

**A CASE STUDY OF FRAUD IN THE KARANGANYAR DISTRICT
COURT**

(Veridict Number 159/Pid.B/2019/PN Krg)



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**A CASE STUDY OF FRAUD IN THE KARANGANYAR DISTRICT
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ABSTRACT

The theoretical benefits of this research are expected to be able to contribute to legal science, especially criminal law and also those who have an interest in conducting research on criminal acts of fraud and are practically expected to provide benefits to development in the field of law and legal awareness of society in general.

This research is theoretically expected to contribute to the development of legal science, especially criminal law and also those who have an interest in conducting research on criminal acts of fraud and are practically expected to provide benefits to development in the field of law and public legal awareness in

This research was conducted with the type of normative legal research carried out by literature study of legal materials, both primary legal materials, secondary legal materials, and tertiary legal materials and / or non-legal materials, while the analysis method was carried out by collecting data which were then linked to existing problems are arranged systematically and logically, so that a research result is obtained on the Criminal Case Study of Fraud in the Karanganyar District Court (Decision Number 159 / Pid.B / 2019 / Pn Krg)

Based on the results of the research, it is concluded that, the defendant was charged with alternative charges by being legally proven and convincingly guilty of committing a criminal act of fraud as regulated in Article 378 of the Criminal Code, it is appropriate and has been based on facts at trial, valid evidence. in the form of witness statements, evidence, letters in the form of a statement letter, and statements from the defendant. The defendant was sentenced to 1 year imprisonment

Keywords: fraud, alternative indictmen.

A. BACKGROUND

Crime is increasingly widespread in the public, this cannot be denied by its existence. Certainly, crimes that often occur in society are very disturbing security, so that action is disturbing security, so that action is needed to solve the criminals, the lack of crimes that often occur and are familiar with companies, namely fraud.¹

According of Jhon Chipman's definition, it is produced to a variety of different moments and places, but some of them are insignificant in other definitions of true rhetorical haze. However, there are 3 (three) theories that refer to correct thinking and have great potential for acceptance of the truth. All three theories reject the hypothesis that courts are "makers" of laws, but that courts are only spokesmen who declare laws. The first theory is who considers law as an order of sovereignty, the second theory is about the legal definition of law, which examines the nature of law as corrupt courts and the Truth that applies to the existing general public and the third theory defines law, which considers the law as it is. which has been decided by the judge.²

In the Decree of the Regent of Karanganyar Negri Number 159 / Pid.B / 2019 / PN KRG, the prosecutor in this case asked the Cianjur District Court judge who examined and tried this case to decide Defendan Wahidun Pranoto ALS Gupton Sigit. Bin Salam Legal evidence and convincing guilt of those who committed a criminal act of "fraud" as regulated and threatened by the criminal in the provisions of Article 378 of the Criminal Code, in alternative charges; As well as sentencing the defendant Wahyu Wahidun Pranoto ALS Sigit bin Salam with a prison sentence of 1 (one) year and 6 (six) months reduced until the defendant is in an orderly temporary detention and is still being detained. Result of the Decree of the Regent of the Republic of Indonesia Number 159 / PID. B / 2019 / Pn KRG decided that Wahyu Wahidun Pranoto ALS Sigit was legally and convincingly proven to have committed a criminal act of "fraud", as in the alternative indictment

¹ Tim Penyusun Kamus Pusat Pembinaan dan Pengembangan Bahasa, *Kamus Besar Bahasa Indonesia*, Jakarta: Balai Pustaka, 1990, hlm.952.

² *Ibid*, hlm. 201

of the Attorney General which sentenced the defendant to a maximum imprisonment of 1 (one) person.) year, the regulation on the duration of the arrest and detention of the defendant has been completely buried by the criminal and it has been determined that the defendant will remain in detention.

Based on the background description above, the formulation of the problem of this research is as follows: (1) How is the application of criminal law concerning the criminal act of fraud in decision number 159 / PID .B / 2019 / pn krg. (2) What is the judge's consideration by considering the imposition of criminal sanctions against the writer of the criminal act of fraud in decision number 159 / PID. B / 2019 / PN KRG?

B. RESEARCH METHODS

The type of search the writer uses is normative or doctrinal legal research because it requires secondary data in the library and obtains material from primary and secondary documents.

The method of this research is using descriptive approach, where this research aims to provide an overview, describe and explain the data obtained from the research.

Descriptive methods address some of the possible solutions to current problems by collecting, collating, classifying and interpreting data and ultimately concluding.³

Based on this understanding, in this study he will describe the decision on the Karanganyar District Court number: 159 / pid.b / 2019 / pn.KRG. related to the positive legal theory governing the crime of murder.

Data collection techniques in normative legal research was carried out by studying literature on legal documents, primary legal documents, secondary legal documents and tertiary legal materials.⁴

The analytical method used is a qualitative method. Data analysis was carried out by collecting data which was then linked to existing problems and arranged

³ Winarno Surakhmad. 1998. *Pengantar Penelitian Ilmiah Dasar Metode dan Teknik*. Bandung: Tarsito. Hlm. 131

⁴ Mukti Fajar ND dan Yulianto Achmad, 2010, *Dualisme Penelitian Hukum Normatif dan Empiris*, Yogyakarta: Pustaka Pelajar, hlm. 160.

systematically and logically, so that it was obtained from research on: criminal case studies from the decision of the Karanganyar District Court Karanganyar District Court: 159 / pid.b / 2019 / pn.krg.

C. THE RESULT OF RESEARCH AND DISCUSSION

A. The Application of Criminal Law in Decisions: 159/Pid.B/2019/PN .Krg

Legitimate evidence is a tool related to a criminal act, where these tools can be used as material evidence, to cause the judge's confidence, to the truth of the crime committed by the accused Wahyu Wahiudin Pranoto als Gupong ALS SIGIT BIN SALAM (ALM) regarding the decision of the Karanganyar National Court.

According to article 184 of the Criminal Code regulates are follows:⁵

(1) Valid evidence, such as:

- a. Testimony;
- b. Expert statements;
- c. letters;
- d. instructions;
- e. statements of the defendants.

In the case of fraudulent decisions concerning the Karanganyar district court: 159 / pid.b / 2018 / pn. The Attorney General presented two pieces of evidence in the form of witness testimony and the statement of the defendant. The legal provisions have not been found or the rules regarding the various forms of preparation of the indictment are the forms of preparation. This indication was intended to arrest so that charges of criminal acts cannot be separated from prosecution or distribution. Judging that the measures were available, the charges had been arranged according to the following arrangements:

- a. Single Indictment
- b. Cumulative Indictment
- c. Alternative Indictment
- d. Indictment of Subsidiary / Subsidiarities (in layers)

⁵ *Ibid.* Hlm 201

e. Mixed / Combined Indictment

Mutual issues eliminate other doubts that are "kin" items about Defendant control. If the article is within Defendant is following a call competition or a series of lies by Defendant, then in this case there has been a fraud of Delik who violated Case 378 of the Criminal Code. Meanwhile, if the items are in Defendant guard, it is not the result of a supplier or a series of lies made by Defendant, except by the approval or agreement of the owner, Defendant sells or pawns promises in whatever way the Defendant treats his article as if he belongs to the truth of the owner, then In this case, he has been in effect of the subtle offense of the 372 Criminal Code. As a result, if it is clear that the violation of Case 378 of the Criminal Code means that it is impossible for him to violate Case 372 of the Criminal Code, and otherwise it is impossible for him to be proven against them. In the case of the Decree. 159 / PID.B / 2019 / PN.KRG, the guilt of the defendant State Guardian has been charged with an alternative form. Alternative demands were also imposed. As an alternative to advocating accusations, there are accusations, but their actions are only a.

On the basis of the above description, the judge's decision at the Karanganyar District Court, to decide the defendant Wahyu Wahiudin Pranoto as Sigit bin Salam (the departed) in prison for 1 (one) year in the crime of fraud. In the opinion of the researcher, the judge seems to have the criminal law against the writer of the criminal act of fraud in the case of decision number 159 / pid.b / 2019 / pn krg correct. The judge applied Article 378 of the Criminal Code.

B. Judges' legal considerations in the fall of the verdict against the perpetrator of the crime of murder in the event of a decision: 144 / pid.b / 2014 / pn.cj.

The group of judges examines whether the defendant can be proven that the defendant has committed a crime or is not responsible for him, so all elements of the article are accused of defending the defendant and are fully filled with alternative charges, so that the group of judges takes into account legal facts. Direct alternative reference to one as provided for in Section 378 of the Criminal Law, which is as follows:

a. Whoever

Whereas what is meant by "anyone" (hijdie), here is any person or anyone as a legal subject, referring to the subject of a criminal act or to support the rights and obligations that apply and / or can be implemented in the Criminal Law. Indonesia, which, in the trial of the Karanganyar Prosecutor's Court, was presented by the defendant Wahidun Pranoto ALS S1GIT BIN SALAM (ALM), whose identity after being studied on it is consistent with the identity of the accused listed in the indictment of the public prosecutor and based on testimony of control under oath to refer to the defendant and the defendant's declaration, we do not yet know that the defendant. The applied and / or enforceable by the provisions of Indonesian criminal law, so that the "whoever" element has been completed.

b. With the Intention to Benefit Yourself or Others Unlawfully.

This element means that the law is carried out by the defendant, where the defendant has aroused the intention to do something and that the act is carried out on his own will by this action being carried out against the rights of others or not as for the applicable laws in daily community daily life.

c. The elements carry false names or false dignity, by towers or series of deceptions, by transferring another person to convey one thing to him, or giving a debt or quashing a claim.

By imposing criminal handling against the accused, the group of judges has many considerations, ranging from public requests, the realization of the elements in accordance with the articles being invoiced and always paying attention to fraud laws and there is no reason to do so Faced with pengarrows so that this is punished and matters established. and mitigate so that the defendant will report his actions in accordance with the verdict transmitted by the group of judges.

D. CLOSING

A. Conclusion

Application of Criminal Law of Karanganyar District Court Judges in Decree No. 159 / Pid.B / 2019 / PN.KRG which states that the defendant is legally and convincingly to commit the fraud crime stipulated in Article 378 of the Criminal Code, is appropriate and based on facts at trial, valid evidence in the form

of witness testimony, evidence, a letter in the form of a statement letter and a declaration of the defendant. By imposing a prison sentence of 1 (one) year and the period of detention that has been conveyed is reduced by the criminal charged.

OVERVIEW OF THE KARANGANYAR COURT CODE at Domestic Number: 159 / pid.b / 2019 / pn.KRG, including non-legal and (sociological) urrium considerations. Taking into account that the group of judges assessed the elements of article 378 of the Criminal Code. But the group of judges considered the sociological factors of the defendant who admitted guilt and would no longer repeat the action, also the author of the family, so the group of judges imposed a prison sentence of 1(a) year.

B. Suggestion

Judges to decide a case must always hold the applicable law and legal rules and be supported by their convictions because of decisions that are transmitted by the responsibility of the judge to Allah SWT, the nation and the state.

The role of law enforcement is to provide treatment by imposing criminal penalties indirectly or imposing sanctions in the form of a president on criminals, and the proponents who regulate that the administration should be increased should produce deterrents and affirm the writers' awareness to improve their lives. So that the writer does not mean to repeat or commit crimes.

Every company must be more careful in transactions and communications with new people, because fraudulent crimes can occur anywhere and under all circumstances, even known people can commit criminal acts in various profitable ways. because it is law, therefore, society must be smarter and more careful so that something does not happen.

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