

Pemberlakuan undang-undang nomor 11 tahun 1980 tentang tindak pidana suap dikaitkan dengan pemberantasan suap di sektor swasta di Indonesia = The enforcement of act number 11 of 1980 on crime of bribery related to the eradication of bribery in private sector in Indonesia

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Abstrak

ABSTRAK

Skripsi ini membahas mengenai tindak pidana suap yang dilakukan di sektor swasta di Indonesia. Permasalahan yang timbul karena aparat penegak hukum menyatakan bahwa suap di sektor swasta belum bisa ditindaklanjuti oleh karena ketiadaan aturan yang mengatur hal tersebut. Padahal, telah terdapat UU No. 11 Tahun 1980 yang mengatur mengenai Tindak Pidana Suap. UU ini tidak memberikan batasan bahwa suap hanya berlaku terhadap pegawai negeri atau penyelenggara negara seperti yang pada umumnya dikenal di UU Tipikor, melainkan juga mencakup sektor swasta. Namun sayangnya, penerapan terhadap peraturan perundangan ini belum maksimal bahkan cenderung untuk tidak diterapkan sama sekali. Padahal United Nations Convention Against Corruption UNCAC telah terus mendorong untuk diaturnya suap di sektor swasta dalam peraturan perundang-undangan nasional hal ini dibuktikan dengan mulai diatur dan ditegakkannya tindak pidana suap di sektor swasta di beberapa negara pihak UNCAC. Tulisan ini akan membahas mengenai perkembangan dan permasalahan suap sektor swasta dalam peraturan perundang-undangan Indonesiadan dalam praktik.

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ABSTRACT

This study discusses bribery in the private sector in Indonesia. This issue arose from a claim made by law enforceroofficials that bribery in private sector can not be criminalized or processed due to the absence of law and regulation. In fact, Indonesia have already had Law No. 11 of 1980 that specifically provides regulation regarding bribery. This Bribery Act of 1980 is not only applicable to state officials or public servants, as commonly understood in Indonesia Corruption Act, but also to private sectors such as businessmanand other relevant stakeholder. Unfortunately, the implementation of such Bribery Act tends to not fully effective as other Corruption Law and even tends to be impracticable. However this is contrary to the spiritn contained in United Nations Convetion Against Corruption UNCAC promoting an issuance or incorporation of regulation regarding bribery in private sector. The implementation of this spirit has already been implemented by some countries. This study will discuss the development and issues in private sector bribery in Indonesian regulatory framework and in itspractice.