

ABSTRAK

Febilita Erlinia Putri. 2026. Perbandingan Unsur Pasal 2 Dan Pasal 3 Undang-Undang Nomor 31 Tahun 1999 *jo.* Undang-Undang Nomor 20 Tahun 2001 Tentang Pemberantasan Tindak Pidana Korupsi Dalam Perspektif Prinsip Keadilan Dan Proporsionalitas. Skripsi. Program Studi Hukum, FH, Universitas PGRI Madiun. Pembimbing (I) Dr. Sulistya Eviningrum, S.H., M.H. (II) Dimas Pramodya Dwipayana, S.H., M.H.

Perbedaan konstruksi unsur serta potensi tumpang tindih penerapan antara Pasal 2 dan Pasal 3 Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi *jo.* Undang-Undang Nomor 20 Tahun 2001 menimbulkan permasalahan dalam penegakan hukum, khususnya terkait kepastian hukum, keadilan, dan proporsionalitas pemidanaan. Penelitian ini bertujuan menganalisis perbandingan unsur Pasal 2 dan Pasal 3 UU No. 31 Tahun 1999 *jo.* Undang-Undang Nomor 20 Tahun 2001 tentang Pemberantasan Tindak Pidana Korupsi berbasis prinsip keadilan dan proporsionalitas, serta implikasinya terhadap penegakan hukum. Menggunakan metode hukum normatif dengan pendekatan perundang-undangan dan konseptual, data dianalisis secara kualitatif. Hasil penelitian menunjukkan: *pertama*, kedua pasal memiliki persamaan pada unsur subjek hukum, tujuan keuntungan, dan kerugian negara, namun berbeda pada *actus reus* (inti perbuatan). Pasal 2 menitikberatkan pada perbuatan melawan hukum, sedangkan Pasal 3 fokus pada penyalahgunaan wewenang jabatan. Meski ancaman pidananya berbeda, irisan unsur kedua pasal ini berpotensi menimbulkan multitafsir dan tumpang tindih dalam praktik peradilan. *Kedua*, implikasinya memengaruhi konsistensi proses penyidikan, penuntutan, hingga pemidanaan. Dengan demikian, diperlukan kejelasan batasan penerapan kedua pasal demi menjamin kepastian hukum, keadilan, dan proporsionalitas pemidanaan di Indonesia.

Kata Kunci: Tindak Pidana Korupsi, Pasal 2, Pasal 3, Keadilan, Proporsionalitas.

ABSTRACT

Febilita Erlinia Putri. 2026. *Comparison Of Elements Of Article 2 And Article 3 Of Law No. 31 Of 1999 jo. Law No. 20 Of 2001 Concerning The Eradication Of Corruption In The Perspective Of The Principles Of Justice And Proportionality* Skripsi. Law Departement, Universitas PGRI Madiun. Advisor (I) Dr. Sulistya Eviningrum, S.H., M.H. (II) Dimas Pramodya Dwipayana, S.H., M.H.

The difference in the construction of elements and the potential for overlap in application between Article 2 and Article 3 of Law Number 31 of 1999 jo. Law No. 31 of 2001 concerning the Eradication of Corruption Crimes cause problems in law enforcement, especially related to legal certainty, justice, and proportionality of punishment. This study aims to analyze the comparison of the elements of Article 2 and Article 3 of Law No. 31 of 1999 jo. Law No. 31 of 2001 concerning the Eradication of Corruption Crimes based on the principles of justice and proportionality, as well as their implications for law enforcement. Using normative legal methods with legislative and conceptual, the data was analyzed qualitatively. The results of the study show: first, the two articles have similarities in the elements of the subject of law, the purpose of the state's profits, and losses, but differ in the actus reus (the essence of the act). Article 2 focuses on unlawful acts, while Article 3 focuses on the abuse of office authority. Although the criminal threat is different, the wedges of these two elements have the potential to cause multiple interpretations and overlap in judicial practice. Second, the implications affect the consistency of the investigation, prosecution, and criminal process. Therefore, clarity on the limits of the application of the two articles is needed to ensure legal certainty, justice, and proportionality of punishment in Indonesia.

Keywords: *Corruption Crimes, Article 2, Article 3, Justice, Proportionality.*