

## ABSTRAK

Penelitian ini dilatarbelakangi oleh pemberian abolisi terhadap Tom Lembong dalam perkara tindak pidana korupsi yang menimbulkan perdebatan mengenai kesesuaiannya dengan prinsip kepastian hukum, mengingat korupsi merupakan kejahatan luar biasa (extraordinary crime) yang menuntut penegakan hukum secara konsisten. Penelitian ini bertujuan untuk menganalisis pengaturan hukum mengenai abolisi sebagai hak prerogatif Presiden serta mengkaji implikasi pemberian abolisi terhadap prinsip kepastian hukum dalam sistem peradilan pidana di Indonesia. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan konseptual, dan pendekatan kasus. Bahan hukum diperoleh melalui studi kepustakaan yang terdiri atas bahan hukum primer, sekunder, dan tersier, kemudian dianalisis secara kualitatif menggunakan metode deskriptif-analitis. Hasil penelitian menunjukkan bahwa kewenangan Presiden dalam memberikan abolisi telah diatur dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 dengan memperhatikan pertimbangan Dewan Perwakilan Rakyat. Namun, pemberian abolisi dalam perkara korupsi yang telah melalui proses peradilan berpotensi menimbulkan ketidakpastian hukum karena dapat memengaruhi finalitas putusan pengadilan, prinsip persamaan di hadapan hukum, serta efektivitas pemberantasan korupsi. Oleh karena itu, diperlukan pengaturan yang lebih jelas mengenai syarat, batasan, dan mekanisme pemberian abolisi agar pelaksanaan hak prerogatif Presiden tetap sejalan dengan prinsip negara hukum, kepastian hukum, dan rasa keadilan masyarakat.

**Kata kunci:** Abolisi, Hak Prerogatif Presiden, Kepastian Hukum, Tindak Pidana Korupsi, Tom Lembong.

## ABSTRACT

*This study is motivated by the granting of abolition to Tom Lembong in a corruption case, which has raised debate regarding its compatibility with the principle of legal certainty, considering that corruption is categorized as an extraordinary crime requiring consistent law enforcement. The objective of this study is to analyze the legal framework governing abolition as a presidential prerogative and to examine its implications for the principle of legal certainty within Indonesia's criminal justice system. This research employs a normative legal research method using statutory, conceptual, and case approaches. Legal materials were collected through library research consisting of primary, secondary, and tertiary legal sources and were analyzed qualitatively using a descriptive-analytical method. The findings indicate that the President's authority to grant abolition is constitutionally regulated under the 1945 Constitution of the Republic of Indonesia with due consideration from the House of Representatives. Nevertheless, granting abolition in corruption cases that have undergone judicial proceedings may create legal uncertainty by affecting the finality of court decisions, the principle of equality before the law, and the effectiveness of anti-corruption enforcement. Therefore, clearer regulations concerning the requirements, limitations, and procedures for granting abolition are necessary to ensure that the exercise of presidential prerogative remains consistent with the principles of the rule of law, legal certainty, and justice for society.*

**Keywords:** Abolition, Presidential Prerogative, Legal Certainty, Corruption Crime, Tom Lembong.

