

Pemberatan hukuman oleh Mahkamah Agung dalam perkara tindak pidana korupsi = Punishment weighting by the supreme court in the case of corruption

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Abstrak

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Kekuasaan kehakiman menurut UUD Negara Republik Indonesia Tahun 1945 merupakan kekuasaan yang merdeka yang dilakukan oleh sebuah Mahkamah Agung dan badan peradilan di bawahnya, dan oleh sebuah Mahkamah Konstitusi, untuk menyelenggarakan peradilan guna menegakkan hukum dan keadilan. Mahkamah Agung adalah Pengadilan Negara Tertinggi dari semua lingkungan peradilan, yang dalam melaksanakan tugasnya terlepas dari pengaruh pemerintah dan pengaruh-pengaruh lainnya. Mahkamah Agung dalam memberikan pemberatan dalam hukuman harus sesuai dengan nilai-nilai, norma hukum dan peraturan perundang-undangan yang berlaku di Indonesia. Hal-hal yang menjadi dasar Mahkamah Agung dalam memberatkan hukuman antara lain: UUD 1945 sebagai landasan hukum negara Indonesia, asas hukum yang adil yang merupakan dasar untuk memutus suatu perkara, dan kekuasaan kehakiman, yakni kebebasan hakim dalam memutus suatu perkara terlepas dari pengaruh negara, pemerintah ataupun kekuasaan politik lainnya. Korupsi merupakan kejahatan luar biasa, dikatakan demikian karena tindak pidana korupsi dapat membahayakan stabilitas dan keamanan negara dan masyarakatnya, membahayakan pembangunan sosial dan ekonomi masyarakat, politik, bahkan dapat merusak nilai-nilai demokrasi serta moralitas bangsa karena dapat berdampak membudayanya tindak pidana korupsi. Maka dari itu diperlukan upaya hukum yang luar biasa pula untuk memberantas tindak pidana korupsi. Salah satunya adalah dengan memberikan pemberatan hukuman bagi pelaku tindak pidana korupsi. Pemberatan hukuman terhadap terdakwa tindak pidana korupsi tidak semata-mata sebagai pembalasan yang tidak beralasan, pemberatan hukuman terhadap pelaku tindak pidana korupsi yang dilakukan oleh Mahkamah Agung ini mempunyai beberapa tujuan antara lain: untuk menegakkan hukum dan keadilan, untuk kesejahteraan rakyat dan untuk pembaharuan hukum dan pembangunan hukum.

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ABSTRACT

Judicial power by the Constitution of the Republic of Indonesia Year 1945 is the independent power carried by a Supreme Court and judicial bodies underneath, and by a Constitutional Court, to organize judiciary to enforce the law and justice. The Supreme Court is the Supreme Court of the State of all courts, which in carrying out their duties free from the influence of government and other influences. The Supreme Court in giving the weighing of punishment should be in accordance with the values,

norms, laws and regulations in force in Indonesia. Matters on which the Supreme Court in aggravate the punishment include: 1945 is the legal foundation of the Indonesian state, the legal principle of fair which is the basis for deciding a case, and judicial authorities, namely the independence of judges in deciding a case apart from the influence of the state, government or other political powers. Corruption is an extraordinary crime, said that because of corruption may endanger the stability and security of the state and society, endanger the social and economic development of society, politics, and may even undermine democratic values and morality as they affect the unsupported corruption. Therefore required extraordinary legal remedy anyway to eradicate corruption. One way is to give a weighting of convictions for corruption. Weighting the punishment of the accused of corruption is not solely in retaliation unwarranted, weighting the punishment of perpetrators of criminal acts of corruption committed by the Supreme Court has several objectives: to enforce the law and justice, for the welfare of the people and for the renewal of the law and legal development.;

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