

Criminal Acts of Corruption Article 2 and Article 3 According to Law Number 31 Of 1999 as Amended by Law Number 20 of 2001 Concerning Eradication of Criminal Acts of Corruption (Case Study: Supreme Court Decision No. 260 PK/2011 and Pid.SUS/2011 Supreme Court No. 537 K/Pid.Sus/2014)

Dwi Seno Wijanarko

Faculty of Law, Universitas Bhayangkara Jakarta Raya, Indonesia
dwi.seno@dsn.ubharajaya.ac.id

Abstract

One of the regulations in the criminal act of corruption is in Article 2 and Article 3 Law Number 31 of 1999 Jo. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes. In this research, there are 2 (two) research problems. First, how many years of the main sentence can be imposed on the defendant Jimmy Rimba Rogi S.Sos in the case of corruption in the Supreme Court's decision no. 260 PK/Pid.Sus/2011? Second, Can the defendant's political rights be revoked as additional punishment? The research method used is the juridical-normative legal research method. The research resulted in 2 (two) conclusions, namely as follows. First, that the concept of restorative justice in convicting perpetrators of criminal acts of corruption does not completely eliminate criminal sanctions, but prioritizes the provision of sanctions that emphasize efforts to recover from crimes. In this case, the author is of the opinion that there are at least 2 (two) concepts of punishment for perpetrators of corruption that can be applied according to a restorative justice approach, namely: first, recovery of state losses in the form of punishment in the form of forced labor for perpetrators of corruption whose proceeds are confiscated for the state and the imposition of social sanctions. . Second, the defendant's political rights can be revoked as an additional penalty. Additional punishment in the form of revocation of certain rights does not mean that the rights of the convict can be revoked altogether. The revocation does not include the revocation of the right to life, civil (civil) rights, and constitutional rights. There are two things regarding the revocation of certain rights, namely: it is not automatic, must be determined by a judge's decision and is not valid for life, there is a certain period of time according to the applicable laws and regulations with a judge's decision. Based on these provisions, the imposition of additional criminal revocation of political rights against the convict is not contrary to the Criminal Code as long as the revocation of rights is concurrent and does not exceed the period of application as has been applied by law.

Keywords

application; article 2 and article 3; punishment sanctions; revocation of rights



I. Introduction

The State of Indonesia is a legal state which is expressly stated in Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), "The State of Indonesia is a State of Law". In a legal state, the state system is regulated based on applicable laws that are fair and compiled in a constitution. All will be subject to the laws

of both the government and the governed, so that everyone will get the same treatment. The government cannot act arbitrarily and must not violate the rights of the people that must be granted. People are treated according to their rights and given the opportunity to play a democratic role.

The International Commission of Jurists states that the modern rule of law consists of the principles of the rule of law coupled with the principle of independence and impartiality of judiciary, nowadays it may be felt that it is absolutely necessary in every democratic country. The principles that are considered important characteristics of the rule of law according to "*The International Commission of Jurist*":

- a. The state must comply with the law;
- b. The government respects individual rights; and
- c. An independent and impartial judiciary.

In the theory and practice of criminal law, the principle of legality is known, one of which prohibits the retroactive application of criminal law. This is stated in Article 1 paragraph (1) of the Criminal Code (KUHP), which states "No action can be punished except by the strength of the criminal rules in the legislation that existed before the act was committed". In Latin: "Nullum delictum nulia poena sine praevia legi poenali", which is interpreted literally in Indonesian with: "There is no offense, no crime without criminal provisions that precede it". The Latin term is often used: "Nullum crime sine lege stricta, which can be interpreted as: "There is no offense without strict provisions". an act so that it is clear whether the act is a criminal act or not. Efforts to prosecute and prevent corruption are very interesting issues in law enforcement.

This proves the importance of every legal step taken in order to optimize the handling of corruption cases. It is no exaggeration if corruption is considered an *extraordinary crime*. Corruption has reached a serious stage where Soentato Soepiadhy likens corruption as a normal thing, on the pretext that it is in accordance with procedures. Corruptors no longer have shame and fear on the contrary to demonstrate the results of corruption in a demonstrative manner. Corruption is a violation of social rights and economic rights of the community. The economic condition of the population is a condition that describes human life that has economic score (Shah et al, 2020). Corruption has reached a serious stage where Soentato Soepiadhy likens corruption as a normal thing, on the pretext that it is in accordance with procedures. Corruptors no longer have shame and fear on the contrary to demonstrate the results of corruption in a demonstrative manner. Corruption is a violation of social rights and economic rights of the community.

Indonesia has regulations regarding the eradication of criminal acts of corruption, namely Law Number 3 of 1971 concerning the Eradication of Criminal Acts of Corruption. However, because this law is considered unable to keep up with the development of legal needs. Therefore, Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, which was later revised based on Law Number 20 of 2001 on several articles. Law Number 31 of 1999 was amended by Law Number 21 of 2001 concerning Criminal Acts of Corruption Eradication Amendments to Law Number 31 of 1999. Articles relating to criminal acts of corruption that cause state losses are regulated in Article 2 paragraph (1) Law Number 31 of 1999. There are differences of opinion regarding the application of Article 2 Paragraph (1) and Article 3 of Law Number 31 Year 1999 jo. Law Number 21 of 2001 concerning Criminal Acts of Corruption Eradication as described above is actually not only an arena for internal judges' debate between *judex facti* and *judex juris*, even between judges within the same panel of judges sometimes there are differences in viewpoints in understanding and apply the provisions of the two articles through a

dissenting opinion in the decision given by the judge concerned. Law enforcement efforts from law enforcement officers in the context of achieving peace and tranquility in society and law enforcement officers in the settlement of Corruption Crimes, one of which is the issuance of Circular Letter of the Deputy Attorney General for Special Crimes Number B-1113/F/Fd.1/05/2010 Date May 18, 2010 concerning Priorities and Achievements in Handling Corruption Criminal Cases, one of the points in its content is to instruct all High Prosecutor's Offices which contains an appeal that in cases of alleged corruption crimes, people who consciously have returned state losses need to be considered not to be followed up on the principle of Restorative Justice applies. Restorative Justice is an approach to justice that focuses on the needs of the victims, perpetrators of crimes, and also involves the participation of the community, and does not merely fulfill legal provisions or merely impose criminal charges. In this case, victims are also involved in the process, while criminals are also encouraged to take responsibility for their actions, namely by correcting the mistakes they have made by apologizing, returning money that has been stolen, or by providing community services. In implementing the Circular Letter of the Deputy Attorney General for Special Crimes Number B-1113/F/Fd.1/05/2010 dated 18 May 2010 concerning Priorities and Achievements in Handling Corruption Criminal Cases, it also stipulates a policy that state financial losses must be returned or replaced by perpetrators of corruption, namely by recovering assets.

Problem Formulation

1. How many years of criminal sanctions can be imposed on the defendant Jimmy Rimba Rogi S.Sos in the case of corruption in the Supreme Court's decision no. 260 PK/Pid.Sus/2011?
2. Can the defendant's political rights be revoked as an additional penalty?

II. Review of Literature

2.1 Law

The Republic of Indonesia is a state based on law, as confirmed in the explanation of the 1945 Constitution, is a state based on law (rechtsstaats) the law of sheer power (machtstaats), so that the government and state institutions in carrying out any action must be based on law and must be held legally accountable. 1 In Article 1 paragraph (3) of the 1945 Constitution of the Unitary State of the Republic of Indonesia, it is stated that "Indonesia is a state of law". The state of law in question is a state that enforces the suprenation of law to uphold truth and justice and there is no power that is not accounted for.

2.2 Nullum Delictum Principle Nulla Poena Praevia Lage Poenali / Legality Principle

The principle of legality as referred to in Article 1 paragraph (1) of the Criminal Code, namely "No action can be punished except by the force of the criminal rules in the existing legislation, before the act is committed". Van Hamel means that the birth of the adage "nullum delictum, nulla poena sine lege praevia poenali" has received explicit recognition in various laws and regulations. Which means that criminal law is only recognized as written law because it can determine legal norms that are also associated with the threat of punishment so that it can be adjusted whether it is about the content of the threat of punishment, the application of the threat of punishment and is not in accordance with the criminal provisions

2.3 Theory

Criminal interpreted as the stage of determining sanctions as well as the stage of imposing sanctions in criminal law. According to Sudarto, the word punishment is synonymous with the term punishment. Punishment itself comes from the word law so that it can be interpreted as determining the law or deciding about the punishment (berechten). So that it can be interpreted that punishment is a criminal determination and the stage of giving a sentence. The stage of giving the punishment in a broad sense involves the system of criminal law sanctions. In a concrete sense, it involves various agencies that support and implement the criminal sanction system. Ted Honderich, argues that punishment must contain 3 (three) elements as follows: First, punishment must contain a kind of loss or deprivation or distress which is usually fairly defined as the target of the criminal action. Second, every sentence must come from a legally authorized institution as well. So, punishment is not a natural consequence of an action, but as a result of the decisions of personal actors of a powerful institution. Therefore, punishment is not an act of revenge from the victim against lawbreakers who cause suffering. Third, the competent authority has the right to impose punishment only on subjects who have been proven to have intentionally violated the laws or regulations in force in their community. In addition, there is the Restorative Justice Theory. Restorative justice or restorative justice is defined as the settlement of criminal cases by involving the perpetrator, victim, family of the perpetrator/victim, and other related parties to jointly seek a fair solution by emphasizing restoration back to its original state not revenge. Based on the Circular Letter of the Deputy Attorney General for Special Crimes Number B1113/F/Fd.1/05/2010 dated 18 May 2010 concerning Priorities and Achievements in Handling Corruption Crimes Cases using a Restorative Justice approach with considerations of corruption prioritized on disclosing big fish cases (large scale, seen from the perpetrators and/or the value of state financial losses) and still going on (corruption acts that are carried out continuously or continuously), so that in law enforcement. Restorative justice is a concept of thought that responds to the development of the criminal justice system by focusing on the need for community involvement and victims who feel excluded from the mechanisms that work in the current criminal justice system. With current legal developments, the Restorative Justice method is very suitable to be an approach in cases of corruption with small losses to the state because it prioritizes repairs against losses in the context of the state.

However, this is of course contrary to Law Number 31 of 1999 concerning the Eradication of Criminal Acts contained in Article 4 which reads "Returning state financial losses or the state's economy does not eliminate the punishment of perpetrators of criminal acts."

The term corruption according to M. Prodjohamidjojo comes from the Latin "corruption" or "corruptus" which means damage or dilapidation. Corruption Crimes According to Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning Eradication of Corruption Crimes. amended by Law Number 20 of 2001 concerning Eradication of Criminal Acts of Corruption; *"Everyone who unlawfully commits an act of enriching himself or another person or a corporation that can harm state finances or the state economy, shall be sentenced to life imprisonment or a minimum imprisonment of 4 (four) years and a maximum of 20 (twenty) years) years and a minimum fine of Rp. 200,000,000.00 (two hundred million rupiah) and a maximum of Rp. 100,000,000.00 (one billion rupiah).* Taking into account Article 2 paragraph (1) above, the following elements will be found; It is against the law, enriches oneself, another person or a corporation and can harm the state's finances or the state's economy. This law on the eradication of corruption is a form of the government's effort to optimize the regulation of state losses in

addition to eradicating corruption in order to create an accountable, clean, and free government from corrupt practices. Collusion and nepotism as mandated by Law Number 28 of 1999 concerning the Implementation of a Clean Government, Free from the Practice of Corruption, Collusion and Nepotism.

III. Research Method

In this study, the author uses a normative juridical approach, also conducts a literature study conducted by researchers, namely library materials, utawa, secondary data.

IV. Results and Discussion

4.1 Criminal Sanctions of the Defendant Jimmy Rimba Togi S.Sos

The topic of discussion that will be raised relates to how many years of criminal sanctions can be imposed on the defendant Jimmy Rimba Rogi S.Sos in the case of corruption. 260 PK/Pid.Sus/2011? That in order to discuss this discussion, it must be discussed from the point of view of the theory of punishment. The starting point for discussing the formulation of the problem above is the theory of punishment (applied theory). The Republic of Indonesia is a state based on law, as emphasized in the explanation of the 1945 Constitution, is a state based on law (rechtsstaats) the law of mere power (machtstaats), so that the government and state institutions in carrying out any action must be based on law and must be legally accounted for. . In Article 1 paragraph (3) of the 1945 Constitution of the Unitary State of the Republic of Indonesia, it is stated that "Indonesia is a state of law". The state of law in question is a state that enforces the suprenation of law to uphold truth and justice and there is no power that is not accounted for. In the case that was raised related to the Corruption Crime, the Supreme Court Decision No. 260 PK/Pid.Sus/2011 on the defendant Jimmy Rimba Rogi, S.Sos. The defendant Jimmy Rimba Rogi S.Sos has been legally proven guilty of committing a criminal act of corruption.

In the trial, the Public Prosecutor in this case charged him with primary and subsidiary charges, namely: The first indictment was Primary in violation of Article 2 Paragraph (1) jo. Article 18 Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption as amended by Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption jo. Article 55 Paragraph (1) 1st jo. Article 64 Paragraph (1) of the Criminal Code. The second indictment of the Subsidiary violated Article 3 jo. Article 18 of Law no. 31 of 1999 concerning the Eradication of Corruption Crimes jo. as amended by Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption jo. Article 55 Paragraph (1) 1st jo. Article 64 Paragraph (1) of the Criminal Code.

In the case on behalf of Jimmy Rimba Rogi S.Sos in the decisions of the court of first instance, high court, and court of cassation, the panel of judges who tried the aquo case did not impose an additional penalty of revocation of the right to vote and be elected in public office. According to the author, the defendant Jimmy Rimba Rogi S.Sos should also receive additional punishment in the form of revocation of certain rights, in this case the revocation of the right to vote and be elected in public office. In the cassation decision, the verdict is as follows: Declare the Defendant Jimmy Rimba Rogi. S.Sos has been legally

and convincingly proven guilty of committing the crime of “corruption which is carried out together as a continuing act”; Therefore, the Defendant shall be sentenced to imprisonment for 7 (seven) years and a fine of Rp. 200,000,000.- (two hundred million rupiahs) provided that if the fine is not paid, it is replaced with imprisonment for 3 (three) months; Determine that the period of detention that has been served by the Defendant is deducted entirely from the sentence imposed; Ordered the Defendant to remain on the ground; To also punish the Defendant to pay compensation in the amount of Rp. 64,137,075,000,- (Sixty-four billion one hundred thirty-seven million and seventy-five thousand rupiah) with a grace period of not later than 1 (one) month after this decision has permanent legal force, and if the replacement money is not paid by the defendant, then his assets are confiscated and auctioned to fulfill the replacement money in this case, but if the replacement money is not paid, it will be replaced with a prison sentence of 2 (two) years. Because the defendant has been legally and convincingly proven to have committed a corruption crime, the defendant Jimmy Rimba Rogi was charged with a subsidiary charge. This form positions Article 2 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption as the primary charge that the defendant has committed an act of enriching himself or another person or a corporation, namely the Defendant used the Manado City Government Regional Budget. for personal interest or not for official purposes or not in accordance with its designation, as well as to be given to other people, which can harm state finances or the state economy, namely causing state financial losses. Mandao city government Rp. 68,837,075,000.00 (sixty-eight billion eight hundred thirty-seven million seventy-five thousand rupiah), or at least that amount can be detrimental to the state's finances. And Article 3 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption as a subsidiary indictment. When viewed from the purpose of punishment, an act or criminal act is seen as an act of damaging or harming the interests of others. To restore it to its original state, it is necessary to take retaliatory action against the person/actor who caused damage or loss in the community. Retaliation is generally not only an obligation to someone who is harmed or affected by the action, but extends to an obligation to the whole family and even an obligation to society. So in the decision of the Supreme Court No. 260 PK/Pid.Sus/2011 Defendant Jimmy Rimba Rogi. S.Sos the author uses restorative justice. Restorative justice as a sentencing goal is a concept that has received a lot of attention from various groups. Some legislators see restorative justice as one of the promising ways to resolve problems in the existing criminal justice system in a country.

Justice should not be seen as “only retaliation” and the tendency to equate justice with order should be challenged, and the concept of restorative justice should be considered as an alternative. An important element in restorative justice is not only punishing the perpetrators of crimes but also trying to restore the losses and conditions as before the crime occurred with healing, harmony, and reconciliation. This retaliatory punishment is entirely determined by the person or party who is harmed. Situations like this continued so that it disrupted security and order as well as relations in society, the authorities at that time initially tried to punish people who threatened the interests of society and inhibited retaliatory actions carried out by people who were harmed individually. For the sake of security and order in society, then a "composite stelsel" arises, namely the obligation for perpetrators of criminal acts (criminals, murderers and so on) to carry out "penance" by providing compensation or fines to people who have been harmed. In addition, they are also required to pay fines to the people who are harmed (in the event of a murder) to restore balance in society. Initially, the amount of the fine was determined depending on the wishes of the aggrieved party but was later controlled and determined by

the authorities. Thus punishment has begun to be developed towards the nature of public law, which is based on the interests of the community and becomes the obligation or authority of the authorities.

If it is seen from the case above that the imposition of a prison sentence of 7 (seven) years and has resulted in financial losses to the State of Manado City Government of Rp. 68,837,075,000, (sixty eight billion eight hundred thirty seven million seventy five thousand rupiah) is can make someone a learning and can not also make a deterrent to the perpetrators, especially those which are repressive efforts to minimize corruption is not effective. This can be seen from several other legal facts based on Court Decisions which often apply light imprisonment sanctions to perpetrators of corruption. A criminal justice system must adjust the imposition of punishment in the form of returning a number of losses due to criminal acts with the aim of the state returning these losses to a state as if a crime had not occurred.

In contrast to the case in the Supreme Court Decision No. 537 K/Pid.Sus/2014 on behalf of the defendant Djoko Sosilo. In the decision, the defendant has been legally proven according to the judge to have committed a criminal act of corruption together and joined several crimes as stipulated and threatened with a criminal offense in the Primary indictment Article 2 paragraph (1) in conjunction with Article 18 of Law Number 31 of 1999 concerning the Eradication of Criminal Acts corruption as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of the Crime of Corruption in conjunction with Article 55 paragraph (1) 1st in conjunction with Article 65 paragraph (1) of the Criminal Code and the crime of Money Laundering jointly and in combination several crimes as regulated and threatened in the first second indictment Article 3 of Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering in conjunction with Article 55 paragraph (1) Article 65 paragraph (1) of the Criminal Code and the third indictment Article 3 paragraph (1) letter c of Law Number 15 of 2002 concerning the Crime of Money Laundering as amended by Law N Number 25 of 2003 amendments to Law Number 15 of 2002 concerning the Crime of Money Laundering in conjunction with Article 55 paragraph (1) 1 in conjunction with Article 65 paragraph (1) of the Criminal Code.

In the case on behalf of Djoko Sesilo at the first level court decision, the panel of judges who tried the aquo case did not impose an additional penalty of revocation of the right to vote and be elected in public office and then at the appeals court the decision was annulled and increased Djoko Susilo's sentence to be in accordance with the demands the public prosecutor of the Corruption Eradication Commission, which was later strengthened by the cassation decision with the following ruling: Stating that the defendant Police Inspector Drs. Djoko Susilo, SH., M.Si, has been legally and convincingly guilty of committing the Criminal Act of Corruption together and a combination of several crimes as stipulated and threatened in the First Indictment of Primary and the Crime of Money Laundering jointly and in combination with several crimes as stipulated and threatened in the first second and third charges; Therefore, the defendant was sentenced to imprisonment for 18 (eighteen) years and a fine of Rp. 1,000,000,000.00 (one billion rupiah), provided that if the fine is not paid, it will be replaced with imprisonment for 1 (one) year; Sentencing the defendant to pay compensation in the amount of Rp. 32,000,000,000.00 (thirty-two billion rupiahs), and if the defendant does not pay the replacement money within 1 (one) month after the decision has permanent legal force, then his property can be confiscated by the prosecutor and auctioned off to cover the replacement money. If the assets are not sufficient, then they are sentenced to imprisonment for 5 (five) years; Sentencing the defendant with additional punishment in the form of revocation of certain

rights to vote and be elected in public office; Determining the period of detention that has been carried out, is entirely imprisoned from the sentence imposed; Ordered that the defendant Inspector General of Police Drs. Djoko Susilo, S, H., M.Sc. Remain in custody; Stipulate that the evidence in the form of ...; If the decision is examined further, then there are several types of punishments imposed on the defendant Djoko Susilo, namely imprisonment accompanied by a fine, then payment of replacement money and finally the revocation of certain political rights, in this case the revocation of the right to vote and be elected in public office. The sentence of imprisonment for 18 (eighteen) years for the defendant Djoko Sosilo and a fine of Rp. 1,000,000,000.00 (one billion rupiah), with the provision that if the fine is not paid, it is replaced with imprisonment for 1 (one) year, the defendant also pays a replacement money of Rp. 32,000,000,000.00 (thirty two billion rupiah). , and if the defendant does not pay the replacement money within 1 (one) month after the verdict has permanent legal force, then his property can be confiscated by the prosecutor and auctioned off to cover the replacement money. If the property is not sufficient, then he is sentenced to imprisonment for 5 (five) years and with additional punishment in the form of revocation of certain rights to vote and be elected in public office. From the description above, here we can see that although Jimmy Rimba Rogi S. Sosilo holds a public office, but with the same acts of corruption, the punishments imposed for ensnaring them are different. In relation to the victims of criminal acts, who are represented by the state, they get recovery in the form of assets resulting from corruption crimes which were confiscated from the perpetrators of criminal acts and will then be returned to the state. Regarding the recovery of the condition of the perpetrator, by returning state assets which he took unlawfully makes the perpetrator a criminal act, based on the explanation of Article 4 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Crimes, although it is not the basis for eradicating crimes punishment but can be used as a basis for commutation. Therefore, by returning the assets that have been corrupted, the perpetrators will be considered for criminal penalties for them. Restitution of losses or actions to restore the original state of the solution process is a way to involve all people related to the crime, including how to repair the damage and who is responsible for it. . This kind of process will be much more effective and more accepted by the community because the parties related to the crime are jointly looking for alternative solutions. The process by which all parties related to a particular crime together solve problems and how to deal with future consequences or future implications is what is referred to as Restorative Justice or Restorative Justice. From the point of view of the concept of restorative justice, it does not completely eliminate criminal sanctions, but rather prioritizes the provision of sanctions that emphasize efforts to recover from crimes.

In the concept of a restorative justice approach, it is necessary to consider so that the return of state losses becomes the main crime. Because if compensation for state losses remains an additional crime, there is still an opportunity for the judge to decide on a subsidiary sentence or a substitute imprisonment if the convict is unable to recover the loss. In the lens of restorative justice, that if the convict is unable to repay the loss even though all his assets have been auctioned off, then instead of imprisoning the convict, it is better for the state to empower the perpetrators of corruption in the form of forced labor according to their expertise. Because basically the perpetrators of corruption are people who have good skills.

4.2 The Defendant's Political Rights can be revoked as Additional Penalty

The punishment of perpetrators of criminal acts of corruption often triggers a very long debate due to the revocation of political rights as an additional crime. The consequences of this revocation of political rights have an impact on the loss of opportunities for corruptors who have finished serving their sentences. With the imposition of additional penalties in the form of revocation of political rights, it is hoped that it will deter convicts and other potential corruptors from rethinking corruption, because in accordance with the main purpose of punishment, apart from deterring perpetrators, it is also preventive, deterrence and reformative. This is not the only way to tackle and eradicate corruption. However, regarding the lightness of the sanctions, they still have a big influence on efforts to prevent criminal acts in society. As we know that the deterrent effect and prevention effect are intended that through the provision of sharp criminal sanctions it is expected to provide a general preventive effect, namely that people will not try to obey the law for fear of criminal sanctions. This is also done so that the convict does not commit another crime (special prevention). In order to avoid this in the future, it is necessary to emphasize again the importance of giving additional penalties regarding the revocation of the right to occupy public positions for perpetrators of corruption. After all, an official who has committed acts of corruption, he has committed a betrayal to this country. Based on this explanation, it has legal implications that public officials who have committed corruption should not be given the slightest gap to return to public office. It is very important not to do the same thing a second time. So, in order to fulfill this sense of justice, the perpetrators of corruption, which is an extraordinary crime, must also be sentenced to extra categories. With the revocation of political rights as an additional crime, it can complement the existing sanctions so that it has a more deterrent effect for perpetrators of corruption. According to Roeslan Saleh, it means the revocation of certain rights in the Criminal Code because the legislators consider the additional punishment appropriate. Propriety is not because you want to lose someone's honor, but for other reasons such as special precautions. One example is the revocation of a person's right to become a doctor due to malpractice. This is intended so that similar crimes are no longer enforced by the person concerned.

V. Conclusion

The conclusion is in accordance with the formulation of the problem, namely that the concept of restorative justice in convicting perpetrators of criminal acts of corruption does not completely eliminate criminal sanctions, but rather prioritizes the provision of sanctions that emphasize efforts to recover from crimes. The criminal witness that can be charged to the defendant Jimmy Rimba Rogi S.Sos in the case of corruption in the Supreme Court's decision no. 260 PK/Pid.Sus/2011 is imprisonment for 20 (twenty) years and pay compensation of Rp. 64,075,000,- (Sixty-four billion one hundred thirty-seven million and seventy-five thousand rupiah) with a grace period of no later than 1 (one) month and if the replacement money is not paid by the Defendant, it will be replaced with imprisonment for 2 (two) years. Furthermore, in the context of criminal acts of corruption, the focus of legal attention should be on how to restore state losses incurred by law rather than prioritizing the deprivation of the perpetrators' freedom.

In this case, the author is of the opinion that there are at least 2 (two) concepts of punishment for perpetrators of corruption that can be applied according to a restorative justice approach, namely: first, recovery of state losses in the form of punishment in the form of forced labor for perpetrators of corruption whose proceeds are confiscated for the

state and the imposition of social sanctions. The defendant's political rights can be revoked as an additional penalty. Additional punishment in the form of revocation of certain rights does not mean that the convict's rights can be revoked altogether, the imposition of additional criminal revocation of political rights against the convict is not contrary to the Criminal Code as long as the revocation of these rights is concurrent and does not exceed the period of application as has been applied by law.

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