

Reconstruction Criminal Sanctions against Criminal Acts of Corruption based on Justice Value

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Abstract

During the past ten years, there have been no effective efforts to eradicate corruption. This is a very ironic thing, considering that the aim of the reform is the eradication of Corruption, Collusion, and Nepotism. It also shows that a more democratic government is not serious about combating corruption. That corruption is a crime phenomenon that undermines and impedes the implementation of development so that its prevention and eradication must be prioritized. This paper to analyze the true sanctions against the perpetrators of corruption which are currently not fair, to analyze the weaknesses of sanctions against the current perpetrators of corruption, and to find a reconstruction of sanctions for perpetrators of corruption based on justice. The results of the author's research in the reconstruction of Article 2 paragraph (1) of the Republic of Indonesia Law Number 31 of 1999 Concerning Eradication of Corruption are as follows "Any person who unlawfully commits acts of enriching himself or others or a corporation that can harm financially the state or the economy of the state, are punished with imprisonment for a minimum of 12 (twelve) years and a maximum of 20 (twenty) years and / or capital punishment and impoverished and must return 2 (two) times the state losses". And in Article 3 of Republic of Indonesia Law Number 31 Year 1999 Concerning Eradication of Corruption Crimes "Every person with the aim of benefiting himself or someone else or a corporation, abuses".

Keywords

reconstruction; sanctions;
criminal acts of corruption



I. Introduction

Corruption in Indonesia is widespread in society. Its development continues to increase from year to year. The increase in uncontrolled corruption will bring disaster, not only to the life of the national economy but also to the life of the nation and state in general. Corruption is a violation of the social rights and economic rights of the community. Corruption has become an extraordinary crime. Likewise, eradication efforts can no longer be carried out in the usual way, but are required extraordinarily.

Corruption is a specific criminal act which is regulated outside of the Criminal Code, Corruption is a criminal act which involves bribery manipulation and acts against the law that are detrimental or can harm the country's finances or the country's economy, detrimental to the welfare or interests of the people / general. (Zulyadi, R. 2020)

Because corruption is a crime that is very detrimental to the state. According to R Subekti in the Legal Dictionary, what is meant by corruption is corruption, fraudulent acts, criminal acts that are detrimental to state finances. Baharudin Lopa describes the meaning of the term corruption in various fields, namely those relating to bribery issues, those relating to manipulation in the economic field, and those concerning the public interest.

The development process can lead to progress in people's lives, besides that it can also lead to changes in the social conditions of the community which have negative social impacts, especially regarding the problem of increasing criminal acts that are troubling the community. One of the crimes that can be said to be very phenomenal is corruption.

Whereas in the reform era over the last ten years, there has been no effective corruption eradication effort. This is very ironic, considering that the goal of reform is the eradication of Corruption, Collusion, and Nepotism (KKN). This also shows that a more democratic government is not serious about eradicating corruption.

Corruption in Indonesia is already at the level of political corruption. The condition of Indonesia, which is stricken with political and economic cancer, is already in a critical stage. The cancer of corruption continues to gnaw at vital nerves within the body of the Indonesian state, resulting in a crisis of political power, or by conglomerates who carry out collusive transactions with those in power. Thus, the practice of extraordinary crimes in the form of crimes of power takes place systematically.

Realizing the complexity of the problem of corruption amid a multi-dimensional crisis, there is a real threat that will inevitably occur, namely the impact of this crime. So corruption can be categorized as a national problem that must be faced seriously through a balance of firm and clear steps by involving all the potential that exists in society, especially the government and law enforcement officers.

Corruption in Indonesia continues to show an increase from year to year. The crime of corruption is widespread in society, both in the number of cases that occur and the number of state losses, as well as in terms of the quality of the crimes committed, which are increasingly systematic and their scope enters all aspects of people's lives.

II. Review of Literatures

2.1 Definition of Corruption Crime

We can define corruption as the misappropriation or embezzlement of state or company money for personal or other people's gain. The word corruption comes from Latin, namely corruption or corrupts. Then from English, we know it as corruption, corrupt, and in Dutch corruptive.

That everyone is a perpetrator of a criminal act of corruption means that the perpetrator does not have to be a mere civil servant. Everyone means anyone, from civil servants to students or maybe a village head. It may also be a corporation, either in the form of a legal entity or an ordinary association.

2.2 Understanding the Crime of Corruption in General

Whereas in the Indonesian language dictionary written by W J S Poerwardarmita, it is stated that corruption (from the Latin corruption = bribery, corruption = damage) is a symptom in which officials, state agencies abuse their authority with the occurrence of bribery, forgery, and other irregularities.

Whereas as for the opinion of legal experts, namely according to Muhammad Ali, corruption can be in the form of:

1. Evil, rottenness, bribery, immorality, depravity, and dishonesty.
2. Bad deeds such as embezzlement, accepting bribes, and so on.
3. Corrupt (rotten, likes to accept bribes/bribes, uses power for his interests, and so on).
Corruption (rotten acts such as embezzlement of money, receiving money, and so on).
Corruptor (corrupt person).

Corruption is a crime that destroys democratic institutions, undermines the legal order, undermines public trust in the state, slows economic growth, hinders poverty alleviation efforts, disrupts resource allocation, reduces state competitiveness, and cripples investment.

2.3 Accountability of Corruption Perpetrators

The word accountability comes from the word responsible, namely according to Koesnadi Hardjasoemantri, that accountability and criminal errors are expressions that are heard and used in everyday conversations, both morals, religion, and law. These three elements are related to one another and rooted in the same situation, namely the crime of violating a system of these rules can be broad and diverse which includes the fields of civil law and criminal law, moral rules, and many more. The similarities between the three elements include a series of rules about behavior, which are followed by a certain group.

Whereas thus the system that gave birth to the concept of guilt, responsibility, and punishment is normative. Being responsible for a criminal act means that the person concerned can legally be subject to criminal punishment because of the actions he has committed. There are already rules in the relationship system and the legal system applies to the actions taken.

In other words, the action is not justified by the system. This is the basic concept. Law aims to achieve justice and justice is commonly defined as equality. In the use of criminal witnesses as a means of social sanctions in all limitations, Muladi as quoted by H. Setiyono said that the conditions for optimal use of criminal witnesses must include the following:

1. According to most members of the community, the prohibited act is considered to be a danger to the community, considered important by the community.
2. The application of criminal witnesses to prohibited acts, consistent with the purposes of punishment.
3. The eradication of such acts will not hinder or hinder the desired behavior of the community.
4. Such behavior can be understood in an impartial and non-discriminatory manner.
5. The regulation through the criminal law process will not give the impression of being burdensome, both qualitatively and quantitatively.
6. There are no justifiable options from the criminal witness to deal with this behavior.

Whereas in Indonesia the principle of corporate liability is not regulated in general criminal law (KUHP) but is spread in special criminal law (the principle of corporate responsibility is not recognized in its natural biological connotation. Corruption crimes are any person or corporation (Article 2 paragraph (1) and Article 3).

2.4 History in the Form of the Corruption Law

The legal history of corruption in Indonesia can be divided into several stages, namely the first set in the articles of the Criminal Code (KUHP), the second the Central War Authority Regulations, the third Law Number 24/Perpu/1960, the fourth Law Number 3 of 1971, the fifth Act Number 31 of 1999 and the sixth Act Number 20 of 2001. Therefore, below will briefly describe the history of Corruption Eradication in Indonesia by the process mentioned above.

Regulation of corruption in the articles of the Criminal Code (KUHP). The Criminal Code (KUHP) does not recognize the term corruption. However, several articles in the Criminal Code regulate actions that can be categorized as criminal acts of corruption. Articles related to corruption are included in the definition of office crimes which are regulated in CHAPTER XXVIII Book II of the Criminal Code, besides that there are also corruption crimes related to office crimes as regulated in Articles 209 and 210 of the Criminal Code.

The Criminal Code is a criminal law that was in effect during the Dutch colonial period under the title *Wetboek van Strafrecht* (WvS) which has been in effect since January 1, 1918. Then through the codification of *Wetboek van Strafrecht*, it was enforced in Indonesia, and when Indonesia became independent, *Wetboek van Strafrecht* was not replaced. Based on Article 2 the transitional rules of the 1945 Constitution, the remaining provisions including the Criminal Code remain valid as criminal law in Indonesia. Then to follow up on the validity of W.v.S to apply in Indonesia, the Indonesian government has issued Law Number 1 of 1946.

According to Andi Hamzah's calculations, the articles of the Criminal Code containing the formulation of corruption offenses account for 74% of all formulations of corruption offenses contained in the 1971 PTPK Law. both those that are legally withdrawn as criminal acts of corruption (13 Articles), as well as those withdrawn about criminal acts committed in the context of resolving cases of criminal acts of corruption (6 Articles). Chapter).

The Central War Rule Period. During the Old Order government around 1957, by the President through Presidential Decree No. 40 of 1957, the Indonesian state was declared in a state of emergency of war (*Staat van Oorlog en van Beleg*). At that time Indonesia was in a state of war, especially to overcome the rebels. So the ruling at that time was the Military Ruler. Even then the crime of corruption was rampant, then by the military authorities there was a desire to eradicate rampant corruption, namely by issuing regulations:

- 1) *Prt/PM-06/1957* concerning the Eradication of Corruption, April 9, 1957
- 2) *Prt/PM-08/1957* Regarding the Surveillance of Property on 27 May 1957
- 3) *Prt/PM-011/1957* concerning Confiscation and Confiscation of goods dated July 1, 1957.

III. Research Methods

3.1. Arrangements Regarding Sanctions against Corruption Crime Actors

That with the implementation of amendments to Law no. 31 of 1999 by Law no. 20 of 2001 which was then followed by Law no. 30 of 2002, it is hoped that it will be able to better meet and anticipate the development of the legal needs of the community to prevent and effectively eradicate every form of corruption that is very detrimental to state finances or the state economy in particular and society in general.

Corruption is a part of special criminal law in addition to having certain specifications that are different from general criminal law. Such as deviations from the procedural law and when viewed from the material regulated, the criminal act of corruption is directly or indirectly intended to minimize the occurrence of leakage and irregularities in the finances and economy of the Indonesian state.

3.2. Criminal Sanctions for Perpetrators of Corruption Crimes Not Based on Justice Values

Criminal sanctions against criminal acts of corruption are imposed if the actions are proven legally and convincingly according to the law in Article 193 paragraph (1) of the Criminal Procedure Code (KUHP) based on the evidence provided for in Article 184 paragraph (1) of the Criminal Procedure Code.

Whereas there are various kinds of criminal sanctions that can be imposed on the defendant, namely:

1) Basic Criminal

This can be in the form of:

a. Death Penalty

Any person who legally violates the law by committing acts of enriching himself or another person or a corporation that can harm state finances or the state economy as stipulated in Article 2 paragraph (1) of Law Number 31 of 1999 jo. Law Number 20 of 2001 which is carried out in "certain circumstances" can be punished with death. Certain circumstances are burdensome for perpetrators of criminal acts of corruption if the crime is committed when the country is in a state of danger by the laws in force at the time of a national natural disaster, as a repetition of a criminal act of corruption or when the country is in a state of economic (monetary) crisis.

b. Imprisonment

Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, has contained provisions regarding the limitation of maximum and minimum prison sentences for perpetrators of criminal acts of corruption, this is intended so that there is no criminal disparity in legal decisions on corruption cases. the modus operandi and value of state losses are the same. Which regulates this imprisonment, among others: Articles 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 21, 22, 23, and 24.

2) Additional Criminal

In addition to additional penalties as referred to in the Criminal Code, additional penalties are:

- a. confiscation of tangible or intangible movable goods or immovable goods used for or obtained from criminal acts of corruption, including the company owned by the convict where the criminal act of corruption was committed, as well as the price of the goods that replace the goods;
- b. Payment of replacement money in the maximum amount equal to the assets obtained from the criminal act of corruption;
- c. Closure of all or part of the company for a maximum period of 1 (one) year;
- d. Revocation of all or part of certain rights or elimination of all or part of certain benefits, which have been or may be granted by the government to the convict.
- e. If the convict does not pay the replacement money as referred to in paragraph (1) letter b at the latest within 1 (one) month after the court's decision which has obtained permanent legal force, his assets may be confiscated by the prosecutor to cover the replacement money.
- f. If the convict does not have sufficient assets to pay the replacement money as referred to in paragraph (1) letter b, he shall be sentenced to imprisonment for a length of time that does not exceed the maximum threat of the principal sentence by the provisions of this law and the length of time.

3.3. The crime has been Determined in a Court Decision

In connection with the sentence "besides additional penalties as referred to in the Criminal Code (KUHP), as additional penalties are ... and so on", in the formulation of Article 18, it can be seen that additional penalties that can be imposed on defendants in corruption cases are an additional penalty as specified in:

- a. Additional punishment as stipulated in Article 10 letter b of the Criminal Code consists of the revocation of certain rights, which according to Article 35 paragraph (1) of the Criminal Code consists of:
 1. The right to hold positions in general or certain positions.
 2. The right to enter the armed forces.
 3. The right to vote and be elected in elections held based on general rules.
 4. The right to become a legal adviser or administrator on a court order, the right to become a guardian, supervisory guardian, supervisor, or supervisor of a person who is not his child.
- b. The right to carry out certain livelihoods.
 The confiscation of certain goods, which Article 39 paragraph (1) of the Criminal Code determines that can be confiscated:
 1. Goods belonging to the convict obtained from the crime.
 2. Items belonging to the convict that is intentionally used to commit a crime.
 3. Announcement of judge's decision.

IV. Discussion

4.1. Legal Substance and Law on Corruption Crime

To realize the rule of law. The Indonesian government has laid a strong policy foundation to combat corruption. These various activities are contained in various laws and regulations. National anti-corruption commitment is not enough, because this is still limited to political will, so this effort must be continued at the action stage. This political policy is more nuanced in preventive efforts, as is the philosophy of medicine that prevention is better than cure.

Bambang Poernomo in his book *Potential for Corruption in Indonesia* explains that corruption instigates political, legal, and socio-cultural aspects, therefore its handling must include these aspects. Eradication of corruption is a series of actions to prevent and overcome corruption (through efforts to coordinate, supervise, monitor, investigate, prosecute and examine court hearings) with community participation based on applicable laws and regulations.

Based on this description, we can understand that in eradicating corruption there are 3 (three) forming elements, namely prevention (anti-corruption/preventive), prosecution (countermeasures/corruption/repressive contracts), and community participation.

That there are several steps to prevent the occurrence of anti-corruption crimes, namely:

a. System Fix

1. Improving the prevailing laws and regulations, anticipating the development of corruption, and closing legal loopholes or rubber articles that are often used by corruptors to escape from legal bondage.
2. Improving the workings of the government (bureaucracy) to be simple and efficient. Creating an anti-corruption work environment, reforming the bureaucracy.
3. Strictly separate state ownership and private ownership, providing clear rules regarding the use of state facilities for public interest and their use for personal interests.
4. Enforcing professional ethics and institutional rules by imposing strict sanctions.
5. The application of the principles of good governance.
6. Optimizing the use of technology, minimizing the occurrence of human error.

b. Human Improvement

1. Improving human morals as religious people, optimizing the role of religion in eradicating corruption.
2. Improving morale as a nation.

3. Increase legal awareness, through socialization and anti-corruption education.
4. Eradicating poverty. Improve welfare.
5. Choose a leader who is clean, honest, and anti-corruption, a leader who has compassion and is responsive, a leader who can be a role model.

Aiming at criminal law solely will result in the lack of smooth countermeasures that should be carried out in an integrated manner. The main points that can be developed to create a just and prosperous society are physically and mentally through efforts to realize a clean and authoritative government.

One of the hindering factors for achieving the goal of filling independence as stated and implied in the preamble to the 1945 Constitution is the emergence of corruption since the 1950s.

The causes of corruption are weak supervision in the management of state administration and development administration mechanisms and their reciprocal influence on social conditions covering the political, economic, social, cultural, and security factors.

Utilization of State Administrative Law, which is the application of Pancasila and the 1945 Constitution in the supervision of state administration and development administration mechanisms as well as supervisory bodies.

Utilization of the function of criminal laws and regulations in dealing with corruption, responsive and skilled law enforcement officers in law enforcement and agencies or institutions such as the Corruption Eradication Commission and coordinating harmoniously with other law enforcement officers.

Fostering law enforcement apparatus which includes organization, personnel, and equipment. Coordination between officials who play a role in the first and second stages of deterrence is harmonious and complementary. Fostering the community to participate in combating corruption individually and socially.

The human factor plays the most important role, especially those who hold important positions and have the opportunity to set policies both in the sectors of state administration and development, as well as legislators, law enforcers, and finally all citizens.

4.2. Ways of Handling in Combating Corruption Crimes

The law stipulates what to do, what to do, and what not to do. The legal targets to be addressed are not only people who are acting against the law, but also legal actions that may occur, and to state, equipment to act according to the law. Such a system of working law is one form of law enforcement.

According to Friedman, law enforcement is strongly influenced by three things, "First the substance of the law (the set of laws and regulations), the second is the legal structure (the law enforcement apparatus), and the third is the legal culture or legal culture of the community." Friday also expressed the same thing, that several things affect law enforcement including "Law enforcement that runs well and fairly, complete and up-to-date legal rules and legal culture and public awareness must support the implementation of the law".

Not only is the law enforcement process important, but national development is also a priority. The development process can lead to progress in people's lives, besides that it can also lead to changes in the social conditions of the community which have negative social impacts, especially regarding the problem of increasing criminal acts that are troubling the community. One of the crimes that can be said to be quite phenomenal is the problem of corruption. This crime is not only detrimental to the state's finances but is also a violation of the social and economic rights of the community.

The hope of eradicating corruption legally is to rely on the consistent treatment of the law on eradicating corruption in addition to related provisions that are preventive. The focus

of eradicating corruption must also place state losses as a form of violation of social and economic rights broadly. The basic idea of preventing state financial losses has automatically encouraged that, either by criminal or civil means, seek the maximum and speedy return of all state losses caused by corrupt practices. This basic thought has given the content and meaning of the articles in the law on eradicating corruption. The existence of state losses or the country's economy is the main element of corruption offenses.

People's aspirations to eradicate corruption and other forms of irregularities are increasing because in reality, the existence of corruption has caused enormous state losses which in turn can have an impact on the emergence of crises in various fields. Efforts to prevent and eradicate corruption need to be further enhanced and intensified by upholding human rights and the interests of the community. Along with the development of human civilization, the forms, types, and methods of corruption also continue to develop increasingly sophisticated. The crime of corruption is a crime that is carried out in a systematic and organized manner and is carried out by people who have an important position and role in the social order of society, this crime is often called a white-collar crime.

Corruption is one of the criminal acts that cannot be separated from state problems, state officials, or people who have respectable positions in society. Harkristuti Harkrisnowo stated as follows: "Corruption and ordinary criminal acts, both groups of cases are both criminal acts against the property. The difference can be seen from at least two aspects, namely the perpetrator and the victim. Perpetrators of corruption are not random people because they have access to commit such corruption, by abusing the authority, opportunities, or facilities available to them because of their position. Meanwhile, street criminals are generally members of the lower strata of society who do not have access to anywhere, nor do they have a high level of knowledge and education. Victims of corruption are invisible and not individuals, but the state, precisely because of this invisibility, most of the public do not feel that corruption is a crime that endangers citizens (at least directly). It is different with street crimes, which are much higher than corruption, so people's perceptions are difficult to change because street crimes can be seen.

4.3. Countermeasures and Process for Handling Corruption Crimes

Combating corruption can be successful by its aims and objectives, potentially to legal certainty, justice and benefit, by implementing the Corruption Crime Prevention Program to the maximum extent to eradicate corruption both with repressive and preventive approaches:

- a. Repressive measures to eradicate corruption are oriented to:
 1. Make maximum efforts to recover state losses;
 2. Prioritizing the quality of cases handled;
 3. The handling is carried out professionally and proportionally based on the Trikrama Adhyaksa (Satya, Adhi, Wicaksana).
- b. Preventive actions to eradicate corruption are oriented to:
 1. Provide support for government programs in the context of poverty alleviation, revitalization, and reform of the bureaucracy and remuneration
 2. Streamlining legal counseling and legal information to the public
 3. Increasing the guarantee of community supervision

Investigations into the crime of corruption were first handled by prosecutors and police investigators. In a special crime, the prosecutor acts as an investigator. The legal basis that gives the Attorney General's Office the authority to investigate corruption crimes is Article 30 paragraph (1) letter d of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia which reads as follows: certain ".

Based on the article, the crime of corruption is a special crime in the sense that the crime of corruption has special provisions for criminal procedures. Thus, the prosecutor's agency has the authority to carry out investigations.

Criminal acts that contain provisions for certain criminal acts are called "special crimes". Criminal acts of corruption based on Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes contain special provisions for criminal procedures, including:

1. The suspect is obliged to provide information regarding all corporate assets that he knows (Article 28)
2. The defendant has the right to prove that he is innocent (Article 37)
3. If the defendant has been legally summoned and is not present at the court session without a valid reason, the case can be examined and decided without his presence (Article 38).

Not all corruption cases investigated can be escalated to the prosecution stage. If there is one element that is not supported by evidence or there are reasons based on jurisprudence, because it is against the law is not proven, then the case is issued a warrant for the termination of the investigation. If the investigation has been completed, and from the results of the investigation evidence is obtained regarding the crime that occurred, then the results of the investigation are stated in the case file.

If the case being investigated is supported by strong evidence, the investigation will proceed to the prosecution stage. Generally, before a case is determined to be escalated to the prosecution stage, an explanation is carried out. In the presentation, the results of the investigation were not clear. It is recommended that before processing, concise material that helps participants in the presentation can easily understand the results of the investigation because in this way, each element and all the evidence that exists and has been collected can be seen.

The investigation has been completed if the public prosecutor within seven days does not return the results of the investigation or before that time the public prosecutor has notified the investigator that the investigation case file is complete. When the investigation has been completed and the file is received by the public prosecutor, the public prosecutor based on the results of the investigation shall prepare an indictment and then carry out a prosecution.

After the public prosecutor has received the case file from the investigator, and according to the public prosecutor the file is complete and a prosecution can be carried out, then the public prosecutor as soon as possible makes an indictment. The definition of prosecution in the Criminal Procedure Code can be seen in Article 1 point 7 which states that prosecution is an action by the public prosecutor to delegate a criminal case to the competent District Court in the case according to the method regulated in this Law with a request to be examined by the judge in court.

Article 13 of the Criminal Procedure Code stipulates that a public prosecutor is a prosecutor who is authorized to carry out prosecutions. The powers of the public prosecutor according to Article 14 of the Criminal Procedure Code are:

1. Receive and examine investigation case files from investigators or assistant investigators.
2. Conduct pre-prosecution if there are deficiencies in the investigation by taking into account Article 110 paragraphs (3) and (4) by giving instructions in the context of perfecting the investigator's investigation.
3. Provide an extension of detention, carry out further detention or detention and or change the status of the detainee after the case has been delegated by the investigator.
4. Make an indictment.
5. Delegating the case to the court.

6. Deliver notification to the defendant about the terms and time of the case to be heard, accompanied by a summons, both to the defendant and to witnesses to come to the hearing that has been determined.
7. Carry out prosecutions.
8. Closing the case for the sake of law.
9. Holding cases in the interest of law.
10. Carry out other actions within the scope of duties and responsibilities as a public prosecutor according to the Law.
11. Carry out the judge's determination.

At the prosecution stage, in general, a public prosecutor and a substitute public prosecutor have been appointed. It still often happens that the public prosecutor and the substitute public prosecutor are not integrated, this must be prevented. The public prosecutor and the substitute public prosecutor must complement each other so that negligence in handling the case can be prevented.

V. Conclusion

Sanctions against perpetrators of corruption are currently not fair because:

- a. Eradication of criminal acts of corruption has not been maximized and the criminal sanctions are too light and do not create a deterrent effect and as much as possible in giving criminal sanctions so that there is a deterrent effect, because uncontrolled corruption will bring disaster, not only to the life of the national economy but also to the life of the nation and state. state in general.
- b. Corruption is a crime that has become an international crime and this crime is always accompanied by technological developments that contribute to the development of corruption. Corruption has been agreed by the world as an extraordinary crime. Thus the handling of corruption as a crime requires authority, knowledge, and the ability to utilize technology. Corruption has also become a behavior that is so systemic and entrenched. Therefore, corruption handlers are committed and the consequences in providing criminal sanctions.
- c. Corruption crimes tend to be carried out by actors who are state administrators, both at the central and regional levels. This has raised concerns that have an impact on the declining level of public trust in the government. More broadly, this situation also affects the credibility of the government in the eyes of the international community. Some people think that the emergence of the economic crisis in Indonesia, one of which is caused by rampant acts of corruption that occurs in the bureaucracy by unscrupulous state officials, so that has hindered the entry of investment for economic growth.

References

- Acmad Ali. (2009). Menguak Teori Hukum dan Teori Peradilan. Kencana Persada, Jakarta.
- A. Ahsin Thohari. (2004). Komisi Yudisial dan Reformasi Peradilan, Elsam, Jakarta.
- A Djoko Sumaryanto. (2009) Pembalikan Beban Pembuktian Tindak Pidana Korupsi Dalam Rangka Pengembalian Kerugian Keuangan Negara, Prestasi Pustakaraya, Jakarta.
- Abdurrahman. (1980). Aneka Masalah dalam Praktek Penegakan Hukum di Indonesia, Alumni, Bandung.
- Abdul Azis Hakim. (2011). Negara Hukum dan Demokrasi di Indonesia, Pustaka Pelajar, Yogyakarta.

- Abdul Ghofur Anshori. (2006). *Filsafat Hukum Sejarah, Aliran dan Pemaknaan*, Gajah Mada University Press, Yogyakarta.
- Abdul Kadir Muhammad. (2004) *Hukum dan Penelitian Hukum*, Citra Aditya Bakti, Bandung.
- Achmad Ali. (2005). *Keterpurukan Hukum di Indonesia Penyebab dan Solusinya*, Ghalia Indonesia, Ciawi-Bogor, Cetakan Kedua.
- . (2009). *Menguak Teori Hukum (legal Theory) dan Teori Peradilan (Judicial Prudence) Termasuk Interpretasi Undang-undang (legisprudence)*, Kencana Prenada Media Group, Jakarta.
- Adami Chazawi. (2005). *Hukum Pidana Materiil dan Formil Korupsi di Indonesia*, Bayumedia Publishing, Malang, Jawa Timur, Cet. Ke-2,
- . (2008). *Pelajaran Hukum Pidana Bagian I*, Raja Grafindo Perkasa, Jakarta.
- Adi Sulistiyono. (2007). *Negara Hukum ; Kekuasaan, Konsep dan Paradigma Moral*, Lembaga Pengembangan Pendidikan (LPP) dan UPT Penerbitan dan Percetakan UNS (UNS Press) Universitas Sebelas Maret, Surakarta.
- Adnan Buyung Nasution. (2004). *Pergulatan Tanpa Henti, Pahit Getir Merintis Demokrasi*, Aksara Karunia, Jakarta.
- Agus Santoso. (2012). *Hukum, Moral & Keadilan Sebuah Kajian Filsafat Hukum*, Kencana, Jakarta.
- Alatas Syed Husen. (1986). *Sosiologi Korupsi*, Rineka Cipta, Jakarta
- Ali Muhammad. (1999). *Kamus Lengkap Bahasa Indonesia*, Amani, Jakarta
- Ali Budihardjo. (1999). *Nugroho, Reksodiputro, Kemandirian Sistem Peradilan Dijamin Dalam UUD 1945 (Reformasi Hukum di Indonesia, Hasil Studi Perkembangan Hukum-Proyek Bank Dunia)*, CYBERconsult (Siber Konsultan), Jakarta.
- Amien Rais. (1999). *Menyingkap Korupsi, Kolusi, dan Nepotisme di Indonesia*, Aditya, Yogyakarta.
- Andi Hamzah. (1986). *Korupsi di Indonesia Masalah dan Pemecahannya*, Gramedia, Jakarta.
- . (1994). *Asas-Asas Hukum Pidana*, Rineka Cipta, Jakarta.
- . (2002). *Pemberantasan Korupsi Ditinjau Dari Hukum Pidana*, Pusat Studi Hukum Pidana Universitas Trisakti, Jakarta.
- . (2004). *Perbandingan Pemberantasan Korupsi di Berbagai Negara*, Sinar Grafika, Jakarta.
- . (2012). *Pemberantasan Korupsi Melalui Hukum Pidana Nasional dan Internasional*, Rajawali Pers, Jakarta.
- Anonim. (2006). *Memahami Untuk Membasmi Buku Saku Untuk Memahami Tindak Pidana Korupsi*, KPK, Jakarta.
- Anthon F. Susanto. (2004). *Wajah Peradilan Kita*, Refika Aditama, Bandung.
- Antonius Sudirman. (2007). *Hati Nurani Hakim dan Putusannya Suatu Pendekatan dari Perspektif Ilmu Hukum Perilaku (Behavioral Jurisprudence) Kasus Hakim Bismar Siregar*, Citra Aditya Bakti, Bandung.
- Arifin P. Seria Atmadja. (2013). *Keuangan Publik Dalam Perspektif Hukum, Teori, Praktik dan Kritik*, Rajawali Pers, Jakarta.
- Ari Wibowo. (2013). *Mewujudkan Keadilan Melalui Penerapan Hukum Progresif*, dalam Mahrus Ali , *Membumikan Hukum Progresif*, Aswaja Pressindo, Yogyakarta
- Aruan Sukisdjo dan Bambang Poernomo. (1990). *Seri Hukum Pidana, Hukum Pidana Dasar Aturan Umum Hukum Pidana Kodifikasi*. Ghalia Indonesia, Jakarta.
- Bagir Manan. (2000). *Wajah Hukum di Era Reformasi*, Citra Aditya Bakti, Bandung.
- (2003). *Lembaga Kepresidenan*, FH UII Press, Jakarta.
- . (2004). *Teori dan Politik Konstitusi*, FH. UI Press, Yogyakarta.

- Baharuddin Lopa dan Moh. Yamin. (1997). Undang-Undang Pemberantasan Tindak Pidana Korupsi, Kipas Putih Aksara, Jakarta.
- Bahder Johan Nasution. (2014). Negara Hukum dan Hak Asasi Manusia, Mandar Maju, Bandung.
- Bambang Purnomo. (1983). Potensi Kejahatan Korupsi di Indonesia. Bina Aksara, Jakarta.
- Bambang Sunggono. (2010). Metodologi Penelitian Hukum, Rajawali Pers, Jakarta.
- Bambang Sutyoso. (2009). Metode Penemuan Hukum : Upaya Mewujudkan Hukum Yang Pasti dan Berkeadilan, UII Press, Yogyakarta.
- Barda Nawawi Arief. (2000). Kebijakan Legislatif Dalam Penanggulangan Kejahatan Dengan Pidana Penjara, Universitas Diponegoro, Semarang.
- . (2006). Kapita Selekta Hukum Pidana Tentang Sistem Peradilan Pidana Terpadu (Integrated Criminal Justice System), UNDIP, Semarang.
- Bernard, et al. (2010). Teori Hukum; Strategi Tertib Manusia Lintas Ruang dan Generasi, Genta Publishing, Yogyakarta.
- B Sudarso. (1990). Korupsi di Indonesia, Karya Bratara Aksara, Jakarta.
- Budiono Kusumahadimidjoyo. (1999). Ketertiban Yang Adil Problematika Filsafat Hukum, Grassindo, Jakarta.
- Carl Joachim Friedrich. (2004). Filsafat Hukum Perspektif Historis, Nuansa dan Nusamedia, Bandung.
- Chairul Huda. (2006). Dari Tiada Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggungjawaban Pidana Tanpa Kesalahan, Prenada Media, Jakarta.
- Dahlan Thaib. (1999). Kedaulatan Rakyat Negara Hukum dan Konstitusi, Liberti, Yogyakarta.
- Daniel S. Lev. (1990). Hukum dan Politik di Indonesia, Kesenambungan dan Perubahan, Terjemahan Nirwono dan AE. Priyono, LP3ES, Jakarta.
- Darmoko Yuti Witanto dan Arya Putra Negara Kutawaringin. (2013). Diskresi Hakim Sebuah Instrumen Menegakkan Keadilan Substantif Dalam Perkara-Perkara Pidana, Alfabeta, Bandung.
- Darwan Prints. (2002). Pemberantasan Tindak Pidana Korupsi, Citra Aditya Bakti, Bandung.
- Departemen Pendidikan Nasional, 2005, Kamus Besar Bahasa Indonesia, Balai Pustaka, Jakarta.
- Dirdjosisworo Soedjono. (1984). Filsafat Peradilan Pidana dan Perbandingan Hukum. Armico, Bandung.
- D. Schaffmeister, N.Keijzer dan E.PH. Sutorius. (2007). Hukum Pidana, Citra Aditya Bakti, Bandung.
- Zulyadi, R. (2020). Judge's Role in Court to Eradicate Corruption According to Law Number 20 in 2001 (Study of Decision 16/PID.SUS.K/2011/PN.MDN). Budapest International Research and Critics Institute-Journal (BIRCI-Journal). P. 1280-1288