International Journal of Law and Society
Volume. 1 No. 4 Oktober 2024
e-ISSN : 3046-9562, and p-ISSN : 3046-9619, Page. 99-112
DOI: https://doi.org/10.62951/ijls.v1i4.170
Available online at: https://international.appihi.or.id/index.php/IJLS

Juridical Analysis of the Imposition of Punishment on Perpetrators of Corruption Crimes Committed Jointly (Study of Decision Number: 88/Pid.Sus-TPK/2021/PN Mdn Jo Decision Number: 18/Pid.Sus-TPK/2022/PT Mdn)

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Abstract. *Criminal accountability by perpetrators of criminal acts of corruption committed individually or collectively is very important in eradicating criminal acts of corruption and providing a deterrent effect to perpetrators of criminal acts of corruption. Corruption currently occurring in Indonesia is in a very serious position and is deeply rooted in every aspect of life. The development of corrupt practices from year to year is increasing, both in terms of the quantity or amount of state financial losses and in terms of quality, which is increasingly systematic, sophisticated and its scope has expanded in all aspects of society.The method used in this research is descriptive analysis. Research data sources are generally distinguished between data obtained from library materials (secondary data). Normative legal research methods only recognize secondary data. The secondary data consists of primary legal materials, secondary legal materials and tertiary legal materials. In this research the author used qualitative analysis to analyze the data. Where qualitative analysis is a way of analyzing data sourced from legal materials based on concepts, theories, statutory regulations, doctrine, legal principles and expert opinions as well as the author's own views.This research aims to find and examine more deeply the legal instruments in the context of accountability for perpetrators of criminal acts of corruption committed jointly. The results of this research are influenced by certain factors, and as a result of acts of corruption, responsibility can be imposed on perpetrators of criminal acts of corruption, not only those who commit corruption individually, but also those who do it together.*

Keywords: *Perpetrators, Corruption Crimes, Together.*

1. INTRODUCTION

Corruption, which has been rampant in the country, is not only detrimental to the State's finances or economy, but has also violated the social and economic rights of the community, hampering the growth and continuity of national development to create a just and prosperous society. Tipikor can no longer be classified as an ordinary crime, but has become an extraordinary crime. Conventional methods that have been used have proven unable to solve the problem of corruption in society, so the handling must also use extraordinary methods.

Corruption offences are committed systematically with a very neat mode of operation that is not easily detected by law enforcement officials. Cases of corruption are difficult to disclose because the perpetrators use sophisticated equipment and are usually committed by more than one person in a covert and organised situation. Therefore, this crime is often referred to as white collar crime.

Received: July 17, 2024; Revised: July 30, 2024; Accepted: August 14, 2024; Online Available: August 16, 2024;

Every action of a citizen is governed by law, each aspect has its own rules, regulations and rules. The law determines what must be done, what can be done and what is prohibited. One of the areas in law is criminal law, which regulates the rules of certain prohibited acts. Given that one of the elements of Corruption in Article 2 and Article 3 of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 concerning the Eradication of Corruption (Corruption Law) is the element of state financial loss, this element has the consequence that the eradication of Corruption does not only aim to deter perpetrators of corruption crimes in Indonesia. This element implies that the eradication of corruption does not only aim to deter the perpetrators of corruption crimes in Indonesia through the imposition of heavy prison sentences, but also to restore state finances due to corruption as stated in the preamble and general explanation of the Corruption Crime Law.

The crime of corruption in Indonesia still seems to be a trending topic and even a hot issue to be discussed. The conversation about corruption never ends. The public continues to be presented with various news reports. Corruption as a phenomenon of deviation in social, cultural, community and state life has been studied and critically examined by many scientists and philosophers. The changes in the law that continue to be made aim to close the existing regulatory loopholes, so that they can ensnare the perpetrators of corruption crimes that have undermined state finances and tormented the people. Violence, threats or misdirection, or by providing opportunities, facilities or information, deliberately encouraging others to commit acts as referred to in Article 55 to Article 56 of the Criminal Code in conjunction with Articles 2 to 3 of the PTPK Law.

In examining, deciding and resolving various criminal cases including corruption criminal cases in the Medan District Court, before the decision is taken and imposed by the court judge on the defendant, the judge can make a decision based on the considerations of a logical, wise, wise and fair judge, including considering the facts revealed at trial, which contain the personal data of the defendant, the circumstances of the environment and the circumstances of the family environment of the defendant concerned, the decision imposed can be used as a strong basis for returning and leading the defendant to a better future, the effectiveness of the decision imposed and the decision must be objective and fair .

Based on MEDAN District Court Decision Number 88/Pid.Sus-TPK/2021/PN Mdn, the defendant has violated Article 3 jo Article 18 of the Law of the Republic of Indonesia Number 31 of 1999 as amended by Law of the Republic of Indonesia Number 20 of 2001 concerning Eradication of Corruption jo. Article 55 Paragraph (1) Ke-1 of the Criminal Code, Law of the

Republic of Indonesia Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), as well as laws and regulations.

In the decision, the panel of judges only imposed criminal sanctions on Defendant I Tanti Tarida Harahap for 3 (three) years and 6 (six) months, Defendant II Masreni Siregar for 3 (three) years and 6 (six) months Defendant III Saipul Bahri Siregar for 3 (three) years and 6 (six) months as well as a fine against the Defendants in the amount of Rp.50,000,000.00 (fifty million rupiah) each, provided that if the fine is not paid, it will be replaced by imprisonment for 3 (three) months.

Impose additional punishment in the form of payment of compensation for state financial losses respectively. provided that if the convicted person does not pay the compensation for a maximum period of 1 (one) month after the court decision obtains permanent legal force, then his property can be confiscated by the Prosecutor and auctioned to cover the compensation, and if the convicted person does not have sufficient property to pay the compensation, then it is replaced with imprisonment for 1 (one) year and 3 (three) months. Meanwhile, in Decision 18/Pid.Sus-TPK/2022/PT MDN, the second defendant on behalf of Masreni Siregar appealed because he was sentenced to imprisonment for 3 (three) years and 6 (six) months.

Based on the descriptions above, the researcher is interested in conducting research in the form of a journal with the title Juridical Analysis of Legal Sanctions for Corruption Committed Jointly (Study of MEDAN District Court Decision Number 78/Pid.Sus-TPK/2021/PN Mdn jo Decision Number: 18/Pid.Sus-TPK/2022/PT Mdn).

From the description of the background of the problem above, the author formulates the problem study as follows:

a. How are legal arrangements and prevention efforts made against perpetrators of corruption offences in Indonesia?
b. How is the Juridical Analysis of Legal Sanctions for Corruption Committed Jointly (Study of MEDAN District Court Decision Number 88/Pid.Sus-TPK/2021/PN Mdn)?

2. THEORETICAL REVIEW

A theory is a generalisation that is reached, after testing, and the results concern a very broad scope of facts. Sometimes it is said that this theory is actually ‘an elaborate hypothesis’, a law will be formed when a theory has been tested and has been accepted by scientists, as true in certain circumstances. The purpose of the theoretical framework is to find a theory (law, postulate, hypothesis) and find a methodology (size, sample, sampling technique, research

model, data analysis technique) that is suitable for the research being conducted. The theoretical framework is also needed to compare research findings (data) with theory, or research results that have been conducted by other researchers. Therefore, the theoretical framework is carried out both before and after the data is collected.

The theory of crime prevention put forward by Graycar and Prenzler in addition to that other theory is regulatory theory. This theory essentially emphasises that corruption occurs due to unclear or overlapping rules that allow abuse by the bureaucracy or law enforcement officials, resulting in what is referred to as illegal corruption, namely corruption committed by misapplying legal regulations. Regulatory failure is basically a serious problem and can trigger corruption crimes. The failure in question is the legal force of a regulation that does not meet the principles of clarity and firmness, the resources and integrity of lawmakers who lack trust, a culture of institutional respect, lawmakers who are co-opted by industry through corporations - including through personnel sharing friendships, and bribery.

3. RESEARCH METHODS

The research method used in this research is normative legal research method, namely by collecting data by library research. Normative legal research is used in this research to examine applicable legal norms contained in laws and regulations governing acts of corruption.

In this research the author uses descriptive analysis because it provides data that is as accurate as possible about humans, circumstances or other symptoms which aims to obtain data about the relationship between one symptom and another.

Data collection in writing this research is carried out by library research, namely by collecting data by examining library materials, namely data collection is carried out by collecting data from various literatures. The literature studied is not limited to books but can also be in the form of documentation materials, magazines, journals, and newspapers. Normative legal research methods only recognise secondary data. The secondary data consists of primary legal materials, secondary legal materials, and tertiary legal materials, namely as follows:

a) Primary Legal Materials

Primary legal materials are legal materials that are binding or that make people obey the law such as laws and judicial decisions, among others:

1) Constitution of the Republic of Indonesia Year 1945
2) Law No. 20/2001 on the Eradication of Corruption on the Amendment to Law No. 31/1999 on the Eradication of the Criminal Offence of Corruption

3) Law Number 1 Year 1946 on Criminal Law Regulation (KUHP)
4) Decision Number: 88/Pid.Sus-TPK/2021/Pn.Mdn juncto Decision Number: 18/Pid.Sus-TPK/2022/PT Mdn

b) Secondary Legal Materials

Secondary Legal Material is defined as legal material that is not binding but explains the primary legal material which is the result of processed opinions or thoughts of experts or experts who study a certain field in particular which will provide clues to where the researcher will lead, including:

1) Literature related books;
2) Thesis, thesis, dissertation, scientific journals and scientific articles
3) Material from the internet

c) Tertiary Legal Materials, namely, materials that provide guidance on primary and secondary legal materials such as the Big Indonesian Dictionary (KBBI), legal dictionaries and through internet searches.

4. RESULTS AND DISCUSSION

1.Corruption Crime Committed Jointly Under Law Number 31 Year 1999 Jo. Law No. 20 of 2001

The potential for corruption can be influenced by the quality of human resources. The quality of human resources is not only intellectual, but also moral and personality. The fragility of morality and the low value of honesty, as well as a sense of shame that seems to have disappeared, further accentuates the greed and aji mumpung attitude of a person, especially state officials, causing widespread negative impacts and bringing the country to the brink of destruction.

The crime of corruption committed jointly is described in articles 2 and 3 of Law 31 of 1999 in conjunction with article 55 of the Criminal Code. Article 2 paragraph (1) explains that every person who unlawfully commits an act of enriching himself or another person or a corporation that may harm the state finances or the state economy, shall be sentenced to 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. 200,000,000,000.00 (two hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah). In paragraph (2), it is explained that in the event that the criminal act of corruption as referred to in paragraph (1) is committed under certain circumstances, the death penalty may be imposed.

The issue of participation (deelneming) in criminal law is basically related to the issue of

determining the burden of criminal responsibility of the perpetrator for the crime that has been committed. In relation to the issue of criminal responsibility, of course, it will also relate to who is the perpetrator and who is an accomplice in committing a criminal offence. Article 55 of the Criminal Code states:

a. Convicted as the author (dader) of a criminal offence: 1st. Those who commit, those who cause to commit and those who participate in the commission of the offence. 2nd-ly. Those who by giving or promising something, by abuse of power or dignity, by force, threat or deception, or by providing opportunity, means or information, intentionally induces others to commit the act.
b. Only the act intentionally induced shall be taken into account against the inducer, together with its consequences..

Based on the provisions of Article 55 of the Criminal Code, it can be concluded that what is meant by participation is when the person involved in a criminal act or crime is not only one person, but more than one person.

These regulations are one of the efforts to prevent Corruption Crimes in Indonesia, especially in the North Padang Lawas District Attorney's Office which handles cases based on Decision Number: 88/Pid.Sus-TPK/2021/PN Mdn Jo Decision Number: 18/Pid.Sus-TPK/2022/PT Mdn through the process of receiving reports of public complaints, conducting investigations, investigations, prosecutions until finally the case is decided by the Corruption Court at the Medan District Court.

2. Juridical Analysis of Legal Sanctions for Corruption Committed Jointly Based on Decision Number: 88/Pid.Sus-TPK/2021/PN Mdn Jo Decision Number: 18/Pid.Sus-TPK/2022/PT Mdn

a. Case position

That from 2016 to 2020 the defendants Tanti Tarida Harahap, Masreni Siregar and Sipul Bahri Siregar as the Management of the Financial Management Unit (UPK) in the Management of the Community Empowerment Trust Fund (DAPM) in Padang Bolak Sub-District, Padang Lawas Utara District, located in Padang Bolak Julu Sub-District, the defendants did not manage State money in the form of DAPM Program Funds in a transparent, accountable and responsible manner. As a result, the State suffered a loss of Rp. 2,801,885,844.00- (two billion eight hundred one million eight hundred eighty-five thousand eight hundred forty-four rupiah) based on the calculation of the Financial and Development Supervisory Agency (BPKP) Representative of North Sumatra Province.

The Public Prosecutor at the North Padang Lawas District Attorney's Office has been submitted to the Corruption Court at the Medan District Court, with the articles charged namely:

Primair:

Article 2 paragraph (1) Jo Article 18 of Law Number 31 Year 1999 on the Eradication of the Crime of Corruption, as amended by Law Number 20 Year 2001 on the Amendment to Law Number 31 Year 1999 on the Eradication of the Crime of Corruption Jo Article 55 paragraph (1) to 1 of the Criminal Code;

Subsidiary:

Article 3 paragraph (1) Jo Article 18 of Law No. 31 of 1999 Concerning the Eradication of the Crime of Corruption, as amended by Law No. 20 of 2001 Concerning the Amendment to Law No. 31 of 1999 Concerning the Eradication of the Crime of Corruption Jo Article 55 paragraph (1) to 1 of the Criminal Code;

b. Judge's Decision

As for the decision in this case based on decision Number: 88/Pid.Sus-TPK/2021/PN Mdn, the judge decided:

1. Stating that Defendant I Tanti Tarida Harahap, Defendant II Masreni Siregar and Defendant III Saipul Bahri Siregar have not been proven legally and convincingly guilty of committing the crime of corruption as in the Primair Indictment;
2. To acquit Defendant I Tanti Tarida Harahap, Defendant II Masreni Siregar and Defendant III Saipul Bahri Siregar from the Primair Indictment;
3. Declare that Defendant I Tanti Tarida Harahap, Defendant II Masreni Siregar and Defendant III Saipul Bahri Siregar have been legally and convincingly proven guilty of committing the crime of corruption jointly as in the relevant subsidiary charges;
4. To impose a prison sentence against:
   a. 1st defendant Tanti Tarida Harahap for 3 (three) years and 6 (six) months.
   b. 2nd defendant Masreni Siregar for 3 (three) years and 6 (six) months
   c. 3rd Defendant Saipul Bahri Siregar for 3 (three) years and 6 (six) months

   as well as a fine against the Defendants in the amount of Rp.50,000,000.00 (fifty million rupiah) each, provided that if the fine is not paid, it will be replaced by imprisonment for 3 (three) months.
5. Impose additional punishment in the form of payment of compensation for state financial losses respectively:

a. Defendant I Tanti Tardia Harahap in the amount of Rp.621,000,844 (six hundred twenty one million eight hundred forty four rupiah), provided that if the convicted person does not pay the restitution within 1 (one) month at the latest after the court decision becomes final, then his/her assets can be confiscated by the Prosecutor and auctioned off to cover the restitution, and if the convicted person does not pay the restitution within 1 (one) month after the court decision becomes final, then his/her assets can be confiscated by the Prosecutor and auctioned off to cover the restitution.auctioned to cover the restitution, and if the convicted person does not have sufficient assets to pay the restitution, then he/she shall be punished with imprisonment for 1 (one) year and 3 (three) months.
b. The second defendant Masreni Siregar in the amount of Rp.414.000.000,- (four hundred fourteen million rupiah), provided that if the convicted person fails to pay the restitution within 1 (one) month after the court decision becomes final, then his/her assets may be confiscated by the prosecutor and auctioned to cover the restitution, and if the convicted person does not have sufficient assets to pay the restitution, then he/she shall be punished with imprisonment for 1 (one) year and 3 (three) months;
c. Third Defendant Saipul Bahri Harahap in the amount of Rp.345.000.000,- (three hundred forty five million rupiah), provided that if the Convict fails to pay the restitution within 1 (one) month at the latest after the court decision becomes final, then his/her assets may be confiscated by the Prosecutor and auctioned to cover the restitution, and if the Convict does not have sufficient assets to pay the restitution, then he/she shall be punished with imprisonment for 1 (one) year and 3 (three) months. If the convicted person does not have sufficient property to pay the restitution, then he/she shall be punished with imprisonment for 1 (one) year and 3 (three) months. Determining that the period of detention served by the Defendants shall be fully deducted from the punishment imposed.

6. Stipulate that the Defendants shall remain in annual detention;
7. Determine the evidence.

Meanwhile, based on the appeal decision based on decision Number: 18/Pid.Sus-TPK/2022/PT Mdn against defendant II Masreni Siregar who made a legal effort that accepted the appeal request from defendant II's legal counsel, stating that defendant II Masreni Siregar was not proven legally and convincingly guilty of committing the crime of corruption in the primair charge. Acquit the defendant II from the primary charge, legally and convincingly guilty of committing the crime of corruption jointly as a

subsidiary charge and impose a sentence of 3 years in compensation with 3 months imprisonment.

c. Consideration of Judges in Decision Number: 88/Pid.Sus-TPK/2021/PN Mdn Jo Decision Number: 18/Pid.Sus-TPK/2022/PT Mdn

Judge consideration is a stage where the panel of judges considers the facts revealed during the trial process. The judge's consideration is one of the most important aspects in determining the realisation of the value of a judge's decision that contains justice and contains legal certainty, besides that it also contains benefits for the parties concerned so that this judge's consideration must be addressed carefully, well, and carefully. If the judge's consideration is not thorough, good, and careful, the judge's decision derived from the judge's consideration will be cancelled by the High Court / Supreme Court.

Non-juridical considerations can be seen from the background of the defendant, the condition of the defendant and the religion of the defendant. Law No.48 of 2009 concerning Judicial Power Article 5 paragraph (1) stipulates that judges are obliged to explore, follow and understand the values of law and a sense of justice that live in society. The purpose of this provision is so that every judge's decision is in accordance with the provisions of the law and a sense of justice for the community.

The considerations of the Panel of Judges in Decision Number: 88/Pid.Sus-TPK/2021/PN Mdn Jo Decision Number: 18/Pid.Sus-TPK/2022/PT Mdn, namely that the Panel of Judges considered the subsidiary charges as regulated in Article 3 Jo. Article 18 of Indonesian Law Number 31 of 1999 as amended by Indonesian Law Number 20 of 2001 Jo. Article 55 Paragraph (1) to 1, the elements of which are as follows:

1. The element 'any person'

Considering, that based on the facts of the trial, it can be obtained that the Defendants are the Activity Management Unit (UPK) of DAPM which was appointed based on Notarial Deed Number 13 dated 21 December 2016 stipulating the Deed of Establishment 'Association of Trust Funds for Community Empowerment of Padang Bolak Julu Subdistrict (DAPM Padang Bolak Julu).

Considering, that the Defendant is a private person (individual) whose identity is the same as the identity of the Defendant in the indictment of the Public Prosecutor, there is also no physical or spiritual behaviour based on justification and excuse reasons and there is not a single indication that there will be an error in persona as the subject or perpetrator of the criminal act being examined in this case.

2. Element 'With the Intent of Benefiting Himself or Others or a Corporation"

Considering, that based on its own calculation by the Panel of Judges the value of state losses is Rp.1,616,000,844, - (one billion six hundred sixteen million eight hundred forty four rupiah) is a value that has been favourable:

a. Defendant I Tanti Tardia Harahap in the amount of Rp.621,000,844 (six hundred twenty one million eight hundred forty four rupiahs);
b. The second defendant Masreni Siregar in the amount of Rp.414,000,000 (four hundred fourteen million rupiah);
c. The third defendant Saipul Bahri Harahap in the amount of Rp.345,000,000 (three hundred forty-five million rupiah);
d. Other parties totalling Rp.236.000.000,- (two hundred thirty six million rupiah)

3. Elements of Abusing the Authority, Opportunity or Means Available to Him Because of Position or Position

Considering, that the actions of the Defendants (Defendant I Tanti Tarida Harahap as Chairperson of UPK DAPM, Defendant II Masreni Siregar as Treasurer and Defendant III Saipul Bahri Siregar as Secretary) together with Witness Mijan Siregar as BP UPK have abused the authority, opportunity or means available to him because of his position or position as revealed in the facts of the trial, namely:

a. As the UPK administrator, he made an incorrect report on the remaining amount of the 2015 SPP principal loan that was being rolled over;
b. As the UPK administrator, continued to disburse loans to SPP groups even though the Verification Team did not carry out factual verification procedures on the SPP group's proposal and without any proposal submission from the group;
c. Disbursing loans in 2019 without any proposal submission;
d. The UPK management did not prepare financial reports or accountability for the realisation of loan disbursements to SPP groups from 2016 to 2020;
e. The return of loan instalments for the realisation of the distribution of funds to the SPP group was not directly deposited to the treasurer of the UPK management and for the return of loan instalments the UPK management used it for personal interests and other people who were not entitled.;

4. Elements That May Harm State Finances or the State Economy

Considering, that based on the consideration of the above matters, according to the Panel of Judges the amount of state financial losses is Rp.1,616,000,844, - (one billion six hundred sixteen million eight hundred forty four rupiah) with the following details:

Table 1. The Amount Of State Financial Losses

No	Description	Amount of Money (Rp)
A	State losses according to the Public Prosecutor's expert	*2.801.885.844*,-
B	Deduction factor for SPP Group loan repayments that are not deposited into the UPK's revolving account but are directly redistributed.	251.575.000,-
C	Institutional cost factor Rp.80,000,000, UPK operations Rp.303,000,000 and SPP arrears Rp.252,000,000.	635.000.000,-
D	Return of state financial losses Rp.299,310,000,-	299.310.000,-
E	Sum of B + C + D	1.185.885.000,-
F	Realised state losses (A - E)	1.616.000.844,-

Considering that the basis for the application of whether or not the element of harm to state finances has been proven is Article 183 of the Criminal Procedure Code regarding the conviction of the judge to impose a sentence if there are at least 2 (two) pieces of evidence and Article 184 Paragraph (1) of the Criminal Procedure Code regarding evidence consisting of witness testimony, expert testimony, letters, instructions and testimony of the accused, it is clear that the conviction of the Panel of Judges to use the calculation of state financial losses is normatively based.

5. Elements of Being a Person Who Commits, Causes to Commit, or Participates in Committing

Considering, that Article 55 paragraph (1) to 1 of the Criminal Code states: 'Convicted as dader of a criminal act: those who commit (pleger), those who order to commit (doen pleger) and those who participate in the act (medepleger);

Considering, that the Panel of Judges is of the opinion that the elements contained in Article 55 Paragraph (1) Ke-1 of the Criminal Code are alternative, namely it is sufficient to prove one of the sub-elements contained in the Article in accordance with the capacity of the acts committed by the Defendant;

Considering, that by paying attention to the legal facts revealed in the trial obtained from the testimony of witnesses and evidence presented before the trial, it appears that there is

close cooperation or at least mutual understanding between the Defendant I Tanti Tarida Harahap as Chairperson of the UPK, Defendant II Masreni Siregar as UPK Treasurer and Defendant III Saipul Bahri Siregar as UPK Secretary together with Witness Mijan Siregar as Chairperson of the UPK Supervisory Board, resulting in state financial losses as described in the proof of the previous elements, where Defendant I, Defendant II and Defendant III are qualified as persons who committed the crime.

Based on the analysis of the above decision with various considerations of the judge, the author argues that the judge's policy in trying the defendants who committed the crime of corruption was appropriate because in deciding the case, the judge considered the facts of the trial. That the imposition of punishment also considers the aggravating and mitigating circumstances of the defendant, namely:

Aggravating circumstances:

- The actions of the Defendants did not support the government's programme in eradicating corruption;
- The actions of the Defendants were detrimental to the State's finances;

Mitigating circumstances:

- The Defendants confessed and regretted their actions;
- The Defendants have never been convicted;
- The Defendants behaved politely during the trial;
- The Defendants have returned some of the State's financial losses

The author hopes that the imposition of this punishment will have a deterrent effect on the defendants and become a prevention effort for Corruption Crimes in Indonesia and law enforcement efforts, especially related to Corruption Crimes, will continue to be enforced. The Legislation on the Crime of Corruption should be formed and created in accordance with the hopes and ideals of the nation so that the goal of efforts to eradicate the crime of corruption becomes more effective.

6. CONCLUSIONS AND SUGGESTIONS

The crime of corruption committed jointly is regulated in Article 3 of Law 31 of 1999 in conjunction with Article 55 paragraph (1) to 1 of the Criminal Code. Article 3 states that every person who with the aim of benefiting himself or herself or another person or a corporation, abuses the authority, opportunity or means available to him or her because of his or her position or position that may harm the state finances or the state 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. 50,000,000,000.00 (fifty million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah). Meanwhile, Article 55 paragraph (1) to 1 shall punish the person who commits the criminal act as the person who commits, orders to commit or participates in the act.

That based on the consideration of the criminal elements mentioned above, the defendants have been proven legally and convincingly guilty of committing 'the crime of corruption jointly'. Based on the analysis of the above decision with the various considerations of the judge, the author is of the opinion that the judge's policy in trying the defendants who committed the crime of corruption was appropriate because in deciding the case, the judge considered the facts of the trial. That the imposition of punishment also considers the aggravating and mitigating circumstances.

Corruption is an extra ordinary crime, the judge in the application of the law must maximise the criminal responsibility of the perpetrator who participated in the crime of corruption, if a maximum penalty is needed to be given to the perpetrator, the judge in the Corruption Law Regulation should be formed and created in accordance with the expectations and direction of the nation's ideals so that the goal of efforts to eradicate corruption becomes more effective if it can realise the maximum penalty to provide a deterrent effect.

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