

ABSTRACT

Dicky Mulya Pratama (01051200199)

“APPLICATION OF ELEMENTS OF UNLAWFUL ACTS IN CORRUPTION CRIMES AGAINST CIVIL SERVANTS (Case Study Number 44/Pid.Sus-TPK/2021/PN KDI Jo. Case Decision Number 4002 K/Pid.Sus/2022)”

(xi + 164 pages)

The crime of corruption is a special crime (extraordinary crime) which must also be handled using special methods. One of them is government officials (civil servants) who occupy certain positions which have a risk that their legal actions could cause state losses. Therefore, the author wants to conduct research on alleged unlawful acts committed by civil servants which caused state losses. The author uses the problem formulation: 1. How is law enforcement implemented in the implementation of elements of unlawful acts in Article 2 of Law Number 20 of 2001 on Amendments to Law Number 31 of 1999 concerning Corruption Crimes against Civil Servants? 2. What is the basis for the judge's consideration of elements of unlawful acts in deciding cases of alleged criminal acts of corruption in Decision Number 44/Pid.Sus-TPK/2021/PN KDI? .The research results show that the concept of unlawful acts in Article 2 of the Corruption Eradication Law must be interpreted as an act that causes state financial losses. In this case, the judge is appropriate to prove that there is a state financial loss, but if the act does not have an impact on state financial losses (administrative action that does not cause state financial losses), then it cannot be categorized as a criminal act of corruption and has no potential or expected financial loss. country or potential loss. Judges in consideration of Decision Number 44/Pid.Sus-TPK/2021/PN KDI Jo. Decision Number 4002 K/Pid.Sus/2022 states that the actions carried out by the Defendant did not constitute a violation of Article 2 Paragraph (1) of the Corruption Eradication Law. This is because the Judge considered that the actions carried out by the Defendant were part of carrying out his duties and responsibilities as Head of the Mineral and Coal Division at the Provincial Energy and Mineral Resources Service. Southeast Sulawesi (government action). As well as the losses felt by the state due to payment of obligations that were not carried out by PT Toshida had no bearing on the implementation of the Defendant's duties and responsibilities.

Keywords : Criminal Acts of Corruption, Government Employees, State Losses

Reference : 62 (1982-2022)