

ABSTRACT

THE EXISTANCE OF ADDITIONAL CRIMINAL RESTITUTION TO THE CORRUPTION RELATED TO THE PURPOSES OF SENTENCING

By

FENNY ANDRIANI

Corruption, based on law No. 31, 1999 about eradication of corruption as a kind of criminal offence that inflict of state financial loss and hamper of national development. One of the way how to restore the state losses is by giving additional pinalty such as compensation payment. The problems of this research are how the existence of additional criminal restitution of the corruption in relation to the purposes of sentencing why the need for criminal restitution in corruption case.

This research used juridis normative approach, is done by analyzing the theories, concepts and law that related on eradication of corruption which is listed on law No. 31, 1999 that is amended on law No. 20, 2001 about eradication of corruption.

The existence of additional criminal restitution is to be preserved, but in terms of execution remains a bottleneck. That is because the execution process should be done within 1 (one) month still can not be carried out in accordance with conditions set by law, so the return of the losses suffered by the state become stagnant and eventually abandoned. Additional criminal sanctions for such compensation should be applied to the perpetrator can not enjoy the fruits of crime and public corruption so that the state does not become injured party.

Reform the legal basic is needed to eradicate corruption because the current regulations do not hold maximally. Moreover, the same coprehansion is needed to restore the state losses optimally.

Keywords : Corruption, Additional criminal compensation, Purpose of sentencing