

ABSTRAK

Penelitian ini mengkaji pertanggungjawaban pidana dalam delik penggelapan kendaraan berdasarkan Undang-Undang Nomor 1 Tahun 2023 tentang KUHP dengan studi kasus Putusan Nomor 1/Pid.B/2026/PN Ngawi. Urgensi penelitian terletak pada meningkatnya kejahatan berbasis kepercayaan dalam hubungan kerja dan ekonomi, yang menimbulkan kerentanan terhadap penyalahgunaan penguasaan barang serta menuntut kejelasan batas antara wanprestasi perdata dan tindak pidana. Penelitian menggunakan pendekatan yuridis normatif dengan metode studi kasus (case approach), serta didukung pendekatan perundang-undangan dan konseptual. Teknik pengumpulan data dilakukan melalui studi kepustakaan terhadap bahan hukum primer, sekunder, dan tersier, termasuk analisis putusan pengadilan sebagai sumber utama. Hasil penelitian menunjukkan bahwa seluruh unsur Pasal 486 KUHP terpenuhi, terutama unsur “memiliki secara melawan hukum” atas barang yang berada dalam penguasaan sah. Pertanggungjawaban pidana pelaku terbukti melalui adanya kesengajaan (*dolus*), kemampuan bertanggung jawab, serta tidak adanya alasan pemaaf maupun pembenar. Pertimbangan hakim dinilai telah memenuhi aspek kepastian hukum melalui pembuktian yang sah dan penerapan norma yang konsisten, serta mencerminkan keadilan formal yang proporsional. Namun, putusan masih terbatas pada aspek represif dan belum sepenuhnya mengakomodasi pemulihan korban. Dengan demikian, diperlukan penguatan pendekatan keadilan restoratif dalam praktik peradilan pidana modern.

Kata kunci: Pertanggungjawaban Pidana, Penggelapan Kendaraan, Pasal 486 KUHP, Kepastian Hukum, Keadilan, Kepercayaan, Putusan Pengadilan..

ABSTRACT

*This study examines criminal liability in the crime of vehicle embezzlement under Law Number 1 of 2023 concerning the Criminal Code, using a case study of Decision Number 1/Pid.B/2026/PN Ngawi. The urgency of this research lies in the rise of trust-based crimes in employment and economic relationships, which create vulnerabilities in property ownership and the boundary between civil breach of contract and criminal offenses. The study employed a normative juridical approach with a case study method, supported by regulatory and conceptual approaches. Data collection was conducted through a literature review of primary, secondary, and tertiary legal materials, including analysis of court decisions as the primary source. The results indicate that all elements of Article 486 of the Criminal Code are met, particularly the element of "unlawful possession" of property in legal possession. The perpetrator's criminal liability is proven through intent (*dolus*), capacity to take responsibility, and the absence of excuses or justifications. The judge's considerations are deemed to have fulfilled the aspect of legal certainty through valid evidence and consistent application of norms, and reflect proportional formal justice. However, these decisions are still limited to repressive aspects and do not fully accommodate victim recover. Therefore, a restorative justice approach is needed in modern criminal justice practice.*

Keywords: Criminal Liability, Vehicle Embezzlement, Article 486 of the Criminal Code, Legal Certainty, Justice, Trust, Court Decisions.