

## **ABSTRAK**

### **ANALISIS PEMIDANAAN TERHADAP PELAKU TINDAK PIDANA KORUPSI PENGGELAPAN DALAM JABATAN (Putusan Nomor: 42/Pid.Sus-TPK/2021/PN. Tjk)**

**Oleh**

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Kepercayaan yang diberikan dalam suatu jabatan seharusnya dijalankan dengan sebaik-baiknya sesuai dengan ketentuan peraturan yang berlaku. Perbuatan terdakwa dalam menjalankan jabatannya mengakibatkan kerugian pada individu pegawai, bukan pada negara, sehingga terdapat kerancuan terkait efektivitas pemulihan hak. Permasalahan dalam penelitian ini, bagaimana pemidanaan terhadap pelaku tindak pidana korupsi penggelapan dalam jabatan Putusan Nomor:42/Pid.Sus-TPK/2021/PN.Tjk? apakah pemidanaan terhadap pelaku tindak pidana korupsi penggelapan dalam jabatan Putusan Nomor: 42/Pid.Sus-TPK/2021/PN.Tjk sesuai dengan tujuan pemidanaan?

Metode Penelitian yang digunakan dalam penelitian ini adalah melalui pendekatan masalah secara yuridis normatif dan yuridis empiris sebagai pendukung. Sumber dan jenis data yang diperoleh dari data primer berupa wawancara melalui narasumber terkait dan data sekunder berupa peraturan perundang-undangan terkait, buku-buku dan bahan Pustaka lainnya diolah kemudian dianalisis secara kualitatif.

Hasil penelitian menunjukkan (1) Dipidananya pelaku memenuhi unsur tindak pidana serta kesalahannya. Penjatuhan pidana dilakukan berdasarkan pertimbangan hakim yang mencakup aspek yuridis, aspek sosiologis, dan aspek filosofis. Namun, dari sudut pandang pihak yang dirugikan, hakim cenderung lebih menitikberatkan pada kepastian hukum. Kurang efektifnya dalam pemulihan kerugian yang dialami oleh pegawai dan tenaga kerja kontrak. Kondisi tersebut disebabkan belum adanya pengaturan spesifik mengenai pemulihan kerugian individu atau kelompok dalam tindak pidana korupsi. (2) Penjatuhan pidana sesuai dengan tujuan pemidanaan dilihat dari teori retributif terbatas (tidak murni) dan teori relatif dalam rangka upaya prevensi umum dan prevensi khusus.

Rekomendasi penulis menekankan perlunya evaluasi kebijakan hukum yang lebih mendalam memastikan keadilan substantif untuk mengatasi dampak luas yang mencakup kerugian terhadap individu secara langsung. Perhatian serius dari seluruh instansi melalui pengawasan ketat serta penguatan sistem pengendalian internal guna meminimalkan potensi penyalahgunaan jabatan dan mencegah kerugian negara serta pihak terkait.

**Kata Kunci: Tindak Pidana, Korupsi, Penggelapan dalam Jabatan**

## **ABSTRACT**

### **ANALYSIS OF THE CONVICTION OF THE PERPETRATORS OF CORRUPTION EMBEZZLEMENT IN OFFICE (Decision Number: 42 / Pid.Sus-TPK/2021 / PN. Tjk)**

**By**

**ABDURRAHMAN HADI ANWAR**

*The trust given in a position should be carried out as well as possible in accordance with the provisions of applicable regulations. The defendant's actions in carrying out his office resulted in losses to individual employees, not to the state, thus giving rise to confusion in decisions regarding the effectiveness of rights restoration. The issues in this study are as follows, How is the sentencing of the perpetrator of the criminal act of corruption involving embezzlement in office as outlined in Decision Number: 42/Pid.Sus-TPK/2021/PN.Tjk? Does the sentencing of the perpetrator of the criminal act of corruption involving embezzlement in office as outlined in Decision Number: 42/Pid.Sus-TPK/2021/PN.Tjk align with the objectives of sentencing?*

*The research method used in this research is through a normative juridical and empirical juridical approach to the problem as support. Sources and types of data obtained from primary data in the form of interviews with related sources and secondary data in the form of related laws and regulations, books and other library materials were processed and then analyzed qualitatively.*

*The results of the research show (1) The perpetrator was sentenced to fulfill the elements of a criminal act and his guilt. Sentencing is carried out based on the judge's considerations which include juridical aspects, sociological aspects and philosophical aspects. However, from the perspective of the injured party, judges tend to place more emphasis on legal certainty. As a result, this is less effective in recovering losses experienced by employees and contract workers. This condition is caused by the absence of specific regulations regarding the recovery of individual or group losses in criminal acts of corruption. (2) Sentencing in accordance with the purpose of punishment is seen from limited or impure retributive theory and relative theory in the context of general prevention and specific prevention efforts.*

*The authors' recommendations emphasize the need for a more in-depth evaluation of legal policies ensuring substantive justice to address broad impacts that include direct harm to individuals. Serious attention from all agencies through strict supervision and strengthening the internal control system to minimize the potential for abuse of office and prevent losses to the state and related parties.*

**Keywords: Criminal Act, Corruption, Embezzlement in Office**