

SKRIPSI

**PERBANDINGAN PERTIMBANGAN TUNTUTAN JPU DAN PUTUSAN
HAKIM DALAM PENERAPAN PASAL 2 AYAT (1) DAN PASAL 3 UU
PEMBERANTASAN TINDAK PIDANA KORUPSI: STUDI TINDAK
KORUPSI KONI KOTA PADANG**

*Diajukan untuk memenuhi persyaratan
dalam rangka memperoleh gelar Sarjana Hukum*

Oleh:

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PERBANDINGAN PERTIMBANGAN TUNTUTAN JPU DAN PUTUSAN HAKIM DALAM PENERAPAN PASAL 2 AYAT (1) DAN PASAL 3 UU PEMBERANTASAN TINDAK PIDANA KORUPSI: STUDI TINDAK PIDANA KORUPSI KONI KOTA PADANG
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ABSTRAK

Tindak pidana korupsi sebagai *extraordinary crime* diatur secara khusus dalam Pasal 2 ayat (1) dan Pasal 3 Undang-Undang Nomor 31 Tahun 1999 jo Undang-Undang Nomor 20 Tahun 2001 tentang Pemberantasan Tindak Pidana Korupsi. Dalam perkara korupsi dana hibah KONI Kota Padang, JPU menuntut dengan Pasal 2 ayat (1) karena menilai terdapat unsur melawan hukum, sementara hakim memutus berdasarkan Pasal 3 karena melihat adanya penyalahgunaan jabatan yang merugikan negara. Hakim berpendapat bahwa perbuatan terdakwa lebih tepat dikategorikan sebagai pelanggaran administratif karena dana tidak digunakan untuk kepentingan pribadi, melainkan tetap dialihkan untuk kegiatan KONI meskipun tidak sesuai RAB. Rumusan masalah yang dibahas dalam penelitian ini adalah Pertama, Bagaimana perbandingan pertimbangan tuntutan JPU dan putusan hakim dalam penerapan Pasal 2 ayat (1) dan Pasal 3 UU PTPK pada perkara Korupsi KONI Kota Padang? Kedua, Bagaimana implikasi perbandingan pertimbangan Pasal 2 ayat (1) dan Pasal 3 UU PTPK oleh JPU dan Hakim terhadap penegakan hukum tindak pidana korupsi. Penelitian ini menggunakan metode yuridis empiris dengan pengolahan data primer yaitu wawancara dengan JPU dan Hakim. Hasil penelitian menunjukkan bahwa Perkara korupsi KONI Kota Padang memperlihatkan perbedaan pertimbangan antara JPU dan Hakim dalam penerapan Pasal 2 ayat (1) dan Pasal 3 UU PTPK. JPU menilai adanya penyimpangan dalam pengelolaan dana hibah sehingga Pasal 2 ayat (1) UU PTPK terpenuhi, sebaliknya Hakim berpendapat unsur tersebut tidak terbukti dan memutus dengan Pasal 3 UU PTPK. Perbedaan pertimbangan antara JPU dan Hakim dalam perkara korupsi KONI yaitu diperlukan keseimbangan antara penerapan hukum yang menimbulkan efek jera dan keadilan agar penegakan hukum korupsi berjalan efektif dan berkeadilan. Adapun saran yang diberikan adalah disarankan agar Kejaksaan dan Pengadilan memiliki keseragaman pemahaman dalam penerapan Pasal 2 ayat (1) UU PTPK dan Pasal 3 UU PTPK melalui penguatan pedoman internal Kejaksaan dan Mahkamah Agung guna mencegah perbedaan pertimbangan yang signifikan, serta Mahkamah Agung dapat mengeluarkan yurisprudensi tetap sebagai standarisasi Hakim memiliki acuan interpretatif yang sama. Selain itu, perlu dilakukan pembatasan tegas antara maladministrasi dan tindak pidana korupsi serta penguatan koordinasi antar lembaga agar penegakan hukum berjalan terpadu dan berkeadilan.

Kata Kunci: Tuntutan JPU, Putusan Hakim, UU PTPK, KONI.

Skripsi ini telah dipertahankan di depan Tim Penguji dan dinyatakan lulus pada 5 november 2025.


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COMPARISON OF PROSECUTOR'S DEMANDS AND JUDGE'S DECISIONS IN THE APPLICATION OF ARTICLE 2 PARAGRAPH (1) AND ARTICLE 3 OF THE LAW ON THE ERADICATION OF CORRUPTION: A STUDY OF CORRUPTION BY THE PADANG CITY CONGRESS OF INDONESIAN SPORTS ASSOCIATIONS
(Aina Tawarina Tarigan, 80 pages, Faculty of Law, Andalas University, 2025)

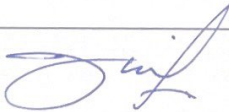
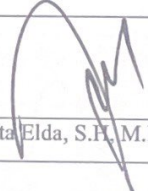
ABSTRACT

Corruption is classified as an extraordinary crime and is specifically regulated in Article 2 paragraph (1) and Article 3 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption. In the case of corruption of KONI Padang City grant funds, the public prosecutor charged the defendant under Article 2 paragraph (1) because he considered that there were elements of unlawfulness, while the judge ruled based on Article 3 because he saw that there was abuse of office that caused harm to the state. The judge argued that the defendant's actions were more accurately categorized as an administrative violation because the funds were not used for personal gain but were still transferred for KONI activities, even though they did not comply with the budget plan. The issues discussed in this study are: First, how do the considerations of the prosecutor's indictment and the judge's verdict compare in the application of Article 2 paragraph (1) and Article 3 of the PTPK Law in the Padang City KONI corruption case? Second, what are the implications of the comparison between the considerations of Article 2 paragraph (1) and Article 3 of the PTPK Law by the prosecutor and the judge on the enforcement of criminal corruption law? This study uses an empirical juridical method with primary data processing, namely interviews with prosecutors and judges. The results of the study show that the Padang City KONI corruption case shows differences in consideration between prosecutors and judges in the application of Article 2 paragraph (1) and Article 3 of the PTPK Law. The prosecutor considered that there had been irregularities in the management of grant funds, thereby fulfilling the requirements of Article 2 paragraph (1) of the PTPK Law, whereas the judge considered that this element had not been proven and ruled based on Article 3 of the PTPK Law. The difference in considerations between the prosecutor and the judge in the KONI corruption case shows that a balance is needed between the application of laws that have a deterrent effect and justice so that the enforcement of corruption laws is effective and fair. The recommendation is that the Attorney General's Office and the courts should have a uniform understanding in the application of Article 2 paragraph (1) of the PTPK Law and Article 3 of the PTPK Law through the strengthening of internal guidelines of the Attorney General's Office and the Supreme Court in order to prevent significant differences in considerations, and that the Supreme Court issue permanent jurisprudence as a standard so that judges have the same interpretative reference. In addition, there needs to be a clear distinction between maladministration and criminal acts of corruption, as well as strengthened coordination between institutions so that law enforcement is integrated and fair.

Keywords: Public Prosecutor's Indictment, Judge's Decision, PTPK Law, KONI.

This minor thesis has defended in front of the examiner team at November 5th, 2025.

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