

PERTIMBANGAN HUKUM HAKIM DALAM TINDAK PIDANA KORUPSI IMPOR GULA

(Studi Putusan Nomor 34/Pid.Sus-TPK/2025/PN Jkt.Pst.)

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ABSTRAK

Tindak Pidana Korupsi merupakan sebuah fenomena pelanggaran hukum yang berulang kali terjadi dengan nilai yang fantastis. Kasus korupsi impor gula yang menjerat mantan Menteri Perdagangan Thomas Trikasih Lembong menimbulkan permasalahan yuridis mengenai pertimbangan hakim dalam menentukan unsur melawan hukum dan akibat hukum yang timbul dari putusan. Penelitian ini bertujuan untuk mengetahui pertimbangan hukum hakim dalam menentukan unsur melawan hukum serta akibat hukum yang timbul atas putusan tindak pidana korupsi impor gula pada kasus Tom Lembong. Penelitian ini menggunakan metode yuridis normatif dengan spesifikasi penelitian deskriptif analitis. Data yang digunakan terdiri atas data sekunder yang diperoleh melalui studi kepustakaan. Hasil penelitian menunjukkan bahwa majelis hakim dalam menentukan unsur melawan hukum mengadopsi Putusan Mahkamah Konstitusi Nomor 003/PUU-IV/2006 yang menafsirkan unsur melawan hukum secara formil, yaitu bertentangan dengan peraturan perundang-undangan. Terdakwa terbukti melanggar Keputusan Menperindag Nomor 527/MPP/Kep/09/2004, Permendag Nomor 117/M-DAG/PER/12/2015, Undang-Undang Perdagangan, dan Perpres Nomor 71 Tahun 2015 karena menerbitkan persetujuan impor tanpa rapat koordinasi dan rekomendasi Kementerian Perindustrian. Namun, analisis menunjukkan perbuatan lebih tepat dikategorikan sebagai penyalahgunaan kewenangan dalam Pasal 3 Undang-Undang Pemberantasan Tipikor. Akibat hukum putusan mencakup pidana penjara 4 tahun 6 bulan dan denda Rp750 juta, yang menimbulkan kerancuan pembedaan Pasal 2 dan Pasal 3 Undang-Undang Pemberantasan Tipikor. Diperlukan kejelasan batasan unsur melawan hukum dan penyalahgunaan kewenangan, serta pedoman Mahkamah Agung untuk menciptakan kepastian hukum dalam pemberantasan korupsi.

Kata Kunci: Pertimbangan Hakim; Unsur Melawan Hukum; Tindak Pidana Korupsi; Akibat Hukum.

JUDGE'S LEGAL CONSIDERATIONS IN THE CRIMINAL ACT OF SUGAR IMPORT CORRUPTION

(Study of Decision Number 34/Pid.Sus-TPK/2025/PN Jkt.Pst.)

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ABSTRACT

Corruption is a recurring legal violation involving enormous sums of money. The sugar import corruption case involving former Trade Minister Thomas Trikasih Lembong raises legal questions regarding judges' considerations in determining unlawful elements and legal consequences arising from the verdict. This study aims to determine the legal considerations of judges in determining the elements of unlawfulness and the legal consequences arising from the verdict in the sugar import corruption case involving Tom Lembong. This study employs a normative legal method with a descriptive analytical research specification. The data used were secondary data obtained through a literature review. The results of the study show that in determining the unlawful elements, the panel of judges adopted Constitutional Court Decision Number 003/PUU-IV/2006, which interprets unlawful elements formally, namely as contrary to laws and regulations. The defendant was proven to have violated the Decree of the Minister of Trade and Industry Number 527/MPP/Kep/09/2004, Minister of Trade Regulation Number 117/M-DAG/PER/12/2015, the Trade Law, and Presidential Regulation Number 71 of 2015 by issuing an import permit without a coordination meeting and recommendation from the Ministry of Industry. However, an analysis shows that the act is more accurately categorized as abuse of authority under Article 3 of the Corruption Eradication Law. The legal consequences of the verdict include a prison sentence of 4 years and 6 months and a fine of Rp750 million, which causes confusion in distinguishing between Article 2 and Article 3 of the Corruption Eradication Law. Clarity is needed regarding the boundaries between unlawful acts and abuse of authority, as well as guidelines from the Supreme Court to create legal certainty in the eradication of corruption.

Keywords: *Judges' Considerations; Unlawful Acts; Corruption Crimes; Legal Consequences.*