

Pencabutan hak politik terpidana korupsi dalam perspektif hak asasi manusia

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20406741&lokasi=lokal>

Abstrak

The implementation of penal facility is aimed to prevent criminal acts. Imposing penal facility is one of the authorities of judges and shall not be incompatible with both national and international law. One of the implementation of Penal facilities is imposing an additional penalty of retraction of a corruptor's political rights as contained in the Decision Number 537K/Pid.Sus/2014 and Number 1195K/Pid.Sus/2014. The application is not time constrained as provided on Article 38 of the Criminal Code. As a result, there is a controversy from the viewpoint of human rights, as the crime committed is corruption. The right to vote and be elected is one of the human rights that must be preserved. The questions discussed in this analysis are: 1) why is the implementation of penal policy of retraction of a corruptor's political rights necessary? ; and 2) what are the criteria of the implementation of penal policy of retraction of corruptor's political rights in the perspective of human rights? The analysis uses normative research method by legislation and study case approach. In brief, there is an urgency of implementing additional penalty of retraction of political rights when the criminal act is detrimental to the public welfare, such like the crime of corruption committed by state officials who have access to political and executive incumbents. More to the point, there should be a set time limitation of the convict's retraction of the political rights in the implementation.