

ABSTRAK

Pengembalian kerugian negara akibat tindak pidana korupsi seringkali terhambat karena pelaku telah meninggal dunia. Pihak yang dirugikan dapat melakukan gugatan perdata terhadap ahli warisnya untuk memulihkan kerugian keuangan Negara. Penelitian ini bertujuan untuk menganalisis pertimbangan hukum hakim dalam mengabulkan gugatan ganti rugi pada Putusan Nomor 47/Pdt.G/2023/PN Nab serta tanggung jawab ahli waris setelah dikabulkannya gugatan tersebut. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, konseptual dan kasus dengan spesifikasi penelitian preskriptif analitis dari sumber data sekunder dengan metode analisis normatif kualitatif. Hasil penelitian menunjukkan Majelis hakim mengabulkan gugatan ganti rugi atas perbuatan melawan hukum pewaris karena telah memenuhi seluruh syarat dalam Pasal 1365 KUHPperdata sebagai dasar menuntut ganti rugi atas perbuatan melawan hukum yaitu ada perbuatan melawan hukum, ada kesalahan, ada kerugian, dan ada hubungan kausal antara perbuatan dengan kerugian. Enam anak dan seorang istri sebagai para ahli waris bertanggung jawab secara tanggung renteng atas pembayaran uang pengganti korupsi dalam upaya pemulihan kerugian keuangan negara sesuai Pasal 830 dan Pasal 833 ayat (1) KUHPperdata. Para ahli waris memperoleh hak dan kewajiban pewaris termasuk membayar uang pengganti sejumlah Rp2.153.796.475,- akibat korupsi yang dilakukan pewaris.

Kata kunci : ahli waris, kerugian negara, tanggung jawab, uang pengganti korupsi.

ABSTRACT

The recovery of state losses due to corruption crimes, particularly in cases where the perpetrator has passed away. The aggrieved party may initiate a civil suit against the heirs to recover the financial losses sustained by the state. This study aims to analyze the legal considerations of judges in granting compensation claims in Decision Number 47/Pdt.G/2023/PN Nab and the responsibilities of heirs after the granting of the lawsuit. This research employs a multifaceted approach, encompassing normative juridical methods, statutory analysis, conceptual exploration, and case studies. It utilizes prescriptive analytical research specifications from secondary data sources, complemented by qualitative normative analysis methods. The results of the study indicated that the panel of judges ruled in favor of the compensation claim for the heirs' unlawful act, as it met all the requirements outlined in Article 1365 of the Civil Code. This article serves as the legal basis for claiming compensation for unlawful acts, stating that an unlawful act must be present, there must be fault, there must be loss, and there is a causal relationship between the act and the loss. Six children and a wife as heirs are jointly and severally liable for the payment of compensation for corruption in an effort to recover state financial losses in accordance with Article 830 and Article 833 paragraph (1) of the Civil Code. The heirs obtained the rights and obligations of the testator including paying compensation in the amount of Rp2,153,796,475, - due to corruption committed by the testator.

Keywords: heirs', state losses, responsibility, compensation for corruption.