

ABSTRAK

Penelitian ini berjudul Putusan Pidana Nihil Dalam Perkara Tindak Pidana Korupsi Menurut Ketentuan Peraturan Perundang-undangan Indonesia. Untuk mengetahui penerapan putusan pidana nihil dalam perkara tindak pidana korupsi menurut ketentuan peraturan perundang-undangan di Indonesia serta akibat hukum putusan pidana nihil dalam perkara tindak pidana korupsi menurut ketentuan peraturan perundang-undangan di Indonesia. Adapun perumusan masalah yang menjadi kajian sebagai berikut: (1) Bagaimanakah penerapan putusan pidana nihil dalam perkara tindak pidana korupsi menurut ketentuan peraturan perundang-undangan di Indonesia? dan (2) Bagaimanakah akibat hukum putusan pidana nihil dalam perkara tindak pidana korupsi menurut ketentuan peraturan perundang-undangan di Indonesia?. Metode penelitian yang digunakan adalah metode yuridis normatif disebut juga dengan studi kepustakaan dengan pendekatan perundang-undangan (*statute approach*). Hasil penelitian ini menunjukkan bahwa putusan pidana nihil Terdakwa Heru Hidayat tersebut keliru. Seharusnya, putusan mati sebenarnya paling proporsional dan sesuai tuntutan keadilan masyarakat mengingat perbuatan Heru Hidayat sangat merugikan negara, masyarakat dan nasabah secara berulang pada Jiwasraya dan Asabri. Kemudian, akibat hukum putusan Pengadilan Negeri Jakarta Pusat Nomor: 30/Pid.Sus/TPK/2020/PN. Jkt.Pst *juncto* Putusan Pengadilan Tinggi DKI Jakarta Nomor :4/Pid.Sus/TPK/2021/PT. DKI *juncto* Putusan Mahkamah Agung Nomor: 2931 K/Pid.Sus/2021 perkara tindak pidana korupsi PT Asabri oleh Terdakwa Heru Hidayat tidak memenuhi rasa keadilan masyarakat dengan dinyatakan oleh hakim kesalahan perbuatan terdakwa telah terbukti namun dijatuhi hukuman tanpa adanya pidana dan Kejaksaan Agung dapat melakukan upaya hukum luar biasa berupa peninjauan kembali atas putusan tersebut di atas.

Kata Kunci: Putusan, Pidana Nihil, Tindak Pidana Korupsi.

ABSTRACT

This investigation is entitled Nihil Penal Judgment in Matters of Criminal Procedure for Corruption in accordance with the provisions of the Indonesian Legislation. To know the application of the criminal judgment null in the case of corruption criminal acts according to the provisions of the regulations of the laws in Indonesia as well as the consequences of the law of the penal judgement nul in the cases of the corruption crime in accordance with the terms of the legislation in Indonesia. As for the formulation of the problem which became the study as follows: (1) How is the application of criminal judgment in criminal offences in accordance with the provisions of the laws of Indonesia? (2) What are the consequences of criminal judgment in criminal acts of corruption according to the provisions of the laws of Indonesia? The method of research used is the normative juridic method also called the study of libraries with the approach of laws and regulations. (statute approach). The results of this investigation showed that the criminal punishment of the accused was erroneous. It should be, the death sentence is actually the most proportionate and in accordance with the demands of justice of the people considering the actions of Heru Hidayat greatly harm the state, society and customers repeatedly on Jiwasraya and Asabri. Then, as a result of the law ruling of the District Court of Jakarta Central Number: 30/Pid.Sus/TPK/2020/PN. Jkt.Pst juncto Decision of the High Court DKI Jakarta Number :4/Pid.Sus/TPK/2021/PT DKI juncto Judgment of the Supreme Court Number: 2931 K/Pid.Sus/2021 criminal offence of corruption PT Asabri by the accused Heru Hidayat did not meet the sense of justice of the community by declaring by the judge the defect of the defendant has been proven but sentenced to a punishment without the presence of a crime and the High Prosecutor's Office can make extraordinary legal efforts in the form of review of the ruling above.

Key words: judgment, punishment for corruption.