

ABSTRAK

TINJAUAN YURIDIS TERHADAP TINDAK PIDANA PENADAHAN (Studi Putusan Pengadilan Negeri Purwokerto Nomor: 04/Pid.B/2016/PN Pwt)

Oleh :

Intan Larasati
E1A015268

Penelitian ini dilaksanakan untuk mengetahui penerapan unsur - unsur tindak pidana penadahan, dan dasar pertimbangan hukum Hakim Pengadilan Negeri Purwokerto menjatuhkan pidana terhadap terdakwa dalam putusan Nomor : 04/Pid B/2016/PN Pwt. Metode pendekatan yuridis normatif. Spesifikasi Penelitian deskriptif analisis, Sumber Data sekunder meliputi peraturan perundang-undangan yang berlaku, literatur, hasil penelitian yang berhubungan dengan pokok permasalahan serta Putusan Pengadilan Negeri Purwokerto Nomor 04/Pid B/2016/PN Pwt. Pengumpulan data dengan studi kepustakaan, disajikan dalam bentuk uraian, dianalisis dengan metode normatif kualitatif.

Majelis Hakim dalam menerapkan unsur-unsur tindak pidana penadahan telah sesuai dengan rumusan Pasal 480 ke-1 Kitab Undang-Undang Hukum Pidana. Perbuatan terdakwa terbukti secara sah dan meyakinkan memenuhi unsur-unsur berikut: Unsur Barangsiapa; Unsur Membeli; Unsur barang tersebut diperoleh karena kejahatan.

Dasar pertimbangan hukum Hakim Pengadilan Negeri Purwokerto menjatuhkan pidana terhadap terdakwa yaitu : Terdakwa telah melakukan perbuatan sebagaimana didakwakan oleh Penuntut Umum, faktanya terdakwa telah membeli satu unit sepeda motor hasil dari kejahatan, membuat keyakinan Majelis untuk menjatuhkan pidana terhadap terdakwa, dasar pertimbangan hukum dalam perkara ini adalah : Pertimbangan terhadap fakta hukum terdakwa membeli barang (sepeda motor) hasil dari kejahatan, yang memenuhi unsur-unsur pasal yang telah didakwakan; Pertimbangan terhadap alat-alat bukti sebagaimana diatur dalam Pasal 184 KUHP; Pertimbangan berdasarkan ketentuan Pasal 197 ayat (1) huruf f KUHP yaitu : tentang hal-hal yang memberatkan dan meringankan terdakwa. Majelis Hakim Pengadilan Negeri Purwokerto, Menjatuhkan pidana terhadap Terdakwa dengan pidana penjara selama 9 (sembilan) bulan.

Kata kunci: Tindak pidana, Penadahan, Membeli

ABSTRACT

JURIDIC REVIEW OF CRIMINAL MEASUREMENT (Study of Purwokerto District Court's Decision Number: 04 / Pid.B / 2016 / PN Pwt)

**By:
Intan Larasati
E1A015268**

This research was conducted to determine the application of the elements of criminal offense, and the basis for legal considerations Judge Purwokerto District Court convicted the defendant in the decision Number:04 /Pid B/2016/PNPwt. The juridical normative approach method. Specifications Descriptive analysis research, secondary data sources include applicable laws, literature, research results relating to the subject matter and Purwokerto District Court Decision Number 04/Pid.B/2016/PN Pwt. Data collection by library research, presented in the form of description, analyzed by qualitative normative methods.

The Panel of Judges in applying elements of criminal offenses is in accordance with the formulation of Article 480 1 of the Criminal Law Book. The defendant's actions have been legally and convincingly proven to fulfill the following elements: The element of purchase, the element that is known to or which should be suspected should have been obtained because of a crime.

Basic legal considerations Judge of the Purwokerto District Court sentenced the defendant who had committed an act as charged by the Public Prosecutor, in fact the defendant had bought a unit of motorcycle and the motorcycle was the result of a crime, this made the Panel of Judges believe to convict the criminal against the defendant, the basis Legal considerations in this case are: Consideration of proven legal facts in the trial, namely: the defendant's statement, witness statement and evidence of a motorcycle unit, the elements of the article in the indictment have been fulfilled. as regulated in Article 184 of the Criminal Procedure Code; Consideration based on the provisions of Article 197 paragraph (1) letter f of the Criminal Procedure Code, namely: regarding matters that incriminate and alleviate the defendant. Panel of Judges of the Purwokerto District Court, convicted a defendant of imprisonment for 9 (nine) months.

Keywords : Crime, Detention, Buying

