

RINGKASAN

**NAZWA SABANI
210510124**

**PEMIDANAAN TERHADAP PELAKU TINDAK
PIDANA PENIPUAN PENGURUSAN CALON
PEGAWAI NEGERI SIPIL OLEH APARATUR
SIPIL NEGARA
(Studi Putusan Nomor: 158/Pid.B/2022/Pn.Lsm)**

(Johari, S.H., M.H dan Muhibuddin, S.H., M. Hum)

Tindak pidana penipuan yang dilakukan oleh seorang Aparatur Sipil Negara (ASN) dalam Putusan Nomor:158/Pid.B/2022/PN Lsm dalam proses pengurusan Calon Pegawai Negeri Sipil (CPNS). Perbuatan yang dilakukan terdakwa berulang kali sejak tahun 2016 hingga 2021 dan menyebabkan kerugian yang besar bagi para korban. Terdakwa terbukti bersalah melanggar Pasal 378 KUHP Jo Pasal 64 ayat (1) dan dijatuhi pidana penjara selama 1 (satu) tahun 6 (enam) bulan. Hal ini menimbulkan kritik karena hukuman tersebut dianggap tidak proporsional dan belum mencerminkan prinsip keadilan, dikarenakan perbuatan terdakwa dilakukan secara sistematis, melibatkan banyak korban, serta menurunkan kepercayaan masyarakat.

Tujuan dari penelitian ini adalah untuk menganalisis penerapan Pasal 378 terhadap terdakwa pelaku tindak pidana penipuan dalam Putusan Nomor:158/Pid.B/2022/PN Lsm serta untuk menilai apakah pertimbangan hakim dalam Putusan Nomor:158/Pid.B/2022/PN Lsm telah mencerminkan prinsip keadilan bagi semua pihak yang dirugikan.

Metode yang digunakan dalam penelitian ini adalah yuridis normatif, dengan pendekatan Peraturan Perundang-Undangan, doktrin, serta studi kasus. Penelitian ini bersifat deskriptif analitis dan berfokus pada penilaian aspek hukum.

Hasil penelitian menunjukkan bahwa unsur-unsur dalam Pasal 378 KUHP Jo Pasal 64 ayat (1) KUHP telah terbukti secara sah dan meyakinkan. Namun, Majelis Hakim menjatuhkan pidana penjara selama 1 (Satu) tahun 6 (Enam) bulan, meskipun ancaman maksimal paling lama 4 (empat) tahun. Seharusnya Hakim mempertimbangkan bahwa perbuatan terdakwa dilakukan secara berulang dan melibatkan banyak korban. Serta pertimbangan Hakim dalam Putusan Nomor:158/Pid.B/2022/PN Lsm belum mencerminkan prinsip keadilan dikarenakan putusan tersebut belum memberikan rasa keadilan yang seimbang bagi korban dan masyarakat.

Kesimpulan penelitian ini secara hukum penerapan pasal telah tepat namun secara keadilan sosial Putusan Nomor:158/Pid.B/2022/PN Lsm belum mencerminkan prinsip keadilan yang seimbang. Oleh karena itu diharapkan agar hakim lebih mempertimbangkan jumlah korban, nilai kerugian, dan status pelaku dalam menjatuhkan pidana.

Kata Kunci: Pemidanaan, Penipuan, ASN, CPNS, Pertimbangan Hakim, Keadilan.

SUMMARY

**NAZWA SABANI
210510124**

*CRIMINAL PUNISHMENT OF PERPETRATORS OF
CIVIL SERVANT CANDIDATE FRAUD BY STATE
CIVIL APPARATUS
(Decision Study Number: 158/Pid.B/2022/Pn.Lsm)*

(Johari, S.H., M.H and Muhibuddin, S.H., M. Hum)

The crime of fraud committed by a State Civil Apparatus (ASN) in Decision Number: 158/Pid.B/2022/PN Lsm in the process of managing Civil Servant Candidates (CPNS), abuse of office in the bureaucratic environment, the defendant promised the victim that the Civil Servant Candidate (CPNS) would pass in exchange for money. The defendant's actions were repeated from 2016 to 2021 and caused great losses to the victims. The defendant was found guilty of violating Article 378 of the Criminal Code in conjunction with Article 64 paragraph (1) and was sentenced to 1 (one) year and 6 (six) months in prison. This has raised criticism because the sentence is considered disproportionate and does not reflect the principle of justice, because the defendant's actions were carried out systematically, involved many victims, and reduced public trust.

The purpose of this study is to analyze the application of Article 378 to perpetrators of fraud in Decision Number: 158/Pid.B/2022/PN Lsm and to assess whether the judge's considerations in Decision Number: 158/Pid.B/2022/PN Lsm have reflected the principle of justice for all par.

The method used in this study is normative juridical, with the approach of Legislation, doctrine, and case studies of Court Decisions. This study is descriptive analytical and focuses on the assessment of legal aspects and justice in the punishment of the perpetrator.

The results of the study show that the application of criminal sanctions against perpetrators of criminal acts reviewed from Article 378 of the Criminal Code has been proven legally and convincingly. However, based on the fact that the perpetrators committed the act repeatedly, involved many victims, and took advantage of their position as State Civil Apparatus (ASN), the sanctions imposed do not reflect the severity of the impact caused.

The conclusion of this study is that legally the application of the article is correct, but in terms of social justice, Decision Number: 158 / Pid.B / 2022 / PN Lsm does not reflect the principle of balanced justice. Therefore, it is hoped that judges will consider the number of victims, the value of the loss, and the status of the perpetrator in imposing a sentence.

Keywords: Criminalization, Fraud, ASN, CPNS, Judge's Consideration, Justice.