

**ANALISIS YURIDIS PENCABUTAN HAK-HAK POLITIK PELAKU  
TINDAK PIDANA KORUPSI  
(Studi Putusan Mahkamah Agung RI Nomor 113 K/PID.SUS/2020)**

**ABSTRAK**

**Brimen Begni Gudmen Sihotang \***

Memberantas kejahatan korupsi harus diterapkan sanksi yang tegas agar memberikan efek jera bagi koruptor, sekaligus diharapkan dapat meredamsiapapun untuk tidak melakukan korupsi. Salah satu terobosan terbaru dengan menerapkan sanksi pidana tambahan pencabutan hak tertentu. Rumusan masalah dalam tesis ini adalah bagaimana pengaturan hukum terhadap pencabutan hak-hak politik terhadap pelaku tindak pidana korupsi, bagaimana pertanggungjawaban pidana terhadap pelaku tindak pidana korupsi, bagaimana pertimbangan hukum hakim terhadap pencabutan hak-hak politik terhadap pelaku tindak pidana korupsi .

Metode penelitian yang digunakan adalah deskriptif analisis yang mengarah pada penelitian hukum yuridis normatif yakni penelitian yang dilakukan dengan cara mengacu pada norma-norma hukum yaitu meneliti terhadap bahan pustaka atau bahan sekunder. Data sekunder dengan mengolah data dari bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier.

Pengaturan hukum terhadap pencabutan hak politik berupa hak dipilih dalam jabatan publik merupakan implementasi dari penerapan sanksi pidana yang bersifat extra ordinary enforcement sebagaimana yang diatur dalam Pasal 17 Undang-Undang Republik Indonesia Nomor 31 Tahun 1999 jo Undang-Undang Republik Indonesia Nomor 20 Tahun 2001 tentang Pemberantasan Tindak Pidana Korupsi dapat dijatuhi pidana tambahan sebagaimana dimaksud dalam Pasal 18 ayat (1) huruf d dan Pasal 10 huruf b angka 1 KUHP tentang pidana tambahan. Pertanggungjawaban pidana pelaku tindak pidana korupsi tidak hanya mendapatkan pidana penjara dan denda, namun hakim memberatkan pidananya dengan menjatuhkan pidana tambahan berupa pencabutan hak politik

Hasil penelitian menunjukkan bahwa pertimbangan hukum hakim bagi pencabutan hak-hak politik terhadap pelaku tindak pidana korupsi *adalah perbuatan pidana yang dilakukan* tidak dapat menjadi contoh ang baik. *Dalam akhir putusannya Majelis Hakim menjatuhkan pidana tambahan kepada Terdakwa berupa pencabutan hak untuk dipilih dalam jabatan publik selama 3 (tiga) tahun setelah Terdakwa selesai menjalani pidana pokoknya.*

**Kata Kunci: Putusan Hakim, Pencabutan Hak-Hak Politik, Korupsi**

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**JURIDICAL ANALYSIS OF REVOCATION OF POLITICAL RIGHTS OF  
CRIMINAL ACTS OF CORRUPTION**  
*(Study of the Supreme Court of the Republic of Indonesia Number  
113 K/PID.SUS/2020)*

**ABSTRACT**

**Brimen Begni Gudmen Sihotang \***

*Eradicating the crime of corruption must apply strict sanctions in order to provide a deterrent effect for corruptors, as well as being expected to reduce anyone from committing corruption. One of the latest breakthroughs is to apply additional criminal sanctions for revocation of certain rights. The formulation of the problem in this thesis is how the legal arrangements for the revocation of political rights against perpetrators of criminal acts of corruption, how criminal responsibility for perpetrators of criminal acts of corruption, how the legal considerations of judges on the revocation of political rights against perpetrators of criminal acts of corruption.*

*The research method used is descriptive analysis that leads to normative juridical legal research, namely research conducted by referring to legal norms, namely researching library materials or secondary materials. Secondary data by processing data from primary legal materials, secondary legal materials and tertiary legal materials.*

*The legal regulation on the revocation of political rights in the form of the right to be elected in public office is the implementation of the application of criminal sanctions that are extraordinary enforcement as regulated in Article 17 of the Law of the Republic of Indonesia Number 31 of 1999 in conjunction with the Law of the Republic of Indonesia Number 20 of 2001 concerning Eradication Corruption crimes may be subject to additional penalties as referred to in Article 18 paragraph (1) letter d and Article 10 letter b number 1 of the Criminal Code concerning additional penalties. The criminal responsibility of the perpetrators of criminal acts of corruption does not only get imprisonment and fines, but the judge burdens the crime by imposing additional penalties in the form of revocation of political rights.*

*The results of the study indicate that the judge's legal considerations for the revocation of political rights against perpetrators of criminal acts of corruption are criminal acts committed cannot be a good example. At the end of its decision, the Panel of Judges imposed an additional penalty on the Defendant in the form of revocation of the right to be elected in public office for 3 (three) years after the Defendant had finished serving his main sentence;*

**Keywords: Judge's Decision, Revocation of Political Rights, Corruption.**

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