

ABSTRAK

ANALISIS YURIDIS PERANAN PENYIDIK TERHADAP TINDAK PIDANA PENIPUAN PEMBIAYAAN PEKERJAAN PROYEK PEMBANGUNAN DRAINASE DITINJAU DARI KUHAP (Studi Putusan Nomor 1193/Pid.B/2020/PN Kisaran)

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Kasus penipuan yang terjadi akhir-akhir ini semakin membuat resah saja. Salah satu bentuk penipuan adalah tindak pidana penipuan pembiayaan pekerjaan proyek pembangunan drainase.

Rumusan masalah dalam tesis ini adalah bagaimana pengaturan kewenangan penyidik dalam melakukan penyidikan terhadap tindak pidana penipuan pembiayaan pekerjaan proyek pembangunan drainase, apakah hambatan dan upaya penyidik dalam melakukan penyidikan terhadap tindak pidana penipuan pembiayaan pekerjaan proyek pembangunan drainase, bagaimana pertimbangan hukum hakim dalam putusan Nomor 1193/Pid.B/2020/PN.Kisaran tentang tindak pidana penipuan pembiayaan pekerjaan proyek pembangunan drainase.

Penelitian yang dilakukan adalah penelitian hukum yuridis normatif dengan pendekatan yuridis empiris dengan menggunakan data primer dan didukung dengan data sekunder berupa bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier.

Berdasarkan hasil penelitian dipahami bahwa pengaturan kewenangan penyidik dalam melakukan penyidikan terhadap tindak pidana penipuan pembiayaan pekerjaan proyek pembangunan drainase telah sesuai dengan ketentuan Pasal 7 KUHAP. Hambatan penyidik dalam melakukan penyidikan adalah kurangnya partisipasi saksi dalam memberikan keterangan dalam proses penyidikan, sumber daya manusia penyidik atau penyidik pembantu dan saksi tidak dapat mengungkap peristiwa pidana serta barang bukti yang ada kurang lengkap. Cara mengatasi hambatan-hambatan yang dihadapi penyidik adalah mencari dan membuktikan peristiwa pidana, meningkatkan sumber daya manusia penyidik. Pertimbangan hukum hakim dalam putusan Nomor 1193/Pid.B/2020/PN.Kisaran tentang tindak pidana penipuan pembiayaan pekerjaan proyek pembangunan drainase adalah perbuatan terdakwa telah sesuai dengan dakwaan primair dari Jaksa Penuntut Umum dan telah memenuhi unsur Pasal 378 KUHP.

Kata Kunci: Peranan, Penyidikan, Penipuan.

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ABSTRACT

JURIDICAL ANALYSIS OF THE ROLE OF INVESTIGATORS ON CRIMINAL ACTS OF WORK FINANCING FINANCING DRAINAGE DEVELOPMENT PROJECTS REVIEWED FROM KUHAP

(Study of Decision Number 1193/Pid.B/2020/PN Kisran)

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The cases of fraud that have occurred recently are getting more and more unsettling. One form of fraud is a criminal act of fraud in the financing of drainage construction project work.

The formulation of the problem in this thesis is how to regulate the investigator's authority in conducting investigations of fraudulent acts of financing drainage construction project work, what are the obstacles and efforts of investigators in investigating criminal acts of fraudulent financing of drainage construction project work, how are the judge's legal considerations in decision Number 1193/ Pid.B/2020/PN.Kisaran regarding the criminal act of fraud in the financing of drainage construction project work.

The research conducted is normative juridical law research with empirical juridical approach using primary data and supported by secondary data in the form of primary legal materials, secondary legal materials and tertiary legal materials.

Based on the results of the study, it is understood that the regulation of the investigator's authority in conducting investigations of criminal acts of fraud in financing the drainage construction project work is in accordance with the provisions of Article 7 of the Criminal Procedure Code. Obstacles for investigators in conducting investigations into criminal acts of fraud in financing the drainage construction project work are the lack of witness participation in providing information in the investigation process, human resources for investigators or assistant investigators and witnesses unable to uncover criminal events and incomplete evidence. The way to overcome the obstacles faced by investigators is to find and prove criminal events, increase investigators' human resources, witnesses should reveal criminal events experienced by themselves, especially in the forms of criminal acts of fraud, and settlement through mediation. The judge's legal considerations in the decision Number 1193/Pid.B/2020/PN.Kisaran regarding the crime of fraud in financing the drainage construction project work were that the defendant's actions were in accordance with the primary indictment of the Public Prosecutor and had fulfilled the elements of Article 378 of the Criminal Code.

Keywords: Role, Investigation, Fraud.

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