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ANALYSIS OF CRIMINAL LIABILITY FOR THE CRIMINAL ACT OF EMBEZZLEMENT IN THE WORK ENVIRONMENT

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Abstract

This embezzlement in the work environment is one form of crime against property that occurs due to the abuse of trust within the employment relationship between an employee and a company. This act not only causes material losses to the company but also damages the trust that serves as the foundation of employment relations. This research aims to examine the judges' legal considerations in imposing criminal sanctions on perpetrators of embezzlement in the work environment in Decision Number 493/Pid.B/2024/PN Jkt.Pst, and to analyze whether the decision of the panel of judges has fulfilled the sense of justice for the company as the victim of the criminal act of embezzlement. The research method used in this thesis is normative legal research, namely research that examines law as a norm by using primary legal materials, secondary legal materials, and tertiary legal materials. This research is descriptive in nature, with data collection techniques carried out through library research. The data obtained were then analyzed qualitatively, logically, systematically, and normatively juridically by connecting the applicable legal provisions with the legal facts contained in the court decision. The results of the research show that embezzlement in the work environment occurred because the defendant obtained control over money not through a criminal act, but through an employment relationship as a collector whose duty was to receive installment payments from debtors. However, the money that should have been deposited to the company was instead used for personal purposes without the permission and knowledge of the company. In this case, the Public Prosecutor charged the defendant with alternative indictments, namely Article 374 of the Indonesian Criminal Code concerning embezzlement in office or Article 372 of the Indonesian Criminal Code concerning ordinary embezzlement. The panel of judges then considered Article 374 of the Indonesian Criminal Code because its elements were deemed to be in accordance with the facts revealed during the trial.

Keywords: Criminal Liability, Embezzlement, Work Environment, Judicial Consideration, Justice

INTRODUCTION

The Republic of Indonesia is a state based on the rule of law, as affirmed in Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia; within this framework, all aspects of social, national, and state life are regulated to foster order, civility, and a sense of security (R. Soesilo, 2015). In this legal order, legal certainty serves as the guiding principle, directing every legal subject to act within the parameters of applicable legislation (Tongat, 2007). The existence of these binding legal norms guarantees that social interactions particularly within the economic and business spheres operate based on principles of justice and strict compliance. The ideal state sought in industrial dynamics and labor relations is a harmonious work ecosystem, where the relationship between company and worker is grounded in legal compliance, high professionalism, and a robust bond of mutual trust (Nurohim, 2026). This bond of trust serves not only as a foundation for moral productivity but also as a vital instrument ensuring effective legal protection for corporate assets against internal misconduct. An ideal employment relationship requires a balance between upholding workers' rights and protecting company assets, allowing the economy to function sustainably, free from fraudulent acts that disadvantage either party (Abrahams, 2023).

However, when comparing normative expectations with empirical reality, the actual situation on the ground reveals a stark and often overlooked contrast. Modern life sees a prevalence of property crimes specifically embezzlement within the workplace that exploit the authorized access, positions, and trust granted by employers to their employees (Hansen, 2025). This phenomenon of misconduct is no longer merely an isolated incident; it has become a systemic threat to the financial stability and operational integrity of business entities (Drobac, 2022). Workplace offenses are often characterized as breaches that undermine the very essence of industrial relations (Simanjuntak, *et al*., 2024). A clear manifestation of this issue is evident in the case law from the Central Jakarta District Court, specifically in Judgment Number 493/Pid.B/2024/PN.JKT.PST. In this instance, an employee named M. Rizki who held a strategic position as a debt collector at PT BPR Sarana Utama Multidana knowingly abused his authority and professional mandate. Instead of fulfilling his institutional obligation to deposit installment payments received from debtors into the company's coffers, he misappropriated and utilized the funds amounting to IDR 4,900,000.00 for his own personal interests and needs. This case provides a concrete illustration of how an employment relationship, which ought to be grounded in integrity, can be betrayed through the act of embezzlement while in office, ultimately resulting in financial loss for the business entity (Hartono & Nurina, 2024).

Incidents of this nature highlight a significant gap between the normative expectation of integrity in employment relationships and the factual reality of breaches of trust within corporate environments (Untari & Widagdo, 2025). On one hand, companies as business entities must necessarily grant mandates, delegate authority, and provide operational access to employees to ensure the effective functioning of business operations, debt collection, and financial management (Limbong, Guntara & Abas, 2026). Without such delegation of authority and trust, the daily operations of micro-financial institutions such as rural banks could not function efficiently (Seregig & Hanyfah, 2025). On the other hand, however, this access and delegated authority are frequently abused by certain employees due to a convergence of internal and external factors (Silitonga, Haryono & Wiryadi, 2026). Dominant internal factors include pressing economic needs, a lack of personal moral integrity, and weaknesses in the company's internal control systems; meanwhile, external factors often relate to socio-economic dynamics beyond corporate control that drive individuals to engage in deviant behavior for immediate gain (Hartono & Nurina, 2024). It is this disparity that creates legal and managerial loopholes requiring resolution through robust criminal law instruments and the strengthening of corporate oversight systems.

To reinforce the theoretical argument that workplace embezzlement is a systemic issue requiring comprehensive doctrinal analysis, this study grounds its examination in established perspectives from prominent criminal law scholars. First is the doctrine proposed by Adami Chazawi regarding the specific characteristics of property crimes, which focuses on analyzing the shift from lawful possession to unlawful misappropriation a transition that occurs when the perpetrator begins to treat the goods or money in their custody as if they were their own. In this context, Chazawi emphasizes that the essence of the crime of embezzlement lies not in how the property was initially acquired (since the acquisition itself was lawful), but rather in how that property was unlawfully controlled and misused once it was in the perpetrator's hands (Chazawi, 2006). Second is the legal doctrine of P.A.F. Lamintang, which details the essential elements of the offense of embezzlement committed by virtue of one's office; it highlights how the element of "misuse of trust" serves as the primary differentiator that elevates the severity of the crime compared to ordinary embezzlement (Lamintang, 2009). Lamintang explains that the position or office held by the perpetrator affords them special advantages while simultaneously heightening the degree of culpability, due to the betrayal of the trust placed in them by their employer. Third is the dualistic theory of criminal liability advanced by Moeljatno, which firmly upholds the fundamental principle of modern criminal law geen straf zonder schuld (no punishment without fault) whereby criminal sanctions may only be imposed if there is proof of both an unlawful external act and the presence of fault (in the form of intent or negligence) on the part of the perpetrator (Moeljatno, 1987). Based on Moeljatno's perspective, the defendant M. Rizki's mental state specifically the element of intent (opzet) regarding his use of company funds serves as the primary benchmark for establishing his criminal liability.

Based on the identified gaps and the relevant doctrinal framework, this research aims to achieve comprehensive objectives. It seeks to conduct an in-depth examination of the application of substantive law regarding the crime of embezzlement within the workplace and to analyze the legal grounds upon which judges base their imposition of criminal sanctions under Indonesia's prevailing positive law. Furthermore, this study includes a comparative analysis involving Law Number 1 of 2023 concerning the Criminal Code (the National Criminal Code) a key instrument in the reform of national criminal law. Through this comprehensive approach, the research findings are expected not only to make a significant theoretical contribution to the development of criminal law scholarship and jurisprudence but also to offer practical solutions. These solutions provide constructive input for law enforcement, the strengthening of corporate risk mitigation mechanisms, and the optimization of the protection and restoration of victims' rights. The proposed solutions emphasize the importance of strengthening corporate internal oversight systems (internal audit and control), fostering a culture of legal compliance in the workplace, and implementing equitable sanctions that go beyond mere retribution to ensure the proportional recovery of corporate losses.

RESEARCH METHODS

This study employs a normative-juridical approach, examining law as a system of norms through the analysis of literature, legal principles, statutory regulations, and court rulings. The research is descriptive in nature, aiming to provide a systematic, factual, and accurate overview of the legal facts and judicial reasoning regarding workplace embezzlement cases. The data utilized is secondary in nature, derived from primary legal sources specifically Central Jakarta District Court Decision Number 493/Pid.B/2024/PN.JKT.PST as well as secondary sources (criminal law literature, reference books, journals, and prior research) and tertiary sources (legal dictionaries and the Great Dictionary of the Indonesian Language). Data collection was conducted through library research, involving the gathering, review, and documentation of relevant literature and legal documents. The collected data was subsequently analyzed using

qualitative, logical, systematic, and normative-juridical methods. Logical analysis utilized principles of deductive and inductive reasoning, systematic analysis involved harmoniously linking legal norms, and normative-juridical analysis entailed interpreting legal provisions, principles, and theories of criminal liability in relation to the legal facts established during the trial.

RESULT AND DISCUSSION

Based on the series of legal facts revealed transparently and comprehensively during the trial in the general court system specifically as officially recorded in the Central Jakarta District Court Judgment Number 493/Pid.B/2024/PN.JKT.PST the core legal issue centers on the actions of an employee who abused his position. The defendant in this case is M. Rizki (alias Rizky), son of Usep Syaepudin, an employee charged with daily operational duties and responsibilities as a collector for a micro-banking institution, PT BPR Sarana Utama Multidana.

In the course of his professional duties, the defendant was authorized by the institution to interact directly with clients and to accept payments for financial obligations specifically loan installments from the company's debtors. The legal incident forming the basis of the charges began when the defendant received cash payments for loan installments from a debtor named Ramsiah. According to transaction details proven in court, the funds comprised a fifth installment payment of IDR 2,500,000.00 and a sixth installment payment of IDR 2,400,000.00, bringing the total company cash physically held by the defendant to IDR 4,900,000.00.

In accordance with the established regulations and Standard Operating Procedures (SOP) strictly enforced at PT BPR Sarana Utama Multidana, any collection of funds from a client by a collector entails a strict legal and administrative obligation to immediately remit the money directly to the company's operations department or cashier (teller) on the very same day the transaction occurred. However, the defendant violated these bureaucratic procedures and internal compliance protocols; instead of fulfilling the institutional obligation to deposit the funds into the company's coffers, the defendant deliberately withheld, appropriated, and utilized the entire sum of IDR 4,900,000.00 for personal interests and consumption needs without authorization, legal right, or the knowledge of the board of directors or management of PT BPR Sarana Utama Multidana. This misconduct was further aggravated by the defendant's conduct following the incident; the defendant showed signs of evading responsibility by frequently failing to report to work without a valid excuse and becoming extremely difficult to contact when the company attempted to seek internal confirmation and clarification regarding the matter. In response to these unlawful acts, the Public Prosecutor drafted the indictment using an alternative structure to ensure the defendant could be charged precisely in accordance with the legal classification of the criminal offense. In the indictment, the Public Prosecutor charged the defendant under the primary count with violating Article 374 of the Criminal Code (KUHP) regarding embezzlement committed by a person whose possession of the property arose from an employment relationship, a profession, or the receipt of wages for the task (commonly known as embezzlement in an official capacity). Meanwhile, as a secondary alternative, the Public Prosecutor included a charge under Article 372 of the Criminal Code regarding ordinary embezzlement (eenvoudige verduistering).

During the evidentiary proceedings, the Panel of Judges at the Central Jakarta District Court meticulously examined all admissible evidence as stipulated in Article 184 of Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP), including witness testimonies, expert testimonies, official company documents, circumstantial evidence, and the defendant's own statement. Based on the legal facts established unequivocally and without doubt during the trial, the Panel of Judges chose to adjudicate and render a verdict based on the primary charge specifically, a violation of Article 374 of the Criminal Code (KUHP) regarding embezzlement in the course of employment (embezzlement in office). This choice of charge

was grounded in the consideration that the essential elements of embezzlement in the course of employment were fully and absolutely met, and proven legally and convincingly; the defendant's role as a collector was inherently tied to a contractual employment relationship with PT. BPR Sarana Utama Multidana, and the specific qualifications regarding the position and the relationship of trust precluded the application of the charge for ordinary embezzlement. A deeper analysis of the key data and trial facts reveals a crucial legal transition within the theory of substantive criminal law: the shift in the status of possession from lawful possession to unlawful possession (R. Soesilo, 2015).

This shift constitutes the fundamental distinction between the crime of embezzlement and the crime of theft. As doctrinally explained in criminal law literature by the prominent expert Adami Chazawi, the initial possession of an object or money by the perpetrator arises through entirely lawful and legal means; in the context of this case, this was manifested through the company's official mandate to the defendant, granting the authority to collect payments and providing company receipt slips for the debtor, Ramsiah (Chazawi, 2006). However, the nature of the legitimacy of that possession underwent a radical transformation the moment the defendant consciously and internally decided not to remit the funds to the state treasury or the company's coffers, but instead diverted them for personal use (Abrahams, 2023). In the view of Adami Chazawi, such an act is legally classified as unlawfully claiming the property as one's own (zich toe-eigenen). Similarly, the legal doctrine advanced by P.A.F. Lamintang reinforces this analysis by asserting that the core element of the crime of embezzlement in office lies not in the method by which the perpetrator obtained the property from the victim's control, but rather in how the perpetrator having been entrusted with specific responsibility due to their position or employment relationship betrayed that trust by misusing the physical control they held over the goods or funds (Lamintang, 2009).

The element of intent (opzettelijk) in this case is conclusively proven without any room for doubt, as the defendant was fully aware from the outset that the sum of Rp4,900,000.00 received was not their own property but the lawful property of the corporation, and that they were bound by an absolute legal obligation to remit it (Silitonga, Haryono & Wiryadi, 2026). This awareness of ownership status, coupled with the overt act of evading contact from company management, further validates the existence of mens rea or criminal intent preceding the external act itself.

The ruling handed down by the Panel of Judges at the Central Jakarta District Court is considered fully consistent and aligned with the doctrines of criminal liability and modern sentencing theory. Viewed through the lens of the dualistic theory of criminal liability pioneered by the eminent criminal law professor Moeljatno the defendant, M. Rizki, met all the constitutive elements required for criminal liability. Moeljatno consistently taught that criminal liability rests on a fundamental principle of modern criminal law geen straf zonder schuld (no punishment without culpability). This principle implies that a person cannot be punished unless they have committed a criminal act and bear culpability for doing so. In this case, the first element the defendant's capacity for accountability (toerekeningsvatbaarheid) was intact, as the defendant was fully aware of the nature and consequences of his actions. The second element an unlawful external act was proven by the fulfillment of the offense criteria under Article 374 of the Criminal Code. The third element culpability in the form of intent (dolus) was clearly demonstrated by the act of appropriating company funds for personal use. Furthermore, based on a comprehensive review of the trial proceedings, the Panel of Judges found no grounds for justification (rechtvaardigingsgrond) that would negate the unlawfulness of the defendant's actions, nor any grounds for excuse (schuldgrond) that would negate his culpability; consequently, criminal liability unequivocally attached to the defendant (Limbong, Guntara & Abas, 2026). The imposition of the sanction, or sentencing, was executed by the Panel of Judges in the operative part of the judgment. The Public Prosecutor had previously sought a prison

sentence of one year and two months; however, exercising judicial discretion, the Panel of Judges imposed a slightly lighter sentence of ten months.

This decision reflects the application of the principle of proportional sentencing individualization, wherein the judge does not merely act as a mouthpiece for the law applying penalties rigidly but carefully considers the psychological, social, and objective dynamics of the case at hand. In its legal reasoning, the Panel of Judges meticulously distinguished and weighed the aggravating and mitigating circumstances concerning the defendant. Aggravating circumstances included the fact that the defendant's actions caused tangible material loss to PT BPR Sarana Utama Multidana amounting to IDR 4,900,000.00, and that the conduct undermined a fundamental pillar of industrial relations namely, the bond of solid trust. Conversely, mitigating factors considered by the judge included the defendant's polite and cooperative demeanor throughout the trial, deep and sincere remorse for the actions committed, a frank and straightforward admission that facilitated the proceedings, and the fact that the defendant had no prior criminal record. This combination of considerations demonstrates that the imposed sentence is not oriented solely toward retribution (retributive justice) but also incorporates elements of education, specific deterrence, and rehabilitation aimed at ensuring the defendant acknowledges their wrongdoing and reforms their future conduct (Seregig & Hanyfah, 2025). When the findings and legal analysis of this ruling are comprehensively compared with prior studies focusing on white-collar crime within corporate and banking environments, the decision consistently supports the thesis that crimes in the microfinance sector are highly susceptible to vulnerabilities in internal oversight systems (Hartono & Nurina, 2024). Previous studies generally conclude that the crime of embezzlement in office committed by operational staff such as collectors is often triggered by a combination of weak periodic audits and high levels of managerial trust that are not balanced by a rigorous system of checks and balances (Simanjuntak et al., 2024; Hartono & Nurina, 2024; Untari & Widagdo, 2025).

The findings from Judgment Number 493/Pid.B/2024/PN.JKT.PST provide valid empirical evidence that granting employees physical latitude in handling cash absent digital oversight or rigorous daily verification creates significant opportunities for the abuse of authority. Consequently, this ruling reinforces the academic view that strict criminal law enforcement against perpetrators of embezzlement within an employment or official capacity serves as a crucial external safeguard, this must operate in tandem with the strengthening of internal risk mitigation measures by individual business entities. Furthermore, the juridical implications of this ruling can be contextualized within the framework of future national criminal law reform under Law Number 1 of 2023 concerning the Criminal Code (National KUHP). In this emerging criminal law landscape, the offense of embezzlement arising from an employment or official relationship remains firmly established, as outlined in Article 488 of the National KUHP. This provision affirms that embezzlement committed by an individual by virtue of their possession of property derived from an employment relationship, a profession, or the receipt of wages continues to be classified as a serious criminal offense, punishable by significant imprisonment or fines within specific categories. This demonstrates a strong, consistent, and enduring link between the protection of corporate assets and the preservation of integrity within industrial trust relationships, spanning both the transitional colonial-era criminal justice system (Wetboek van Strafrecht) and the modern, sovereign national criminal justice system. Thus, the analysis of Judgment Number 493/Pid.B/2024/PN.JKT.PST not only offers profound theoretical insight into the application of substantive law and judicial reasoning regarding workplace embezzlement cases but also makes a valuable practical contribution toward raising corporate legal awareness, improving internal corporate governance systems, and upholding substantive justice that prioritizes the protection of crime victims' property rights in Indonesia.

CONCLUSIONS

Based on the legal analysis of the workplace embezzlement case (Court Decision No. 493/Pid.B/2024/PN.JKT.PST), it is concluded that the actions of the defendant, M. Rizki a collector for PT BPR Sarana Utama Multidana fulfilled all elements of the crime of embezzlement in an employment capacity (penggelapan dalam jabatan) as stipulated in Article 374 of the Criminal Code (KUHP). It was legally and convincingly proven that the defendant had lawfully obtained possession of customer installment funds by virtue of his employment, but subsequently intentionally and unlawfully used those funds for personal gain without the company's authorization. The judge's decision to impose a ten-month prison sentence was based on admissible evidence pursuant to Article 183 of the Criminal Procedure Code (KUHAP), the judge's conviction, and the application of the principle of sentencing individualization, this took into account legal aspects, aggravating circumstances (corporate financial loss and breach of trust), and mitigating circumstances (cooperative behavior and a lack of prior criminal convictions).

This study suggests that law enforcement officials should consistently prioritize thoroughness and firmness in proving the elements of embezzlement in an employment capacity to ensure substantive justice for the victim. Companies are advised to strengthen internal control systems, implement periodic oversight of collection processes, and ensure financial administrative transparency to minimize opportunities for employees to abuse their authority. Furthermore, it is hoped that lawmakers and law enforcement agencies will continue to disseminate information regarding the implementation of the National Criminal Code (KUHP) so that the transition in criminal law enforcement concerning workplace white-collar crime proceeds optimally and proportionately, while providing adequate protection and restitution for victims.

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