

ABSTRAK

Judul skripsi “**Deskripsi Tentang Terjadinya Tindak Pidana Memberikan Keterangan Palsu Dalam Proses Penegakan Hukum**”. Rumusan masalah dalam penelitian ini mencakup: (1) Apa faktor penyebab terjadinya tindak pidana memberikan keterangan palsu di pengadilan dan kepolisian? dan (2) Bagaimana proses penegakan hukum dalam tindak pidana memberikan keterangan palsu di pengadilan dan kepolisian? Tujuan dari penelitian ini mencakup: (1) Untuk mengetahui faktor penyebab terjadinya tindak pidana memberikan keterangan palsu di pengadilan dan kepolisian, dan (2) Untuk mengetahui proses penegakan hukum dalam tindak pidana memberikan keterangan palsu di pengadilan dan kepolisian. Penelitian ini bersifat deskriptif dan jenis penelitian ini adalah penelitian normatif. Variabel penelitian yang digunakan adalah variabel bebas dan variabel terikat. Variabel bebas dalam penelitian ini adalah tindak pidana memberikan keterangan palsu di pengadilan dan kepolisian. Variabel terikat dalam penelitian ini adalah sebab dan proses penegakan hukum tindak pidana memberikan keterangan palsu. Hasil penelitian menunjukkan bahwa terdapat beberapa faktor yang mendorong terjadinya tindak pidana memberikan keterangan palsu, antara lain (1) Memperoleh keuntungan pribadi, (2) Kesengajaan dan (3) Kepribadian sosial. Penegakan hukum tindak pidana memberikan keterangan palsu di pengadilan dan penegakan hukum tindak pidana memberikan keterangan palsu di kepolisian. Kesimpulan dari penelitian ini adalah tindak pidana memberikan keterangan palsu terjadi karena faktor mencari keuntungan, kesengajaan, dan kepribadian social. Penegakan hukum tindak pidana memberikan keterangan palsu di pengadilan berdasarkan pasal 174 KUHAP: (1) Pemberian keterangan palsu pada sidang pengadilan dan (2) Pelaksanaan pasal 174 KUHAP. Penegakan hukum tindak pidana memberikan keterangan palsu di kepolisian: (1) Keterangan palsu diberikan ditingkat penyidikan dan (2) Penerapan pasal 174 KUHAP tidak bersifat imperatif/mandatori. Saran dari penelitian ini adalah (1) Aparat Penegak Hukum (Kepolisian, Kejaksaan, Pengadilan) yaitu untuk meningkatkan penerapan Pasal 174 KUHAP, sehingga hakim dapat langsung menindak saksi yang diduga memberikan keterangan palsu tanpa menunggu laporan pihak yang dirugikan, memperkuat teknik pembuktian komparatif dengan membandingkan keterangan saksi antara BAP, persidangan, dan alat bukti tertulis secara lebih sistematis dan membangun pedoman pemidanaan (sentencing guideline) untuk tindak pidana keterangan palsu guna mengurangi disparitas hukuman antar putusan. (2) Masyarakat dan Saksi dalam Persidangan yaitu Saksi seharusnya memahami bahwa memberikan keterangan palsu bukan hanya melanggar norma moral, tetapi juga mengandung konsekuensi pidana yang serius dan saksi perlu memastikan bahwa keterangan yang diberikan sesuai fakta yang dialami sendiri, sebagaimana kewajiban dalam Pasal 185 KUHAP.

Kata Kunci: Keterangan Palsu, Penegakan Hukum, Analisis Putusan.

ABSTRACT

The thesis is entitled “**A Description of the Occurrence of the Criminal Act of Providing False Testimony in the Process of Law Enforcement.**” The formulation of the research problems includes: (1) What factors cause the occurrence of the criminal act of providing false testimony in court and before the police? and (2) How is the law enforcement process regarding the criminal act of providing false testimony in court and at the police level? The objectives of this research are: (1) to identify the factors causing the criminal act of providing false testimony in court and before the police, and (2) to examine the law enforcement process concerning the criminal act of providing false testimony in court and at the police level. This research is descriptive in nature and employs normative legal research. The variables used in this study consist of independent and dependent variables. The independent variable in this research is the criminal act of providing false testimony in court and before the police. The dependent variable is the causes and the law enforcement process of the criminal act of providing false testimony. The results of the study indicate that there are several factors that encourage the occurrence of the criminal act of providing false testimony, namely: (1) for personal gain, (2) intentional conduct, and (3) social personality. Law enforcement of the criminal act of providing false testimony is carried out both in court and at the police level. The conclusion of this research is that the criminal act of providing false testimony occurs due to factors of seeking personal gain, intentionality, and social personality. Law enforcement of the criminal act of providing false testimony in court is based on Article 174 of the Criminal Procedure Code (KUHAP), which includes: (1) the provision of false testimony during court proceedings and (2) the implementation of Article 174 of the KUHAP. Law enforcement of the criminal act of providing false testimony at the police level includes: (1) false testimony given at the investigation stage and (2) the application of Article 174 of the KUHAP, which is not imperative or mandatory in nature. The recommendations of this research are: (1) for Law Enforcement Officials (the Police, the Prosecutor’s Office, and the Courts) to enhance the application of Article 174 of the KUHAP, so that judges may directly take action against witnesses suspected of providing false testimony without waiting for a report from the injured party; to strengthen comparative evidentiary techniques by systematically comparing witness statements in the police investigation report (BAP), court proceedings, and written evidence; and to develop sentencing guidelines for the criminal act of providing false testimony in order to reduce sentencing disparities among court decisions. (2) For the public and witnesses in court proceedings, witnesses should understand that providing false testimony not only violates moral norms but also carries serious criminal consequences, and witnesses must ensure that the testimony given is in accordance with facts personally experienced, as mandated by Article 185 of the KUHAP.

Keywords: False Testimony, Law Enforcement, Case Analysis.