

ABSTRAK

Purwanto A. Made *“Analisis Pasal 167 ayat (1) KUHP terhadap Tindak Pidana Memasuki Rumah Orang Lain Secara Melawan Hukum”* Dibimbing Oleh Bapak Ahmad Mufti dan Bapak Fathurrahim.

Penelitian ini bertujuan untuk mengetahui bagaimana unsur pasal 167 ayat (1) KUHP terhadap tindak pidana memasuki rumah orang lain secara melawan hukum dan untuk mengetahui penerapan pasal 167 ayat (1) KUHP terhadap tindak pidana memasuki rumah orang secara melawan hukum.

Penelitian ini menggunakan jenis penelitian hukum Normatif. Pendekatan hukum Normatif menggunakan metode penelitian hukum yang mengkaji ketentuan hukum tertulis dari aspek teori, sejarah, perbandingan, struktur dan komposisi, lingkup dan materi, penjelasan umum, dari pasal demi pasal, formalitas dan kekuatan mengikat suatu undang-undang tetapi tidak mengikat aspek terapan atau implementasinya.

Hasil dari penulisan Skripsi ini, dapat di peroleh kesimpulan bhawa Perbuatan memasuki rumah orang lain secara melawan hukum yang dilakukan oleh para pemuda-pemudi kelurahan gambesi telah memenuhi unsur-unsur objektif dan subjektif Pasal 167 ayat (1) KUHP yang terdiri dari: *yang pertama*, barang siapa; melawan hukum; dan memaksa masuk ke dalam rumah, ruangan atau pekarangan tertutup yang dipakai orang lain atau berada disitu; serta tidak segera pergi setelah ada permintaan dari atau atas nama orang yang berhak. Sedangkan Pemenuhan unsur-unsur pada Pasal 167 ayat (1) KUHP dan pemenuhan unsur-unsur dari kesalahan. Perbuatan para pemuda-pemudi yang memasuki kosan (rumah sewa) secara paksa dan telah diminta pergi oleh korban maupun pemilik kosan (rumah sewa) karena membuat keributan dan mengganggu hal privas para penghuni kosan, namun mereka tetap tidak segera pergi, maka para pemuda-pemudi tersebut dapat dimintai pertanggungjawaban pidana atas perbuatannya yang melakukan tindak pidana terhadap kedamaian dan kenyamanan atau tempat tinggal mereka.

Kata Kunci : Melawan Hukum, Tindak Pidana, Analisis Pasal 167 ayat (1) KUHP.

ABSTRACT

Purwanto A. Made “Analysis of Article 167 paragraph (1) of the Criminal Code on the Criminal Act of Entering Someone Else’s House Unlawfully” Supervised by Mr. Ahmad Mufti and Mr. Fathurrahim.

This study aims to determine how the elements of Article 167 paragraph (1) of the Criminal Code relate to the criminal act of entering someone else’s house unlawfully and to determine the application of Article 167 paragraph (1) of the Criminal Code to the criminal act of entering someone else’s house unlawfully.

This study uses a Normative legal research type. The Normative legal approach uses a legal research method that examines written legal provisions from the aspects of theory, history, comparison, structure and composition, scope and material, general explanation, from article to article, formality and binding force of a law but does not bind the applied aspects or its implementation.

The results of writing this thesis, it can be concluded that the act of entering someone else's house unlawfully committed by the young men and women of the Gambesi sub-district has fulfilled the objective and subjective elements of Article 167 paragraph (1) of the Criminal Code which consists of: the first, whoever; against the law; and forces his way into a house, room or closed yard used by someone else or is there; and does not immediately leave after a request from or on behalf of the person who has the right. While the fulfillment of the elements in Article 167 paragraph (1) of the Criminal Code and the fulfillment of the elements of the error. The actions of the young men and women who entered the boarding house (rented house) by force and had been asked to leave by the victim or the owner of the boarding house (rented house) because they made a commotion and disturbed the privacy of the boarding house residents, but they still did not immediately leave, then the young men and women can be held criminally responsible for their actions which committed a crime against the peace and comfort or their place of residence.

Keywords: Against the Law, Criminal Act, Analysis of Article 167 paragraph (1) of the Criminal Code.