

IMPLEMENTASI PERATURAN MAHKAMAH AGUNG NOMOR 2 TAHUN 2012 DALAM PENUNTUTAN TINDAK PIDANA PENCURIAN DI KEJAKSAAN NEGERI YOGYAKARTA

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INTISARI

Penelitian ini bertujuan untuk mengetahui implementasi Perma 2/2012 di Kejaksaan Negeri Yogyakarta dalam penuntutan tindak pidana pencurian serta mengetahui penegakan hukum tindak pidana pencurian berdasarkan Perma 2/2012 kedepannya.

Penelitian ini merupakan penelitian normatif empiris yang bersifat deskriptif. Bahan penelitian terdiri dari data primer yang didapatkan melalui studi lapangan dan data sekunder yang didapatkan melalui studi kepustakaan yang terdiri dari bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier. Penelitian ini juga didukung dengan wawancara kepada responden dan narasumber terkait. Data yang diperoleh dalam penelitian dianalisis secara kualitatif.

Hasil penelitian menunjukkan 2 (dua) kesimpulan. **Pertama**, terdapat 51 (lima puluh satu) kasus pada rentang tahun 2019-2023, terhadap tindak pidana pencurian dengan nilai kerugian tidak lebih dari Rp2.500.000,- (dua juta lima ratus ribu rupiah) yang diselesaikan sesuai dengan ketentuan dalam Perma 2/2012 dan terdapat 12 (dua belas) kasus yang sama, namun diselesaikan melalui penuntutan oleh Jaksa Penuntut Umum Kejaksaan Negeri Yogyakarta. Hal tersebut disebabkan oleh motif atau alasan pelaku dalam melakukan tindak pidana, kepastian pelaku akan tunduk kepada hukum selama proses pemeriksaan dilakukan, dan dampak atau efek jangka panjang bagi korban dan masyarakat sekitar. **Kedua**, untuk mewujudkan kepastian hukum dalam penegakan Perma 2/2012 kedepannya, perlu menambahkan tolak ukur lain, selain nilai kerugian, di dalam pengaturan Perma 2/2012. Di samping itu, dalam implementasi penegakkan hukumnya perlu diimbangi dengan harmonisasi dan sinergi antara lembaga-lembaga penegak hukum agar tercipta keseragaman dan kesepahaman dalam implementasi Perma 2/2012.

Kata Kunci: Perma 2/2012, Penegakan Hukum, Pencurian Ringan, Penuntutan, Yogyakarta.

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**IMPLEMENTATION OF SUPREME COURT'S REGULATION NUMBER 2
OF 2012 IN THE PROSECUTION OF THE CRIMINAL ACT OF THEFT
AT THE YOGYAKARTA DISTRICT PROSECUTOR'S OFFICE**

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ABSTRACT

This research aimed to examine the implementation of Supreme Court's Regulation 2/2012 at the Yogyakarta District Prosecutor's Office in the prosecution of theft crimes and to find out the enforcement of theft crime laws based on Supreme Court's Regulation 2/2012 in the future.

This research is a descriptive normative empirical study. Supported by primary data obtained through field studies and secondary data obtained through library research consisting of primary legal materials, secondary legal materials and tertiary legal materials. This research is supported by interviews with respondents and related sources. The data obtained in the study were analyzed qualitatively.

*The research results indicate two conclusions. **First**, there were 51 (fifty-one) cases in the 2019-2023 period involving criminal acts of theft with a loss value not exceeding IDR 2,500,000 (two million five hundred thousand rupiah) that were resolved in accordance with the provisions of Supreme Court Regulation 2/2012, and there were 12 (twelve) similar cases, but they were resolved through prosecution by the Public Prosecutor of the Yogyakarta District Attorney. This was due to the motives or reasons of the perpetrators in committing the crime, the certainty that the perpetrators would comply with the law during the examination process, and the long-term impact or effect on the victims and the surrounding community. **Second**, to ensure legal certainty in the enforcement of Supreme Court Regulation 2/2012 in the future, it is necessary to add other benchmarks, besides the value of the loss, in the regulation of Supreme Court Regulation 2/2012. Furthermore, in its law enforcement implementation, it is necessary to complement with harmonization and synergy among law enforcement agencies to achieve uniformity and mutual understanding in the implementation of Supreme Court Regulation 2/2012.*

Keywords: Supreme Court's Regulation 2/2012, Law Enforcement, Petty Theft, Prosecution, Yogyakarta.

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