

ANALISIS KEWENANGAN KOMISI PEMBERANTASAN KORUPSI DALAM TINDAKAN TANGKAP TANGAN

**(Studi Menurut KUHAP dan Undang-Undang Nomor 19 Tahun 2019
tentang Komisi Pemberantasan Tindak Pidana Korupsi)**

ABSTRAK

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Ketidakjelasan mengenai mekanisme dan batasan kewenangan tindakan tangkap tangan yang dilakukan oleh KPK tersebut memunculkan asumsi publik bahwa kewenangan yang dilakukan oleh KPK tersebut telah melanggar hukum bahkan melanggar HAM yakni melakukan tindakan yang sewenang-wenang (*unprocedur*). Permasalahan dalam penulisan tesis ini adalah Bagaimana kekuatan hukum tindakan tangkap tangan KPK jika ditinjau dari aspek KUHAP dan Undang Undang Nomor 19 Tahun 2019 Tentang Komisi Pemberantasan tindak pidana Korupsi? Bagaimana kriteria suatu dugaan tindak pidana menggunakan tindakan tangkap tangan? Bagaimanakah idealnya KPK dalam melakukan tindakan tangkap tangan?

Penelitian ini menggunakan pendekatan yuridis normatif dan yuridis empiris. Penelitian normatif dilakukan terhadap hal-hal yang bersifat teoritis asas-asas hukum, sedangkan pendekatan empiris yaitu dilakukan untuk mempelajari hukum di lapangan

Adapun hasil penelitian yang didapatkan kekuatan hukum tindakan tangkap tangan KPK jika di tinjau dari aspek KUHAP dan UU KPK sebenarnya tindakan tangkap tangan KPK tidak memiliki dasar hukum kuat dengan adanya perubahan undang-undang KPK yang baru ini dinyatakan dalam Pasal 12 B UU KPK bahwa penyadapan sudah dibatasi dalam hal ini penyadapan dilaksanakan setelah mendapatkan izin tertulis dari dewan pengawas, Kriteria suatu dugaan tindak pidana menggunakan tindakan tangkap tangan disebabkan tipe atau kualitas sasaran korupsi bukan merupakan tindak pidana yang sederhana oleh sebab itu perlunya dilakukan tindakan tangkap tangan, dan Ideal nya KPK dalam melakukan tindakan tangkap tangan dibutuhkan sistem administrasi perkara yang baik mulai dari tahap pengumpulan data dan informasi yang berpijak pada sumber informasi yang akurat dan dapat dipercaya, harus sesuai di dalam peraturan perundang-undangan.

Adapun saran yang dapat dilakukan adalah sebaiknya dasar hukum tindakan tangkap tangan harus segera dimasukkan di dalam instrument pasal dalam undang-undang KPK agar kewenangannya pun tidak dipermasalahkan

Kata Kunci: Kewenangan, KPK, Tindakan Tangkap Tangan

**ANALYSIS OF THE AUTHORITY OF CORRUPTION ERADICATION
COMMISSION IN HAND CATCH ACTION**

*(Study According to Criminal Procedure Code and Law Number 19 Year 2019
concerning commission to eradicate corruption)*

ABSTRACT

By

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The ambiguity regarding the mechanism and limits of the authority of the arresting operations carried out by the corruption eradication commission raises public assumption that the authority exercised by the corruption eradication commission has violated the law and even violated human rights, namely taking arbitrary actions (unprocedure). The problem in writing this thesis is How can the legal force of actions be caught red-handed by the Corruption Eradication Commission if viewed from the aspect of the Criminal Procedure Code and Law Number 19 Year 2019 Concerning the Corruption Eradication Commission? What are the criteria for an alleged crime using the act of being caught red-handed? What is the ideal way for the Corruption Eradication Commission to carry out acts of arrest?

This study uses a Normative and Empirical Juridical approach. Normative research is conducted on things that are theoretical principles of law, while the empirical approach is carried out to study the law in the field.

The research results obtained by the legal force of the act of being caught in the Corruption Eradication Commission if viewed from the aspect of the Criminal Procedure Code and Law Number 19 Year 2019 Regarding the Corruption Eradication Commission actually the act of being caught red handed by the Corruption Eradication Commission does not have a strong legal basis with changes in the law The new Corruption Eradication Commission stated in Article 12 B of Law Number 19 year 2019 concerning Corruption Eradication Commission that wiretapping has been limited in this case wiretapping is carried out after obtaining written permission from the Supervisory Board. Criteria for a suspected criminal act using an act of being caught red handed due to type or the quality of the target of corruption is not a simple crime and therefore the need for an act of being caught red-handed, and Ideally the Corruption Eradication Commission in Conducting an act of being caught red-handed, it needs a system of administrative administration. A good team starting from the stage of data and information collection which is based on an accurate and reliable source of information, must comply with the laws and regulations.

The suggestion that can be done is that the legal basis for Operation of Catching Hands must be immediately included in the article instrument in the corruption eradication commission law so that its authority is not at issue

Keywords: The authority, corruption eradication commission, hand catch action