

**TINJAUAN YURIDIS DALAM PENERAPAN SANKSI PIDANA
TERHADAP KEPALA DESA (STUDI KASUS PUTUSAN
PN NEGERI KABANJAHE NO.
116/PID.B/2010/PN.KBJ)**

Nopediisman Halawa. Npm. 1713010001 dengan judul penelitian: “Tinjauan Yuridis Dalam Penerapan Sanksi Pidana Terhadap Kepala Desa (Studi Kasus Putusan Pn Negeri Kabanjahe No. 116/PID.B/2010/PN.KBJ)”.

ABSTRAK

Penelitian ini membahas tentang tinjauan yuridis dalam penerapan sanksi pidana terhadap kepala desa (studi kasus penyalahgunaan kewenangan oleh kepala desa putusan Pn Negeri Kabanjahe No. 116/Pid.B/2010/Pn.Kbj) adapun tujuan dari penelitian ini adalah untuk mengetahui penerapan hukum pidana terhadap tindak pidana korupsi penyalahgunaan kewenangan oleh kepala desa putusan Pn negeri kabanjahe No. 116/Pid.B/2010/Pn.Kbj dan untuk mengetahui pertimbangan hukum hakim dalam menjatuhkan putusan tindak pidana korupsi penyalahgunaan kewenangan oleh kepala desa putusan Pn negeri kabanjahe No. 116/Pid.B/2010/PN.Kbj. Jenis penelitian ini menggunakan model penelitian studi kasus (*Case Study*). Studi kasus ialah penelitian yang dilakukan secara intensif dan terinci yang subjek penelitiannya terhadap individu, kelompok, lembaga, atau golongan masyarakat.

Hasil penelitian ini menunjukkan bahwa penerapan hukum pidana terhadap tindak pidana korupsi penyalahgunaan kewenangan oleh kepala desa putusan PN Negeri Kabanjahe No. 116/Pid.B/2010/PN.Kbj telah sesuai dan dari segi penerapan hukum pidana materil perbuatan terdakwa Kincar Sinuraya memenuhi unsur delik sebagaimana dakwaan subsidair yang di pilih oleh Majelis Hakim yang menyatakan bahwa Terdakwa terbukti bersalah melakukan Tindak Pidana Korupsi yang diatur pada pasal 3 Jo Pasal 18 UU RI Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi Jo UU RI Nomor 20 Tahun 2001 tentang Perubahan atas UU RI Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi dan pertimbangan hukum hakim dalam menjatuhkan putusan tindak pidana korupsi penyalahgunaan kewenangan oleh kepala desa putusan PN Negeri Kabanjahe No. 116/Pid.B/2010/PN.Kbj, majelis hakim melakukan pertimbangan Yuridis yang didasarkan pada fakta-fakta persidangan yang diperoleh dari dakwaan Jaksa Penuntut Umum, keterangan saksi, keterangan ahli, barang bukti, keterangan terdakwa dan lain sebagainya. Selain itu majelis hakim juga melakukan pertimbangan non-yuridis yang didasarkan pada latar belakang terdakwa, akibat yang ditimbulkan dari perbuatan terdakwa, serta kondisi atau kemampuan bertanggung jawab terdakwa.

Kata kunci : Tinjauan Yuridis, Sanksi Pidana dan Penyalahgunaan Kewenangan Oleh Kepala Desa

**JURIDICAL REVIEW IN THE IMPLEMENTATION OF CRIMINAL
SANCTIONS AGAINST VILLAGE HEAD (CASE STUDY OF
DECISIONS PN NEGERI KABANJAHE NO.
116/PID.B/2010/PN.KBJ)**

Nopediusman Halawa. npm. 1713010001 with the research title: "Juridical Review in the Application of Criminal Sanctions Against Village Heads (A Case Study of Abuse of Authority by the Village Head Decision of the District Court of Kabanjahe No. 116/PID.B/2010/PN.KBJ)".

ABSTRACT

This study discusses the juridical review in the application of criminal sanctions against the village head (a case study of abuse of authority by the village head, the decision of the District Court of Kabanjahe No. 116/Pid.B/2010/Pn.Kbj). The purpose of this study is to determine the application of criminal law. against the criminal act of corruption, abuse of authority by the village head, the decision of the District Court of Kabanjahe No. 116/Pid.B/2010/Pn.Kbj and to find out the judge's legal considerations in passing a decision on a criminal act of corruption abuse of authority by the village head, the decision of the Kabanjahe District Court No. 116/Pid.B/2010/PN.Kbj. This type of research uses a case study research model (Case Study). Case studies are research that is carried out intensively and in detail whose research subjects are individuals, groups, institutions, or community groups.

The results of this study indicate that the application of criminal law to acts of corruption abuse of authority by the village head Kabanjahe District Court decision no. 116/Pid.B/2010/PN.Kbj has complied and in terms of the application of material criminal law the actions of the defendant Kincar Sinuraya fulfilled the element of offense as a subsidiary indictment selected by the Panel of Judges which stated that the Defendant was proven guilty of committing a Corruption Crime as regulated in article 3 in conjunction with Article 18 of the Republic of Indonesia Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with the Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to the Republic of Indonesia Law Number 31 of 1999 concerning the Eradication of Corruption Crimes and the legal considerations of judges in passing decisions on corruption crimes, abuse of authority by the head village District Court decision Kabanjahe No. 116/Pid.B/2010/PN.Kbj, the panel of judges conducts juridical considerations based on the facts of the trial obtained from the indictment of the Public Prosecutor, witness testimony, expert testimony, evidence, testimony of the defendant and so on. In addition, the panel of judges also carried out non-juridical considerations based on the background of the defendant, the consequences of the defendant's actions, and the condition or ability of the defendant to be responsible.

Keywords: Juridical Review, Criminal Sanctions and Abuse of Authority by the Village Head