

ABSTRAK

ANALISIS PERTIMBANGAN HAKIM TERHADAP PELAKU TINDAK PIDANA PENGGELAPAN OLEH KARYAWAN DI PT INDOMUSKAAT MEGA MANDIRI

(Studi Putusan Nomor: 5/Pid.B/2025/PN GdT)

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Tindak pidana penggelapan merupakan salah satu kejahatan terhadap harta kekayaan yang kerap terjadi dalam hubungan kerja. Permasalahan dalam penelitian ini adalah dasar pertimbangan hakim dalam memutus perkara Nomor 5/Pid.B.20205/PN.GdT dan Putusan Hakim terhadap pelaku tindak pidana penggelapan yang sudah atau belum memenuhi aspek keadilan substantif, di mana majelis hakim menjatuhkan pidana yang berbeda kepada para terdakwa berdasarkan peran dan tingkat keterlibatan masing-masing. Oleh karena itu, penting dilakukan kajian terhadap pertimbangan hakim dalam perkara tersebut guna menilai konsistensi penerapan hukum pidana serta pemenuhan prinsip keadilan substantif dalam putusan pengadilan.

Metode penelitian yang digunakan dalam penelitian ini adalah pendekatan yuridis normatif dengan dimensi empiris. Data dikumpulkan melalui studi putusan kepustakaan dan wawancara dengan Hakim Pengadilan Negeri Gedong Tataan serta Dosen Hukum Pidana Fakultas Hukum Universitas Lampung. Data dianalisis kualitatif untuk memadukan interpretasi hukum dengan realitas sosiologis praktik pengadilan.

Hasil penelitian ini menunjukkan: 1) Dasar pertimbangan hakim dalam perkara ini telah memenuhi tiga aspek utama, yaitu aspek yuridis, filosofis, dan sosiologis. Secara yuridis hakim telah mempertimbangkan bahwa unsur-unsur dalam Pasal 374 *jo* Pasal 55 KUHP tentang penggelapan dan penyertaan telah terpenuhi secara sah dan meyakinkan melalui alat bukti, keterangan saksi, serta pengakuant terdakwa. Secara filosofis hakim mempertimbangkan bahwa sanksi pidana yang diberikan merupakan bentuk keadilan dan dapat memberikan efek jera. Secara sosiologis hakim mempertimbangkan latar belakang para pelaku yang merupakan adanya hubungan kerja di PT Indomuskaat Mega Mandiri dan mempertimbangkan bahwa sanksi pidana yang diberikan dapat bermanfaat bagi masyarakat untuk mencegah tindak pidana serupa terjadi kembali di masa depan. 2) Pemberian sanksi pidana dalam Putusan Nomor 5/Pid.B/2025/PN.GdT, berdasarkan analisis penulis, putusan hakim dalam perkara ini telah memenuhi unsur keadilan substantif karena mempertimbangkan aspek keadilan hukum, moral, dan sosial.

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Saran dalam penelitian ini penulis menyarankan: 1) Diharapkan kepada hakim dalam menjatuhkan sanksi pidana dengan sangat hati-hati karena sifatnya yang tetap dan tidak bisa diubah jika terjadi kesalahan. Dengan hakim mempertimbangkan berbagai sudut pandang, seperti keadaan kondisi pelaku dan dampak perbuatannya terhadap lingkungan sekitar. Proses persidangan juga perlu dijalankan dengan adil dan terbuka, supaya putusan yang diberikan benar-benar mencerminkan rasa keadilan dan bisa diterima oleh masyarakat. 2) Diharapkan kajian dan penerapan hukum terus dilakukan untuk memastikan keadilan benar-benar ditegakan, khususnya dalam perkara tindak pidana penggelapan beserta penyertaan tindak pidana. Kajian tersebut perlu menitikberatkan pada keterikatan antara sanksi pidana, perlindungan hak asasi manusia, dan tujuan pemidanaan, sehingga penerapannya dalam sistem hukum di Indonesia selalu mencerminkan keadilan substantif.

Kata Kunci: Pertimbangan Hakim, Tindak Pidana, Penggelapan

ABSTRACT

ANALYSIS OF THE JUDGE'S CONSIDERATIONS TOWARDS PERPETRATORS OF THE CRIMINAL ACTS OF EMBEZZLEMENT BY EMPLOYEES AT PT INDOMUSKAAT MEGA MANDIRI (Study of Decision Number 5/Pid.B/2025/PN GdT)

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Embezzlement is one of the criminal offenses against property that frequently occurs within employment relationships. The issue examined in this research concerns the legal considerations of the panel of judges in deciding Case Number 5/Pid.B.20205/PN.GdT, as well as whether the judicial decision against the perpetrators of embezzlement has fulfilled the aspect of substantive justice. In this case, the panel of judges imposed different sentences on the defendants based on their respective roles and levels of involvement. Therefore, it is necessary to analyze the judges' reasoning in order to assess the consistency in the application of criminal law and to evaluate the realization of substantive justice principles in the court's decision.

The research method employed in this study is a normative juridical approach with an empirical dimension. Data were collected through a study of court decisions, library research, and interviews with a judge of the District Court of Gedong Tataan and a Criminal Law lecturer at the Faculty of Law, University of Lampung. The data were analyzed qualitatively in order to integrate legal interpretation with the sociological realities of judicial practice.

The results of this research indicate: (1) The judges' legal considerations in this case have fulfilled three primary aspects, namely juridical, philosophical, and sociological aspects. From a juridical perspective, the judges determined that the elements of Article 374 in conjunction with Article 55 of the Criminal Code concerning embezzlement and participation were legally and convincingly proven through evidence, witness testimony, and the defendants' confessions. From a philosophical perspective, the judges considered that the criminal sanctions imposed represented a form of justice and were capable of providing a deterrent effect. From a sociological perspective, the judges took into account the background of the defendants, particularly the employment relationship within PT Indomuskaat Mega Mandiri, and considered that the imposed sanctions would benefit society by preventing similar criminal acts from occurring in the future. (2) With regard to the imposition of criminal

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sanctions in Decision Number 5/Pid.B/2025/PN.GdT, based on the author's analysis, the judges' decision has fulfilled the element of substantive justice, as it takes into account legal, moral, and social dimensions of justice.

This study proposes the following recommendations: 1) Judges are expected to exercise great caution when imposing criminal sanctions, considering their final and binding nature, which cannot be altered once an error occurs. In determining sentences, judges should take into account various perspectives, including the personal circumstances of the offender and the impact of the offense on the surrounding community. Court proceedings must also be conducted fairly and transparently to ensure that judicial decisions genuinely reflect a sense of justice and are accepted by society. 2) Continuous legal study and application are necessary to ensure that justice is consistently upheld, particularly in cases of embezzlement and participation in criminal acts. Such studies should emphasize the interrelationship between criminal sanctions, the protection of human rights, and the objectives of punishment, so that their implementation within the Indonesian legal system consistently embodies substantive justice.

Keywords: Judicial Considerations, Criminal Act, Embezzlement