

ABSTRACT

SEXUAL GRATUITIES CRIMINALIZATION AS CORRUPTION CRIMINAL OFFENSE IN INDONESIA

By

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Sexual service is not actually presented in eradication regulation of corruption criminal offense. Nowadays, it means that it has not been the regulation or legislation to confirm that the sexual service (sexual gratuities) is a corruption criminal offense. The problems in this thesis are about the sexual gratuities criminalization and the implementation of reversal of the burden of sexual gratuities criminalization as a corruption criminal offense in corruption offense court in Indonesia.

This research is a juridical normative research by using secondary and primary data used as a supporting data. The research type is descriptive analysis that describes the research result and the complete discussion, complete, comprehensive, and systematic. Problems approach used was law approach and the sexual gratuities criminalization in corruption criminal offense that had been done.

The research result shows that the criminalization is a complicated problem because of the act that can be criminalized, different value and norms in the society, varied instrument choice setting in social life, and the social change occurred in the society. This problem of sexual gratuities criminalization to criminalize must be applied in careful way, since it has relation to the personal life of human being. Based on that fact, the sexual gratuities should be categorized to be an offense arranged in law's regulation in Indonesia. The application of the reversal of the Sexual Gratuities Prove Burden which actually uses the Reversal of Prove Burden based on Article 12 B UU No. 20 Year 2001. That the value which is 10 million or more is proved by the gratuities receiver in which the value is less than 10 millions conducted by public prosecutor.

Finally the researcher suggests the Government and the Parliament that sooner revise the description and Article 12 B verse (1) Legislation Number 20 Year 2001 to give explanation or legal certainty, so that the subject of sexual gratuities can be punished, then it is suggested to the law enforcement officers to cooperate in proving the sexual gratuities and focus on the proof by overriding the report.

Key words : Criminalization, Sexual Gratuities, Corruption