

ABSTRAK

Kasus ini berawal pada hari Selasa tanggal 3 Januari 2006 sekitar pukul 12.00 Wib di Lobby Kantor Komisi Pemberantasan Korupsi (KPK), Eggi Sudjana seorang pengacara menyebut nama Presiden Republik Indonesia Susilo Bambang Yudhoyono ikut menerima mobil mewah dari salah seorang pengusaha media. Karena pernyataannya ini, Eggi Sudjana ditetapkan menjadi tersangka hingga akhirnya divonis bersalah di pengadilan. Eggi Sudjana dinyatakan terbukti secara sah dan meyakinkan bersalah, melakukan tindak pidana penghinaan dengan sengaja terhadap presiden. Oleh hakim Pengadilan Negeri Jakarta Pusat, Eggi Sudjana dipidana penjara selama 3 bulan penjara dengan masa percobaan 6 bulan (Andi Saputra. PK Ditolak, Eggi Sudjana Jadi Terpidana Kasus Penghinaan Presiden), padahal dalam proses persidangan di Pengadilan Negeri Eggi Sudjana telah uji materi pasal 134 KUHP ke Mahkamah Konstitusi, dan hakim Mahkamah Konstitusi memutuskan pasal 134 sudah tidak memiliki kekuatan hukum mengikat.

Dalam pemeriksaan selama proses persidangan hakim Pengadilan Negeri pertimbangan hakim bahwa putusan Mahkamah Konstitusi berlaku untuk masa yang akan datang.

Maka dapat disimpulkan bahwa putusan yang menyatakan Eggi Sudjana telah terbukti melakukan penghinaan terhadap presiden adalah kurang tepat. Karena pasal yang digunakan oleh Majelis Hakim untuk memutus perkara sudah tidak mempunyai kekuatan hukum mengikat, sebagai mana putusan Mahkamah Konstitusi Nomor 013-022/PUU-IV/2006 tertanggal 4 Desember 2006, yang dalam Putusan perkara Uji Materi tersebut memutuskan bahwa Pasal 134, 136 bis, 137 KUHP dinyatakan bertentangan dengan Undang-Undang Dasar 1945 Negara Republik Indonesia, sehingga Pasal 134, 136 bis, dan 137 KUHP tersebut dinyatakan tidak mempunyai kekuatan hukum mengikat dan telah diperintahkan pemuatannya didalam Lembaran Negara.

Kata Kunci: Penghinaan Presiden, Kasus Eggi Sudjana.

ABSTRACT

The case began on Tuesday, January 3, 2006 at around 12:00 p.m. at the Lobby of the Office of the Corruption Eradication Commission (KPK), Eggi Sudjana, a lawyer who named the President of the Republic of Indonesia Susilo Bambang Yudhoyono to take part in receiving luxury cars from one media entrepreneur. Because of this statement, Eggi Sudjana was named a suspect until finally convicted in court. Eggi Sudjana was declared legally proven and convincingly guilty, committing a criminal act of deliberate insult against the president. By the Central Jakarta District Court judge, Eggi Sudjana was sentenced to prison for 3 months in prison with a 6-month probation period (Andi Saputra. PK Denied, Eggi Sudjana Becomes the convicted Case of President Humiliation) , even though in the court proceedings the District Court had tested article 134 The Criminal Code to the Constitutional Court, and the Constitutional Court Judge ruled that Article 134 had no binding legal force.

In the examination during the trial process the District Court judge considers the judge that the Constitutional Court ruling is valid for the future.

It can be concluded that the verdict which stated that Eggi Sudjana had been proven to have committed an offense against the president was inappropriate. Because the article used by the Panel of Judges to decide cases has no binding legal force, as to where the decision of the Constitutional Court Number 013-022/PUU/IV/2006 dated December 4, 2006, which in the Test Material Case Decision decided that Article 134, 136 bis, 137 of the Indonesian Criminal Code was declared contrary to the 1945 Constitution of the Republic of Indonesia, so Article 134, 136 bis, and 137 of the Criminal Code were declared not to have binding legal powers and have been ordered to be posted in the State Gazette.

Keywords: Insult of the President, Case of Eggi Sudjana.