

## ABSTRAK

### **ANALISIS PERTANGGUNGJAWABAN PIDANA TERHADAP PELAKU PENGHELAPAN MOBIL RENTAL DI BANDAR LAMPUNG (Studi Putusan Nomor 92/Pid.B/2024/PN Tjk)**

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Negara berkembang seperti Indonesia, peningkatan kebutuhan ekonomi masyarakat sering kali diiringi oleh peningkatan risiko tindak pidana. Kejahatan, khususnya dalam bentuk pelanggaran hukum, terus berkembang dan tidak akan sirna begitu saja. Di antara berbagai jenis tindak pidana, kejahatan terhadap properti atau harta benda menempati posisi yang paling umum terjadi, salah satunya adalah kasus penggelapan kendaraan sewaan. Fenomena ini kerap ditemui di berbagai kota besar, termasuk Kota Bandar Lampung. Perbuatan penggelapan secara hukum telah diatur sebagai tindak pidana dalam Pasal 372 Kitab Undang-Undang Hukum Pidana (KUHP). Permasalahan dalam penelitian ini adalah Bagaimanakah pertanggungjawaban pidana terhadap pelaku penggelapan mobil rental dijatuhkan, dan Apa dasar pertimbangan hakim dalam menjatuhkan hukuman.

Penelitian ini menggunakan pendekatan yuridis normatif dan didukung dengan pendekatan yuridis empiris. Metode pengumpulan data dalam penelitian ini ialah studi kepustakaan dan studi lapangan. Narasumber dalam penelitian ini terdiri dari Hakim Pengadilan Negeri Tanjung Karang, Kasat Reskrim Curanmor Polresta Bandar Lampung, Dosen Hukum bagian Pidana Universitas Lampung. Analisis data dilakukan secara kualitatif.

Hasil penelitian menunjukkan bahwa pertanggungjawaban pidana terhadap pelaku telah ditegakkan secara tepat, di mana Majelis Hakim berhasil membedakan dan mengalihkualifikasi perbuatan terdakwa dari dakwaan awal penipuan (Pasal 378 KUHP) menjadi penggelapan (Pasal 372 KUHP), dengan pertimbangan kunci bahwa mobil diperoleh secara sah melalui perjanjian sewa sehingga perbuatan terdakwa merupakan bentuk penyalahgunaan kepercayaan (*abus de confiance*). Dasar pertimbangan hakim dalam menjatuhkan hukuman mencerminkan penerapan asas individualisasi pidana dan prinsip keadilan restoratif (*restorative justice*), di mana pidana penjara sepuluh bulan yang dijatuhkan lebih ringan dari tuntutan jaksa didasarkan pada penilaian proporsional terhadap faktor memberatkan dan meringankan, dengan menempatkan perdamaian antara pelaku dan korban sebagai pertimbangan utama yang signifikan.

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Saran yang dapat diberikan dalam penelitian ini, Pertama Peningkatan Kualitas Pertimbangan Hukum (*Rechtsvinding*). Hakim disarankan untuk senantiasa menjabarkan secara eksplisit dan terstruktur dalam pertimbangan hukum (*overweging*) mengenai tiga pilar pertanggungjawaban pidana yaitu, pembuktian *actus reus* (perbuatan materiil), analisis *mens rea* (unsur kesalahan berupa *opzet* atau *culpa*), dan penilaian *toerekeningsvatbaarheid* (kecakapan bertanggung jawab). Hal ini akan meningkatkan transparansi, daya edukasi, dan kekuatan hukum putusan serta meminimalisir kasasi. Kedua, Hakim dan praktisi peradilan harapannya, dapat mencontoh dasar pertimbangan yang diberikan Majelis Hakim dalam putusan ini, khususnya dalam menimbang faktor perdamaian secara proporsional dan memerintahkan pengembalian barang bukti. Hal ini patut dijadikan pertimbangan dalam menangani kasus serupa, agar dalam setiap pemidanaan, asas kemanusiaan dan upaya pemulihan korban tetap dijaga tanpa mengabaikan fungsi hukum untuk menegakkan kepastian dan menimbulkan efek pencegah.

**Kata kunci: Pertanggungjawaban Pidana, Penggelapan Mobil Rental**

## ***ABSTRACT***

### ***ANALYSIS OF CRIMINAL LIABILITY FOR THE PERPETRATORS OF RENTAL CAR EMBEZZLEMENT IN BANDAR LAMPUNG (A Case Study of Decision Number 92/Pid.B/2024/PN Tjk)***

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In developing countries like Indonesia, the increasing economic needs of society are often accompanied by a rise in the risk of criminal acts. Crime, particularly in the form of legal violations, continues to evolve and will not simply disappear. Among various types of criminal acts, crimes against property are the most commonly occurring, one of which is the embezzlement of rental vehicles. This phenomenon is frequently encountered in major cities, including Bandar Lampung. The act of embezzlement is legally regulated as a criminal offense under Article 372 of the Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana*). The problems addressed in this research are: How is criminal liability imposed on the perpetrators of rental car embezzlement, and What are the judges' legal considerations in imposing the sentence.

This research employs a normative juridical approach, supported by an empirical juridical approach. Data collection methods include library research and field studies. Informants in this study consist of a Judge from the Tanjung Karang District Court, the Head of Theft and Motor Vehicle Theft Unit (*Kasat Reskrim Curanmor*) of the Bandar Lampung Police, and a Criminal Law Lecturer from the University of Lampung. Data analysis was conducted qualitatively.

The results indicate that criminal liability against the perpetrator has been properly enforced. The Panel of Judges successfully distinguished and requalified the defendant's actions from the initial charge of fraud (Article 378 of the Criminal Code) to embezzlement (Article 372 of the Criminal Code). The key consideration was that the car was obtained lawfully through a rental agreement, making the defendant's actions a form of breach of trust (*abus de confiance*). The judges' considerations in sentencing reflect the application of the principle of individualized punishment and the principle of restorative justice. The ten-month prison sentence imposed, which was lighter than the prosecutor's demand, was based on a proportional assessment of aggravating and mitigating factors, with the settlement between the perpetrator and the victim serving as a significant primary consideration.

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Based on the findings of this research, the following suggestions are offered: First, Enhancement of Legal Reasoning (*Rechtsvinding*) Quality. Judges are advised to consistently articulate explicitly and in a structured manner within their legal considerations (*overweging*) the three pillars of criminal liability: (1) the proof of *actus reus* (material act), (2) the analysis of *mens rea* (fault element in the form of *opzet* or *culpa*), and (3) the assessment of *toerekeningsvatbaarheid* (capacity to be held accountable). This will enhance the transparency, educational value, and legal strength of the verdict while minimizing potential cassation. Second, Emulation of Judicial Considerations. Judges and judicial practitioners are encouraged to use the reasoning employed by the Panel of Judges in this decision as a reference, particularly in proportionally weighing restorative factors and ordering the restitution of evidence. This approach deserves consideration in handling similar cases to ensure that in every sentencing, the principles of humanity and victim recovery efforts are upheld without neglecting the law's function to enforce certainty and create a deterrent effect.

**Keywords: Criminal Liability, Rental Car Embezzlement**