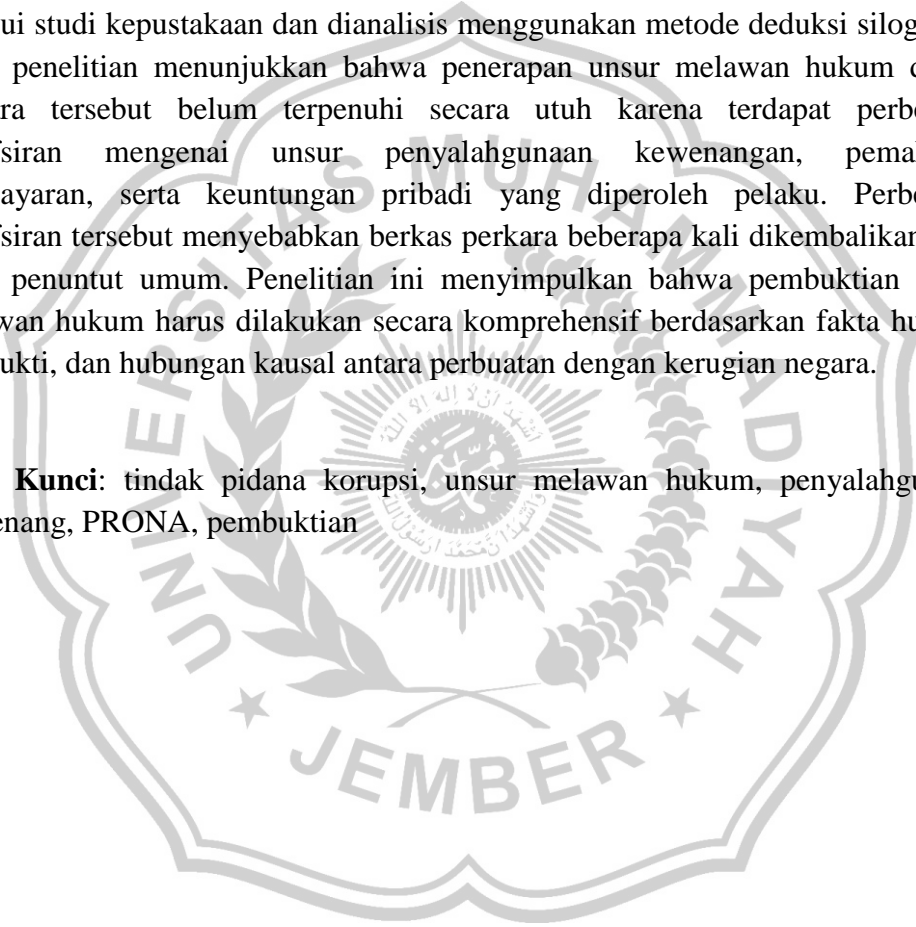


## ABSTRAK

Tindak pidana korupsi merupakan kejahatan luar biasa yang penanganannya sering menghadapi perbedaan penafsiran hukum antara penyidik dan penuntut umum, khususnya mengenai unsur melawan hukum dalam Pasal 12 huruf e Undang-Undang Nomor 20 Tahun 2001 tentang Pemberantasan Tindak Pidana Korupsi. Penelitian ini bertujuan untuk menganalisis penerapan unsur melawan hukum pada perkara penyidikan Nomor: BP/322/XII/2016/Reskrim terkait Program Nasional Agraria (PRONA) di Desa Klatakan, Kabupaten Jember. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus. Bahan hukum diperoleh melalui studi kepustakaan dan dianalisis menggunakan metode deduksi silogisme. Hasil penelitian menunjukkan bahwa penerapan unsur melawan hukum dalam perkara tersebut belum terpenuhi secara utuh karena terdapat perbedaan penafsiran mengenai unsur penyalahgunaan kewenangan, pemaksaan pembayaran, serta keuntungan pribadi yang diperoleh pelaku. Perbedaan penafsiran tersebut menyebabkan berkas perkara beberapa kali dikembalikan oleh jaksa penuntut umum. Penelitian ini menyimpulkan bahwa pembuktian unsur melawan hukum harus dilakukan secara komprehensif berdasarkan fakta hukum, alat bukti, dan hubungan kausal antara perbuatan dengan kerugian negara.

**Kata Kunci:** tindak pidana korupsi, unsur melawan hukum, penyalahgunaan wewenang, PRONA, pembuktian



## **ABSTRACT**

*Corruption is classified as an extraordinary crime whose law enforcement process often encounters differences in legal interpretation between investigators and public prosecutors, particularly regarding the unlawful act element under Article 12 letter e of Law Number 20 of 2001 concerning the Eradication of Corruption Crimes. This study aims to analyze the application of the unlawful act element in Investigation Case Number: BP/322/XII/2016/Reskrim related to the National Agrarian Program (PRONA) in Klatakan Village, Jember Regency. This research employed normative legal research using statutory, conceptual, and case approaches. Legal materials were collected through library research and analyzed using deductive syllogism methods. The results indicate that the application of the unlawful act element in the case had not been fully fulfilled due to differing interpretations regarding abuse of authority, coercive payment practices, and personal benefits obtained by the perpetrators. These differences in interpretation caused the investigation files to be repeatedly returned by the public prosecutor. This study concludes that proving the unlawful act element must be conducted comprehensively based on legal facts, evidence, and the causal relationship between the act and state financial losses.*

**Keywords:** *corruption crime, unlawful act element, abuse of authority, PRONA, evidence*

