



## **Juridical Analysis of Corruption in the State Budget (Study of District Court Decision Number 49/Pid.Sus- Tpk/2018/Pn.Jkt.Pst)**

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### **Abstract**

This article aims to examine the regulation of criminal acts of corruption in the management of State funds based on Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, analyzing the judge's considerations in District Court Decision Number 49/Pid.Sus-TPK/2018/PN.Jkt.Pst which is in line with the KUHAP and Law no. 31 of 1999 in conjunction with Law no. 20 of 2001, as well as evaluating the verdict given by the judge in District Court Decision Number 49/Pid.Sus-TPK/2018/PN.Jkt.Pst by Law no. 31 of 1999 in conjunction with Law no. 20 of 2001. The focus of the problem is the regulation of criminal acts of corruption in the State budget based on Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, the judge's considerations in District Court Decision Number 49/Pid.Sus-TPK/2018/PN.Jkt.Pst which are in line with the KUHAP and Law no. 31 of 1999 in conjunction with Law no. 20 of 2001, as well as the verdict handed down by the judge in District Court Decision Number 49/Pid.Sus-TPK/2018/PN.Jkt.Pst by Law no. 31 of 1999 in conjunction with Law no. 20 of 2001. This research uses criminal theory and prosecution theory. Data was collected through library search techniques and analyzed qualitatively. The results of this study concluded that the Panel thought that the Defendant was legally and convincingly proven guilty of committing a criminal act of corruption by Article 3 of Law Number 31 of 1999 as amended by Law Number 20 of 2001.

**Keywords:** Corruption Crimes; State budget

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## **INTRODUCTION**

One of the criminal acts of corruption is contained in District Court Decision Number 49/Pid.Sus-TPK/2018/PN.Jkt.Pst which we discuss in more detail in this research. In this case, the defendant is Aris Mallaweang, the Main Director of PT. Binamitra Multi Cipta was charged with "collective corruption" based on Article 3 in conjunction with Article 18 paragraph (1) letter b of the Law on the Elimination of Corruption Crimes no. 31/1999 which was amended by Law 20/2001 in conjunction with Article 55 paragraph (1) 1st of the Criminal Code. The defendant is the main director of PT. Binamitra Multi Cipta was appointed as the organizer of the Carnival Road to the XVIII Asian Games in Makassar in 2015 and in this case, the defendant was sentenced to five years in prison (Kurnia et al., 2020).

The defendant is Aris Mallaweang, as Main Director of PT. Binamitra Multi Cipta as a service provider/activity executor in the Indonesian National Asian Games Organizing Committee (INASGOC) for the 2018 XVIII Carnival Road to Asian Games in Makassar-South Sulawesi 2015 Fiscal Year. The defendant was appointed as the activity executor without going through an auction process and did not have similar criteria/experience related to the activities to be carried out. Because he had no experience, the Defendant collaborated with the Director of CV. The Main Swastika is Witness Zulham Effendi who has held similar events. Based on the results of the investigation and expert calculations from BPKP, for and during the implementation of the XVIII Carnival Road to Asian Games in Makassar, the Defendant carried out work for Rp. 908,928,051,-.

That in connection with the implementation of the 2018 Carnival Road to Asian Games Indonesia as the INASGOC National Committee Number 007a/PANNAS-INASGOC/XII/2015 dated December 9, 2015, concerning Technical Instructions for Procurement of Goods/Services in Preparation for the 2018 XVIII Asian Games which states that payment to Providers will be carried out in a 100% lump sum provided that the work has been completed 100%, such as the minutes of accountability contained in the minutes of inspection and completion of the work of the committee receiving the results of the work, and the results of the inspection and/or inspection of the Ministry of Youth and Sports as stated in the inspection and/or results of the inspection.

Witness Anjas Rivai as Treasurer in making payments should be guided by the Articles of Association of the Indonesian Olympic Committee Article 30 Duties and Obligations as a Member of the Executive Committee and Treasurer as stated in the Decree of the Secretary General of the Indonesian Olympic Committee as the INASGOC National Committee Number 007a/PANNAS-INASGOC/XII/2015 dated 9 December 2015 concerning Technical Instructions for Procurement of Goods/Services in Preparation for the 2018 XVIII Asian Games, while still referring to the Presidential Regulation of the Republic of Indonesia Number 54 of 2010 concerning Government Procurement of Goods and Services as amended by the Presidential Regulation of the Republic of Indonesia Number 70 of 2012, where Witness Anjas Rivai as Treasurer of the Indonesian Olympic Committee and Treasurer of the 2018 XVIII Asian Games Organizing Committee must verify every time there is a payment request. That the Defendant was unable to consider the amount of funds the Defendant received from witness Anjas Rivai, based on the 2018 Carnival Road to Asian Games,- with details that the Defendant Aris Mallaweang is liable for Rp. 290,000,000,- while KOI is liable for Rp. 1,716,596,939,-.

The defendant's actions are as regulated and punishable by crime in Article 2 paragraph (1) in conjunction with Article 18 paragraph (1) letter b Law Number 31 of 1999 concerning the Eradication of Corruption Crimes in conjunction with Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes. Corruption Crime in conjunction with Article 55 paragraph (1) 1st of the Criminal Code.

The main issues raised in research regarding the regulation of criminal acts of corruption in the State budget according to Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, are the judge's considerations in District Court Decision Number 49/Pid.Sus-TPK/2018/PN. Jkt.Pst is by the Criminal Procedure Code and Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, is

the verdict/sentence handed down by the judge in District Court Decision Number 49/Pid.Sus-TPK/2018/PN.Jkt.Pst by Law No. 31 of 1999 in conjunction with Law No. 20 of 2001.

Several previous studies, such as *The Impact of Corruption on Economic Growth: Evidence from Indonesia* (Alfada, 2019). This research examines the impact of corruption on Indonesia's economic growth. This research analyzes how the level of corruption can affect a country's economic growth and seeks solutions to reduce its negative impact. The results of this research provide insight into the importance of eradicating corruption in encouraging sustainable economic development. Another research with the theme *Corruption and Its Implications for Sustainable Development in Indonesia* (Handayani et al., 2022). This research focuses on the implications of corruption for sustainable development in Indonesia. This research analyzes how corrupt practices can hinder sustainable development efforts in various sectors, including the environment, education, and health. The results of this research provide a deeper understanding of the negative impact of corruption on social and economic development. Research on corruption also has the theme *Legal Framework and Enforcement of Anti-Corruption Measures in Indonesia* (Lukito, 2016). This research examines the legal framework and enforcement of anti-corruption measures in Indonesia. This research analyzes the effectiveness of the law and the law enforcement process in dealing with corruption cases. The results of this research provide insight into the challenges and opportunities in eradicating corruption at the legal level. And finally regarding *Public Perception of Corruption in Indonesia: A Survey-Based Study* (Pelizzo & Omarov, 2019). This research surveyed public perceptions of corruption in Indonesia. This research analyzes the extent to which corruption is considered a serious problem by society and how this perception influences participation in efforts to eradicate corruption. The results of this research can help formulate effective communication and public education strategies for fighting corruption.

By referring to these studies, researchers can gain a deeper understanding of the complexity of the corruption problem in Indonesia, both in terms of law, its impact, and public perception. This can help in formulating more effective policy recommendations in efforts to eradicate corruption in this country.

Considering the large number of corruption cases in Indonesia, the researcher wants to know what the existing laws and regulations are in Indonesia so that the perpetrators of corruption in this country are not afraid of corruption, or what the legal aspects are for judges to sentence corruption charges, so as not to hinder the number of perpetrators who continue to increase. This aroused researchers' interest in exploring this criminal act of corruption by conducting legal research to find out what is wrong with the corruption that has occurred in Indonesia so far, both in terms of regulations and laws for self-enforcement.

The research aims to determine the regulations regarding criminal acts of corruption, and violations of State funds according to Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, knowing that the judge's considerations in the District Court Decision Number 49/Pid.Sus-TPK/2018/ PN.Jkt.Pst are by the Criminal Procedure Code and Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 and for know that the verdict/sentence handed down by the judge in District Court Decision Number 49/Pid.Sus-TPK/2018/PN.Jkt.Pst is by Law No. 31 of 1999 in conjunction with Law No. 20 of 2001. This research is entitled "JURIDICAL ANALYSIS OF CRIMINAL ACTS OF CORRUPTION STATE FUND BUDGET ACCORDING to Law Number 31 of 1999 (Study of State Court Decision Number 49/Pid.Sus-TPK/2018/PN.Jkt.Pst)".

## **RESEARCH METHODS**

This research adopts a normative legal research approach, which is a scientific research method that aims to find the truth based on scientific logic and analyze it from a normative perspective (Benuf & Azhar, 2020). This research also has descriptive characteristics, which aim to describe facts related to the object of research, namely the laws and regulations in Indonesia

relating to criminal acts of corruption. In this context, normative legal research is used to explain and analyze the applicable legal framework related to criminal acts of corruption, as well as to develop a deeper understanding of the laws and regulations governing corruption in Indonesia.

The data collection method in this research involves analysis of legal documents and secondary legal materials, such as applicable laws, and court decisions related to corruption cases, as well as scientific literature such as journals and books that correlate with the research title. The data was then analyzed qualitatively to answer research problems, namely regarding legal regulations related to criminal acts of corruption, judges' considerations in decisions on corruption cases, and the conformity of judges' sentences with applicable law.

This research also refers to criminal theory and prosecution theory which are relevant to the context of corruption in Indonesia. Thus, it is hoped that this research will provide a deeper understanding of the legal framework that regulates corruption cases in Indonesia, as well as offer insight into how these laws and regulations can be improved or implemented more effectively in efforts to eradicate corruption in this country.

During the research process, the main data source used was the Act which forms the basis of relevant law, such as the Criminal Code. Secondary data sources include scientific literature such as journals and books that are relevant to this research, as well as court decisions related to corruption cases. Tertiary data sources involve the Law Dictionary and the Big Indonesian Dictionary, which help provide definitions and clarification of legal terms used in the research (Bachtiar, 2019).

The data collection process in this research was carried out through the library data collection method, where researchers accessed various sources of relevant information that were available in written form (Soekanto & Mamudji, 2013). After data collection, data analysis was carried out qualitatively by organizing the secondary data that had been collected. This analysis aims to explore a deeper understanding of legal concepts related to criminal acts of corruption, as well as find more concrete conclusions related to the legal framework that applies in Indonesia in the context of corruption cases. Thus, it is hoped that this research can provide a deeper understanding of the legal aspects of criminal acts of corruption and their contribution to eradicating corruption in this country.

## **RESULTS AND DISCUSSION**

### **Regulations Concerning Criminal Acts of Corruption in the State Fund Budget According to Law Number 31 of 1999 in conjunction with Law Number 20 of 2001**

Normatively, the concept of corruption is reflected in Law Number 31 of 1999 concerning the Eradication of Corruption Crimes Article 2 Paragraph 1 which reads: Whoever, against the law, commits an act that enriches himself or another person or society, which can harm the economy of the state or state, shall be punished. with life imprisonment or imprisonment for a maximum of 4 years and a maximum of more than 20 years and a fine of at least Rp. 200,000,000.00 and up to Rp. 1,000,000,000.00 (Sibuea & Saimima, 2021).

Meanwhile, Article 3 explains the meaning of corruption through the elements of the criminal act of bribery, namely: Whoever, to benefit himself or another person or entity, abuses the power, opportunity or resources available to him because of his position or standing in such a way that it harms the country's economy or state economy, shall be punished with life imprisonment or imprisonment for a minimum of 1 (one) year and a maximum of 20 years and/or a fine of at least Rp. 50,000,000.00 and up to Rp. 1,000,000,000.00. Provisions regarding criminal acts of corruption in Law no. 31 of 1999 in conjunction with APBN Law no. 20 of 2001 can be seen in Articles 2 and 3 which make APBN losses an element of corruption. Even though there are only two articles, law enforcement officials (police, prosecutors, and the anti-corruption commission) most often use these provisions when prosecuting corruptors.

Where in Indonesia economic losses to the state or the country's economy are an element of criminal acts of corruption based on Articles 2 and 3 of the Corruption Eradication Law no. 31 of 1999 and Law no. 20 of 2001 (Corruption Law). The elements of criminal acts of corruption in Article 2 paragraph (1) are: Unlawful, enrichment for oneself or another person or company can damage the country's economy or the country's economy.

Thus, everyone is prohibited from enriching themselves, other people, or society, if such enrichment occurs contrary to law or social propriety. Elements "that can damage the state economy or the country's economy" are emphasized in Law No. 31 of 1999, which reads: "The state economy in question is all state property in whatever form, separate or not, including all parts of state assets and all rights and obligations arising therefrom, namely under the control, management and The responsibilities of state agency officials both at the central and regional levels are in the supervision, management and responsibility of state companies/regional companies, foundations, legal entities and companies that contain state capital or companies that contain debt capital due to contracts with the state (Nugraha, 2020).

Even though Article 3 explains the concept of corruption through the elements of the criminal act of bribery, in Article 3 the characteristics of the criminal act of bribery are to benefit oneself or another person or company, abuse of authority, opportunity, or equality because of status or position, can damage the country's economy. or the country's economy. Prohibition Article 3 of the Corruption Law prohibits taking/using profits, namely achieving/seeking profits by abusing power, opportunities, or resources. Based on Article 3, it can be interpreted that every activity carried out by a person or legal entity that meets the above criteria or a criminal offense letter will be subject to sanctions by applicable regulations. The abuse of power referred to in this section is the exercise of power relating to the position or position of the perpetrator of the crime of bribery for purposes other than the purpose for which the power was granted. The article emphasizes that abuse of power can be based on status or status.

The position referred to in this section is a work environment that must be controlled, which is carried out to carry out tasks in the interests of the state or the public. Apart from that, the public official can be the perpetrator of the crime of bribery, and can also be owned by the perpetrator of the crime of corruption who is not a public official or private person. This act was carried out at the expense of the APBN, therefore based on this article, it can be included in the category of criminal acts of corruption in the APBN. Similar to Article 2, economic or agricultural damage in Article 3 does not have to occur. Only if there is a desire to seek profit and the act can cause economic losses to the state or state, the perpetrator can be threatened by Article 3 (Alhakim & Soponyono, 2019).

Thus, it can be concluded that from the many provisions governing criminal acts of corruption in the Corruption Law, the provisions governing "harm to State finances" are only found in articles, namely Article 2 and Article 3 of the Anti-Corruption Law. Moreover, criminal acts categorized as corruption do not require the calculation of state financial losses. For example, several articles do not link corruption to state finances, or bribery. An official who accepts a bribe from someone cannot be said to be detrimental to state finances.

### **Judge's Considerations in District Court Decision Number 49/Pid.Sus-TPK/2018/PN.Jkt**

The judge is one of the law enforcement agencies who decides when the case goes to court. Along with the lawmakers themselves and other factors, judges are the spearhead of prosecution in the legal arena. When the judge's legal considerations become the basis before the case is decided. In connection with the application of criminal law in our country, one of the appeals to judges to always present themselves perfectly and test their strength and honesty in resolving cases is that the judge's confidence is a prerequisite. in addition to other limited evidence requirements recognized by formal procedural law for pronouncing criminal court decisions. The judge's confidence in resolving the problem should arise from the accumulation of the judge's

entire process of interpreting the entire process of proving the case he is examining and the result of the judge's struggle with various legal texts during the process. legal pronouncements against him and the judges' struggle against personal interests and weaknesses as individuals (Harefa et al., 2020).

The judge's considerations are the arguments or reasons used by the judge as legal considerations which form the basis before deciding on a case. The judge's decision is divided into two parts, namely, Juridical Considerations, the judge's opinion based on legal facts found in the trial and required by law to be included in the decision, for example the public prosecutor's indictment, the defendant's statement, witness statements, evidence and articles in criminal law regulations. After considering these factors, the judge's disqualification practice is then considered to mitigate or incriminate the defendant. Aggravating circumstances, e.g. The defendant was previously punished because of his status and flying the national flag. Non-judicial considerations can be seen from the defendant's background, the defendant's condition, and the defendant's religion. Law No. 48 of 2009 concerning Judicial Power Article 5 paragraph (1) regulates that Judges are tasked with studying, mastering, and understanding the values of law and justice that apply in society. This provision is intended to ensure that each judge's decision is by the law and justice of society.

Considering, that Article 2 paragraph (1) of Law Number 31 of 1999 which has been amended by Law Number 20 of 2001 reads "Every person who unlawfully commits an act of enriching himself or another person or a corporation which can harm state finances or the economy state, shall be punished with life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine of at least Rp. 200,000,000.00,- and a maximum of Rp. 1,000,000,000.00 ,-"at least IDR 200,000,000.00,- and a maximum of IDR 1,000,000,000.00,-

Considering, that Article 55 paragraph (1) 1 of the Criminal Code is regarding inclusion (deeming), the formulation of which reads "To be judged as a criminal, namely a criminal who ordered and participated in the examination". Thus, the elements of Article 2 Paragraph (1) of the Corruption Law are every person; unlawfully; commits acts of enriching oneself or another person or a corporation; which can be detrimental to the economy and finances.

That Defendant in his position as PT. Binamitra stated guilty as CEO Multi Create Because abused his position by utilizing chance or means so the defendant wanted to utilize PT. Binamitra Multi Create will make not quite enough answer staging as condition payment Money maintenance Asian Games Carnival Road 18th year 2018. That can seen from several aspects of the law It is relevant that there is a similarity between the defendant with Dody Iswandi, Anjas Rivai, Dasril Anwar, Ari Pranowo, And the para party the implementation contract since the beginning. Carnival Road going to Asian Games 18th 2018 in City Makassar, Province Sulawesi South year 2015. Cooperation Which is so perfect and complete Finally appears oddity in implementation activity. With thereby, "do crime in a way together" as intended in Chapter 55 Paragraph 1 No. 1 Criminal Code fulfilled in case This.

Based on the description in on, because all element indictment First have been fulfilled, so Assembly believe that the defendant together with indictment the And in a way firm guilty do follow criminal corruption together as in the first subsidiary indictment, namely violating Article 3 of the Jo Corruption Law. Article 55 paragraph (1) 1st of the Criminal Code.

When combined with trial theory, legal considerations and the judge's decision in this case are a form of anti-corruption action. Therefore, the legal process depends on the factors that influence it. According to Soerdjono Soekanto, 5 factors influence law enforcement, namely; The legal factors themselves, Law enforcement factors, namely the parties who form or implement the law, Facilities or facilities factors that support law enforcement, Community factors, namely the environment in which the law applies or is implemented, Cultural factors, namely as a result of work, creativity and taste. which is based on human initiative in social life (Armen et al., 2023).

According to the writer, the opinion judge Who takes sides colleague defendant the Already appropriate Because one moment follows criminal corruption, the defendant is not alone but together with Dody Iswandi, Anjas Rivai, Dasril Anwar, And Ari Pranowo. If the defendant is the director of PT. Binamitra Multi Cipta knew from the start that their company was being used to pay operational budgets and working capital for liability purposes. In this way, the defendant took advantage of the opportunities available because of his position as director of PT. Binamitra Multi Cipta for purposes other than providing this opportunity because it was obtained without an auction process so that accountability for the 2018 Road to 18th Asian Games Carnival activities in Makasar City, South Sulawesi Province was carried out not by the principles of procurement of goods/services as intended in the Decree Secretary General of KOI as INASGOC National Committee Number 007a/PANNAS INASGOC/XII/2015 concerning Technical Instructions for Procurement of Goods/Services in Preparation for the 2018 XVIII Asian Games, which in its implementation must be guided by Presidential Decree Number 54 of 2010 and its amendments based on the principles of efficiency, effectiveness, transparency, openness, competition, fairness/non-discrimination.

### **Verdict/Punishment Imposed by the Judge in District Court Decision Number 49/Pid.Sus-TPK/ 2018/PN.Jkt**

A judge's decision (verdict) is a decision made by a judge after a criminal process that includes a decision of conviction or acquittal or acquittal of all written charges to resolve the case. The judge's decision in criminal proceedings is a judge's decision known as a first-level jury decision or judge-level PN decision. At the first level, this means that the defendant still has the opportunity to seek other remedies if the defendant states that he does not accept the decision. This decision is taken if the previous event regulated in Article 182 (1) of the Criminal Code has ended; the next steps in the main trial are prosecution, defense, and defense. After the trial ended, the Chief Justice of the Supreme Court came to announce that the trial was declared closed. It was the testimony of the chief judge that took the judges to the consideration stage to reach an agreement in drafting the court decision. The judge's decision can be divided into three forms, namely an acquittal decision, a decision free from all legal demands, and a criminal decision (Budiman et al., 2020).

Regarding acquittal, an acquittal is made if the court thinks that from the results of the trial examination, the guilt of the defendant accused by the Public Prosecutor has not been proven legally and convincingly. The following are the conditions for a defendant to receive an acquittal if the defendant's guilt is not legally proven. This first condition has three elements, namely the existence of an error, no proven error, and the last proof that the error has been legally proven and does not meet the elements of proof (Mulyo, 2023).

If the defendant's guilt is not legally proven, the first condition has three elements, namely the existence of an error, no proven error, and the last is proof that the error is legally proven and does not meet the elements of proof. The thing that can free the defendant from punishment is justification and forgiveness. The basics of forgiveness and justification in criminal law are: Due to mental disorders of the defendant caused by illness (Article 44 of the Criminal Code), the defendant is not old enough (Article 45 of the Criminal Code), the influence of coercion (overnight) both physical and mental coercion (Article 48 of the Criminal Code), forced defense (Article 49 of the Criminal Code), committing an act because of an order from the law (Article 50 of the Criminal Code) (Judge, 2020).

Related with the fact that deed defendant No proven in a way juridical and convincing, Which means that deed defendant No fulfilled terms tool proof Which legitimate as arranged in Chapter 183Criminal Procedure Code, that is. the person can proven guilty with at least 2 proofs Which is required. The defendant's guilt is not convincing. In testimony, the judge found no evidence. The

defendant does not have at least two valid pieces of evidence, so the judge cannot hand down a criminal verdict (Unas, 2019).

Regarding the decision to be free from all legal demands, the judge concluded that the deed defendant No proven And deed defendant No is something crime so that the defendant can released from all processes by the judge (Yolanda et al., 2022).

Regarding Sentencing Decisions drop the criminal based on the consideration judge Which considers and finds that the defendant has proven guilty do follow the criminal Who accused her And will drop the criminal, or If the judge considers that the defendant has deed criminal. Qindak criminal is accused according to tool proof Which is arranged in Chapter 184Criminal Procedure Code in a way legitimate And convincing or at least fulfills the limit minimum proof determined in Chapter 183Criminal Procedure Code (Aryatmaja et al., 2023).

PN Decision Number 49/Pid.Sus-TPK/ 2018/PN.Jkt.Pst is a form of criminal decision, the decision states that the defendant, Aris Mallaweang, has not been legally and convincingly proven guilty of committing the crime as intended in the First Indictment of Primair in violation of Article 2 paragraph (1) Jo Article 18 paragraph (1) letter b Law number 31 of 1999 Jo Law number 20 of 2001 concerning Amendments to Law number 31 of 1999 concerning Eradication of Corruption Crimes Jo Article 55 paragraph (1) 1st of the Criminal Code. Acquitted Defendant Aris Mallaweang from the First Indictment. Declare that Defendant Aris Mallaweang has been legally and convincingly proven guilty of committing the crime of "collective corruption"; Therefore, Defendant Aris Mallaweang was sentenced to imprisonment for 2 (two) years; Determining that the period of Arrest and Detention that Defendant has served shall be deducted entirely from the sentence imposed; Order the Defendant to remain in custody; Imposing a fine on the Defendant for IDR 150,000,000 (one hundred and fifty million rupiah), provided that if the fine is not paid, it will be replaced by imprisonment for 2 (two) months.

Imposing an additional penalty in the form of paying replacement money amounting to Rp. 2,006,596,939,- minus cash that has been confiscated amounting to Rp. 20,000,000,- and cash that has been sent to KOI and the state amounting to Rp. 1,716,596,939,- Rp. 290,000,000,- minus cash that has been confiscated amounting to Rp. 20,000,000,- and cash that has been entrusted to the Central Jakarta District Prosecutor's Office amounting to Rp. 20,000,000,-, the remainder = Rp. 250,000,000,-, if convicted does not pay replacement money any later than 1 (one) month after the Court's decision has permanent legal force, then his property is confiscated by the Prosecutor and auctioned to cover the replacement money if the Convict does not have sufficient assets to pay the replacement money, then he will be punished with a prison sentence of 1 (one) month if the convict pays compensation money which is less than the entire obligation to pay replacement money, then the amount of replacement money paid will be calculated with the length of additional punishment in the form of imprisonment as a substitute for the obligation to pay replacement money.

State evidence in the form of; Serial Number: 1 to 42 in the form of documents/letters, returned to the Investigator via the Public Prosecutor; Serial Number 43 in the form of cash amounting to Rp. 20,000,000 (twenty million rupiah), confiscated to the state and calculated as compensation payment charged to the Defendant; The money amounting to Rp. 20,000,000 (20 million rupiahs) which was handed over by the Defendant through the account of the Central Jakarta District Prosecutor's Office at Bank Mandiri Account Number 1210096010123, was confiscated to the State and counted as compensation payment charged to the Defendant; Serial Numbers: 44 to 46, in the form of a 2008 Honda CRV four-wheeled motor vehicle, dark brown metallic, Police Number B-2494-BD along with the documents and keys, were confiscated for the State and counted as compensation payment charged to the Defendant; Declare that the Defendant Aris Mallaweang has not been legally and convincingly proven guilty of committing the crime of "Money Laundering"; Acquit the Defendant from the Second Charge; Charge the Defendant to pay court costs of IDR 10,000 (ten thousand rupiahs);

The verdict/sentence handed down by the judge in District Court Decision Number 49/Pid.Sus-TPK/2018/PN.Jkt.Pst based on the ruling as outlined above was determined based on the judge's legal considerations. The judge referred to the subsidiary indictment made by the public prosecutor, which stated that the defendant's actions were carried out as regulated and punishable by crime in Article 3 in conjunction with Article 18 paragraph (1) letter b of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes in conjunction with Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes in conjunction with Article 55 paragraph (1) 1 of the Criminal Code. This means that the Public Prosecutor in making the indictment refers to the provisions of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes in conjunction with Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes.

However, according to the author, the verdict/sentence handed down by the judge to the defendant was very light. Likewise, the fine to the Defendant is IDR 150,000,000 (one hundred and fifty million rupiah), provided that if the fine is not paid, it will be replaced by imprisonment for 2 (two) months. The author considers that if the fine imposed on Defendant amounting to IDR 150,000,000 (one hundred and fifty million rupiah) is not paid, then it will be replaced with imprisonment for 2 (two) months, which is very light. If the defendant cannot pay a fine of that amount, it is sufficient to replace it with a sentence of just 2 (two) months. This will not have a deterrent effect on corruptors, because of the light sentences/criminal sentences handed down by judges to them.

Where it is said in Article 3 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes that: every person who, to benefit himself or another person or a corporation, abuses the authority, opportunity, or means available to him because of his position or position which can harm state finances. or the country's economy shall be punished with life imprisonment or imprisonment for a minimum of 1 (one) year and a maximum of 20 (twenty) years and/or a fine of at least Rp. 50,000,000.00 (fifty million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah).

According to the writer, based on Chapter 3 the judge dropped the punishment That more heavier to the defendant, remembering the defendant as the possible perpetrator Who is involved in following criminal corruption in a way together gives rise to damage. interest personal Although Defendant is the seller from implementation activity, Defendant can become an organizer activity without through process auction, it means Defendant And perpetrator together plan it formerly.

With thereby, the writer can conclude that There is two theory That can applied here, the theory of punishment and the theory of prosecution of criminal. In connection with the theory of the criminal, follow criminal processed with the help of a law criminal and threatened with punishment, that is punishment to the defendant. According to law criminal, punishment can interpreted Good as a stage determination penalty or stage determination penalty. Well-being And protection public must noticed when dropping the penalty. Penalty criminal Which threatens para-perpetrator crime impacts significant enforcement law For Act as effect deterrent for para-perpetrator crime. Besides That, theory enforcement law, where law enforcement is something process That involves Lots of matter, is Wrong the only is factor police is the party That makes And apply the law, matter to the judge. The judge must be capable of presenting justice for the public Because corruption is a deed That unsettles the public, and that public in general gives rise to misery. Must understand that truth it's not the judge That Alone, the judge is just part (room) for process interpretation judge in inspect and disconnect case. Very important a judge truly displays himself, his consciousness, the focus, and all the potency of his humanity For at least to help Good creation evaluation.

## CONCLUSION

Regulations regarding criminal acts of corruption in the State budget according to Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 regulated starting from Article 2 to Article 43. Where changes according to Law No. 31 of 1999 becoming Law No. 20 of 2001 does not revoke the position of Law No. 31 of 1999 so that Law No. 20 of 2001 was born with the addition of articles that were deemed no longer relevant. The judge's considerations in District Court Decision Number 49/Pid.Sus-TPK/2018/PN.Jkt.Pst are analyzed by the author based on the indictment/demands of the Public Prosecutor. Because all the elements in the First Subsidiary indictment have been fulfilled, it is appropriate for the Panel to think that the Defendant has been legally and convincingly proven guilty of committing a criminal act of corruption jointly as in the First Subsidiary indictment, namely violating Article 3 of Law Number 31 of 1999 as amended by Law. Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes Jo. Article 55 paragraph (1) 1st of the Criminal Code. The verdict/sentence handed down by the judge in District Court Decision Number 49/Pid.Sus-TPK/2018/PN.Jkt. is that the Defendant was sentenced to imprisonment for 2 years, an additional penalty in the form of compensation money amounting to Rp. 2,006,596,939,- minus the cash that was confiscated amounting to Rp. 20,000,000,- and the cash that was sent to KOI and the state amounting to Rp. 1,716,596,939,- Rp. 290,000,000,- minus cash that has been confiscated amounting to Rp. 20,000,000,- and cash that has been entrusted to the Central Jakarta District Prosecutor's Office amounting to Rp. 20,000,000,-, the remaining Rp. 250,000. 000,-, a fine to the Defendant of Rp. 150,000,000,- if the fine is not paid then it will be replaced by imprisonment for 2 (two) months.

## REFERENCES

- Alfada, A. (2019). The destructive effect of corruption on economic growth in Indonesia: A threshold model. *Heliyon*, 5(10).
- Alhakim, A., & Soponyono, E. (2019). Kebijakan Pertanggungjawaban Pidana Korporasi Terhadap Pemberantasan Tindak Pidana Korupsi. *Jurnal Pembangunan Hukum Indonesia*, 1(3), 322–336.
- Armen, A., Aprima, F., Marpaung, R., & Saragih, G. M. (2023). Penegak Hukum Dalam Sistem Peradilan Pidana Di Indonesia (Studi Terhadap Advokat, Kepolisian, Kejaksaan Dan Hakim). *Jurnal Pendidikan Dan Konseling (JPDK)*, 5(2), 2911–2920.
- Aryatmaja, I. K., Sugiarta, I. N. G., & Widyantara, I. M. M. (2023). Kedudukan Keterangan Ahli Sebagai Alat Bukti Dalam Penyelesaian Perkara Tindak Pidana Korupsi di Pengadilan Tipikor. *Jurnal Interpretasi Hukum*, 4(1), 14–19.
- Bachtar, B. (2019). *Metode Penelitian Hukum*.
- Benuf, K., & Azhar, M. (2020). Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer. *Gema Keadilan*, 7(1), 20–33. <https://doi.org/10.14710/gk.2020.7504>
- Budiman, B., Thalib, H., & Ahmad, K. (2020). Pembuktian Perkara Tindak Pidana Korupsi Yang Diputus Bebas: Studi Pengadilan Negeri Makassar. *Journal of Lex Philosophy (JLP)*, 1(1), 1–19.
- Handayani, B. D., Yanto, H., Pujiati, A., Ridzuan, A. R., Keshminder, J. S., & Shaari, M. S. (2022). The implication of energy consumption, corruption, and foreign investment for sustainability of income distribution in Indonesia. *Sustainability*, 14(23), 15915.
- Harefa, N. S. K., Manik, G. K., Marpaung, I. K. Y., & Batubara, S. A. (2020). Dasar Pertimbangan Hakim terhadap Tindak Pidana Korupsi yang Dilakukan oleh Pegawai Negeri Sipil (PNS): Studi Kasus Putusan Pengadilan Negeri Medan Nomor: 73/Pid. Sus-TPK/2018/PN. Mdn. *SIGN Jurnal Hukum*, 2(1), 30–42.
- Kurnia, V., Lasmadi, S., & Siregar, E. (2020). Tinjauan Yuridis Terhadap Tugas dan Kewenangan Jaksa sebagai Penyidik dalam Perkara Tindak Pidana Korupsi. *PAMPAS: Journal of Criminal Law*, 1(3), 1–11.
- Lukito, A. S. (2016). Building anti-corruption compliance through national integrity system in Indonesia: A way to fight against corruption. *Journal of Financial Crime*, 23(4), 932–947.
- Mulyo, J. (2023). *Analisis Yuridis Putusan Bebas dalam Tindak Pidana Korupsi di Indonesia (Study Kasus Putusan Nomor 37/Pid. Sus-Tpk/2021/PN. Jkt Pst)*. Universitas Kristen Indonesia.
- Nugraha, R. S. (2020). Penjatuhan Hukuman Mati terhadap Pelaku Tindak Pidana Korupsi Berdasarkan Pasal 2 Ayat 2 Undang-Undang Nomor 31 Tahun 1999 tentang Tindak Pidana Korupsi (Studi Kasus Korupsi Bantuan Sosial Covid-19 Menteri Juliari Batubara). *PALAR (Pakuan Law Review)*, 6(2), 59–73.
- Pelizzo, R., & Omarov, M. (2019). Ethical values and the perception of corruption. *Journal of Governance*, 4(1), 68–83.

- Sibuea, H. P., & Saimima, I. D. S. (2021). Kedudukan Kepala Desa Dalam Tindak Pidana Korupsi Menurut Undang-Undang Nomor 31 Tahun 1999 Jo Undang-Undang Nomor 20 Tahun 2001 Tentang Pemberantasan Tindak Pidana Korupsi. *Jurnal Hukum Sasana*, 7(2), 267–290.
- Soekanto, S., & Mamudji, S. (2013). Penelitian Hukum Normatif Suatu Tinjauan. *Singkat, Jakarta: CV. Rajawali*.
- Unas, S. (2019). Kajian yuridis terhadap bentuk putusan hakim dalam tindak pidana korupsi. *Lex Et Societatis*, 7(4).
- Yolanda, E., Usman, U., & Sudarti, E. (2022). Pemidanaan Pelaku Tindak Pidana Korupsi. *PAMPAS: Journal of Criminal Law*, 3(2), 125–145.