

RINGKASAN

SUCI RAHMAYANI NIM 220510138 **PERTANGGUNGJAWABAN PIDANA TERHADAP PELAKU PENADAH BARANG CURIAN (Studi Putusan Nomor 177/Pid.B/2024/PN Lsm)**
(Dr. Yusrizal, S.H., M.H. dan Dr. Joelman Subaidi, S.H., M.H.)

Tindak pidana penadahan menurut Pasal 480 ayat (1) KUHP mengatur pertanggungjawaban pidana terhadap orang yang menerima barang yang diketahui atau patut diduga berasal dari kejahatan. Ketentuan tersebut diperbarui dalam KUHP baru, yaitu Pasal 591 Undang-Undang Nomor 1 Tahun 2023, yang juga mengatur penerimaan atau penggadaian benda yang diketahui atau patut diduga diperoleh dari tindak pidana. Namun, masih ditemukan penerimaan barang curian melalui transaksi gadai tanpa verifikasi kepemilikan sebagaimana dalam Putusan Nomor 177/Pid.B/2024/PN Lsm, ketika terdakwa menerima mobil dengan nomor polisi palsu, harga tidak wajar, dan tanpa dokumen sah. Oleh karena itu, penelitian ini bertujuan mengetahui penerapan teori pertanggungjawaban pidana dalam menilai unsur “mengetahui atau patut menduga” serta bentuk pertanggungjawaban pidana terhadap pelaku penadahan berdasarkan putusan tersebut.

Penelitian ini menggunakan jenis penelitian yuridis normatif dengan pendekatan kasus dan bersifat deskriptif-analitis. Sumber data yang digunakan berupa data sekunder yaitu dengan mengkaji KUHP, KUHPA, dan UU No 48 Tahun 2009 tentang Kekuasaan Kehakiman yang dikumpulkan melalui studi dokumentasi, kemudian dianalisis secara kualitatif.

Hasil penelitian ini menunjukkan bahwa penerapan teori pertanggungjawaban pidana dalam menilai unsur “mengetahui atau patut menduga” pada pelaku penadahan dalam Putusan Nomor 177/Pid.B/2024/PN Lsm dilakukan melalui penilaian keadaan subjektif dan objektif berupa penerimaan gadai mobil dengan harga tidak wajar, tanpa verifikasi kepemilikan, diserahkan oleh pihak yang bukan pemilik, serta adanya tujuan memperoleh keuntungan, sehingga terdakwa setidaknya-patut menduga barang berasal dari tindak pidana dan dinyatakan bersalah karena terpenuhi kemampuan bertanggung jawab, kesalahan, serta tidak adanya alasan pembenar maupun pemaaf. Bentuk pertanggungjawaban pidana terhadap pelaku penadahan barang curian dalam putusan ini diwujudkan melalui pembuktian terpenuhinya seluruh unsur Pasal 480 ayat (1) KUHP, penjatuan pidana penjara selama satu tahun enam bulan, perintah tetap ditahan dengan pengurangan masa penahanan, serta pengembalian barang bukti kepada pemilik yang sah. Pengaturan tersebut kini diperbarui melalui Pasal 591 Undang-Undang Nomor 1 Tahun 2023 tentang KUHP yang mengatur tindak pidana penadahan.

Berdasarkan hasil penelitian disarankan agar Majelis Hakim menetapkan indikator objektif unsur “mengetahui atau patut menduga” secara jelas agar penilaian kesalahan pelaku penadahan konsisten, serta aparat penegak hukum menegaskan pertanggungjawaban pidana tidak hanya melalui pidana penjara, tetapi juga melalui penguatan pembuktian guna menimbulkan efek jera dan menjamin pemulihan kerugian korban.

Kata Kunci : Pertanggungjawaban Pidana, Pelaku, Penadahan, Barang Curian.

SUMMARY

SUCI RAHMAYANI **CRIMINAL LIABILITY OF PERPETRATORS OF RECEIVING STOLEN GOODS** (*Study of Decision Number 177/Pid.B/2024/PN Lsm*)
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The criminal offense of receiving stolen goods under Article 480 paragraph (1) of the Indonesian Criminal Code (KUHP) establishes criminal liability for anyone who receives goods known or reasonably suspected to have originated from a crime. This provision was updated under the new Criminal Code, namely Article 591 of Law Number 1 of 2023, which also regulates the receipt or pledging of goods known or reasonably suspected to have been obtained from a criminal offense. However, cases of receiving stolen goods through pawn transactions without ownership verification still occur, as reflected in Decision Number 177/Pid.B/2024/PN Lsm, in which the defendant received a car with a fake license plate, an unreasonable price, and without valid documents. Therefore, this research aims to examine the application of criminal liability theory in assessing the element of “knowing or reasonably suspecting” and the form of criminal liability of the perpetrator based on the decision.

This research uses normative juridical research with a case approach and is descriptive-analytical in nature. The data sources used are secondary data by examining the Indonesian Criminal Code, the Criminal Procedure Code, and Law Number 48 of 2009 concerning Judicial Power, collected through documentation study and analyzed qualitatively.

The results show that the application of criminal liability theory in assessing the element of “knowing or reasonably suspecting” in Decision Number 177/Pid.B/2024/PN Lsm was carried out through the assessment of subjective and objective circumstances, namely the acceptance of a pawned car at an unreasonable price, without ownership verification, handed over by a person who was not the owner, and the intention to gain profit, so that the defendant at least reasonably suspected that the goods originated from a criminal act and was declared guilty due to the fulfillment of criminal responsibility capacity, fault, and the absence of justifying or excusing grounds. proof of all elements of Article 480 paragraph (1) of the Criminal Code, the imposition of imprisonment for one year and six months, an order to remain in detention with deduction of detention period, this provision has subsequently been updated through Article 591 of Law Number 1 of 2023 concerning the Criminal Code.

Based on the research results, it is recommended that judges clearly establish objective indicators of the element “knowing or reasonably suspecting” to ensure consistent assessment of the offender’s fault, and that law enforcement officials emphasize criminal liability not only through imprisonment but also through strengthened evidentiary assessment to create a deterrent effect and ensure optimal recovery of victims’ losses.

Keywords: *Criminal Liability, Perpetrator, Receiving Stolen Goods, Stolen Property*