ABSTRAK

AWALUDDIN, STAMBUK 14.501.146, "Analisis Hukum Terhadap Tindak Pidana Pencurian Dengan Pemberatan (Studi Putusan No. 738/Pid.B/2021/PN.Mks)" Dibawah Bimbingan Amiruddin Pabbu sebagai Pembimbing I Dan Abd. Basir Sebagai Pembimbing II.

Penelitian Ini bertujuan Untuk Mengetahui bagaimana penerapan hukum materil terhadap pelaku tindak pidana pencurian dengan pemberatan dan Untuk mengetahui apa saja pertimbangan Hakim dalam menjatuhkan putusan terhadap pelaku tindak pencurian dengan pemberatan.

Metode Penelitian yang di gunakan yakni penelitian hukum normatif dengan pendekatan penelitian meliputi pendekatan perundang – undangan *(statute approach)* dan pendekatan Konseptual *(conceptual approaach)*. Teknik Analisis data dianalisis secara kualitatif, kemudian dari hasil analisis tersebut akan dituangkan secara deskriptif.

Hasil Penelitian Menemukan Bahwa : **Pertama,** Penerapan hukum pidana terhadap tindak pidana pencurian dengan pemberatan dalam kasus No. 738/Pid.B/2021/PN.Mks telah tepat karena perbuatan terdakwa lebih memenuhi unsur Pasal 363 ayat (1) ke-3 dan ke-5 KUHP dan telah sesuai dengan fakta-fakta hukum baik keterangan para saksi, keterangan ahli, dan keterangan terdakwa dan terdakwa danggap sehat jasmani dan rohani, tidak terdapat gangguan mental sehingga dianggap mampu mempertanggungjawabkan perbuatannya. **Kedua,** Pertimbangan Hakim berdasarkan alat-alat bukti yaitu keterangan saksi dan keterangan terdakwa, disertai barang bukti yang diajukan dalam surat dakwaan oleh penuntut umum seta fakta-fakta yang lengkap dipersidangan, diperkuat dengan keyakinan hakim itu sendiri. Disamping itu, terpenuhinya semua unsur pasal dalam dakwaan Pasal 363 KUHP, serta keterangan saksi yang saling berkesesuaian.

Kata Kunci : Pencurian, Pemberatan, Tindak Pidana.

ABSTRACT

AWALUDDIN, STAMBUK 14,501,146, "Legal Analysis of the Crime of Theft With Weights (Study of Decision No. 738/Pid.B/2021/PN.Mks)" Under the guidance of Amiruddin Pabbu as Supervisor I and Abd. Basir as Advisor II.

This study aims to find out how the application of material law to the perpetrators of the crime of theft with weights and to find out what the judges' considerations are in making decisions against perpetrators of theft with weights.

The research method used is normative legal research with a research approach that includes a statute approach and a conceptual approach. Technique Analysis of the data was analyzed qualitatively, then from the results of the analysis will be poured descriptively.

The results of the study found that: First, the application of criminal law to the crime of theft with weight in case no. 738/Pid.B/2021/PN.Mks is correct because the defendant's actions more fully meet the elements of Article 363 paragraph (1) 3rd and 5th of the Criminal Code and are in accordance with legal facts, both testimony from witnesses, expert testimony, and The statements of the defendant and the defendant are considered to be physically and mentally healthy, there is no mental disorder so that they are considered capable of being responsible for their actions. Second, the judge's consideration based on the evidence, namely witness testimony and the defendant's statement, accompanied by the evidence presented in the indictment by the public prosecutor and complete facts at trial, strengthened by the judge's own conviction. In addition, the fulfillment of all the elements of the articles in the indictment of Article 363 of the Criminal Code, as well as the statements of witnesses that are mutually compatible.

Keywords: Theft, Weighting, Crime