

## ABSTRAK

Tujuan penelitian ini, yaitu untuk mengetahui penerapan unsur-unsur tindak pidana Pasal 372 KUHP dan mengetahui dasar pertimbangan hukum hakim dalam putusan perkara pidana nomor 215/Pid.B/2020/PN.Pwt. Metode pendekatan yang digunakan dalam penelitian adalah yuridis normatif dengan spesifikasi yang *clinical legal research*. Materi penelitian ini yaitu pengaturan peraturan perundang-undangan terkait pertimbangan hukum hakim terhadap perkara No. 215/Pid.B/2020/PN.Pwt. untuk dianalisa dengan menggunakan metode normatif kualitatif.

Hasil penelitian menyimpulkan bahwa penerapan unsur-unsur Pasal 372 KUHP dalam perkara Nomor: 215/Pid.B/2020/PN.Pwt telah sesuai, di mana perbuatan terdakwa telah terbukti secara sah dan meyakinkan melakukan perbuatan yang didakwakan di muka persidangan. Unsur-unsur tindak pidana penggelapan yang telah dibuktikan kebenarannya meliputi: unsur barang siapa, dengan sengaja dan dengan melawan hukum, memiliki barang sesuatu yang seluruhnya atau sebagian kepunyaan orang lain dan yang ada dalam kekuasaannya bukan karena kejahatan. Dasar pertimbangan hukum hakim dalam menjatuhkan putusan pidana dalam perkara nomor: 215/Pid.B/2020/PN.Pwt. didasarkan pada pertimbangan yuridis, yaitu terpenuhinya unsur-unsur Pasal 372 KUHP dan terpenuhinya sekurang-kurangnya dua alat bukti yang sah sesuai dengan ketentuan Pasal 183 KUHP serta pertimbangan sosiologis, yaitu mempertimbangkan hal-hal yang memberatkan dan meringankan terdakwa.

Kata Kunci: Tindak Pidana, Penggelapan

## ABSTRACT

The purpose of this study is to determine the application of the elements of a criminal act Article 372 of the Criminal Code and to find out the basis of the judge's legal considerations in the decision of the criminal case number 215/Pid.B/2020/PN.Pwt. The approach method used in the research is normative juridical with clinical legal research specifications. The material of this research is the regulation of laws and regulations related to the judge's legal considerations on case No. 215/Pid.B/2020/PN.Pwt. to be analyzed using a qualitative normative method.

The results of the study concluded that the application of the elements of Article 372 of the Criminal Code in case Number: 215/Pid.B/2020/PN.Pwt was appropriate, where the defendant's actions had been legally and convincingly proven to have carried out the acts that were charged before the trial. The elements of the crime of embezzlement that have been proven true include: the element of whoever, intentionally and unlawfully, owns something that is wholly or partly owned by another person and which is in his control not because of a crime. The basis for the judge's legal considerations in imposing a criminal decision in case number: 215/Pid.B/2020/PN.Pwt. based on juridical considerations, namely the fulfillment of the elements of Article 372 of the Criminal Code and the fulfillment of at least two valid pieces of evidence in accordance with the provisions of Article 183 of the Criminal Procedure Code as well as sociological considerations, namely considering things that are aggravating and mitigating the defendant.

Keywords: Crime, Embezzlement