

## ABSTRAK

Kemajuan teknologi percetakan akhir-akhir ini ibarat pisau bermata dua. Satu sisi mempermudah manusia dalam upaya mengejar kesejahteraannya. Namun juga dijadikan sarana kejahatan yang semakin canggih, salah satunya tindakan pemalsuan Buku Pemilik Kendaraan Bermotor (BPKB). Secara khusus BPKB diatur secara teknis melalui Peraturan Kapolri Nomor 5 Tahun 2012 Tentang Registrasi dan Identifikasi Kendaraan Bermotor. Tesis ini bertujuan untuk mengkaji dan menganalisis: 1) norma hukum yang mengatur tentang kepemilikan BPKB, 2) tinjauan yuridis kriminologis tindak pidana pemalsuan BPKB, serta 3) model penanggulangan tindak pidana pemalsuan BPKB. Metode pendekatan yang digunakan ialah yuridis sosiologis dengan jenis penelitian deskriptif analisis korelatif. Data penelitian dikumpulkan dengan studi kepustakaan dan wawancara dengan teknik *purposive sampling*. Kemudian data yang diperoleh akan dianalisis menggunakan teknik deskriptif kualitatif. Berdasarkan hasil penelitian dan pembahasan, penulis menyimpulkan: 1) norma hukum yang mengatur kepemilikan BPKB berlandaskan filosofi sumber hukum dalam Pembukaan UUD 1945 tentang tujuan hukum formil. Perlindungan hak milik warga Negara diatur dalam aspek yuridis dalam Undang-Undang No 22 Tahun 2009. Karena fungsi Kepolisian berwenang mengatur registrasi dan identifikasi kendaraan bermotor maka Peraturan Kapolri No 5 Tahun 2012 lebih detail mengatur tentang kepemilikan BPKB. Aspek manfaat dalam sosiologis norma hukum ini berwujud adanya kepastian hukum dan perlindungan hukum bagi pemilik BPKB. 2) Yuridis Kriminologis Pemalsuan BPKB, dalam kasus yang di studi penulis menerangkan bahwa pelaku tidak bekerja sendiri dalam perbuatan tindak pidana pemalsuan. Perbuatan pelaku melawan hukum positif saat ini yang formulasi yuridisnya terumuskan dalam Pasal 263 KUHPidana Jo Pasal 56 KUHP. 3) upaya penanggulangan tindak pidana pemalsuan BPKB, membutuhkan model integralistik dalam menekan causa kejahatan pemalsuan BPKB. Pola pendekatan keterpaduan antar subsistem hukum baik *Legal Substance*, *Legal Culture* dan *Legal Structure* bersinergi sedemikian hingga menjadikan dua asas utama penanggulangan kejahatan yaitu asas abolisionistik dan asas moralistik berfungsi melalui pendekatan *preemptif*, *preventif* dan *represif*.

**Kata kunci: tinjauan yuridis kriminologis, pemalsuan BPKB**

## **ABSTRACT**

*The advancement of printing technology lately is like a double-edged knife. One side makes it easier for humans to pursue their welfare. However, it is also used as a means of increasingly sophisticated crime, one of which is the forgery of the Motor Vehicle Owner's Book (BPKB). In particular, the BPKB is technically regulated through the National Police Regulation Number 5 of 2012 concerning Registration and Identification of Motor Vehicles. This thesis aims to examine and analyze: 1) legal norms governing BPKB ownership, 2) juridical criminological review of BPKB counterfeiting crimes, and 3) BPKB counterfeiting models. The approach method used is sociological juridical with descriptive correlative analysis. The research data were collected by means of literature study and interviews with purposive sampling technique. Then the data obtained will be analyzed using qualitative descriptive techniques. Based on the results of research and discussion, the authors conclude: 1) legal norms governing BPKB ownership based on the philosophy of sources of law in the Preamble to the 1945 Constitution concerning the purpose of formal law. Protection of citizens' property rights is regulated in a juridical aspect in Law No. 22 of 2009. Because the police function has the authority to regulate registration and identification of motor vehicles, the Chief of Police Regulation No. 5 of 2012 regulates in more detail the ownership of BPKB. The sociological benefit aspect of this legal norm is in the form of legal certainty and legal protection for BPKB owners. 2) BPKB Criminological Falsification, in the case in the study the author explained that the perpetrator did not work alone in the criminal act of forgery. The act of the perpetrator against the current positive law whose juridical formulation is formulated in Article 263 of the Criminal Code in conjunction with Article 56 of the Criminal Code. 3) efforts to tackle the criminal act of BPKB forgery, require an integralistic model in suppressing the causes of BPKB counterfeiting crimes. The integrated approach pattern between legal subsystems, both Legal Substance, Legal Culture and Legal Structure, synergizes in such a way that it makes the two main principles of crime prevention, namely the principle of abolitionism and the principle of moralism, function through a preemptive, preventive and repressive approach.*

**Keywords:** *criminological juridical review, falsification of BPKB*