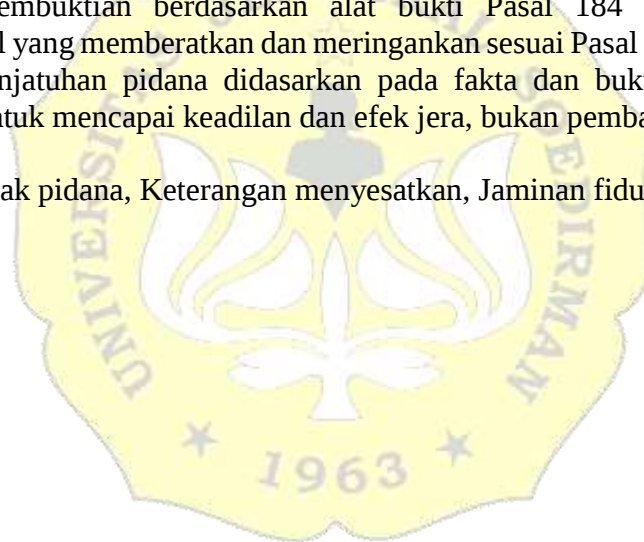


ABSTRAK

Tindak pidana memberikan keterangan menyesatkan dalam perjanjian fidusia terjadi ketika seseorang sengaja menyampaikan informasi palsu yang dapat membatalkan perjanjian tersebut. Penelitian ini menganalisis penerapan unsur-unsur tindak pidana fidusia Pasal 35 UUJF dan dasar pertimbangan hakim dalam putusan perkara Nomor 236/PID.B/2021/PN. Cbn serta Nomor 59/Pid.Sus/2022/PT. Bdg. Pendekatan yang digunakan adalah yuridis normatif dengan sumber data sekunder yang dikumpulkan melalui studi kepustakaan dan dianalisis secara normatif kualitatif. Hasil penelitian menunjukkan bahwa penerapan tindak pidana fidusia dalam kedua putusan tersebut telah memenuhi syarat pemidanaan, dengan terdakwa terbukti memberikan keterangan menyesatkan yang membatalkan perjanjian fidusia. Terdakwa juga turut serta dalam perbuatan tersebut. Dasar pertimbangan hukum hakim dalam menjatuhkan pidana pada perkara Nomor 236/Pid.B/2021/PN. Cbn dan Nomor 59/Pid.Sus/2022/PT. Bdg meliputi: 1) Tindak pidana memberi keterangan menyesatkan yang membatalkan perjanjian fidusia, 2) Pembuktian kesalahan dan kemampuan bertanggung jawab terdakwa, 3) Pembuktian berdasarkan alat bukti Pasal 184 KUHAP, dan 4) Pertimbangan hal yang memberatkan dan meringankan sesuai Pasal 197 Ayat (1) huruf (f) KUHAP. Penjatuhan pidana didasarkan pada fakta dan bukti di persidangan, dengan tujuan untuk mencapai keadilan dan efek jera, bukan pembalasan.

Kata kunci: Tindak pidana, Keterangan menyesatkan, Jaminan fidusia



ABSTRACT

The criminal offense of providing misleading statements in fiduciary agreements occurs when an individual intentionally conveys false information that can annul the agreement. This study analyzes the application of the elements of fiduciary crimes under Article 35 of the Fiduciary Law and the legal considerations made by the judges in the rulings of Case No. 236/PID.B/2021/PN. Cbn and Case No. 59/Pid.Sus/2022/PT. Bdg. The research adopts a juridical-normative approach, utilizing secondary data collected through literature study and analyzed qualitatively and normatively. The findings of this study indicate that the application of fiduciary crimes in the two rulings meets the requirements for criminal penalties, with the defendants being proven to have provided misleading statements that invalidated the fiduciary agreements. The defendants were also found to have been involved in the act. The legal considerations made by the judges in sentencing in these cases include: 1) The criminal act of providing misleading statements that invalidate the fiduciary agreement, 2) The proof of the defendant's fault and their capacity for responsibility, 3) The evidence based on the provisions of Article 184 of the Indonesian Criminal Procedure Code (KUHAP), and 4) Consideration of aggravating and mitigating factors in accordance with Article 197 paragraph (1) letter (f) of the KUHAP. The sentencing is based on the facts and evidence presented in the trial, with the aim of achieving justice and deterrence, rather than retribution.

Keywords: Criminal offense, Misleading information, Fiduciary collateral

