

TINDAK PIDANA PEMOTONGAN KABEL PENGHUBUNG ANTARA
WHEEL DETECTION UNIT DENGAN WHEEL DETECTION EQUIPMENT
DITINJAU DARI UNDANG-UNDANG NOMOR 23 TAHUN 2007 TENTANG
PERKERETAAPIAN

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ABSTRAK

Kabel alat pendeteksi kereta api yang menghubungkan antara *wheel detection unit* dengan *wheel detection equipiment* (yang berfungsi sebagai alat pendeteksi keberadaan kereta api dan mengamankan jalur kereta api) di jalur rel kereta api, sehingga termasuk prasarana kereta api kabel yang menghubungkan antara *wheel detection unit* dengan *wheel detection equipment* yang berada di Km 412+9 turut Desa Kuntili RT 04/02 Kecamatan Sumpiuh Kabupaten Banyumas sepanjang 6 (enam) meter tersebut tanpa hak dipotong, sehingga unsur menghilangkan, merusak, dan/atau melakukan perbuatan yang mengakibatkan rusak telah terpenuhi. Dipotongnya *wheel detection unit* dengan *wheel detection equipment* yang berada di Km 412+9 turut Desa Kuntili RT 04/02, menjadikan tidak berfungsinya prasarana perkeretaapian. karena untuk mendapatkan/membeli kabelnya saja tidak bisa jika *wheel detection equipment* tersebut rusak maka harus diganti secara keseluruhan dan *wheel detection equipment* tersebut harus di impor dari Jerman. Tindakan pelaku telah memenuhi keseluruhan unsur melakukan tindak pidana pencurian dengan pemberatan pada Pasal 363 ayat (1) Ke-5 KUHP yaitu sebagai aturan yang bersifat umum, serta melanggar ketentuan Pasal 197 ayat (1) UU No. 23 Tahun 2007 Tentang Perkeretaapian sebagai suatu aturan yang bersifat khusus, berdasarkan asas konkursus realis menurut Pasal 65 KUHP dalam hal perbarengan beberapa perbuatan yang harus dipandang sebagai perbuatan yang berdiri sendiri sehingga merupakan beberapa kejahatan, yang diancam dengan pidana pokok yang sejenis, maka dijatuhkan hanya satu pidana yaitu Pasal 197 Ayat (1) UU No. 23 Tahun 2007 Tentang Perkeretaapian.

Kata Kunci: Tindak Pidana, Pemotongan Kabel, Perkeretaapian

**CRIMINAL CUTTING CABLE CONNECTION BETWEEN WHEEL DETECTION
UNIT WITH WHEEL DETECTION EQUIPMENT REVIEWED FROM LAW
NUMBER 23 OF 2007 CONCERNING RAILWAYS**

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ABSTRACT

The cable for detecting rails that connects the wheel detection unit with the wheel detection equipment (which serves as a means of detecting the presence of trains and securing the railroad tracks) in the railroad tracks, so that it includes the railroad infrastructure for cables connecting between wheel detection unit with wheel detection equipment located at Km 412 + 9 took part in the Kuntili Village RT 04/02 Sumpiuh Subdistrict Banyumas along the 6 (six) meters without the right to be cut, so that the element of eliminating, damaging, and / or carrying out actions that resulted in damage has been fulfilled. The cutting of the wheel detection unit with wheel detection equipment located at Km 412 + 9 took part in the Kuntili Village RT 04/02, making the railroad infrastructure not functioning properly. because to get / buy the cable alone can not if the wheel detection equipment is damaged it must be replaced as a whole and the wheel detection equipment must be imported from Germany. Actors have fulfilled all elements of committing theft by weighting Article 363 paragraph (1) of the 5 KUHP, namely as a general rule, and violates the provisions of Article 197 paragraph (1) of Law No. 23 of 2007 concerning Railways as a special rule, based on the principle of realist concourse according to Article 65 of the Criminal Code in the case of several acts which must be seen as stand-alone acts so as to constitute several crimes, which are threatened with similar basic crimes, then only one sentence is imposed namely Article 197 Paragraph (1) of Law no. 23 of 2007 concerning Railways

Keywords: *Crime, Cable Cutting, Railroad*