

## **ABSTRACT**

*The State of Indonesia is a state of law based on the 1945 Constitution of the Unitary State of the Republic of Indonesia, Article 1 Paragraph (3), which states that the State of Indonesia is a state of law. Crimes that are often found are usually based on a desire to fulfill life's needs in the material sector. Etymologically, crime means an act such as stealing, robbing, cheating and so on, while sociologically, crime is seen as an anti-social act, which is contrary to the habits of social life. The issue raised is what is the basis for the legal consideration of the judge's decision Number: 361/Pid.B/2024/Pn.Jmb regarding the crime of fraud, is the judge's decision Number: 361/Pid.B/2024/Pn.Jmb the crime of fraud already fulfill a sense of justice. In writing this thesis the author used the Normative Juridical research type. The approach used in this research is the Statue Approach approach. Based on a consideration of the elements in Article 378 of the Criminal Code, it has been legally and convincingly proven that the defendant has committed a criminal act as charged by the public prosecutor in the first alternative indictment of Article 378 of the Criminal Code and because no excuse has been found which negates the unlawful nature and justification. which eliminates the defendant's guilt, the defendant must be declared guilty and the defendant must be sentenced to a crime commensurate with his actions, which according to Article 378 of the Criminal Code is punishable by a maximum imprisonment of 4 (four) years. However, in this case the defendant was sentenced to prison for 1 (one) year and 10 (ten) months in prison. The sentence handed down was still too light and not commensurate with the defendant's actions, considering that the defendant carried out this fraudulent act continuously and the value of the losses incurred was quite large, so the judge's sentence which only handed down 1 (one) year and 10 (ten) months in prison was deemed still inadequate. reflects a sense of justice in society. The suggestions put forward should be that in the judge's consideration, the judge in his decision should of course prioritize the juridical aspect based on Law of the Republic of Indonesia Number 48 of 2009 Article 6 Paragraph (2), namely that no one can be sentenced to a crime, except if the court uses valid evidence according to under the law, to obtain a belief that a person who is deemed to be responsible is guilty of the act for which he or she is charged.*

**Keywords: Analysis of Legal Considerations of Judge's Decisions, Crime of Fraud**