

ABSTRAK

PENEGAKAN HUKUM TERHADAP SINDIKAT PENADAH SEPEDA MOTOR HASIL TINDAK PIDANA PENCURIAN (Analisis Putusan Nomor 767/Pid.B/2022/PN Lbp)

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Tindak pidana penadahan sampai saat ini masih dilematis dan menjadi masalah yang cukup serius serta memerlukan pemecahan. Permasalahan dalam tesis ini adalah bagaimana pengaturan hukum tindak pidana penadahan sepeda motor hasil pencurian menurut hukum yang berlaku di Indonesia, bagaimana upaya penanggulangan tindak pidana penadahan sepeda motor hasil pencurian, bagaimana pertimbangan hukum hakim dalam Putusan Nomor 767/Pid.B/2022/PN Lbp.

Penelitian ini menggunakan metode deskriptif melalui pendekatan normatif (*legal research*) yaitu pendekatan terhadap permasalahan, dilakukan dengan mengkaji berbagai aspek hukum dari segi peraturan-peraturan yang berlaku.

Pengaturan tindak pidana penadahan sepeda motor hasil pencurian menurut hukum yang berlaku di Indonesia diatur dalam Pasal 480 KUHP dan berdasarkan Putusan Nomor 767/Pid.B/2022/PN Lbp terdakwa dipidana penjara selama 3 (tiga) tahun dan lebih ringan dari tuntutan Jaksa Penuntut Umum agar terdakwa dipidana penjara selama 1 (satu) Tahun dan 10 (sepuluh) bulan. Berdasarkan putusan hakim, maka penulis tidak setuju sebab putusannya terlalu rendah seharusnya lebih berat sebab tindak pidana penadahan sepeda motor hasil pencurian yang digolongkan ke dalam kejahatan terhadap harta sangat meresahkan masyarakat.

Berdasarkan hasil penelitian diketahui bahwa upaya penanggulangan tindak pidana penadahan sepeda motor hasil pencurian adalah upaya pre-emptif, upaya represif, dan upaya preventif. Pertimbangan hukum hakim dalam Putusan Nomor 767/Pid.B/2022/PN Lbp adalah seluruh unsur 480 ayat (1) jo Pasal 55 ayat (1) ke-1e KUHPidana telah terpenuhi serta tidak ada alasan pembenar dan pemaaf, sehingga dinyatakan bersalah, serta hal-hal yang memberatkan dan meringankan. Hal yang meringankan terdakwa berterus terang dan bersikap sopan dalam persidangan, terdakwa menunjukkan sikap menyesali perbuatannya. Hal yang memberatkan adalah perbuatan terdakwa telah meresahkan masyarakat serta

Kata Kunci: Penegakan Hukum, Penadahan, Hasil Pencurian

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ABSTRACT

**LAW ENFORCEMENT AGAINST A SYNDICATE OF MOTORCYCLE
HANDLING PROCEEDINGS OF CRIME THEFT
(Analysis of Decision Number 767/Pid.B/2022/PN Lbp)**

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Until now, the criminal act of detention is still a dilemma and is quite a serious problem and requires a solution. The problem in this thesis is how the legal regulation of the criminal act of holding a motorbike resulting from theft is according to the law in force in Indonesia, how to deal with the criminal act of holding a motorbike resulting from theft, what are the legal considerations of the judge in Decision Number 767/Pid.B/2022/PN Lbp .

This research uses a descriptive method through a normative approach (legal research), namely an approach to problems, carried out by examining various legal aspects in terms of applicable regulations.

The regulation of the criminal act of holding a motorbike resulting from theft according to the law in force in Indonesia is regulated in Article 480 of the Criminal Code and based on Decision Number 767/Pid.B/2022/PN Lbp the defendant was sentenced to prison for 3 (three) years and less than the demands of the Public Prosecutor that the defendant be sentenced to prison for 1 (one) year and 10 (ten) months. Based on the judge's decision, the author does not agree because the decision is too low, it should be more severe because the crime of stealing a motorbike resulting from theft which is classified as a crime against property is very disturbing to the public.

Based on the results of the research, it is known that efforts to overcome the criminal act of stealing stolen motorbikes are pre-emptive efforts, repressive efforts and preventive efforts. The judge's legal consideration in Decision Number 767/Pid.B/2022/PN Lbp is that all elements of 480 paragraph (1) in conjunction with Article 55 paragraph (1) 1e of the Criminal Code have been fulfilled and there is no justification or excuse, so he is declared guilty, and aggravating and mitigating factors. What made it easier for the defendant to be frank and polite during the trial was that the defendant showed regret for his actions. The aggravating thing is that the defendant's actions have disturbed the community as well

Keywords: Law Enforcement, Detention, Proceeds of Theft.

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