

RINGKASAN

RAHAYU ANANDARI NIM. 210510163 **PERTANGGUNGJAWABAN PIDANA TERHADAP PELAKU TINDAK PIDANA PENIPUAN INVESTASI YANG MENGAKIBATKAN KERUGIAN SESEORANG (Studi Putusan No. 166/Pid.B/2022/PN Lsm)**

(Dr. Muhammad Nur S.H., M.H. dan Dr. Ramziati S.H., M.Hum.)

Tindak pidana penipuan sebagaimana diatur dalam Pasal 378 KUHP merupakan kejahatan yang dilakukan melalui kebohongan dan manipulasi untuk memperoleh keuntungan pribadi. Putusan No. 166/Pid.B/2022/PN Lhokseumawe menggambarkan kasus penipuan bermodus investasi, di mana terdakwa membujuk korban menanamkan modal pada usaha fiktif dengan janji keuntungan tinggi dan mengakibatkan kerugian sebesar Rp2,7 miliar. Terdakwa terbukti bersalah dan dijatuhi pidana penjara selama satu tahun enam bulan.

Penelitian ini bertujuan untuk menganalisis pertanggungjawaban pidana pelaku tindak pidana penipuan investasi dan pertimbangan hakim dalam Putusan No. 166/Pid.B/2022/PN Lsm.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan sekunder melalui sumber data utama berupa putusan No.166/Pid.B/2022/PN.Lsm. Analisis data dilakukan secara deskriptif (*descriptive analysis*).

Hasil penelitian menunjukkan bahwa pertanggungjawaban pidana terdakwa dalam tindak pidana penipuan investasi pada Putusan Nomor 166/Pid.B/2022/PN Lsm telah terpenuhi sesuai dengan unsur-unsur teori hukum pidana. Unsur *actus reus* terbukti melalui rangkaian tipu muslihat dan penyerahan dana oleh korban, sementara unsur *mens rea* terlihat dari kesengajaan terdakwa untuk memperoleh keuntungan secara melawan hukum. Kemampuan bertanggung jawab terdakwa tidak diragukan, dan tidak terdapat alasan pembeda maupun pemaaf, sehingga terdakwa dapat dikenai pertanggungjawaban pidana sesuai hukum yang berlaku. Pertimbangan hakim dalam Putusan No. 166/Pid.B/2022/PN Lsm menyatakan terdakwa terbukti bersalah melakukan penipuan sesuai Pasal 378 KUHP, namun pertimbangannya masih normatif dan formalistik, belum menilai karakteristik khusus penipuan investasi serta dampaknya terhadap korban.

Pertanggungjawaban pidana terdakwa dalam penipuan investasi pada Putusan No. 166/Pid.B/2022/PN Lsm telah terpenuhi sesuai unsur *actus reus* dan *mens rea*, dengan terdakwa terbukti bersalah tanpa alasan pembeda atau pemaaf. Hakim menyatakan bersalah berdasarkan Pasal 378 KUHP, meski pertimbangannya masih normatif dan formalistik, sehingga disarankan untuk mempertimbangkan pemulihan kerugian dan karakteristik khusus kejahatan investasi.

Kata Kunci : Penipuan , Modus Investasi, Pertimbangan Hakim.

SUMMARY

RAHAYU ANANDARI *CRIMINAL RESPONSIBILITY FOR
NIM. 210510163* *PERPETRATORS OF INVESTMENT FRAUD
RESULTING IN LOSSES TO A PERSON
(Study of Decision No. 166/Pid.B/2022/PN Lsm)*

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The crime of fraud, as stipulated in Article 378 of the Criminal Code, is a crime committed through deception and manipulation for personal gain. Decision No. 166/Pid.B/2022/PN Lhokseumawe describes a case of investment fraud, in which the defendant persuaded the victim to invest in a fictitious business with promises of high profits, resulting in losses of IDR 2.7 billion. The defendant was found guilty and sentenced to one year and six months in prison.

This study aims to analyze the judge's considerations and assess the fulfillment of the principle of justice for the victim based on Aristotle's theory of justice in the decision.

This study uses a normative juridical method with a secondary approach using the primary data source, Decision No.166/Pid.B/2022/PN.Lsm. Data analysis was conducted descriptively.

The results of the study indicate that the defendant's criminal liability for the investment fraud case in Decision No. 166/Pid.B/2022/PN Lsm has been met according to the elements of criminal law theory. The actus reus element was proven through the series of deceptions and the transfer of funds by the victim, while the mens rea element was evident from the defendant's intention to obtain unlawful benefits. The defendant's capacity to take responsibility is unquestionable, and there are no justifications or excuses, therefore the defendant can be held criminally liable under applicable law. The judge's reasoning in Decision No. 166/Pid.B/2022/PN Lsm found the defendant guilty of fraud under Article 378 of the Criminal Code. However, the reasoning was still normative and formalistic, failing to assess the specific characteristics of investment fraud and its impact on the victim.

The defendant's criminal liability for the investment fraud case in Decision No. 166/Pid.B/2022/PN Lsm has been met according to the actus reus and mens rea elements, with the defendant found guilty without justification or excuse. The judge found him guilty based on Article 378 of the Criminal Code, although his considerations were still normative and formalistic, so it was suggested to consider the recovery of losses and the special characteristics of investment crimes.

Keywords: *Fraud, Investment Method, Judicial Considerations.*