

## ABSTRAK

Bangunan gedung penting sebagai tempat manusia melakukan kegiatannya untuk mencapai berbagai sasaran yang menunjang terwujudnya tujuan pembangunan nasional. Dalam hal ini contohnya Eskalator yakni pesawat sarana bangunan modern yang sangat populer terutama pada tempat-tempat yang ramai dikunjungi orang. Sejak pesawat eskalator banyak digunakan di Indonesia, sudah terjadi beberapa kali kecelakaan, Fokus rumusan masalah dalam hal ini adalah apakah kecelakaan eskalator yang terjadi di Bangkalan Plaza dapat di kualifikasikan tindak pidana ?

Penelitian ini menggunakan jenis penelitian hukum yuridis empiris dengan menggunakan metode pendekatan fakta. Adapun sumber data penelitian ini adalah data-data di Bangkalan Plaza Kabupaten Bangkalan , buku-buku, dan perundang-undangan. Selanjutnya, metode pengumpulan data yang digunakan adalah wawancara, observasi dan dokumentasi. Instrumen penelitian yang digunakan adalah peneliti sendiri, pedoman wawancara, kamera atau handphone, kertas dan pulpen. Selanjutnya, analisis data dilakukan dengan menggunakan analisis deskriptif.

Hasil penelitian menyimpulkan bahwa kecelakaan yang terjadi di Bangkalan Plaza dapat dikualifikasikan sebagai tindak pidana kealpaan sebagaimana diatur dalam pasal 360 ayat (1) KUHP dengan ketentuan “*barang siapa karena kesalahannya (ke alpaannya) menyebabkan orang lain mendapat luka-luka berat, diancam dengan pidana penjara paling lama 5 tahun atau kurungan paling lama 1 tahun*”. Hal tersebut dapat dilihat kelalaian seorang supervasior yang telat melakukan pengecekan rutin terhadap alat eskalator yang terdapat pada bangunan gedung Bangkalan Plaza, sehingga menyebabkan adanya kecelakaan yang mengakibatkan korban mengalami luka berat.

Kata Kunci: Delik, Tindak Pidana, Kealpaan, Eskalator.

## ABSTRACT

Building is an important object which is used by human to do their activity to achieve their aim and it will help the improvement of national establishment. In this case, the example is the existence of escalator. It is one of modern conveyor transport which is so popular especially in public places. Since escalator has been used in Indonesia, there are some of accidents that have already happened. The objective of this study is whether the escalator accident that happened in Bangkalan Plaza can be classified as criminal act or not.

This study uses the type of empirical and juridical law research by using a fact approach method. The sources of data of this study are the data of Bangkalan Plaza, in Bangkalan district, books, and legislation. Furthermore, the data collection methods used are interview, observation and documentation. The research instruments used are the writer himself, interview guideline, camera or mobile phone, paper and pen. Then, the analysis data is conducted by using descriptive analysis.

The result of this study concludes that the accident occurred at Bangkalan Plaza can be qualified as a criminal offence that is already stipulated in article 360 paragraph (1) of the criminal code which states that "Whosoever is because of his guilt (his offence) causes others to get injuries, is threatened with imprisonment of at least 5 years or a confinement of at least 1 year. This can be seen as the failure of a supervisor who is late to perform a routine check of the escalator in the building of Bangkalan plaza. Therefore, it causes an accident that caused the victim to suffer severe injuries.

Keywords: crime, criminal, offense, escalator.

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