

ABSTRAK

Salah satu kasus yang berkaitan dengan tindak pidana penipuan dan tindak pidana pencucian uang adalah penyelenggaraan umrah oleh First Travel. Putusan Pengadilan Negeri Depok menjatuhkan putusan yang dalam amar putusannya menetapkan barang bukti yang merupakan aset dari pemilik *First Travel* disita oleh Negara. Penelitian ini bertujuan untuk mengetahui Pertimbangan Majelis Hakim Mahkamah Agung dalam Menolak Kasasi Jaksa Penuntut Umum dan Akibat Hukum Putusan terhadap Terpidana dan Asetnya yang disita oleh Negara dalam Perkara *First Travel*. Penelitian ini merupakan penelitian kualitatif dengan pendekatan yuridis normatif dengan spesifikasi penelitian deskriptif. Jenis dan sumber data meliputi data sekunder yang diperoleh studi kepustakaan. Data yang terkumpul disajikan secara deskriptif dalam bentuk uraian yang disusun secara sistematis. Metode analisis data yang digunakan adalah metode analisis data normatif kualitatif. Berdasarkan hasil penelitian, Pertimbangan Majelis Hakim Mahkamah Agung dalam menolak kedua alasan kasasi adalah tidak terpenuhinya syarat materiel. Pengadilan telah melampaui batas wewenangnya, sebagaimana dimaksud dalam Pasal 253 Ayat (1) KUHAP. Penulis berpendapat keputusan majelis hakim Pengadilan Negeri Depok untuk merampas barang bukti oleh Negara tidak tepat yang seharusnya dikembalikan untuk korban. Dalam kasus *first travel* yang penulis teliti, terpidana telah dihukum oleh Pengadilan Negeri yang diperkuat oleh Pengadilan Tinggi dan Kasasi yang dihukum 20 tahun penjara.

Kata Kunci : Tindak Pidana Penipuan, Tindak Pidana Pencucian Uang, Penyitaan

ABSTRACT

One example of a case related to criminal acts of fraud and money laundering is the implementation of Umrah by First Travel, which at that time was suspected of committing fraud, which began to surface when there was a failure in the departure of the congregation. The trial which was held at the Depok District Court through the decision Number 83/Pid.B/2018.PN.Dpk handed down a decision which in its decision stipulated that evidence number 1 to number 529 which was the asset of the First Travel owner was confiscated for the State. One of the rulings emphasized the confiscation of assets for the state. In summary, the Bandung High Court's appeal decision that accepted the appeal request from the Public Prosecutor and the Defendants and confirmed the Depok District Court's decision. This research is a qualitative research with a normative juridical approach with descriptive research specifications. Types and sources of data include secondary data obtained by literature study. The data collected is presented descriptively in the form of descriptions that are arranged systematically. The data analysis method used is a qualitative normative data analysis method. Based on the results of research and discussion, it can be concluded that the consideration of the Supreme Court Panel of Judges in rejecting the two reasons for the cassation of the Cassation Petitioner I and the Second Cassation Petitioner on the pretext that the material requirements were not met. The court has exceeded the limits of its authority, as referred to in Article 253 Paragraph (1) of Law Number 8 of 1981. The author is of the opinion that the decision of the Depok District Court to confiscate evidence by the State is inappropriate, it would be more appropriate if the judge decided to return it to the victim. . In the first travel case that the author studied, the convict was sentenced by the District Court which was strengthened by the High Court and Cassation which was sentenced to 20 years in prison. Keywords: Fraud, Money Laundering, Confiscation.

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