

Analisis perlindungan hukum terhadap pembeli lelang dan terpidana atas pelelangan barang rampasan akibat L/C fiktif : studi kasus Putusan MA nomor : 660 K/Pid/2005 JO Putusan MA nomor : 2060 K/Pdt/2010 = Analyze of the legal protection toward the auction buyer and the convict in the booty auction due to fictitious letter of credit : case study of Supreme Court Verdict number 660/K/Pid/2005 jo Supreme Court Verdict number 2060 K/Pdt/2010

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Abstrak

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Seorang Terpidana (John Hamenda) divonis bersalah melakukan tindak pidana korupsi dan aset miliknya dirampas untuk negara kemudian dilelang. Penelitian ini menggunakan metode pendekatan yuridis normatif. Penulis menganalisis permasalahan bagaimana perlindungan hukum terhadap pembeli lelang dan Terpidana atas pelelangan barang rampasan milik Terpidana akibat L/C fiktif dan Apakah terdapat aspek kerugian keuangan negara pada kasus dalam perspektif Undang-Undang Badan Usaha Milik Negara. Dari penelitian, Penulis menemukan bahwa Perlindungan hukum terhadap pembeli lelang atas pelelangan barang rampasan milik Terpidana pada kasus telah dilakukan namun kurang optimal, sedangkan perlindungan hukum terhadap Terpidana terletak pada astnya yang bukan berasal dari hasil tindak pidana. Dalam penelitian juga ditemukan bahwa dalam konteks jika suatu BUMN persero mengalami kerugian dimana terdapat penyertaan negara dalam bentuk saham pada BUMN persero tersebut, maka tidak dapat dikatakan adanya aspek kerugian negara namun yang lebih tepat adalah kerugian perusahaan/ BUMN persero

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A convict (John Hamenda) were convicted of corruption and their assets confiscated to the state and then auctioned. This research using normative juridical approach. The author analyzes the problem of how the legal protection of the auction the buyer and convict the offenders belong the spoils auction due to L / C fictitious and Are there aspects of financial loss to the state in the case Constitution perspective of State-Owned Enterprises. Of the study, the authors found that the protection of the law against the auction purchaser auction booty belongs to Convict on the case has been made, but less than optimal, while the protection of the law against offenders located on astnya are not derived from the proceeds of crime. In the study also found that in the context of a state-owned limited company if a loss where there is the inclusion of the country in the form of shares in the state-owned limited company, then it can not be said to be the aspect of the country, but the loss is more precise loss company / state owned enterprises.