

ABSTRACT

A. Safely Affandi, 20170402031 "*Juridical Analysis on Negligence of BUMD Directors Resulting in State Losses (Case Study of Decision No.32/Pid.Sus/Tpk/2017/Pn.Jkt.Pst.)*". "(guided by Dr. HELVIS. S.Sos.,S.H.,M.H)".

BUMD is a business entity whose entire or most of its capital is owned by the region, the Board of Directors as one of bumd organs, is the party that conducts and is responsible for the management of BUMD for the interests and purposes of BUMD, as well as representing BUMD both inside and outside the court in accordance with the provisions of the articles of association. The case experienced by the board of directors in relation to the problem of the use of funds in the company. The financial process conducted by the Board of Directors is closely related to the irresponsibility in the policy of managing bumd finance. Bumd finance is the same only as the finances derived from the Regional Budget.the research problem in this writing is 1) What is the position of bumd directors in the crime of corruption against negligence that results in state losses? 2) What is the judge's consideration regarding the position of bumd directors in the verdict of corruption in case No. 32/PID. SUS/TPK/2017/PN. JKT. Pst?. the provisions that become the basis of criminal prosecution by the perpetrator is the primary indictment of Article 2 paragraph (1) jo Article 18 paragraph (1) letter b.indictment subsidair Article 3 jo Article 18 paragraph (1) letter b Law No. 31 Year 1999 on Eradication of Corruption crimes jo Law No. 20 of 2001 on Amendments to Law No. 31 of 1999 jo Article 55 paragraph (1) 1 jo Article 64 paragraph (1) KUHPidana; Consideration of judges In this ruling, the panel of judges considers the second indictment, namely the subsidair indictment because the defendant has violated the provisions of Article 3 jo Article 18 of Law Number: 31 Of 1999 concerning the Eradication of Corruption crimes jo Article 55 paragraph (1) 1st Penal Code jo Article 64 paragraph (1) penal code. i.e. 1) It should be the regulation of the imposition of corruption crimes, especially in terms of the return of state losses more in the reaffirmation and the government should prioritize administrative sanctions and the return of state losses rather than criminalization. 2) Law enforcement should put the articles that will be applied by the accused as directors of BUMD banks that are considered to do negligence as an element of error (subjective) and the application of the element of wrongdoing against the perpetrators of participation in corruption crimes.

Keywords: corruption crimes, judge's rulings, directors' accountability