

**TINDAK PIDANA KEPEMILIKAN SENJATA API DAN SENJATA  
TAJAM TANPA IJIN UNTUK MELAKUKAN PENCURIAN DENGAN  
KEKERASAN SECARA BERSAMA-SAMA (Studi Putusan Pengadilan  
Negeri Jakarta Utara Nomor : 1212/Pid.B/2020/PN Jkt.Utr)**

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**ABSTRAK**

Kejahatan yang berkaitan dengan kepemilikan senjata api dan senjata tajam tanpa ijin untuk melakukan pencurian dengan kekerasan secara bersama-sama. Putusan Pengadilan Negeri Jakarta Utara Nomor. 1212/Pid.B/2020/PN Jkt.Utr telah menyatakan bahwa para perbuatan telah terbukti secara sah dan meyakinkan perbuatannya telah memenuhi rumusan delik Pasal 1 Ayat (1) UU Nomor 12 Tahun 1951 Jo Pasal 55 Ayat (1) ke-1 KUHP, Kedua Pasal 2 Ayat (1) UU Nomor 12 Tahun 1951 Jo Pasal 55 Ayat (1) ke-1 KUHP, Ketiga Primair Pasal 365 Ayat (2) ke-2 KUHP.

Penelitian ini bertujuan mengetahui penerapan unsur-unsur Pasal 1 Ayat (1) UU Nomor 12 Tahun 1951 Jo Pasal 55 Ayat (1) ke1 KUHP, Kedua Pasal 2 Ayat (1) UU Nomor 12 Tahun 1951 Jo Pasal 55 Ayat (1) ke-1 KUHP, Ketiga Primair Pasal 365 Ayat (2) ke-2 KUHP dan dasar pertimbangan hukum hakim dalam menjatuhkan sanksi pidana. Penelitian ini menggunakan tipe penelitian hukum secara yuridis normatif, dengan metode pendekatan kasus (*case approach*) Spesifikasi penelitian ini adalah perskriptif, dengan jenis dan sumber data sekunder dan analisis data deskriptif kualitatif.

Berdasarkan hasil penelitian dan pembahasan dapat disimpulkan bahwa Majelis Hakim kurang tepat menerapkan dengan Pasal 365 Ayat (2) ke-2 KUHP. Perbuatan para terdakwa justru terbukti memenuhi unsur pengancaman sebagaimana diatur Pasal 368 KUHP dalam dakwaan subsidier. Hakim dalam memutus telah mempertimbangkan baik dari aspek perbuatan maupun orangnya, kekuatan alat bukti, alasan penghapus pidana dan hal-hal meringankan dan memberatkan terdakwa.

Kata kunci : Kepemilikan, Senjata Api Senjata Tajam, Tanpa Ijin, Pencurian.

***THE CRIMINAL OFFENSE OF POSSESSION OF FIREARMS AND  
SHARP WEAPONS WITHOUT PERMISSION TO COMMIT THEFT WITH  
COLLECTIVE VIOLENCE (Study of the Decision of the North Jakarta District  
Court Number: 1212/Pid.B/2020/PN Jkt.Utr)***

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**ABSTRACT**

*Crimes related to possession of firearms and sharp weapons without a permit to commit theft with violence together. North Jakarta District Court Decision Number. 1212/Pid.B/2020/PN Jkt.Utr has stated that the actions have been legally and convincingly proven that their actions have fulfilled the formulation of the offense in Article 1 Paragraph (1) of Law Number 12 of 1951 in conjunction with Article 55 Paragraph (1) of the 1st Criminal Code , Second Article 2 Paragraph (1) of Law Number 12 of 1951 in conjunction with Article 55 Paragraph (1) of the 1st Criminal Code, Thirdly Primary Article 365 Paragraph (2) of the 2nd Criminal Code.*

*This study aims to determine the application of the elements of Article 1 Paragraph (1) of Law No. 12 of 1951 in conjunction with Article 55 Paragraph (1) of the Criminal Code, Second Article 2 Paragraph (1) of Law No. 12 of 1951 in conjunction with Article 55 Paragraph (1) of the 1 of the Criminal Code, the Third Primary Article 365 Paragraph (2) of the 2nd Criminal Code and the basis for the judge's legal considerations in imposing criminal sanctions. This study uses a normative juridical type of legal research, with a case approach. The specifications of this research are descriptive, with secondary data types and sources and the data qualitative descriptive.*

*Based on the results of the research and discussion, it can be concluded that the Panel of Judges did not properly apply Article 365 Paragraph (2) of the 2nd Criminal Code. The actions of the defendants were proven to have fulfilled the element of threat as stipulated in Article 368 of the Criminal Code in the subsidiary indictment. The judge in deciding has considered both the act and the person, the strength of the evidence, the reasons for eliminating the crime and mitigating and aggravating the defendant.*

*Keywords: Possession, Firearms, Sharp Weapons, Unauthorized, Theft.*