

Penyidikan tindak pidana korupsi yang melibatkan kepala daerah : studi kasus dugaan korupsi pipanisasi yang melibatkan Bupati Karangasem Bali I Wayan Geredeg = Investigation into the corruption case of a regional head a case study of the alleged pipelines corruption case that implicated Bali's Karangasem Regent I Wayan Geredeg

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Abstrak

[ABSTRAK

Tesis ini membahas proses penegakan hukum oleh Subdit III Tipikor Direktorat Reserses Kriminal Khusus Polda Bali terkait penyidikan tindak pidana korupsi yang melibatkan kepala daerah (studi kasus : kasus dugaan korupsi pipanisasi yang melibatkan Bupati Karangasem Bali I Wayan Geredeg). Permasalahan penelitian difokuskan pada proses penyidikan kasus korupsi pipanisasi yang dilakukan oleh penyidik Subdit Tipikor berjalan lambat. Penelitian menggunakan pendekatan kualitatif dengan metode pencarian data-data di lapangan melalui wawancara terhadap informan serta studi dokumentasi. Temuan fakta di lapangan guna menjawab masalah penelitian mengapa penyidikan tindak pidana korupsi pipanisasi berjalan lambat dan faktor-faktor yang mempengaruhi proses penyidikan kasus tersebut. Hasil penelitian menemukan fakta bahwa proses penyidikan yang dilakukan oleh penyidik Subdit Tipikor Direktorat Reserses Kriminal Khusus Polda Bali terhadap kasus korupsi pipanisasi yang melibatkan Bupati Wayan Geredeg berjalan lambat. Penyidikan yang tidak kunjung tuntas sejak Oktober 2011 hingga saat ini dinilai tidak lazim dalam proses penyelidikan dan penyidikan jika berpedoman pada Perkap Nomor 14 Tahun 2012 tentang Manajemen Penyidikan Tindak Pidana. Penyidik mengalami beberapa hambatan dalam menuntaskan kasus ini, yaitu: membutuhkan lintas koordinasi, perbedaan persepsi antara penyidik dan penuntut umum terkait kerugian negara, serta perbedaan sistem kerja yang dijalankan masing-masing unsur penegak hukum. Selain beberapa hambatan tersebut, beberapa faktor lain juga mempengaruhi lambatnya proses penyidikan yang dijalankan oleh Subdit Tipikor diantaranya : sumber daya manusia yang belum memenuhi kebutuhan dari segi kuantitatif (jumlah personil yang masih kurang) maupun kualitatif (pendidikan dan keterampilan terbatas), penerapan metode manajemen penyidikan yang tidak sesuai, kesejahteraan personil, serta komitmen pimpinan Polri dan jajarannya. Kesimpulan dari penelitian ini adalah proses penegakan hukum yang dijalankan Subdit Tipikor Direktorat Reserse Kriminal Khusus Polda Bali terhadap penyidikan tindak pidana korupsi pipanisasi berjalan lambat karenanya Polri perlu menjalin komunikasi dan koordinasi yang lebih intensif antar instansi

yang terlibat (Kejaksaan, BPKP, KPK, Tim Ahli) untuk memperlancar dan mempercepat proses penyidikan. Selain itu perlu ada kesepakatan antara penyidik dan penuntut umum dalam pemenuhan syarat materiil dan formil dalam proses penegakan hukum tindak pidana korupsi, salah satunya terkait kerugian negara.

ABSTRACT

This thesis discussed the legal processes carried out by Bali's Police Special Crimes Investigation Directorate in particular Sub-Directorate III, which oversees corruption crimes, in the corruption case of a regional head (a case study of the pipelines corruption case involving Bali's Karangasem Regent, I Wayan Geredeg). The research lays its focus on the slow-handling of the investigative processes carried out by the directorate's investigators. The research uses qualitative approach, by employing several methods of data collection techniques in the field, such as interviews with related individuals and documentation study. The process of data collection is geared towards finding out why the investigation ran at a slow-paced speed and what are the causes or factors that contributed to such condition.

The research's findings confirmed the slow-paced nature of the investigation. The never-ending investigation that started in October 2011 until the present time communicated a sense of abnormality in particular against the backdrop of the national police's head regulation number 14 issued in 2012 on the management of a criminal act. Investigators seemed to encounter several obstacles in solving the case such as the need for a cross-coordination, difference in perceptions between the investigators and the prosecutors in determining the amount of state liabilities or state loss and the difference found in the work ethics of each member of the law enforcers.

In addition to the obstacles mentioned above, other factors also seemed to contribute to the slow-paced nature of the investigation by the directorate, including factors such as the need for more human resources both in quantitative terms and qualitative terms (several investigators are known to have limited educational backgrounds and skills), the application of an inappropriate or unsuitable investigative management method, investigator's welfare issues and the police's own commitment in solving the case.

The research concludes that the legal processes undergone by investigators from the directorate in the pipelines corruption case were lagging behind because the police needed to establish a more intensive communication and coordination strategy between the related law enforcement agencies such as the prosecutors office, term of experts, the corruption eradication commission and the development finance comptroller (BPKP) to hasten the investigative process. More over there need to be an agreement in place between the investigators and the general prosecutors in meeting the material and formal prerequisites in the legal process of a corruption case, for example in determining the amount of state liabilities or

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