the accused has received a deterrent effect and has not repeated his actions.

Keywords: Sanctions, Crime, Vandalism.



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INTRODUCTION

Indonesia is one of the countries that makes law the basis for governing the life of the nation and state, this is in accordance with what is regulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that Indonesia is a country based on law. This article is the legal basis or foundation for the Indonesian state which is the parent of legal regulations in Indonesia in general. So that it can be interpreted that the Indonesian state is a country that upholds the law based on the 1945 Constitution.

Law is a set of rules containing orders and prohibitions, both written and unwritten, made by the authorities, where the law is coercive and has severe sanctions for those who violate it. According to Thomas Hobbes law is the orders of people who have the power to govern and impose their orders on others.

Acts of violating regulations where these regulations have been approved by the community can in fact trigger disruption of public order and have a bad impression for the community as a violation and are even called a crime or criminal act. In Barda Nawawi Arief's opinion, deviant behavior is a real threat or a threat to the social norms that underlie social order, can cause individual tensions as well as social tensions, and is a real or potential threat to the continuation of social order. Thus, besides being a humanitarian problem, crime is also a social problem.

Crime or crime is a problem that is often experienced by every human being. Criminal acts related to the destruction of other people's property is vandalism. The word vandalism itself comes from the word vandal or vandalus which refers to an East Germanic tribe that settled in North Africa. This type of crime of destruction or vandalism is one of the most common crimes in society, which occurs in almost every region in Indonesia. Therefore, it is very logical that the crime of vandalism ranks first among other types of crime. This can be seen from the many cases of damage to public facilities and private property. So it needs to be suppressed in such a way as to be able to reduce statistical figures which always increase every year.

According to Lase, vandalism is an act or behavior that harms, destroys various objects of the physical environment and the built environment, both private properties and facilities or public property. The crime of vandalism or destruction of other people's property is regulated in the second book on crimes of the Criminal Code in Article 406.

To provide limitations in this study, the authors take the example of a case that occurred in the jurisdiction of the Tanjung Karang Court, where the defendant Azwar Bin Agun Cik (Alm) was legally and convincingly proven guilty of committing a crime. Where the defendant deliberately and unlawfully destroys, destroys, makes unusable, goods which are wholly or partly owned by another person, as regulated and subject to criminal penalties in the indictment of Article 406 paragraph (1) of the Criminal Code.

Starting on Monday 02 August 2021 around 16.20 WIB, at the office of the Loading and Unloading Workforce Cooperative (hereinafter abbreviated as TKBM) Port of Panjang which is located at Jl. Yos Sudarso No. 317 Ex. Way Lunik Kec. Long Bandar Lampung. When the Panjang Port TKBM Cooperative ordered sacrificial meat with a value of Rp. 180,000,000, - to the Defendant, where the Panjang Port TKBM Cooperative has only paid half of the order price, which is Rp. 90,000,000, - as the initial payment to the Defendant.

Then on August 2, 2021 at around 16.20 WIB the defendant came to the Long Port TKBM Cooperative office and met the witness Khairudin as treasurer of the Panjang Port TKBM Cooperative in his office, to collect the remaining Rp. 90,000,000, - where at that time the witness Khairudin explained to the Defendant that the remaining payment for the sacrificial meat was Rp. 90,000,000 will be paid by the Panjang Port TKBM Cooperative the next day, August 3, 2021, because it was already evening and witness Khairudin as treasurer had not yet received an order from the head of the cooperative regarding this payment.

Witness Khairudin's explanation could not be accepted by the Defendant, thus making the Defendant emotional and immediately pulled the witness Khairudin's desk firmly. causing the glass window of the work room to break, seeing the commotion, witness Robi and witness Mas Suhendar who also work at the Panjang Port TKBM Cooperative tried to calm the Defendant who was emotional by escorting the Defendant to his car, however the Defendant remained emotional and said the following words: said in a high tone "I'm destroying all of this, I'm not afraid" after that the Defendant got into his car, but not long after the Defendant came back out of his car, then the Defendant took a brown glass mug that was on the table in front of the office entrance and threw it towards the glass door into the office which causes the glass door into the office to break.

That as a result of the Defendant's actions the glass window of the Witness Khairudin's office and the glass door into the Long Port TKBM Cooperative office was broken/damaged and could not be reused which caused the Panjang Port TKBM Cooperative to suffer a loss of Rp. 10,000,000.

RESEARCH METHODS

To solve problems and provide clues regarding the issues to be discussed, the research method used by the author is a normative legal approach method, a normative legal approach

method is used by using 2 supporting data sources, both primary data and secondary data. This study uses primary data in the form of laws and regulations. While secondary data is obtained from library materials, especially scientific institutions and other written works. Then with a qualitative descriptive research method. Qualitative descriptive research is research that presents research data in the form of sentence descriptions. The completion of data collection was obtained, as well as the results of the literature study and field study as a whole, then analyzed in a legal normative manner, namely by explaining the problem according to the research and discussing the problem and efforts to find a solution in understanding the data analyzed and then sorted systematically, in the end it was used as inference material to answer the problem.

RESEARCH RESULTS AND DISCUSSION

Application of Criminal Sanctions Against Perpetrators of the Crime of Destruction (Vandalism) at the Long Port Loading and Unloading Workforce Cooperative Office (Decision Study Number: 1199/Pid.B/2021/PN.Tjk).

Evil is a bad deed, derived from the word evil which means bad or very bad (about behavior, character, actions). Crime in a juridical sense is defined as an act that violates the law or an act that is prohibited by law. In general, crime has the meaning of an act that is not in accordance with applicable law. Crime does not look at place and time. Crime or crime is a problem that is often experienced by every human being. Criminal acts related to the destruction of other people's property is Vandalism.

Law is needed to regulate social life in all aspects of life, both in social life, political life, educational culture and what is quite important is its function and role in regulating economic activity. Law is one of the foundations for carrying out order in society. The destruction and destruction that often occurs in society caused by differences of opinion often disturbs the security and comfort of other people. So that in this case, laws or regulations governing this matter are really needed in order to provide a sense of security and comfort in everyday life.

Criminal acts of vandalism and destruction are regulated in the Criminal Code book two chapters XXVII Articles 406 to Article 412. All crimes related to or included in this matter, the elements and threats of punishment are clearly stated in the Book of Laws. Based on the results of the study, research results, interview results and research legal analysis of laws and regulations relating to the Application of Criminal Sanctions Against Perpetrators of Criminal Acts of Destruction (Vandalism) at the Office of the Cooperative of Labor and Unloading at Panjang Port Decision Number 1199/Pid.B/2021 / PN. Tjk. There are several legal materials related to the Implementation of Criminal Sanctions Against Perpetrators of the Crime of Destruction (Vandalism) at the Loading and Unloading Workforce Cooperative Office of Panjang Port, Decision Number 1199/Pid.B/2021/PN.Tjk.

Criminal acts in the form of vandalism and destruction are regulated in the Criminal Code. According to the Criminal Code, criminal acts of vandalism or destruction are divided into five types, namely:

1. Destruction or destruction in the form of points.
2. Light destruction or damage.
3. Destroying or damaging railroad, telegraph, telephone, and electricity buildings (something used for public purposes).
4. Unintentional destruction or damage.
5. Destruction or damage to buildings and shipping equipment.

In order for the Defendant to be punished according to this Article it must be proven:

1. That the Defendant has destroyed, damaged, made it unusable or lost something.

2. That the destruction, destruction, making it unusable or destroying something was done intentionally and against the law.
3. That the goods must totally or partly belong to another person.

The elements of not criminal are: Elements of "Whoever", and The element of "deliberately and against the right to destroy, damage, make so that it cannot be used anymore or lose something that completely or partly belongs to another person".

1. What is meant by the element of "whosoever" is a legal subject who can be held responsible for the actions he has committed legally, especially according to criminal law and there is no excuse and/or justification that can erase the sentence. Based on the facts revealed at the trial of the Defendant AN, the Public Prosecutor has been charged with committing a crime (the crime in question will be proven later), with the correct identity (as stipulated in Article 155 paragraph (1) of Law Number 8 of 1981 regarding Criminal Procedure Code, the Chief Judge of the Panel has fulfilled his procedural obligations, namely asking the Defendant about the full identity of the Defendant as the identity stated in the Public Prosecutor's Indictment, and then the Defendant has justified it. Based on the facts revealed at the trial, audio-visually, in good physical and physical condition, able to interact well during the trial, so that there are no obstacles in taking responsibility for the actions that were charged against him, thus this element has been fulfilled and proven.
2. What is meant by "intentionally" is that most criminal acts have an element of intent or opzet, not an element of culpa. This is appropriate because usually those who deserve criminal punishment are people who do something on purpose. In everyday social life, someone with an act often results in damage, if he wants to avoid reproach, he will almost always say "I didn't do it on purpose". Usually, if the damage is insignificant, the unintentional act is forgiven by the party who suffered the loss. That is, not subject to any punishment. The intention must concern the three elements of a criminal act, namely first: the act which is prohibited, second: the result which is the main reason for the prohibition, and third: that the act violates the law. Usually it is taught that intentionality (opzet) is 3 (three) kinds, namely first: intentional which is a goal to achieve something (opzet als oogmerk), secondly: intentional which does not contain a goal, but is accompanied by the conviction that an outcome will definitely occur. (opzet bij zekerheidsbewustzijn or deliberate with certainty), and third: deliberate with awareness that there is only the possibility (not certainty) that an outcome will occur (opzet bij mogelijkheids-bewustzijn or intentional with the possibility).
3. Deliberate purpose (oogmerk). Whereas with intentionality that is objective (oogmerk) the perpetrators can be accounted for easily understandable by the general public. So, if this kind of intention exists in a crime, no one denies that the perpetrator deserves a criminal penalty. This is more apparent when it is argued that with the intentional nature of this goal, it can be said that the perpetrator really wants to achieve the result which is the main reason for the threat of criminal punishment (constitutief geweld). Some say that what can be desired is only the action, not the result. This consequence can only be imagined or described by the perpetrator (voorstellen). Thus, dialectically, 2 (two) theories that contradict each other arise, viz:
 - a. Theory of will (wilstheorie). The theory of will considers intention (opzet) to exist when the actions and consequences of a crime are desired by the perpetrator. For example, a person who shoots another person and then dies as a result, according to the theory of will (wilstheorie) commits a crime of intentional murder because the perpetrator wanted the other person to die.

- b. Shadow theory (voorstellings-theorie). According to the shadow theory (voorstellings-theorie) the perpetrator can be said to have committed the crime of intentional murder because he, when shooting, had an image or picture in his mind that the person who was shot would die as a result of the shot, and then the perpetrator adjusted his actions. in the form of shooting with imaginable consequences.
1. Intentional certainty (opzet bij zekerheidsbewustzijn). This kind of intention exists when the perpetrator with his actions does not aim to achieve the result that forms the basis of the delict, but he knows very well that the consequence will surely follow his action. If this happens, then the theory of will (wilstheorie) assumes that the effect is also desired by the actor, so now there is also intentionality. According to the shadow theory (voorstellings-theorie), this situation is the same as intentionality in the form of a goal (oogmerk) because in both of them the effect cannot be said to be the will of the doer, but only an image or picture in the doer's idea that the result will definitely occur. So, now there is also an intention.
 2. Deliberately possible (opzet bij mogelijkheids-bewustzijn). It is different from intentional action which is openly accompanied by no shadow of certainty that the effect in question will occur, but only a mere possibility of that effect is imagined. Then how can the inner content of this very complex actor be determined, in a mere simile. And if this is allowed to be determined by a Judge, there is a concern that this provision is too easy to make so that it is very possible that a relationship of error (scheludverband) which is actually just a culpa or lack of caution, is considered to have been intentional.
 3. What is meant by "against the right" is an act that is contrary to the laws and regulations.
 4. What is meant by "destroy" is to destroy (varnielen) or completely destroy.
 5. What is meant by "damaging" is less than destroying (beschadigen).
 6. What is meant by "make so that it can no longer be used" is that the action must be in such a way that the item cannot be repaired anymore.
 7. What is meant by "eliminate" is to make the item no longer exist.
 8. What is meant by "goods" are goods that are lifted, as well as goods that are not lifted.

Because all the elements of Article 406 Paragraph (1) of the Criminal Code have been fulfilled, the Defendant AN must be legally and convincingly proven to have committed the crime as charged in the first indictment.

Judge's Considerations in Delivering Decisions Against Perpetrators of the Criminal Act of Destruction (Vandalism) at the Long Port Loading and Unloading Workforce Cooperative Office (Study of Decision Number: 1199/Pid.B/2021/PN.Tjk).

In the field of law, everyone already understands that the judge's consideration in each case handled does indeed provide high legal certainty. will give rise to grounds for appeal to a Higher Court. In court proceedings, evidence must be sought because the judge can base his considerations on the evidence to make a decision, to prove that the events proposed actually happened and obtain a true and fair court decision.

Proof by the judge was carried out by listening to the testimony of the Defendant, witness testimony, as well as evidence of one brown mug and one piece of black broken glass that was presented at the trial. If deemed necessary, the judge can hear information from expert witnesses to increase his confidence in deciding the case. These things will later be able to provide clues to assess the subjective element of the criminal act of destroying other people's property. If the evidence is deemed sufficient to give the judge confidence to prove that the

perpetrator fulfills the elements of the crime of destroying other people's property, then the perpetrator can be found guilty.

Judicial power is a body that fulfills the content and strength of positive legal principles by judges through their decisions. The main function of a judge is to give a decision on a case submitted to him, where in a criminal case the judge examines and decides on a case using a negative evidentiary system (negative *wetterlijke*). The principle of negative proof (negative *wetterlijke*) is evidence that determines that a right or event or mistake is deemed to have been proven, in addition to the existence of statutory evidence, the judge's conviction is also determined based on good moral integrity. The judge's decision is not solely based on juridical provisions which are used as the basis for the judge's consideration, but is also based on the judge's conscience in seeing and assessing the motives and reasons why the defendant committed a crime.

Law enforcement apparatus includes the notion of law enforcement institutions and law enforcement officials (people). In a narrow sense, law enforcement officials are involved in the process of upholding the law, starting from witnesses, police, legal advisors, prosecutors, judges, and correctional officers. Each apparatus and related apparatus also includes parties concerned with their duties and roles, namely those related to reporting or complaint activities, investigations, investigations, prosecutions, proofs, imposition of sentences and imposition of sanctions, as well as efforts to reinstatement (resocialization) of convicts. In the process of the work of law enforcement officials, there are three important elements that influence, namely:

1. Law enforcement institutions and their various supporting facilities and infrastructure and their institutional work mechanisms.
2. Work culture related to the apparatus, including regarding the welfare of the apparatus.
3. Regulatory sets that support both institutional performance and those that regulate legal material used as work standards, both material law and procedural law.

Based on the results of the author's interview with Ms. Aria Verronica as a judge at the Tanjung Karang District Court regarding the basis for the judge's consideration based on the case with decision number: 1199/Pid.B/2021/PN.Tjk. That on August 2, 2021 at around 16.20 WIB the Defendant went to the Long Harbor TKBM Cooperative office located on Jl. Yos Sudarso No. 317 Ex. Way Lunik Kec. Panjang City of Bandar Lampung and the Defendant at the office at 14.00 WIB, the Defendant's goal was to go to the Panjang Port TKBM Cooperative office to collect the remaining payment for the qurban meat money previously ordered by the Panjang Port TKBM Cooperative in the amount of IDR 90,000,000 (ninety million rupiah).

Then when the Defendant met with the witness Khairudin as the treasurer of the Panjang Port TKBM Cooperative office on August 2 2021 the Defendant asked when he would be paid for the remaining payment of the qurban meat money previously ordered by the Panjang Port TKBM Cooperative in the amount of Rp. 90,000,000.- (ninety million rupiah) and the answer from the witness Khairudin the payment will be paid maybe tomorrow on August 3, 2021, the remaining payment for the qurban meat money previously ordered by the Panjang Port TKBM Cooperative in the amount of Rp. 90,000,000.- (ninety million rupiah) has already been paid by the Koprasi Port of Panjang TKBM through witness Khairudin as treasurer of the Port of Panjang TKBM Cooperative office together with a security named witness Robi on August 3 2021 came to the Defendant's house and handed over the remaining money for the remaining payment for the qurban meat money previously ordered by the Panjang Harbor TKBM Cooperative in the amount of IDR 90,000,000. - (ninety million rupiah) in cash and the money has been received by the Defendant himself.

That the Defendant broke the glass window and glass door in the Panjang Port TKBM Cooperative Office by means of the glass window of the TBBM Cooperative treasury office The

Defendant broke the glass window by the Defendant hitting him with the Defendant's right hand 1 (one) time and against the entrance The glass of the Defendant's Cooperative broke it by throwing it with a glass located in front of the entrance until it shattered.

That those who knew and saw the Defendant breaking the main glass window and glass door at the Panjang Port TKBM Cooperative Office were witnesses Khairudin, witness Robi Afrizal and witness Mas Suhendar. Then the problem so that the Defendant broke the glass windows and glass doors that were in the Panjang Port TKBM Cooperative Office because the TKBM Cooperative continued to delay payment of sacrificial meat to the Defendant which was in accordance with the previous agreement that the payment of the remaining payment for sacrificial meat money was previously ordered by the TKBM Cooperative Port of Panjang of IDR 90,000,000 (ninety million rupiah) will be paid on 27 July 2021 and back on 1 August 2021 by the chairman of the cooperative named Agus Sujatma.

That the loss as a result of the Defendant's actions was that the port of Panjang TKBM cooperative office suffered a loss in the form of a glass window in the treasurer's room and the office entrance was broken and the table from the witness Khairudin's room as the treasurer's office was messy and could not be reused where it was estimated that the loss was Rp. 10,000,000, - (ten million rupiah). Considering, that because all the elements of the first article have been fulfilled, the Defendant must be legally and convincingly proven to have committed the crime as charged in the first indictment. The public prosecutor charged the defendant with the charges as stipulated in Article 406 paragraph (1) of the Criminal Code regarding the destruction and destruction of goods, the elements of which are as follows:

1. Elements of "Whoever", and
2. The element of "deliberately and against the right to destroy, damage, make so that it cannot be used anymore or lose something that completely or partly belongs to another person".

Verdict Rule

JUDGE

1. Declare the Defendant legally and convincingly proven guilty of committing the crime, "damage to goods".
2. Sentenced against the Defendant therefore with imprisonment for 2 (two) months and 15 (fifteen) days;
3. Determine that the period of arrest and detention that the Defendant has served is deducted entirely from the sentence imposed;
4. Stipulating that the Defendant remains in detention;
5. Establish evidence in the form of:
 - a. (one) brown glass mug;
 - b. 1 (one) piece of black broken glass; Deprived for destruction;
6. Charged court fees to the Defendant in the amount of Rp. 2,000, - (two thousand rupiah).

The essence of juridical considerations is proving the elements of a crime whether the defendant's actions have fulfilled and are in accordance with the crime charged by the public prosecutor. It can be said that these juridical considerations will directly influence the judge's decision. In the following, the author will describe the considerations of the judges in the decision of the Tanjung Karang District Court Decision Number: 119/Pid.B/2021/PN.Tjk, as follows: Considering, that against these elements the judge considers the following:

Considering, that based on the facts revealed at trial the Defendant has been charged by the Public Prosecutor with committing a crime (the crime in question will be proven later), with the correct identity (as stipulated in Article 155 paragraph (1) of Law Number 8 Year 1981

concerning the Criminal Procedure Code, the Chief Judge of the Panel has fulfilled his procedural obligations, namely asking the Defendant about the complete identity of the Defendant as the identity stated in the Public Prosecutor's Indictment, and then the Defendant has justified it;

Considering, that based on the facts mentioned above, according to the Panel of Judges this element has been proven; Considering, that because all the elements of Article 406 Paragraph (1) of the Criminal Code have been fulfilled, the Defendant must be declared legally and convincingly proven to have committed the crime as charged in the first alternative indictment; Considering, that during the trial process the Panel of Judges did not find justification or excuses that could eliminate the unlawful nature of the Defendant so that the Defendant's actions must be held accountable to him; Considering, that the Defendant has been legally detained according to the provisions of the law in accordance with Article 22 paragraph (4) of the Criminal Procedure Code, the length of time the Defendant has been in detention must be deducted in full from the sentence to be imposed.

Criminal law in its broadest sense consists of material criminal law and criminal procedural law (formal criminal law). The application of criminal law in this case is examined in terms of material criminal law. According to the results of the author's research, material criminal law itself contains regulations regarding:

1. Actions that can be punished with punishment (strafbarefeiten);
2. Anyone who can be punished or in other words regulates accountability to criminal law;
3. What law is imposed on people who commit acts that are contrary to the law.

First of all it will be reviewed or seen from the public prosecutor's indictment. The indictment is an important basis for criminal procedural law because based on the things contained in the indictment, the judge will examine the case. In order to be brought to court, an indictment must meet certain conditions. The indictment made by the public prosecutor uses a single indictment, which means that the judge uses one article being indicted to determine the charges that were proven to have been committed by the Defendant by looking at the facts in the trial process. The defendant in this case was charged with the first indictment, violating the provisions of Article 406 paragraph (1) concerning Destruction and Damage to Goods.

The judge's decision or court decision is an important aspect and is necessary to resolve a criminal case. The judge's decision is useful for the Defendant to obtain legal certainty regarding his status. In making a decision, the judge's decision must reflect justice, but the issue of justice will not stop with mere legal considerations, but the issue of justice is usually associated with the individual interests of justice seekers, and that means that justice according to law is often interpreted by a victory and defeat by justice seekers. .

An analysis based on the second book on crimes Chapter XXVII concerning destroying and destroying goods stated that the Defendant AN was proven legally and convincingly according to law guilty of committing the crime "Deliberately and unlawfully destroying, destroying, rendering unusable, goods which are wholly or partly owned by other people" as regulated and threatened in Article 406 concerning destroying and destroying goods. Sentenced the defendant to imprisonment for 2 (two) months and 15 (fifteen) days deducted from the detention period while the accused was in custody and charged the defendant with a case fee of Rp. 2000,- (two thousand rupiah).

Based on the description of the judge's consideration, according to the author, it has fulfilled the principle of justice. Where according to the authors the sentence against the Defendant was appropriate because there was already peace between the victim and the Defendant. The basis for the judge's consideration of the application of material criminal

sanctions set by the public prosecutor based on the elements of the article and the criminal act is appropriate and fulfilled, then for the criminal sanction against the Defendant it is hoped that the Defendant will have a deterrent effect. According to the author, the verdict given by the judge was satisfactory because it was because there was peace between the victim and the defendant

CONCLUSION

Application of criminal sanctions against perpetrators of criminal acts of destruction (vandalism) at the Long Port Loading and Unloading Workforce Cooperative Office, Defendant AN who is proven guilty where the Defendant has violated and fulfilled the elements in Article 406 paragraph (1) of the Criminal Code concerning destroying and damaging goods accompanied by legal facts both through the testimony of the Defendant, witnesses and evidence available at the trial. The basis for the judge's consideration of the perpetrators of the criminal act of destruction (vandalism) at the Long Port Loading and Unloading Workforce Cooperative Office carried out by the Defendant AN according to the authors has fulfilled the principle of justice where according to the authors the sentencing of the Defendant was appropriate because there was already peace between the victim and the Defendant. The application of material criminal sanctions applied by judges based on the elements of Article 406 of the Criminal Code concerning destroying and damaging goods is appropriate and fulfilled. Thus, according to the author, the accused has received a deterrent effect and has not repeated his actions.

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