

PENEGAKAN HUKUM TERHADAP TINDAK PIDANA PEMBOBOLAN MESIN ANJUNGAN TUNAI MANDIRI (Studi Penelitian Kepolisian Resor Kota Besar Medan)

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ABSTRAK

Tindak pidana pembobolan mesin Anjungan Tunai Mandiri (ATM) di Indonesia termasuk kejahatan pencurian dengan pemberatan, yang diatur dalam Pasal 363 KUHP. Rumusan masalah dalam tesis ini adalah bagaimana pengaturan hukum tindak pidana pembobolan Mesin Anjungan Tunai Mandiri (ATM) di Indonesia, bagaimana penegakan hukum terhadap pelaku tindak pidana pembobolan Mesin Anjungan Tunai Mandiri (ATM), bagaimana hambatan penegakan hukum tindak pidana pembobolan Mesin Anjungan Tunai Mandiri (ATM) dan upaya mengatasi hambatan tersebut

Penelitian yang dilakukan adalah penelitian normatif dan didukung dengan data yuridis empiris yaitu melakukan wawancara dengan Kombes Pol Sumaryono, Dirreskrim Kepolisian Resor Kota Besar Medan. Analisis data yang digunakan adalah data kualitatif.

Tindak pidana ini seringkali dijerat dengan Pasal 363 KUHP yang mengatur tentang pencurian dengan pemberatan. Pemberatan ini bisa berupa penggunaan kekerasan atau ancaman kekerasan, atau dilakukan dengan cara yang membahayakan keselamatan orang. Pelaku memasang alat skimming pada mesin ATM untuk mencuri data kartu, termasuk PIN. Data ini kemudian digunakan untuk melakukan transaksi ilegal di tempat lain. Pelaku menggunakan kartu ATM yang tidak sah atau kartu ATM yang sudah dicuri untuk melakukan transaksi. .

Berdasarkan hasil penelitian diketahui bahwa pengaturan hukum tindak pidana pembobolan Mesin Anjungan Tunai Mandiri (ATM) di Indonesia diatur dalam KUHP dan Undang-Undang Informasi dan Transaksi Elektronik (ITE). Penegakan hukum terhadap pelaku tindak pidana pembobolan Mesin Anjungan Tunai Mandiri (ATM) dilakukan dengan cara yang sama dengan tindak pidana pencurian dengan pemberatan. Pelaku dapat dikenakan Pasal 363 KUHP. Hambatan penegakan hukum tindak pidana pembobolan Mesin Anjungan Tunai Mandiri (ATM) meliputi beberapa faktor, baik dari aspek hukum maupun teknis. Beberapa hambatan tersebut adalah: kesulitan dalam membuktikan perbuatan pembobolan ATM.

Kata Kunci: Penegakan Hukum, Tindak Pidana, ATM,

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**LAW ENFORCEMENT AGAINST CRIMINAL ACT OF BREAKING
INTO AUTOMATIC TELLER MACHINES
(Research Study of Medan City Police)**

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ABSTRACT

The criminal act of breaking into an Automated Teller Machine (ATM) in Indonesia is a crime of aggravated theft, which is regulated in Article 363 of the Criminal Code. The formulation of the problem in this thesis is how the legal regulation of the crime of breaking into an Automated Teller Machine (ATM) in Indonesia, how the law is enforced against perpetrators of the crime of breaking into an Automated Teller Machine (ATM), what are the obstacles to law enforcement for the crime of breaking into an Automated Teller Machine (ATM) and efforts to overcome these obstacles

The research conducted is normative research and is supported by empirical legal data, namely conducting interviews with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police. The data analysis used is qualitative data.

This crime is often charged with Article 363 of the Criminal Code which regulates aggravated theft. This aggravation can be in the form of the use of violence or threats of violence, or carried out in a manner that endangers people's safety. The perpetrator installs a skimming device on the ATM machine to steal card data, including the PIN. This data is then used to carry out illegal transactions elsewhere. The perpetrator uses an invalid ATM card or an ATM card that has been stolen to make transactions. .

Based on the research results, it is known that the legal regulation of the crime of breaking into an Automated Teller Machine (ATM) in Indonesia is regulated in the Criminal Code and the Law on Information and Electronic Transactions (ITE). Law enforcement against perpetrators of the crime of breaking into an Automated Teller Machine (ATM) is carried out in the same way as the crime of aggravated theft. The perpetrators can be charged with Article 363 of the Criminal Code. Obstacles to law enforcement of the crime of breaking into an Automated Teller Machine (ATM) include several factors, both from a legal and technical aspect. Some of these obstacles are: difficulty in proving the act of breaking into an ATM.

Keywords: Law Enforcement, Crime, ATM,

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