

**PENJATUHAN PIDANA BAGI PELAKU TINDAK PIDANA KORUPSI DI
TENGAH MASA PANDEMI BERDASARKAN UNDANG-UNDANG
NOMOR 31 TAHUN 1999 TENTANG PEMBERANTASAN TINDAK
PIDANA KORUPSI
(Studi Putusan Nomor 29/Pid.Sus-TPK/2021/PN Jkt.Pst)**

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ABSTRAK

Tindak pidana korupsi merupakan salah satu tindak pidana yang kerap kali terjadi di Indonesia dan dilakukan oleh pejabat publik di Indonesia. Tindak pidana korupsi yang dilakukan terhadap bantuan sosial di tengah masa pandemi COVID-19 dilakukan oleh mantan Menteri Sosial Republik Indonesia. Hal tersebut merupakan sebuah tindakan yang melawan hukum dikarenakan terdakwa menyalahgunakan jabatan untuk menguntungkan diri terdakwa. Studi berfokus pada Putusan Nomor 29/Pid.Sus-TPK/2021/PN Jkt.Pst terkait kasus mantan Menteri Sosial, Juliari Batubara. Penelitian ini bertujuan untuk meneliti penjatuhan pidana bagi pelaku tindak pidana korupsi di tengah masa pandemi serta mengetahui dasar pertimbangan hukum hakim dalam putusan tersebut. Penelitian ini menggunakan metode penelitian yuridis normatif dengan pendekatan kasus dan pendekatan konseptual. Spesifikasi penelitian preskriptif dengan sumber data bahan hukum sekunder. Hasil dari penelitian ini adalah perbuatan terdakwa telah memenuhi unsur-unsur di dalam pasal 2 ayat (2) Undang-Undang Nomor 30 Tahun 1999 Tentang Pemberantasan Tindak Pidana Korupsi dan majelis hakim telah memberikan pertimbangan hukum yang kurang cermat. Jaksa penuntut umum seharusnya memperhatikan serta mendakwakan Pasal 2 dari Undang-Undang Pemberantasan Tindak Pidana Korupsi dan majelis hakim seharusnya cermat dalam melihat dan menilai fakta-fakta yang diperoleh selama persidangan.

Kata Kunci : tindak pidana korupsi; penjatuhan pidana; pandemi; covid-19.

***The Imposition of Criminal Sanctions on Perpetrators of Corruption During the
Pandemic Based on Law Number 31 of 1999 Concerning the Eradication of
Corruption Crimes***

(Case Study of Decision No. 29/Pid.Sus-TPK/2021/PN Jkt.Pst)

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ABSTRACT

Corruption is one of the critical challenges in Indonesia, particularly involving public officials. The corruption case concerning social assistance funds during the COVID-19 pandemic, committed by the former Minister of Social Affairs of the Republic of Indonesia, is a focal point of this study. The offense is categorized as an abuse of office for personal gain, constituting an unlawful act. This study examines Decision No. 29/Pid.Sus-TPK/2021/PN Jkt.Pst, which pertains to the former Minister of Social Affairs, Juliari Batubara. The objective of this research is to analyze the imposition of criminal sanctions on perpetrators of corruption during the pandemic and to evaluate the legal reasoning adopted by the presiding judges. This research employs a normative juridical method using a case-based and conceptual approach. The research adopts a prescriptive analytical framework, relying on secondary legal materials obtained through a literature review. Data analysis is conducted qualitatively to assess the application of relevant legal provisions in the case. The findings reveal that the defendant's actions fulfill the elements of Article 2 paragraph (2) of Law Number 31 of 1999 on the Eradication of Corruption, yet the legal reasoning by the panel of judges was deemed inadequate. The Public Prosecutor should have more assertively invoked the aforementioned article while the judges should have thoroughly assessed and evaluated the facts presented during the trial to render a more proportional verdict.

Keywords : corruption; criminal sanctions; pandemic; COVID-19.