

Tinjauan yuridis batasan nilai atas gratifikasi dan pelaksanaan lelang pada barang hasil gratifikasi = The study of gratification limitation and the auction concerning gratification goods

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Abstrak

[Tesis ini membahas kepastian hukum atas batasan nilai gratifikasi sebagaimana diatur dalam Pasal 12B ayat (1) huruf b Undang-Undang Nomor 20 Tahun 2001 tentang Tindak Pidana Korupsi perihal nilai gratifikasi dibawah Rp 10.000.000,- (sepuluh juta rupiah), serta mengenai pelaksanaan lelang atas barang gratifikasi. Penelitian ini adalah penelitian hukum yuridis normatif yang bersifat ekplanatoris. Hasil penelitian menunjukkan bahwa terdapat banyak pengaturan mengenai nilai standar gratifikasi yang berbeda-beda. Muncul juga penafsiran gratifikasi yang tidak sesuai dengan UU Tindak Pidana Korupsi. Sehingga penulis menyarankan agar dilakukan unifikasi hukum nasional atas Pasal 12B ayat (1) huruf b UU Tindak Pidana Korupsi melalui peraturan pemerintah. Lelang Barang Gratifikasi dilakukan oleh Kementerian Keuangan melalui lelang non-eksekusi wajib, lelang dilakukan secara lelang terbuka dan terkadang melalui lelang internet.;This thesis analyzes the legal certainty of the gratification limitation as regulated by Article 12B paragraph (1) letter b Law Number 20/2001 concerning Corruption Law the amount of gratification under Rp 10.000.000,- (ten million rupiah), as well as the auction of the gratification goods. This thesis is a explorative normative legal study. The study found many regulations give distinctive minimum amount of gratification. Furthermore, some intrepretation even dissent with the Corruption Law. Therefore, the writer suggests the goverment to make some unification of national law concerning the Article 12B paragraph (1) letter b Corruption Law through the enactment of Government Regulation. The Auction concerning gratification goods is executed by Ministry of Finance through compulsory non execution auction, the auction carried by open outcry auction and seldom by online auction., This thesis analyzes the legal certainty of the gratification limitation as regulated by Article 12B paragraph (1) letter b Law Number 20/2001 concerning Corruption Law the amount of gratification under Rp 10.000.000,- (ten million rupiah), as well as the auction of the gratification goods. This thesis is a explorative normative legal study. The study found many regulations give distinctive minimum amount of gratification. Furthermore, some intrepretation even dissent with the Corruption Law. Therefore, the writer suggests the goverment to make some unification of national law concerning the Article 12B paragraph (1) letter b Corruption Law through the enactment of Government Regulation. The Auction concerning gratification goods is executed by Ministry of Finance through compulsory non execution auction, the auction carried by open outcry auction and seldom by online auction]