

ABSTRAK

Kejahatan terhadap mata uang seperti mengedarkan uang rupiah palsu banyak dilakukan oleh masyarakat dengan berbagai macam modus operandi. Membelanjakannya merupakan suatu tindakan atau modus yang biasa dilakukan pelaku pengedar uang rupiah palsu. Penelitian ini bertujuan untuk menganalisis pertimbangan hukum Hakim dalam penerapan unsur-unsur tindak pidana mengedarkan rupiah yang diketahuinya merupakan rupiah palsu dalam putusan Pengadilan Negeri Purwokerto Nomor 137/Pid.B/2023/PN Pwt, dan menganalisis dasar pertimbangan hukum hakim dalam menjatuhkan sanksi pidana terhadap terdakwa dalam Putusan Pengadilan Negeri Purwokerto Nomor 137/Pid.B/2023/PN Pwt. Metode pendekatan yuridis normatif. Spesifikasi penelitian deskriptif analisis, pengumpulan data dengan metode studi kepustakaan. Sumber data sekunder Putusan Pengadilan Negeri Purwokerto Nomor 137/Pid.B/2023/PN Pwt. Berdasarkan hasil penelitian dan pembahasan, bahwa pertimbangan hukum Hakim dalam penerapan unsur-unsur tindak pidana mengedarkan rupiah yang diketahuinya merupakan rupiah palsu dalam putusan Pengadilan Negeri Purwokerto Nomor 137/Pid.B/2023/PN Pwt. Majelis Hakim yang memeriksa dan mengadili terdakwa yang telah membelanjakan rupiah diketahuinya merupakan rupiah palsu, sebagaimana dirumuskan dalam Pasal 36 Ayat (3) UU No. 7 Tahun 201. Perbuatan terdakwa terbukti secara sah dan meyakinkan memenuhi unsur-unsur pasal tersebut, yaitu: Unsur Setiap orang; Unsur yang mengedarkan dan atau membelanjakan rupiah yang diketahuinya merupakan rupiah palsu sebagaimana dimaksud dalam Pasal 26 Ayat (3). Dasar pertimbangan hukum hakim dalam menjatuhkan sanksi pidana terhadap terdakwa dalam Putusan Pengadilan Negeri Purwokerto Nomor 137/Pid.B/2023/PN Pwt. Pertama, Hakim menggunakan teori sistem pembuktian hukum pada Pasal 36 Ayat (3) UU No. 7 Tahun 2011, perbuatan terdakwa telah memenuhi unsur-unsur dalam pasal tersebut. Kedua, Hakim menggunakan kelengkapan alat bukti berupa keterangan para saksi, keterangan Ahi dan keterangan terdakwa. Ketiga, pertimbangan terhadap hal-hal yang meringankan dan yang memberatkan terdakwa.

Kata kunci: Tindak Pidana, Mengedarkan, Uang Rupiah Palsu.

ABSTRACT

Crimes against currency, such as circulating counterfeit Indonesian Rupiah, are frequently perpetrated by individuals using various modi operandi. Spending it is a common action or modus operandi undertaken by perpetrators distributing counterfeit Rupiah. This study aims to analyze the legal considerations of judges in applying the elements of the crime of circulating counterfeit Rupiah as known in the decision of the Purwokerto District Court Number 137/Pid.B/2023/PN Pwt, and to analyze the legal basis for judges' considerations in imposing criminal sanctions on the defendant in the Purwokerto District Court Decision Number 137/Pid.B/2023/PN Pwt. The research method employs a normative juridical approach with descriptive analysis specifications, and data collection is conducted through literature study methods. The secondary data source is the Decision of the Purwokerto District Court Number 137/Pid.B/2023/PN Pwt. Based on the research findings and discussion, it is evident that the legal considerations of the judges in applying the elements of the crime of circulating counterfeit Rupiah, as known in the decision of the Purwokerto District Court Number 137/Pid.B/2023/PN Pwt. The panel of judges examining and adjudicating the defendant who spent Rupiah known to be counterfeit, as formulated in Article 36 Paragraph (3) of Law No. 7 of 2011. The defendant's actions were proven to meet the elements of the article beyond a reasonable doubt, namely: The element of every person; The element of circulating and/or spending Rupiah known to be counterfeit as referred to in Article 26 Paragraph (3). The legal basis for the judges' considerations in imposing criminal sanctions on the defendant in the Purwokerto District Court Decision Number 137/Pid.B/2023/PN Pwt. Firstly, the judges employ the legal proof system theory under Article 36 Paragraph (3) of Law No. 7 of 2011, as the defendant's actions fulfill the elements of that article. Secondly, the judges utilized the completeness of evidence such as testimonies from witnesses, expert testimonies, and the defendant's testimony. Thirdly, considerations are made regarding mitigating and aggravating circumstances concerning the defendant.

Keywords: Criminal Act, Circulating, Counterfeit Rupiah.