

ABSTRAK

Penelitian ini bertujuan untuk menganalisis penerapan Pasal 2 ayat (1) Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi sebagaimana telah diubah dengan Undang-Undang Nomor 20 Tahun 2001 dalam Putusan Nomor 34/Pid.Sus-TPK/2025/PN Jkt.Pst atas nama terdakwa Thomas Trikasih Lembong. Fokus penelitian diarahkan pada pertimbangan Majelis Hakim dalam menyatakan terpenuhinya unsur “memperkaya diri sendiri, orang lain, atau suatu korporasi” meskipun terdakwa tidak memperoleh keuntungan pribadi. Penelitian ini dilatarbelakangi oleh perdebatan mengenai ketepatan penerapan Pasal 2 ayat (1) UU Tipikor terhadap kebijakan yang memberikan keuntungan kepada korporasi dan mengakibatkan kerugian keuangan negara. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan konseptual, dan pendekatan kasus. Analisis dilakukan secara kualitatif terhadap bahan hukum primer, sekunder, dan tersier yang berkaitan dengan permasalahan penelitian. Hasil penelitian menunjukkan bahwa Majelis Hakim menyatakan seluruh unsur Pasal 2 ayat (1) UU Tipikor telah terpenuhi, termasuk unsur memperkaya orang lain atau suatu korporasi serta unsur kerugian keuangan negara. Meskipun demikian, berdasarkan analisis penulis, pertimbangan tersebut belum tepat. Kerugian keuangan negara dalam perkara ini telah dinyatakan terbukti, sehingga tidak menjadi objek kritik dalam penelitian. Ketidaktepatan pertimbangan Majelis Hakim terletak pada penerapan Pasal 2 ayat (1) terhadap fakta bahwa terdakwa tidak memperoleh keuntungan pribadi, sedangkan perbuatan yang dilakukan lebih menunjukkan adanya penyalahgunaan kewenangan dalam menjalankan jabatan sebagai Menteri Perdagangan. Oleh karena itu, menurut penulis, ketentuan yang lebih tepat diterapkan adalah Pasal 3 UU Tipikor karena lebih sesuai dengan karakteristik perbuatan terdakwa. Kesimpulan penelitian ini menunjukkan bahwa penerapan Pasal 2 ayat (1) UU Tipikor dalam Putusan Nomor 34/Pid.Sus-TPK/2025/PN Jkt.Pst masih dapat diperdebatkan secara yuridis. Meskipun kerugian keuangan negara telah terbukti, karakteristik perbuatan terdakwa lebih mencerminkan penyalahgunaan kewenangan sehingga penerapan Pasal 3 UU Tipikor dinilai lebih tepat dibandingkan Pasal 2 ayat (1) UU Tipikor.

Kata Kunci: Tindak Pidana Korupsi, Pasal 2 Ayat (1) UU Tipikor, Pasal 3 UU Tipikor, Penyalahgunaan Wewenang, Thomas Trikasih Lembong.

ABSTRACT

This study aims to analyze the application of Article 2 paragraph (1) of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001 in Decision Number 34/Pid.Sus-TPK/2025/PN Jkt.Pst involving the defendant Thomas Trikasih Lembong. The research focuses on the Panel of Judges' consideration in determining the fulfillment of the element of "enriching oneself, another person, or a corporation" despite the absence of any personal financial benefit obtained directly by the defendant. This study is motivated by the legal debate regarding the appropriateness of applying Article 2 paragraph (1) of the Anti-Corruption Law to a public policy that benefited corporations and caused financial losses to the state. This research employs normative legal research using statutory, conceptual, and case approaches. The data were analyzed qualitatively based on primary, secondary, and tertiary legal materials relevant to the research issues. The results show that the Panel of Judges concluded that all elements of Article 2 paragraph (1) of the Anti-Corruption Law had been fulfilled, including the element of enriching another person or a corporation and the element of causing state financial losses. Nevertheless, based on the author's analysis, such legal consideration was not appropriate. The existence of state financial losses had been legally proven in the court decision and therefore was not the main issue examined in this research. The inappropriateness lies in the application of Article 2 paragraph (1) to the facts of the case, as the defendant did not obtain any personal benefit. Instead, the defendant's conduct more accurately reflected an abuse of authority in exercising his official position as the Minister of Trade. Therefore, the author argues that Article 3 of the Anti-Corruption Law would have been more appropriate because it specifically governs the abuse of authority resulting in state financial losses. This study concludes that the application of Article 2 paragraph (1) of the Anti-Corruption Law in Decision Number 34/Pid.Sus-TPK/2025/PN Jkt.Pst remains legally debatable. Although the state financial losses were proven, the characteristics of the defendant's conduct more accurately constituted an abuse of authority. Accordingly, the application of Article 3 of the Anti-Corruption Law would have been more appropriate than the application of Article 2 paragraph (1).

Keywords: *Corruption Crime, Article 2 Paragraph (1) of the Anti-Corruption Law, Article 3 of the Anti-Corruption Law, Abuse of Authority, Thomas Trikasih Lembong.*