

## **KAJIAN ANEKA PUTUSAN PERADILAN TATA USAHA NEGARA TERKAIT KASUS DUGAAN PENYALAHGUNAAN WEWENANG YANG DAPAT MERUGIKAN KEUANGAN NEGARA**

Oleh :

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### **INTISARI**

Penelitian ini mempunyai tujuan untuk mengetahui dan menggambarkan bagaimana praktek pengujian penyalahgunaan wewenang di Peradilan Tata Usaha Negara dalam kaitannya konstruksi hukum dan tujuan pembentukan Undang – Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan sekaligus memperjelas bagaimana persinggungan hukum administrasi dan pidana pada penyelesaian kasus dugaan penyalahgunaan wewenang yang dapat merugikan keuangan Negara.

Penelitian ini termasuk jenis penelitian normatif, menggunakan data sekunder yang terdiri dari bahan hukum primer, sekunder, dan tertier. Penelitian ini menggunakan pendekatan pendekatan undang-undang dan pendekatan kasus. Data dalam penelitian ini dikumpulkan dengan studi pustaka dan dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa berdasarkan beberapa kasus dugaan penyalahgunaan wewenang yang dapat merugikan keuangan Negara, pelaksanaan pengujian penyalahgunaan wewenang ke Peradilan Tata Usaha Negara saat ini menimbulkan kesan membingungkan dan berpotensi menyebabkan adanya masalah kompetensi peradilan. Tujuan pembentukan UU AP memberikan perlindungan dan kepastian hukum bagi pelaksanaan tugas bagi aparat pemerintahan belum dapat terwujud. Pembentuk undang-undang mengatasi masalah terjebakanya aparat pemerintah pada perkara pidana dengan memberikan jawaban melalui kewenangan pengujian penyalahgunaan wewenang kepada Peradilan Tata Usaha Negara (Pasal 21 UU AP), sayangnya kewenangan tersebut tidak didukung dengan konstruksi hukum yang jelas. Tidak ada kejelasan mengenai bagaimana status putusan Peradilan tata usaha negara terhadap Putusan Tipikor, ataupun bagaimana kejelasan mengenai persinggungan hukum administrasi dan Pidana setelah majelis hakim Tipikor memutus bersalah aparat pemerintah atau kasus yang sebelumnya oleh Peratun dianggap tidak menyalahgunakan wewenang.

**Kata kunci:** dugaan penyalahgunaan wewenang, Peratun, UU AP

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## **A STUDY ON VARIOUS STATE ADMINISTRATIVE COURT DECISIONS RELATED TO THE CASES OF ALLEGED ABUSE OF AUTHORITY THAT CAN DETRIMENTAL THE STATE FINANCES**

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### **ABSTRACT**

This study aimed to identify and describe on how the implementation of the alleged abuse of authority investigation in the State Administrative Court in relation to the legal construction and the objective of the formation of Law Number 30 of 2014 concerning Government Administration as well as to clarify how administrative law and criminal law intersects in solving the cases of alleged abuse of authority that can harm the State finances.

This research was a normative research, using secondary data consisting of primary, secondary, and tertiary legal materials. This study used statute approach and case approach. The data in this study were collected through literature study and analyzed qualitatively.

The results showed that based on several cases of alleged abuse of authority that could harm the State's finances, the current implementation of the investigation of abuse of authority by the State Administrative Court gave a confusing impression and had the potential to cause judicial competence problems. The purpose of forming the Government Administration Law (UU AP) to provide protection and legal certainty for the implementation of duties for government officials had not been happened yet. The legislators overcome the problem of government officials being accused in criminal cases by providing answers through the investigation authority over abuse of authority to the State Administrative Court (Article 21 of Government Administration Law (UU AP)) unfortunately this authority is not supported by a clear legal construction. There was no clarity regarding the decision status of the State Administrative Court against the decision of the Criminal Act of Corruption Court, or what was the clarity regarding the intersection of administrative and criminal law after the Panel of judges of the Corruption Court decided the government officials as guilty or cases that previously considered as innocent in term of abuse of authority by the State Administrative Court.

**Keywords:** Alleged abuse of authority, the State Administrative Court, Government Administration Law

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