

ABSTRACT

Critical analysis of the Court Decision which acquitted former Mayor of Kupang, Jonas Salean, who illegally transferred government-owned property to 40 people, which included his family members and colleagues. While the majority of judges acquitted the defendant, one judge gave a dissenting opinion, outlining the different provisions the defendant has violated, among others, Article 5(2) of Government Regulation No. 27 of 2014 concerning Management of State/Regional Property, which lays out the obligations of the public official authorized to manage regional property. Apart from Government Regulation No. 27 of 2014, this thesis also refers to Ministerial Regulation of Internal Affairs No. 19 of 2016 concerning the Management of Regional Property. This thesis aims to examine how the said court decision is erroneous and its negative impacts, such as: legal uncertainty, injustice, encourages potential offenders to commit corruption crimes and bad precedence. Further, this paper explains that a court decision ought to serve the purposes of law such as: legal certainty, justice, protect the state from loss and have a deterrent effect. This research utilizes normative legal research, specifically a library legal research and a statutory and case-based approach to assess the consistency between legal principles and the court decision. The findings of the research show that the decision is in fact erroneous as it deviates from various laws and regulations, which would in effect, normalize a culture that condones corrupt acts which belittles the importance of the issue. All in all, corruption cases should be taken seriously by punishing offenders in accordance with their wrongdoing.

Key words: Illegal transfer of government property, Public Official, Erroneous Court Decision.

References: 49 (1958-2021)