

## ABSTRAK

Penelitian ini bertujuan untuk mengetahui penerapan unsur - unsur tindak pidana penipuan dan untuk mengetahui dasar pertimbangan hukum hakim dalam menjatuhkan pidana terhadap terdakwa dalam Putusan Pengadilan Negeri Purwokerto Nomor 1/Pid.B/2021/PN Pwt. Metode pendekatan yuridis normatif. Spesifikasi Penelitian deskriptif analisis, Sumber Data sekunder meliputi peraturan perundang-undangan, literatur. Pengumpulan data dengan studi kepustakaan, disajikan dalam bentuk uraian, dianalisis dengan metode normatif kualitatif.

Berdasarkan hasil penelitian diketahui bahwa Majelis Hakim telah penerapan unsur - unsur tindak pidana penipuan, sebagaimana diatur dan diancam pidana dalam Pasal 378 KUHP. Seluruh unsur-unsur tersebut telah terpenuhi, Dengan demikian maka dapat dikemukakan bahwa terdakwa : Iwan Setiawan Bin H. Rahmat adalah orang yang harus dimintai pertanggungjawaban pidana dalam perkara ini, karena menguntungkan diri sendiri dengan melawan hak yaitu: membawa kabur *Handphone* milik konter HP Putra Wilujeng, dengan akal dan tipu muslihat, maupun dengan karangan perkataan-perkataan bohong membujuk orang supaya memberikan sesuatu barang berupa: 1 (satu) unit *Handphone* merk Oppo Reno 4F warna Putih.

Dasar pertimbangan hukum hakim dalam menjatuhkan pidana terhadap terdakwa dalam Putusan Pengadilan Negeri Purwokerto Nomor 1/Pid.B/2021/PN Pwt., sebagai berikut : a) Pertimbangan terhadap fakta hukum yang memenuhi semua unsur-unsur sebagaimana dirumuskan dalam Pasal 378 KUHP; b) Pembuktian berdasarkan alat-alat bukti sebagaimana diatur dalam Pasal 184 KUHAP berupa : keterangan saksi- saksi dan keterangan terdakwa, pertimbangan hukum Majelis Hakim telah memenuhi syarat minimal alat bukti; c) Pertimbangan terhadap hal-hal yang meringankan dan memberatkan terdakwa, berdasarkan ketentuan Pasal 197 ayat (1) huruf f KUHAP.

Majelis Hakim menjatuhkan pidana terhadap terdakwa Iwan Setiawan Bin H. Rahmat, dengan pidana penjara selama 8 (delapan) bulan; Menetapkan Terdakwa tetap ditahan.

Kata kunci: Tindak Pidana, Penipuan, melawan hak

## **ABSTRACT**

*This study aims to determine the application of the elements of the criminal act of fraud and to determine the basis of the judge's legal considerations in imposing a sentence on the defendant in the Purwokerto District Court Decision Number 1/Pid.B/2021/PN Pwt. Normative juridical approach method. Specifications Descriptive research analysis, secondary data sources include legislation, literature. Collecting data with literature study, presented in the form of a description, analyzed by qualitative normative methods.*

Based on the results of the research, it is known that the Panel of Judges has implemented elements of the criminal act of fraud, as regulated and threatened with criminality in Article 378 of the Criminal Code. All of these elements have been fulfilled. Thus, it can be stated that the defendant: Iwan Setiawan Bin H. Rahmat is a person who must be held criminally responsible in this case, because he benefits himself by fighting the rights, namely: taking away the cellphone belonging to the Putra Wilujeng cellphone counter , with reason and deceit, as well as with composing false words to persuade people to give something in the form of: 1 (one) unit of White Oppo Reno 4F cellphone.

The basis of the judge's legal considerations in imposing a sentence on the defendant in the Purwokerto District Court Decision Number 1/Pid.B/2021/PN Pwt., as follows: a) Consideration of legal facts that meet all the elements as formulated in Article 378 of the Criminal Code; b) Evidence based on the evidence as regulated in Article 184 of the Criminal Procedure Code in the form of: statements of witnesses and statements of the defendant, the legal considerations of the Panel of Judges have met the minimum requirements for evidence; c) Consideration of mitigating and aggravating factors for the defendant, based on the provisions of Article 197 paragraph (1) letter f of the Criminal Procedure Code.

The Panel of Judges sentenced the defendant Iwan Setiawan Bin H. Rahmat to imprisonment for 8 (eight) months; Determined that the defendant remains in custody.

*Keyword:* Crime, Fraud, against rights