

ABSTRAK
DESKRIPSI TENTANG PUTUSAN HAKIM TERHADAP PELAKU TINDAK
PIDANA PENGGELAPAN DALAM PENGELOLAAN DANA HASIL
TRANSAKSI PROPERTI

Oleh

ADELHET ENGELINA BOLLA
22310051

Judul penelitian ini adalah **“Deskripsi Tentang Putusan Hakim Terhadap Pelaku Tindak Pidana Penggelapan Dalam Pengelolaan Dana Hasil Transaksi Properti.”** Rumusan masalah dalam penelitian ini adalah Mengapa hakim pengadilan negeri menjatuhkan putusan lepas dari segala tuntutan hukum terhadap pelaku tindak pidana penggelapan dalam pengelolaan dana hasil transaksi properti? Dan Mengapa hakim Mahkamah Agung membatalkan putusan pengadilan negeri dan menjatuhkan putusan pemidanaan terhadap pelaku tindak pidana penggelapan dalam pengelolaan dana hasil transaksi properti? Tujuan penelitian ini adalah Untuk mengetahui alasan hakim Pengadilan negeri menjatuhkan putusan lepas dari segala tuntutan hukum terhadap pelaku tindak pidana penggelapan dalam pengelolaan dana hasil transaksi properti dan Untuk mengetahui alasan hakim Mahkamah Agung membatalkan putusan pengadilan negeri dan menjatuhkan putusan pemidanaan terhadap pelaku tindak pidana penggelapan dalam pengelolaan dana hasil transaksi properti. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan deskriptif kualitatif, menggunakan bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan serta bahan hukum sekunder berupa literatur hukum. Teknik pengumpulan data dilakukan melalui studi kepustakaan dan dianalisis secara kualitatif. Hasil penelitian Majelis Hakim Pengadilan Negeri Cibinong dalam putusan nomor 337/Pid.B/2024/PN Cbi menyatakan bawah perbuatan Terdakwa memang terbukti dilakukan, tetapi perbuatan tersebut bukan merupakan tindak pidana, Mahkamah Agung dalam putusan kasasi membatalkan putusan pengadilan negeri cibinong karena menilai bawah pertimbangan hakim tingkat pertama tidak tepat dan telah salah menerapkan hukum dan unsur-unsur tindak pidana penggelapan dalam pasal 372 KUHP terpenuhi, karena Terdakwa menguasai uang milik orang lain yang berada dalam kekuasaannya dan kemudian tidak mengembalikannya. Saran dalam penelitian ini adalah Bagi Penegak Hukum Lebih cermat dalam penyelidikan dan penyidikan agar sejak awal dapat mengkualifikasikan perbuatan sesuai unsur pidananya dan Bagi Masyarakat dan Pelaku Usaha Properti Membuat perjanjian tertulis yang jelas dan rinci mengenai hak, kewajiban, tata cara penyerahan, pertanggungjawaban, dan batas penggunaan dana transaksi properti

Kata kunci: Tindak Pidana, Penggelapan, Properti.

ABSTRACT

Description of the Judicial Ruling Regarding the Perpetrator of Embezzlement Involving Property Transaction Proceeds

By

ADELHET ENGGELINA BOLLA
22310051

This study is entitled "A Description of Judges' Decisions Regarding Perpetrators of the Crime of Embezzlement in the Management of Funds from Property Transactions." The research addresses the following questions: Why did the District Court judge render a verdict of acquittal from all legal charges against the perpetrator of embezzlement in the management of funds from property transactions? and Why did the Supreme Court overturn the District Court's decision and impose a criminal conviction on the perpetrator of embezzlement in the management of funds from property transactions? The objectives of this study are: to identify the reasons why the District Court judge rendered a verdict of acquittal from all legal charges against the perpetrator of embezzlement in the management of funds from property transactions; and to examine the reasons why the Supreme Court overturned the District Court's decision and imposed a criminal conviction on the perpetrator. This research employs a normative legal research method using a qualitative descriptive approach. The study utilizes primary legal materials in the form of statutory regulations and court decisions, as well as secondary legal materials consisting of legal literature. Data were collected through library research and analyzed qualitatively. The findings reveal that the Panel of Judges of the Cibinong District Court, in Decision Number 337/Pid.B/2024/PN Cbi, held that although the defendant's actions had been proven, such actions did not constitute a criminal offense. However, the Supreme Court, in its cassation decision, overturned the Cibinong District Court's judgment on the grounds that the lower court's legal reasoning was incorrect and constituted a misapplication of the law. The Supreme Court found that all elements of the crime of embezzlement under Article 372 of the Indonesian Criminal Code (KUHP) had been fulfilled, as the defendant had possessed funds belonging to another person that were lawfully under his control and subsequently failed to return them. This study recommends that law enforcement authorities exercise greater accuracy during the investigation and inquiry stages to ensure that criminal acts are properly classified according to their legal elements from the outset. Furthermore, the public and property business actors should establish clear and comprehensive written agreements specifying the rights and obligations of the parties, procedures for the transfer of funds, accountability mechanisms, and limitations on the use of funds derived from property transactions.

Keywords: Criminal Offense, Embezzlement, Property.