

RINGKASAN

Acep Lucky Faisal 210510306 **TINJAUAN YURIDIS TERHADAP TINDAK PIDANA
PENGGELOPAN UANG PESANGON KARYAWAN
(Studi Putusan Nomor 379/Pid.B/2024/PN Mre)**

(Dr. Zul Akli, S.H., M.H., dan Dr. Shira Thani, S.H., M.H)

Persoalan utama dalam penelitian ini muncul ketika dana pesangon yang telah sah dicairkan oleh perusahaan tidak sampai kepada para pekerja yang berhak menerimanya, melainkan dikuasai untuk kepentingan pribadi oleh oknum internal yang memiliki akses atas pengelolaannya. Hal ini terlihat dalam Putusan Nomor 379/Pid.B/2024/PN Mre, di mana Terdakwa Aryatama Subahra selaku *Finance Staff* PT Bina Sarana Sukses bersama Saksi Alfianur mencairkan dana pesangon 15 karyawan yang di-PHK sebesar Rp185.543.643,-, namun hanya Rp64.196.822,- yang diserahkan kepada karyawan, sementara Rp121.346.821,- digunakan untuk kepentingan pribadi para pelaku. Rumusan masalah mencakup penerapan gabungan Pasal 374, Pasal 55 ayat (1) ke-1, dan Pasal 64 ayat (1) KUHP serta bagaimana pertimbangan hakim terhadap tindak pidana penggelapan uang pesangon karyawan. Tujuan penelitian ini adalah menganalisis penerapan gabungan ketiga pasal tersebut dan menilai pertimbangan hakim secara yuridis.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan pendekatan kasus, bersifat deskriptif-analitis. Bahan hukum primer meliputi UUD 1945, KUHP, Undang-Undang Nomor 6 Tahun 2023, Peraturan Pemerintah Nomor 35 Tahun 2021, dan Putusan Nomor 379/Pid.B/2024/PN Mre, dilengkapi bahan hukum sekunder berupa buku dan jurnal hukum, dikumpulkan melalui studi kepustakaan dan dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa penerapan hukum dalam Putusan Nomor 379/Pid.B/2024/PN Mre telah tepat secara yuridis formal. Pertimbangan yang diberikan masih berfokus pada terpenuhinya unsur delik, sementara penilaian atas akibat perbuatan dan perlindungan terhadap hak pekerja belum diuraikan secara mendalam. Oleh karena itu, vonis yang dijatuhkan dinilai belum sepenuhnya seimbang dengan kerugian yang timbul dalam perkara ini.

Saran dari penelitian ini bagi Majelis Hakim, dalam memeriksa dan memutus perkara penggelapan dalam jabatan yang berkaitan dengan hak normatif pekerja, perlu memberikan pertimbangan pemidanaan yang lebih komprehensif dengan memperhatikan penyalahgunaan kepercayaan jabatan, perencanaan perbuatan, jumlah dan dampak kerugian terhadap pekerja, serta kondisi korban pasca-PHK. Bagi Jaksa Penuntut Umum, dalam perkara penggelapan yang objeknya berkaitan dengan hak normatif pekerja, surat tuntutan perlu memuat uraian yang lebih komprehensif mengenai dampak perbuatan terhadap kesejahteraan dan hak-hak pekerja secara individual.

Kata Kunci: *Penggelapan dalam Jabatan, Uang Pesangon, Penyertaan, Perbuatan Berlanjut, Perlindungan Hak Pekerja.*

SUMMARY

Acep Lucky Faisal 210510306 ***A JURIDICAL REVIEW OF THE CRIMINAL ACT OF EMBEZZLEMENT OF EMPLOYEE SEVERANCE PAY (Study of Decision Number 379/Pid.B/2024/PN Mre)***

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The main issue in this research arises when lawfully disbursed severance funds fail to reach the entitled workers, but are instead appropriated for personal gain by internal staff who have authorized access to manage them. This is evident in Decision Number 379/Pid.B/2024/PN Mre, where Defendant Aryatama Subahra, acting as the Finance Staff of PT Bina Sarana Sukses, together with Witness Alfianur, disbursed the severance funds of 15 laid-off employees amounting to IDR 185,543,643. However, only IDR 64,196,822 was handed over to the employees, while the remaining IDR 121,346,821 was used for the perpetrators' personal interests. The research problems include the combined application of Article 374, Article 55 paragraph (1) item 1, and Article 64 paragraph (1) of the Indonesian Criminal Code (KUHP), as well as the judge's legal reasoning regarding the criminal act of employee severance pay embezzlement. The objective of this research is to analyze the combined application of these three articles and to assess the judge's reasoning from a juridical perspective.

This research employs a normative juridical method using a statutory approach and a case approach, with a descriptive-analytical nature. Primary legal materials include the 1945 Constitution, the Criminal Code, Law Number 6 of 2023, Government Regulation Number 35 of 2021, and Decision Number 379/Pid.B/2024/PN Mre, supplemented by secondary legal materials such as legal books and journals, gathered through library research and analyzed qualitatively.

The research findings indicate that the application of law in Decision Number 379/Pid.B/2024/PN Mre was formally juridically appropriate. The judicial considerations remained focused on the fulfillment of the elements of the offense, while the assessment of the consequences of the act and the protection of workers' rights were not examined in sufficient depth. Therefore, the sentence imposed was considered not to be fully proportionate to the losses arising from the offense.

The recommendations of this research are as follows, for the Panel of Judges, in examining and adjudicating cases of embezzlement in office involving worker normative rights, more comprehensive sentencing considerations should be provided by taking into account the abuse of trust inherent in the position, the planning of the offense, the amount and impact of the losses suffered by workers. For Public Prosecutors, in cases of embezzlement involving workers' normative rights, the indictment or prosecution memorandum should provide a more comprehensive description of the impact of the offense on the individual.

Keywords: Embezzlement in Office, Severance Pay, Participation in Crime, Continuing Offence, Protection of Workers' Rights.