

ABSTRACT

Disparitas Putusan Judex Facti dan Judex Juris dalam Tindak Pidana Korupsi Pengadaan Barang dan Jasa

Rumusan masalah yang penulis teliti adalah: 1. Mengapa Hakim Pengadilan Negeri memutus bebas dalam Tindak Pidana Korupsi Pengadaan Barang dan Jasa? 2. Mengapa Mahkamah Agung memutus pemidanaan dalam Tindak Pidana Korupsi Pengadaan Barang dan Jasa? 3. Mengapa Peninjauan Kembali memutus Lepas dari segala tuntutan hukum dalam Tindak Pidana Korupsi Pengadaan Barang dan Jasa?. Tujuan penelitian ini adalah: 1. Untuk Mengetahui alasan Hakim Pengadilan Negeri memutus bebas dalam Tindak Pidana Korupsi Pengadaan Barang dan Jasa 2. Untuk Mengetahui alasan Mahkamah Agung memutus pemidanaan dalam Tindak Pidana Korupsi Pengadaan Barang dan Jasa? 3. Untuk Mengetahui alasan Peninjauan Kembali memutus Lepas dari segala tuntutan dalam Tindak Pidana Korupsi Pengadaan Barang dan Jasa.

Jenis penelitian hukum yang digunakan adalah penelitian normatif yang meliputi penelitian terhadap asas hukum, penelitian terhadap, sistematika hukum, yang bersifat mendeskripsikan, menggambarkan suatu peristiwa yang sejelas mungkin terkait dengan rumusan masalah di atas. Variabel penelitian ini adalah: 1. Hakim Pengadilan Negeri memutus bebas dalam Tindak Pidana Korupsi Pengadaan Barang dan Jasa, 2. Hakim Mahkamah Agung memutus pemidanaan dalam Tindak Pidana Korupsi Pengadaan Barang dan Jasa, 3. Hakim Peninjauan Kembali memutus Lepas dari segala tuntutan hukum dalam Tindak Pidana Korupsi Pengadaan Barang dan Jasa?, variabel terikat dalam penelitian ini adalah putusan Hakim dalam tindak pidana korupsi Pengadaan barang dan jasa.

Berdasarkan Hasil penelitian yang penulis lakukan, maka yang menjadi kesimpulan dimana penulis menemukan sesuai dengan permasalahan yang sudah penulis uraikan diatas adalah: 1. Hakim Pengadilan Negeri memutus bebas terdakwa karena: Perbuatan terdakwa tidak terbukti secara sah dan meyakinkan bersalah melakukan tindak pidana. 2. Hakim Pengadilan Negeri memutus memidanaan terdakwa karena: Perbuatan terdakwa telah terbukti secara sah dan menyakinkan bersalah melakukan tindak pidana korupsi. 3. Hakim Peninjaun Kembali memutus melepas terdakwa karena: Perbuatan terpidana terbukti tetapi perbuatan tersebut bukan merupakan tindak pidana.

Berdasarkan kesimpulan yang telah dideskripsikan diatas, maka saran dari penulis bagi pemerintah adalah: penguatan regulasi dan pengawasan dan peningkatan transparansi proses pengadaan.

Kata Kunci: Pidana, Tindak Pidana Korupsi, Putusan Hakim

ABSTRACT

Disparity in Judex Facti and Judex Juris Decisions in Corruption Crimes in Procurement of Goods and Services

The formulation of the problem of this research is: 1. Why did the District Court Judge acquit the defendant in the Criminal Act of Corruption in the Procurement of Goods and Services? 2. Why did the Supreme Court decide on a criminal sentence in the Criminal Act of Corruption in the Procurement of Goods and Services? 3. Why did the Judicial Review decide on Acquittal from all charges in the Criminal Act of Corruption in the Procurement of Goods and Services? The objectives of this research are: 1. To find out the reasons why the District Court Judge decision on an acquittal in the Criminal Act of Corruption in the Procurement of Goods and Services 2. To find out the reasons why the Supreme Court decided on a criminal sentence in the Criminal Act of Corruption in the Procurement of Goods and Services? 3. To find out the reasons why the Judicial Review decided on Acquittal from all charges in the Criminal Act of Corruption in the Procurement of Goods and Services. The type of legal research used is normative research which includes research on legal principles, research on, legal systematics, which is descriptive in nature, describing an event as clearly as possible related to the formulation of the problem above. The variables of this research: 1. District Court Judge acquit the defendant in the Criminal Act of Corruption in the Procurement of Goods and Services 2. Supreme Court decision on a criminal sentence in the Criminal Act of Corruption in the Procurement of Goods and Services 3. Judicial Review decide to be released from all charges in the Criminal Act of Corruption in the Procurement of Goods and Services, the dependent variable in this research is the Judge's decision in the criminal act of corruption in the Procurement of Goods and Services.

Based on the results of the research conducted by the author, the conclusions that the author found in accordance with the problems that the author has described above are: 1. The District Court Judge decision to acquit the defendant because: The defendant's actions were not legally and convincingly proven guilty of committing a crime. 2. The District Court Judge decision to convict the defendant because: The defendant's actions have been legally and convincingly proven guilty of committing a crime of corruption. 3. The Judicial Review Judge decision to release the defendant because: The convict's actions were proven but the actions were no longer a crime.

Based on the conclusions described above, the author's suggestions for the government are: strengthening regulations and supervision and increasing transparency of the procurement process.

Keywords: Criminal, Corruption, Judge's Decision