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Determination of The Principles of Justice in Judge's Decisions Against Law Enforcement Officers Who Commit Corruption Crimes (Case Study Ruling No: 10/PID.SUS-TPK/2021/PT DKI)

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ABSTRACT: This research paper raises the topic of a corruption case committed by a law enforcement officer in case study Number: 10/PID.SUS-TPK/2021/PT.DKI), namely a prosecutor whose sentence was given by the judge due to non-juridical aspects, namely a mother who has a toddler and is breastfeeding. In fact, corruption is an extraordinary form of crime or is called an extraordinary crime. Corruption causes enormous state losses. So that corruption committed by law enforcement officers must be punished in accordance with Law Number 31 of 1999 concerning the Eradication of Corruption. Even Article 52 of the Criminal Code regulates the aggravation of criminal penalties for civil servants or officials who commit crimes. This aggravation of criminal penalties can be in the form of additional additional penalties from the main sentence. The research method used is normative legal research or literature research, meaning that this research is based on literature sources to discuss the problems that have been formulated. The consideration of non-juridical aspects that dominate the sentence reduction is clearly not in line with the basic principles of justice and the goal of eradicating corruption. By enforcing criminal law for law enforcement officers who commit corruption, the goal of punishment will be achieved, namely that the perpetrators are deterred and do not repeat their actions and are not imitated by others.

KEYWORDS: determination, principle of justice, judge's decision, law enforcement officers, and coruption

I. INTRODUCTION

Corruption is an extraordinary crime because of its impact that harms the state and the people deeply, damaging the joints of national life and hampering the achievement of national development goals based on Pancasila and the 1945 Constitution, namely realizing a just, prosperous and prosperous society. Meanwhile, human rights are rights that are inherent from birth, focusing on respect for human life and dignity, which can be disrupted if a person experiences sexual harassment, torture, slavery, or lives in inappropriate conditions such as lack of food, clothing and shelter.[1]

Law No. 31/1999 on the Eradication of Corruption as ius constitutum raises debates in the community regarding its legal application to corruption crimes that occurred before the law came into force, considering that Article 44 states that Law No. 3/1971 is no longer valid. This causes a legal vacuum in handling corruption cases that occurred before. In its eradication efforts, this law applies a special approach, namely the reverse proof system that imposes the burden of proof on the defendant.[2]

The law applied in Indonesia based on the principle of concordation, in principle follows the continental legal system or civil law.[3] According to Utrecht, legal certainty has two meanings, namely first, the existence of general rules that make individuals know what actions can and cannot be done and second, in the form of legal security for individuals and government arbitrariness because of the existence of general rules and individuals can know what the state can impose or do to individuals.[4]

Legal certainty in a normative way is when a regulation is made and promulgated with certainty because it regulates clearly and logically. Clear in the sense that it does not cause multiple interpretations. It is clear to be a system of norms with other norms so that it does not clash or cause norm conflicts. Legal certainty refers to clear, fixed, consistent and consequent law enforcement

[1] J. A, Denny, *Menjadi Indonesia tanpa Diskriminasi, ctk. Pertama* (Jakarta: Gramedia, 2013)., Hlm.8.

[2] Handar Subhandi Bakhtiar. 2024. "The Evolution of Scientific Evidence Theory in Criminal Law: A Transformative Insight". *Media Iuris*. Vol 7, Issue 2, hlm. 221.

[3] Bambang Waluyo, 2016, *Penegakan Hukum di Indonesia, Jakarta :* Sinar Grafika, hlm. 270

[4] Ridwan Syahrini,1999,*Rangkuman Intisari Ilmu Hukum*, Citra Aditya,Bandung, Hlm.80.

whose implementation cannot be influenced by subjective circumstances. Certainty and justice are not just moral demands and factually characterize the law. A law that is uncertain and unjust is not just a wrong law.[5]

Although the legal instruments for eradicating corruption are complete, if they are not enforced seriously by law enforcers and do not have the spirit of eradicating corruption, it will still not go well, the end of all legal efforts to eradicate corruption is in the hands of judges, because judges are the ones who determine justice. So the benchmark for the law to be implemented properly is the judge's hammer that determines the law for the perpetrators of corruption.

One of the legal events that went viral and made the Indonesian people surprised was about the Bank Bali cessie case, namely Djoko Tjandra, who received a two-month remission during the 76th birthday of the Republic of Indonesia. The Directorate General of Corrections of the Ministry of Law and Human Rights stated that Djoko Tjandra qualifies as a remission recipient. In a written statement from the Directorate General of Corrections, based on the Supreme Court decision Number: 12/K/PID.SUS/2009 dated June 11, 2009 and already has permanent legal force, Djoko Tjandra received remission in accordance with the provisions of Government Regulation Number 28 of 2006.

Joko Soegianto Tjandra alias Djoko Tjandra is one of the convicts who served one-third of the criminal period, the remission given to Djoko Tjandra also attracted public attention. This is because Djoko Tjandra, who now gets remission, is a fugitive.

In the case of Djoko Tjandra together with Anita Kolopaking, they were charged with making and falsifying a road letter. The fake road letter, health letter, and Covid-19 free letter were used by Djoko Tjandra, who is a fugitive, to enter and exit Indonesia twice through Pontianak, on June 6-8, 2020 and June 20-22, 2020. then the panel of judges at the Jakarta Corruption Court, sentenced Djoko Tjandra to 4 years and 6 months and a fine of Rp. 100 million in lieu of 6 months in prison. The panel of judges considered that Djoko was proven to have committed bribery related to the Wanted List, Supreme Court fatwa and criminal imprisonment. Then not long after, the DKI Jakarta High Court granted Djoko Tjandra's appeal and also cut his sentence from 4.5 years to 3.5 years in the case of red notice removal and criminal conspiracy.

And what is even more surprising is that the Djoko Tjandra case actually involved a law enforcement officer, namely a prosecutor named Dr. Pinangki Sirna Malasari, Prosecutor Pinangki himself was previously the Head of the Monitoring and Evaluation Subdivision II at the Planning Bureau of the Deputy Attorney General's Office for Development of the Attorney General's Office, proven to have received a bribe from Djoko Tjandra of Rp. 1.2 billion to take care of the request for a fatwa from the Attorney General's Office to the Supreme Court for the release of Djoko Tjandra's criminal sentence in the Bank Bali case.

In the case study, Decision number 10/Pid.Sus-TPK/2021/PT.DKI is a court decision related to a corruption case committed by a prosecutor named Dr. Pinangki Sirna Malasari, S.H., M.H., a law enforcement officer who committed a corruption crime. Previously in the Central Jakarta District Court's decision, namely decision Number: 38/Pid.Sus-TPK/2020/PN Jkt.Pst Prosecutor Pinangki was sentenced to 10 (ten) years imprisonment and a fine of Rp. 600,000,000, - (six hundred million rupiah). For this decision, Prosecutor Pinangki filed an appeal at the Corruption Court at the DKI Jakarta High Court and received an appeal request from Prosecutor Pinangki. In the decision at this appeal level, the judge decided to cut the sentence to 4 (four) years in prison by considering that Prosecutor Pinangki has a 4 (four) year old child and Prosecutor Pinangki as a woman is considered to have to get attention, protection and be treated fairly. So that her guilt of being proven guilty of committing a corruption crime did not affect the verdict. This decision has drawn attention because of the significant difference in sentences between the initial decision and the appeal decision.

This research is important to do so that every legal person is able to understand the quality of a law enforcer who commits a corruption crime who is sentenced in the judicial process so that he can add insight into the study of law enforcement for corruption crimes, therefore the researcher gives two problem formulations, namely How is the application of the theory of justice in the judge's consideration in Decision Number 10/PID.SUS-TPK/2021/PT DKI related to the low sentence against law enforcement officers who commit corruption crimes? And How to determine a pattern of punishment that prioritizes juridical aspects over non-juridical aspects against law enforcement officials who commit corruption so that it is in line with the principles of justice and the objectives of eradicating corruption. The purpose to be achieved in the research is to find out the considerations of the judge who cut the sentence of Prosecutor Pinangki as a law enforcement officer, considering that the decision of the high court is a legal product and has research objectives, namely to determine the application of justice in the judge's consideration in Decision Number 10/PID.SUS-TPK/2021/PT DKI related to low sentences against law enforcement officers who commit corruption crimes and to determine a pattern of punishment that prioritizes juridical aspects rather than non-juridical aspects against law enforcement officers who commit corruption in line with the principles of justice and the aim of eradicating corruption crimes.

[5] Cst Kansil, Christine , S.T Kansil, Engelien R, Palandeng ,Godlieb N Mamahit,2009,*Kamus Istilah Hukum*, Rineka Cipta, Jakarta, Hlm., 385.

II. RESEARCH METHODS

The type of research used in this research is normative research, defined as research on the DKI Jakarta Corruption High Court Decision in terms of the perspective of legal rules and statutory relations or also called doctrinal legal research which is only aimed at written research at the norm level.[6] Therefore, the type of research is qualitative because it emphasizes the quality of the data to be examined against the DKI Jakarta Corruption Court Decision as one of the legal products.

The research approach is the process of solving and resolving problems through stages that have been determined by the researcher, so as to achieve research objectives, the research approach in this study was carried out with several approaches, among others.

1. Case Approach

The object of research in this study is the DKI Jakarta Corruption Court Decision, which is a research approach that uses a case approach considering the decision as a development of analysis and exposure to the formulation of the problem.

2. Concept Approach

Given that Indonesia is a state of law, every policy must be adjusted to the concepts of legal science. Or legal principles, with a technical approach (Doctrinal legal Research) doctrinal legal research is carried out with Inductive analytics starting from premises in the form of positive legal norms to find legal principles hereinafter referred to as legal doctrine. According to Asser, no law can be understood without legal principles, legal principles not only affect positive law but in creating a legal system.[7]

The Legal Concept Approach also involves the study of legal principles which are part of the legal concept, according to Satjipto Rahardjo with the existence of legal principles, the purpose of the law itself can be known, the law is not just a collection of rules, but contains values and ethical demands. Therefore, legal principles are a bridge between the applicable legal regulations and the social ideals and ethical views of the community.[8]

In fact, according to him, "this legal principle will not exhaust its power by giving birth to a type of legal regulation, but will still exist and will give birth to further regulations". Therefore, it must be recognized that legal principles are central in positive law.[9]

III.RESULTS AND DISCUSSION

A. The Application of Justice to Judges' Considerations in Decision Number 10/PID.SUS-TPK/2021/PT.DKI Regarding Low Sentences Against Law Enforcement Officials who Commit Corruption Crimes.

Corruption is an act of enriching oneself or a group, an act that is very detrimental to other people, the nation and the state.[10] Corruption is a disease that has infected the country of Indonesia, corruption must be cured so that it does not spread to other parts of the body. When a part of the body that has decayed cannot be saved anymore, it must be amputated so that the virus does not spread to other parts that can endanger the life of the sufferer, the same applies to this corruption crime.[11]

1. Corruption Crime.

Etymologically, corruption comes from the Latin corruptio or corruptus which is also derived from the word corrumpere, an older Latin. That Latin descended into many European languages such as English, corruption, corrupt, French, corruption, and Dutch, corruptie (korruptie). It can be concluded that the word "corruption" in Indonesian comes from Dutch.[12]

Corruption is a symptom of society that can be found everywhere. History proves that almost every country is faced with the problem of corruption. According to Andi Hamzah, corruption is an act that is rotten, bad, depraved, dishonest; from chastity, words or speech that scorn or slander.[13]

According to Pius Abdillah and Anwar Syarifudin in the Indonesian dictionary, corruption is a bad act such as embezzling money, receiving bribes, and so on. So etymologically, the word corruption means deterioration from a state that was originally good, healthy, right, into fraud, rotten.[14]

In criminal law, an act can be categorized as a criminal act if it has fulfilled the elements of a criminal act (strafbaar-feit), first, the existence of human actions (positive or negative, doing or not doing or letting, intentionally or unintentionally). second, there is a criminal threat in the formulation of legislation (statbaar gesteld) as a Formal requirement. Third, it is against the law

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[6]Elizabrth Nurhaini Butarbutar, *Op.Cit.*, hlm. 94

[7] Elizabrth Nurhaini Butarbutar,2018,*Metode Penelitian Hukum*, Refika Aditama, Bandung, hlm. 85.

[8] Satjipto Raharjo, 2000, *Ilmu Hukum*, Citra Raditya Bakti, Bandung, hlm. 45.

[9]*Ibid*., hlm 45.

[10]Chatrina Darul Rosikah dan Dessy Marliani Listianingsih,2016,*Pendidikan Anti Korupsi*, Jakarta: Sinar Grafika, hlm. 5.

[11]*Ibid.*,hlm .6.

[12]Andi Hamzah,2007,*Pemberantasan Korupsi Melalui Hukum Pidana Nasional dan Internasional*, PT. Raja Grafindo Persada, Jakarta, hlm. 4.

[13]Andi Hamzah,2007,*KorupsiDalam Pengelotaan Proyek Pembtngunan*, C.V. Akademika pressindo, Jakarta, hlm. 3.

[14]Pius Abdillah dan Anwar Syarifiddin, 2008, *Kamus Saku Bahasa Indonesia*, Arloka Offset, Surabaya,hlm.13.

(onrechtmatig) as a material requirement. So for example, one of the forms of corruption related to State finances as regulated in Articles 2 and 3 of the Corruption Crime Law is if it meets the requirements in these Articles, namely as follows:

a. The existence of an unlawful act,
b. Abuse of authority, opportunity, or means,
c. Enriching oneself, others, or corporation, and
d. Harming the state's finances and economy

The definition of corruption, its forms and elements, as well as the penalties are clearly explained in 13 articles in Law No. 31 of 1999 jo. Law No. 20 of 2001 on the Eradication of Corruption. Based on these articles, corruption can be formulated into thirty forms or types of corruption. These articles explain in detail the acts that can be subject to imprisonment for corruption.

And basically the crime of corruption can be classified into seven types, namely corruption:

a. Related to state finances/the State economy;
b. Bribery;
c. Embezzlement in official authority;
d. Extortion;
e. Fraudulent act;
f. Conflict of interest in procurement; and
g. Corruption related to gratuities.

The definition of "corruption" is always followed by the terms collusion and nepotism, which are always known as KKN (Corruption, Collusion, and Nepotism). Corruption has now become a global problem, which must be eradicated and put on the government's agenda to be tackled seriously and urgently, as part of a program to restore the trust of the people and the international community in order to increase the economic growth of the country concerned. Transparency International defines corruption as the abuse of power and public trust for personal or group gain.[15]

Corruption is behavior that deviates from official duties in a state position because of personal (individual, close family, group) benefits of status or money, or violates the rules of conduct of some personal behavior.[16]

The elements of the crime of corruption are listed in Article 2 paragraph (1) of Law Number 31 Year 1999 Jo. Law Number 20 of 2001 concerning the Crime of Corruption which reads

"Every person who unlawfully commits an act of enriching himself or herself 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)."

Corruption is a criminal act that directly enriches oneself and harms the state's finances and economy.[17] Corruption is a violation of people's rights, both economic and social. Corruption is no longer classified as ordinary crimes, but has become extra-ordinary crimes.

As a result of corruption crimes, suffering is always experienced by the community, especially those below the poverty line. The dominant elements inherent in the crime of corruption are as follows:

a. Every corruption stems from delegated power (delegated power, derived power). The perpetrators of corruption are people who obtain power or authority from companies or the state and use it for other interests.
b. Corruption involves a very contradictory dual function of state officials who do it.
c. Corruption is committed for the purpose of personal interest, links, or certain groups. Therefore, corruption will always be contrary to the benefits of the organization, the interests of the state or the interests of the public and society.
d. People involved in corruption usually try to keep their actions secret because corruption essentially contains elements of fraud and is against the law.
e. Corruption can be done consciously and intentionally by the perpetrators. In this case, there is no connection between the act of corruption and the rational capacity of the perpetrator.[18]

Human skill at circumventing systems designed to protect the integrity of institutions and processes seems endless. Left unchecked and unchecked, corruption will increase rapidly. This is because shame has become a rare commodity in this country.

2. Analysis of Judges' Considerations in Decision Number: 10/Pid.SUS-TPK/2021/PT.DKI

Decision Number 10/Pid.Sus-TPK/2021/PT.DKI related to the case of Prosecutor Pinangki shows that the defendant was found guilty of committing corruption and money laundering based on the first, second, and third subsidiary charges. Initially, the

[15] IGM Nurdjana,2009,*Sistem Hukum Pidana dan Bahaya Laten Korupsi*, Total Media, Yogyakarta, hlm. 14.
[16] Robert Klitgaard,2001,*Membasmi Korupsi*, Yayasan Obor Indonesia,Jakarta, hlm. 31
[17] J. C. T. Simorangkir dkk,2010,*Kamus Hukum*, Sinar Grafika,Jakarta, hlm. 61
[18] Jawade Hafidz Arsyad, *Op.Cit.*,hlm. 169-170

Central Jakarta District Court sentenced him to 10 years in prison and a fine of Rp600 million. However, on appeal, the DKI Jakarta High Court reduced the sentence to 4 years in prison with the same fine, citing subjective considerations such as the defendant's guilty plea, her status as a mother, and the presence of other parties involved.

The appellate judges' reasoning was criticized for emphasizing non-juridical aspects such as gender, motherhood, and the defendant's remorse, rather than serious violations of the prosecutor's professional duties. As a law enforcement officer, Pinangki should have understood and obeyed the legal consequences of her actions, including the prohibition of accepting gratuities and committing criminal conspiracy, as stipulated in various regulations such as the Prosecutor's Law, the ASN Law, and the prosecutor's professional code of ethics.

In various regulations, such as Articles 4 and 5 of Law No. 28 of 1999, as well as Article 10 of Law No. 16 of 2004, it is expressly stated that every state organizer, including prosecutors, must carry out their duties with integrity, selflessness, and reject all forms of gratification or intervention.[19] The violation of these norms by Prosecutor Pinangki signifies a denial of the oath of office and undermines public confidence in law enforcement institutions.[20]

According to Hans Kelsen's theory of justice and the principles of Rechtsstaat, court decisions should consider substantive justice, legal certainty, and legal expediency. Cutting sentences with the dominance of non-juridical considerations does not reflect the basic principles of corruption eradication and instead weakens the spirit of law enforcement. Therefore, the appellate judges should prioritize the serious juridical violations committed by the defendant, not merely personal reasons that are emotional and subjective.

3. Low Criminal Sentences on the Legal Impact of Law Enforcement Officials who Commit Corruption Crimes

The fight against corruption can be seen from the many acquittals of defendants in corruption cases or the lack of punishment borne by defendants who are not proportional to what they have done. This is very detrimental to the state and hampers the country's economy. Related to International Law, the 2003 United Nations Convention Against Corruption (UNCAC), 2003, the problem of corruption is a serious threat to the stability, security of national and international society, has weakened institutions, democratic values and justice, and jeopardizes sustainable development and law enforcement.[21]

In the world, corruption has always received more attention than other criminal offenses. This phenomenon is understandable considering the negative impact caused by corruption. So far, corruption has been tolerated by various parties rather than combating it, even though corruption is one type of crime that can touch various interests concerning human rights, state ideology, economy, state finances, national morals, and so on, which is an evil behavior that tends to be difficult to overcome. If this happens continuously for a long time, it can negate the sense of justice and trust in laws and regulations by citizens.[22]

The commitment to eradicating corruption in the country is being tested. The verdicts handed down to law enforcement officials who commit corruption have drawn controversy because they are considered too light. The verdicts are not proportional to the losses they create. This has happened repeatedly and has the potential to erode public trust.

The sentencing verdict is contained in the Judge's decision at the end of the trial process which contains an order to impose a sentence on the Defendant as threatened with the punishment referred to in the criminal article charged.[23] Based on the provisions of Article 50 of the Judicial Power Act, court decisions must contain reasons related to determining the various facts of an event that have been qualified as legal facts, the basis for decisions related to legal interpretation and supporting reasons, articles of the rules contained in the law related to the legal bases applied, or unwritten sources of law that are the basis for adjudication, sociological and philosophical arguments or moral justice which is unwritten law.[24]

From the Pinangki case, the most severe imprisonment is from the crime of money laundering which is regulated in Article 3 of the Law on the Prevention and Eradication of Money Laundering with a maximum imprisonment of 20 years, one third of 20 years is 6 years. Article 12 of the Criminal Code stipulates that imprisonment for a certain period of time may be imposed for twenty consecutive years due to the existence of conjunction, repetition or due to Article 52 of the Criminal Code. As well as a certain period of imprisonment may not exceed 20 years. Therefore, the Judge of the DKI Jakarta High Court in Pinangki's case can impose a maximum sentence of 20 years. Article 52 of the Criminal Code regulates the aggravation of punishment for civil servants or officials who commit criminal offenses. This aggravation of punishment can be in the form of an additional sentence

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[19] Wicipto Setiadi dan Beniharmoni Harefa. 2020. "Regulatory Reform: An Idea to Arrange Regulations in Indonesia". *1st International Conference on Law and Human Rights 2020 (ICLHR 2020)*. Atlantis Press.

[20]Beniharmoni Harefa dan Nurul Bazroh. 2022. "Pembuktian gratifikasi seksual dalam pemberantasan tindak pidana korupsi". *Jurnal Hukum Pidana dan Kriminologi*. Vol. 3 No. 2, hlm. 44-52.

[21] Andi Hamzah, 2005, *Pemberantasan Korupsi Melalui Hukum Pidana Nasional dan Internasiona*l, PT. Raja Grafindo Persada, Jakarta,hlm. 7.

[22] Evi Hartanti,2005,*Tindak Pidana Korupsi*, Sinar Grafika, Jakarta,hlm. 3.

[23] Harahap, Yahya. 2019. *Pembahasan Permasalahan dan Penerapan KUHAP*. Jakarta: Sinar Grafika

[24] Mappiasse, Syarif. 2020. *Logika Hukum Pertimbangan Putusan Hakim*. Jakarta: Prenadamedia Group

of one-third of the basic sentence because Pinangki committed a corruption crime which can be used as a reason for aggravation of punishment. However, the imposition of imprisonment by the Panel of Judges of the DKI Jakarta High Court did not even reach one third of the most severe imprisonment.

Thus, the verdict handed down by the Panel of Judges of the DKI Jakarta High Court regarding Pinangki's corruption case was criticized by various groups of people who considered it unfair because the imprisonment imposed was too light with inappropriate considerations by the judges. ICW (Indonesia Corruption Watch) researcher, Kurnia Ramadhana, considers Pinangki's status as a prosecutor to be worthy of a heavier sentence of up to 20 years, as well as committing 3 (three) criminal offenses at once while still serving as a prosecutor.[25]

B. Patterns of Punishment that Prioritize Juridical Aspects over Non-Juridical Aspects Against Law Enforcement Officials who Commit Corruption in order to be in line with the Principles of Justice and the Objectives of Corruption Eradication.

The purpose of someone committing corruption according to Kumorotomo as cited by Chatrina and Dessy who distinguish corruption into two, namely:

1. Political corruption, which is the misuse of power and authority that leads to political games, nepotism, collusion (a political system based on personal relationships rather than personal benefits), voting abuse, and so on. The driving factor for this type of corruption is the value of different values, i.e. feeling that one is different from others. The psychological background is as follows:

a. Desire for validation recognition from others.
b. Desire to be respected.
c. Desire to be considered a leader by everyone.

2. Material corruption, which is corruption in the form of manipulation, bribery, embezzlement, money laundering and so on. The driving factor is welfare values. Material corruption includes the following:

a. Obtaining the comforts and luxuries of life.
b. Obtaining material and non-material wealth.
c. To be at ease in all matters.[26]

Then the types and typologies of corruption according to the forms of corruption crimes in the articles of Law Number 31 of 1999 as amended by Law Number 20 of 2001 are as follows:[27]

1. The crime of corruption by enriching oneself, others, or a corporation (Article 2).
2. The crime of corruption by Abusing Authority, Opportunity, Means of Position, or Position (Article 3).
3. The corruption crime of Bribery by Giving or Promising Something (Article 5).
4. The corruption crime of Bribery to Judges and Advocates (Article 6).
5. Corruption in Making Buildings and Selling Building Materials and Corruption in Delivering Equipment for the TNI and KNRI (Article 7).
6. Corruption of Public Servants Embezzling Money and Securities (Article 8). g. Corruption of Public Servants Falsifying Books and Registers (Article 9).
7. Corruption of Public Servants Damaging Goods, Deeds, Letters, or Registers (Article 10).
8. Corruption of Public Servants Receiving Gifts or Promises in Connection with the Authority of Office (Article 11).
9. Corruption of Public Servants or State Organizers or Judges and Advocates Receiving Gifts or Promises; Public Servants Forcing Payments, Withholding Payments, Requesting Work and positions, Using State Land, and Participating in Contracting (Article 12).
10. The corruption crime of Bribery of Public Employees Receiving Gratuities (Article 12B).
11. Corruption of Bribery to a Public Servant in View of the Power of Office (Article 13).
12. Criminal Acts Related to the Procedural Law of Corruption Eradication.
13. Offenses against Articles 220, 231, 421, 429, and 430 of the Criminal Code (Article 23).

The United Nations Convention Against Corruption (UNCAC) of 2003, which was declared by Indonesia through Law Number 7 of 2006 concerning the Ratification of the United Nations Convention Against Corruption, 2003, the scope of corruption is even broader:[28]

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[25] Pratama Taher, Adrian. 2021. "Menyoal Putusan Banding Jaksa Pinangki & Tren Vonis Koruptor Rendah." *Tirto.id,* Juni 16.

[26]Chatrina Darul Rosikah dan Dessy Marliani Listianingsih, *Op.Cit*. hlm. 16.
[27]Adam Chazawi,2003,*Hukum Pidana Materiil dan Formil Korupsi di Indonesia*, Bayumedia Publishing, Malang, hlm. 33.
[28]Astika Nurul Hidayah,2018, "Analisis Aspek Hukum Tindak Pidana Korupsi dalam Rangka Pendidikan Anti Korupsi", *Jurnal Kosmik Hukum*, Vol. 18, No. 2.

1. Bribery of national public officials (bribery of national public) Bribery of foreign public officials and officials of public international organizations (bribery of foreign public officials and officials of public international organizations).
2. Embezzlement, misappropriation or other diversion of property by a public official.
3. Trading in influence.
4. Abuse of office or authority (abuse of functions).
5. Illicit enrichment.
6. Bribery in the private sector.
7. Embezzlement of property in the private sector.

So that the crime of corruption is not only limited to acts that have been understood by the general public, namely corruption as regulated in Article 2 and Article 3 of Law Number 39 of 1999 as amended by Law Number 20 of 2001 concerning Eradication of Corruption, namely enriching or benefiting oneself or others or a corporation that can harm state finances and the state economy.[29]

Based on the description previously explained, what is included as a corruption crime are: 1) Harm to state finances; 2) The act of enriching or benefiting oneself or another person or a corporation; 3) Bribery; 4) Abuse of Position; 5) Extortion; 6) Fraud; 7) Conflict of Interest; 8) Gratification; 9) Attempt, conspiracy, and assistance in committing corruption crimes; and 10) Other crimes related to corruption crimes.

1. Judges' Consideration in Corruption Crime

Judges' considerations in corruption crimes can be in the form of:

a. Strong evidence i.e. the judge considers the evidence presented by the prosecution and defense.
b. The elements of the crime of corruption, namely the judge ensures that the elements of the crime of corruption, such as unlawful acts and state losses, are fulfilled.
c. The motive and intention of the perpetrator, i.e. the judge considers the motive and intention of the perpetrator in committing the crime of corruption.
d. State loss, i.e. the judge considers the amount of state loss caused by the corruption crime.
e. The role and responsibility of the perpetrator, namely the judge considers the role and responsibility of the perpetrator in committing the crime of corruption.
f. Appropriate punishment, namely the judge considers the punishment that is commensurate with the actions of the perpetrator.

Juridical consideration is the process of interpreting and applying the law carried out by judges in deciding a case. Here are some aspects that judges consider juridically:

a. Facts of the case: the judge considers the facts proven at trial.
b. Laws and regulations: The judge applies the laws and regulations relevant to the case.
c. Legal principles: the judge considers applicable legal principles, such as justice, legal certainty, and expediency.
d. Precedent: judges consider previous court decisions relevant to the case.
e. Legal doctrine: judges consider legal doctrine relevant to the case.

In conducting juridical considerations, judges must act in a juridical manner:

a. Objective: Judges must consider cases based on facts and law, without being influenced by personal interests or other parties.
b. Impartial: the judge must consider the case fairly and impartially.
c. Professional: the judge must have sufficient knowledge and skills to properly consider the case.

To be able to assess the quality of the judge's consideration, it can be seen from the three aspects that are always attached to a judge's consideration, namely the juridical, philosophical, and sociological aspects, the three aspects can be described as follows:

1) The juridical aspect can be viewed from the suitability of the preparation of the indictment by the Public Prosecutor with the legal facts related to the actions of the Defendant and whether the elements of the criminal offense have been fulfilled. In the indictment of the Pinangki corruption case, the Public Prosecutor compiled a cumulative and subsidiary indictment based on the Corruption Law and the Money Laundering Law. During the trial process, the judge refers to the Criminal Procedure Code. Article 183 of the Criminal Procedure Code requires the judge to impose a criminal sentence on any person with a minimum of two valid pieces of evidence so that the judge is convinced that the defendant has committed the crime. Article 184 of the Criminal Procedure Code states that valid evidence can be in the form of witness testimony, expert testimony, letters, instructions, testimony of the defendant. al 5 paragraph (1) letter a of the Corruption Law.

2) The philosophical aspect is identical to truth and justice, in criminal law there is the principle of equality before the law which means that whoever commits a criminal offense must be punished. Anyone who steals must be punished, which means that everyone who steals must receive punishment without discrimination (mertokosumo). The consideration of the Panel of Judges

[29] Handoyo Prasetyo. 2023. "Implementation Of Corporate Law Norms: Analysis Of The Element Of The No Losses To The State As An Announcement Of Corporate Criminal By State-Owned Enterprises". *Journal of Namibian Studies*. Vol. 34, hlm. 5138-5163.

must be in accordance with the principle of equality before the law contained in Article 28D paragraph 1 of the 1945 Constitution of the Republic of Indonesia which states that "everyone has the right to recognition, guarantees, protection and certainty of a just law and equal treatment before the law". The phrase "every person" means all Indonesian citizens regardless of gender, race, ethnicity, or religion. Likewise, Article 3 paragraph 2 of Law Number 39 of 1999 concerning Human Rights states the same thing that everyone must receive equal treatment before the law. The principle of equality in law is also stated in the Criminal Procedure Code in the General Explanation section point 3e, Article 4 paragraph 1 of the Judicial Power Law, and Article 2 letter d of PERMA RI No. 3 of 2017. Where the three rules must be a reference for judges when trying and making decisions on a criminal case. According to Article 1 point 3 of the Human Rights Law, discrimination is any restriction, disparagement, or exclusion, either directly or indirectly, based on differences in religion, ethnicity, race, ethnicity, group, class, social status, economic status, gender, language, political beliefs. The consideration of the Panel of Judges from the Philosophical aspect must be in accordance with the justice desired by the community. Because this consideration will reflect the application of the principle of equality before the law which is one of the important norms to achieve justice.

3) The sociological aspect, in the consideration of the Judge, the sociological aspect can be used to see the reasons why someone commits a criminal offense, which also affects the form of sanctions that will be imposed by the Judge for the Defendant. The problem of law enforcement cannot only be viewed from the point of view of laws and regulations, but must also be reviewed as a whole by including all existing elements, such as morals, behavior, and culture.[30] Corruption has long been one of the crimes that have occurred in Indonesia. The consequences of corruption are not only detrimental to state finances, but have also violated the social and economic rights of the wider community, therefore the crime of corruption is included in crimes whose eradication must be carried out in an extraordinary manner. The Judge's consideration, if viewed from a sociological aspect, should have considered the Defendant's profession as a law enforcement officer who committed a crime. Where this will eliminate public confidence in the performance of law enforcement officials, especially prosecutors. The Defendant's actions also denied his oath or promise of office as a prosecutor as stated in Article 10 of Law No. 16 of 2004 concerning Prosecutors.

Article 5 of the Judicial Power Law requires judges to apply moral justice that refers to the law, the law, and the values of justice that live in society. A good law is a law that is in sync with the laws that live in society, which also reflects the values that run in a society (social justice). The justice referred to here is not procedural (formal) justice, but substantive (material) justice, which corresponds to the judge's conscience.[31] Public trust in the law will be shaken when the court does not succeed in providing a proportional punishment against the perpetrator so that the decision is unfair. This can trigger criminals to be more courageous to commit other crimes. Because some of them may feel that they are immune to the law.[32]

If there is an error in a judge's decision, there are several processes that can be used to correct the error. The following are some common processes: 1) Appeal: Parties who are not satisfied with the judge's decision can appeal to a higher court; 2) Cassation: If the appeal verdict is unsatisfactory, the unsatisfied party can file a cassation to the Supreme Court; and 3) Judicial review: If there is new evidence or significant procedural errors, the judgment can be reviewed by the same court or a higher court.

This process aims to ensure that justice can be served and mistakes can be corrected. Judges who violate the code of ethics may face consequences, such as: 1) Judges may be subject to disciplinary sanctions, such as a delay in promotion or salary; 2) Judges may be given warnings for behavior that is inconsistent with the code of ethics; 3) Judges may be removed from office if found to have committed serious violations of the code of ethics; and 4) Judges may be dismissed from office if found to have committed very serious violations of the code of ethics.

The purpose of these sanctions is to ensure that judges perform their duties with integrity and professionalism, as well as to maintain public trust in the judiciary.

Judges' code of ethics hearings in Indonesia are usually conducted by the Judicial Commission (KY) which is an independent institution tasked with overseeing judges' behavior and handling complaints about judges' behavior and the Supreme Court (MA) may also conduct judges' code of ethics hearings, especially for judges under the auspices of the MA.

The Judicial Commission and the Supreme Court work together to ensure that judges perform their duties with integrity and professionalism, and to maintain public trust in the judiciary. The Judicial Commission (KY) has several functions in hearing judges' code of ethics, including: 1) Monitoring the behavior of judges: KY monitors judges' behavior and handles complaints about judges' behavior that is not in accordance with the code of ethics; 2) Assessing violations of the code of ethics: KY assesses whether judges have violated the code of ethics and determines appropriate sanctions; 3) Conduct investigations: KY investigates complaints about the behavior of judges and collects relevant evidence; and 4) Provide recommendations: KY provides recommendations to the Supreme Court or relevant institutions on appropriate sanctions for judges who violate the code of ethics.

[30] Taufiq, Muhammad. 2014. *Keadilan Substansial Memangkas Rantai Birokrasi Hukum*. Yogyakarta: Pustaka Pelajar.
[31] Efendi, Jonaedi. 2018. *Rekonstruksi Dasar Pertimbangan Hukum Hakim*. Depok: Prenadamedia Group
[32] Reksodiputro, Mardjono. 2020. *Sistem Peradilan Pidana*. Depok: RajaGrafindo Persada.

Thus, KY plays an important role in maintaining the integrity and professionalism of judges, as well as ensuring that the judiciary functions properly and fairly.

2. Corruption Law Enforcement

The crime of corruption in Indonesia has reached a very high point. Corruption is not only committed together, but has been carried out systemically by the parties with the hope of enriching themselves and others. Increased acts of corruption are a form of resistance to the law committed by some communities or a small number of certain members of society who take refuge behind power or authority for their personal interests by harming state finances.[33]

The inability of law enforcement officials opens up new facts that corruption must be stopped immediately. Restoring trust in law enforcement officials must be carried out immediately. A sense of great desire for law enforcers must be encouraged. The existence of this extraordinary corruption certainly hampers the sustainability of development in Indonesia. Corruption as an extra ordinary crime behavior that threatens the ideals of the state that requires more serious legal handling, how could it not be that corruption has hit Indonesian society everywhere and has entered all circles, as if there is no fear, shame and sin for those who commit corruption crimes.[34]

Law enforcement is the process of making efforts to enforce or function of legal norms in reality as a guide to behavior in traffic or legal relations in the life of society and the state. In terms of the subject, law enforcement can be carried out by a broad subject and can also be interpreted as law enforcement efforts that involve all subjects and society.

Law enforcement is an effort to realize ideas about justice, legal certainty and social benefits into reality.[35] Criminal law enforcement is an effort to realize ideas about justice in criminal law in legal certainty and social benefits into legal reality in legal certainty and social benefits into legal reality in every legal relationship.[36]

Various problems that occur in society and in the life of a state such as Indonesia, should be associated with the existence of law. Because basically Indonesia is a state based on law (rechts-staaat) and not a state based on power (machtstaat) alone. When a case occurs that involves the social, cultural, economic, educational, religious and political dimensions, the existence of the law is questioned and even challenged by the community, especially when the law is evaluated to have failed to carry out its mission, therefore law enforcement in combating corruption must be re-enforced and implemented with consistency and justice.[37]

According to Andi Hamzah, the term law enforcement is often misinterpreted as if it is only engaged in criminal law or in the field of repression. The term law enforcement here includes both repressive and preventive. So more or less the meaning is the same as the Dutch term rechtshanhaving. In contrast to the term law enforcement, which is now given a repressive meaning, while the preventive form of providing information, persuasive, and guidance is called law compliance, which means the fulfillment and structuring of the law. Therefore, it is more appropriate to use the term legal handling or legal control.[38]

Enforcement of criminal law in abstracto is the stage of making and formulation (Formulation Stage) has ended when the enactment of a legislation. The legislation or formulation stage is continued to the application stage and the execution stage. In the statutory provisions, three main problems in criminal law must be known, namely:

a. Strafbaar feit/criminal act/actus reus).
b. Schuld/guit/mens rea).
c. Straf/punishment/poena).

Criminal law enforcement (PHP) is part (sub-system) of the overall national law enforcement system or policy, which is basically also a part of the national development policy system. Criminal law policy (penal policy), both in the sense of PHP in abstracto and in concreto, is part of the overall policy of the national law enforcement system and is part of efforts to support national development policy. An integral criminal law enforcement system (SPHP) needs to be seen in abstracto (law making and law reform) because PHP in abstracto (law making/change, law making/ law reform) is the stage of making/formulation (formulation) of laws of the legislative body (can be called the legislative stage).

According to Barda Nawawi Arief, law enforcement in abstracto is carried out through (the process of legislation / formulation / making laws) is carried out through the process of legislation / formulation / making laws. This legislation/formulation process is a strategic start of the law enforcement process in concreto. The current SPHP is not yet integral in abstracto (law making and law reform) at this stage of the legislation making process. Because there is no close connection or unity of sub-systems (components)

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[33] Ismail Prabowo,1998,*Memerangi Korupsi Dengan Pendekatan Sosiologis*, Dharmawangsa Media Press,Surabaya, hlm. 26.
[34]Faisal Santiago,2014,*Strategi Pemberantasan Kejahatan Korupsi, Kajian Legal Sosiologis*, Jurnal Lex Publica, hlm 57 FPPTHI, Vol 1. No. 1 Jakarta.
[35] Satjipto Rahardjo,1987,*Masalah Penegakan Hukum*, Sinar Baru, Bandung, hlm.15
[36] Peter Mahmud, Marzuki,2012, *Pengantar Ilmu Hukum*,Kencana Prenada, Jakarta,hlm.15
[37] Faisal Santiago,2014,*Pengantar Ilmu Hukum*, Cintya Press, Jakarta, hlm. 1.
[38] Andi Hamzah, *Asas-asas Penting dalam Hukum Acara Pidana. Op.Cit*., hlm. 2

of an integral criminal law norm/substance system including material criminal law, formal criminal law, and criminal execution law which should be integrated legal system or integrated legal substance.

Criminal law enforcement in concreto consists of:

1) Application stage (investigation)
2) The stage of implementation of the law by law enforcement officials, which can be called the judicial stage and the execution stage.

The enforcement of criminal law in concreto is the process of imposing punishment or the process of punishment. The punishment process itself is a process of criminal law enforcement in upholding truth and justice. Both stages are important aspects or points of handling and prosecuting a criminal case because criminal law enforcement will be colored as follows:

1) The issue of foul play and misconduct (bribery and other misconduct).
2) The problem of optimizing the scientific approach (scientific culture /approach) in law enforcement. Criminal law enforcement at the in concreto stage (application stage) is also still influenced by the habit/culture of dirty games and shortcuts carried out by unscrupulous law enforcement officials who are corrupt and collude with criminal offenders. Barda Nawawi Arief stated that the term dirty and despicable game is more appealing than the judicial mafia, because it only gives an impression on the forms of despicable acts that occur during the court process, even though there are not a few complaints from the public who are the object of extortion and other despicable acts or dirty games before the case is submitted to the court.

Law enforcement is an effort made to make the law, both in a narrow formal sense and a broad material sense, as a guide to behavior in every legal action, both by the legal subjects concerned and by law enforcement officials who are officially given the task and authority by law to ensure the functioning of legal norms that apply in the life of society and the state.[39]

The problem of law enforcement is a very difficult problem due to a number of influencing factors such as:

a. Content of laws and regulations;
b. Interest groups in society;
c. Legal culture; and
d. The morality of the law enforcers in the judicial process.[40]

Law enforcement will exchange actions with its environment, which can be referred to as an exchange of actions with human, socio-cultural, political elements and so on. For this reason, in enforcing the law there are three things that must be considered, namely legal certainty, expediency, and a sense of justice. Based on the above, the function of law enforcement is to make the rules of law in accordance with what the law itself aspires to, namely realizing human attitudes or behavior in accordance with the frame (frame work) that has been determined by a law or law.

To enforce criminal law must go through several stages which are seen as a rational effort or process planned to achieve a certain goal which is a chain of activities that does not include the source of values and boils down to punishment and punishment.[41]

These stages are:

a. Formulation Stage

This is the stage of criminal law enforcement in abstracto by the lawmaking body in carrying out activities to select values that are in accordance with the current and future circumstances and situations, then formulating them in the form of the best legislation in the sense of fulfilling the requirements of justice. This stage is called the legislative policy stage.

b. Application Stage

Is the stage of criminal law enforcement (criminal law enforcement stage) by law enforcement officials, starting from the police to the court or examination before the court. Thus, law enforcement officials are tasked with enforcing and applying the rules and regulations that have been made by lawmakers, in carrying out this task law enforcement officials must adhere to the values of justice. This stage is called the judicial stage.

c. Execution Stage

Is the stage of law enforcement (implementation of law) concretely by the criminal implementing apparatus at this stage the criminal implementing law enforcement apparatus is tasked with enforcing a statutory regulation that has been made by the lawmaking body through the application of punishment determined by the court. Thus, the process of implementing the punishment that has been stipulated in the court decision. The criminal apparatus in carrying out its duties is guided by criminal laws and regulations that have been made by lawmakers and the value of use and justice.

Penal Reform, Penal Policy, and Law Enforcement Policy are closely related in the framework of Criminal Policy. Criminal law policy in a broad sense is basically a series of processes consisting of three policy stages, namely the legislative policy stage or formulative policy, the judicial policy stage or applicative policy, and the executive policy stage or administrative policy.

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[39] Abidin, Farid zainal, *Asas-Asas Hukum Pidana*, Sinar grafika, 2007. hlm.35
[40] Satjipto Rahardjo. *Op. Cit*. hlm. 20
[41] Andi Hamzah., *Masalah Penegakan Hukum Pidana*, Jakarta, 1994. hlm 21

Criminal justice system is an inseparable part of the discussion on penal reform, criminal policy, penal policy, and law enforcement policy.

The form and components of the criminal justice system based on KUHAP are as follows:

a. Police
b. Prosecutor's Office
c. Court
d. Correctional Institution
e. Lawyers/advocates

In essence, the criminal justice system is supported and implemented by three main functions, namely the law making function, the law enforcement function, and the function of adjudication.[42]

Law No. 48 of 2009 explains that law enforcement officers consist of: police, prosecutors, advocates and judges. In the law enforcement process, the most important legal subjects are police, prosecutors, judges and lawyers. Legal problems in Indonesia can be caused by several things, including the judicial system, legal instruments, inconsistencies in law enforcement, power intervention, and legal protection. Law enforcement in Indonesia is still influenced by law enforcement itself, where money and acquaintances can influence the law. The weakness of law enforcement in Indonesia at this time can be reflected in the settlement of various major cases that have not been completed, one of which is the practice of corruption that is pervasive, but ironically the perpetrators are very few who are caught by the law. This fact is inversely proportional to several cases involving the little people, in this case the law enforcement officers are quick to respond, because as we know that those involved in corruption cases are tie-dyed circles, aka officials and people with money who have the power to interfere with the effectiveness of law enforcement itself.[43]

By Satjipto Raharjo said that his position as a function holder in an organization, a law enforcer tends to carry out his function according to his own interpretation which is motivated by various factors. Many violations of the law and legal uncertainty are committed by acting and behaving like they are not wrong because they have not been able to prove their guilt in court. As an example of a case:

a. Decision Number: 107/ PK/PID.SUS/2015 from the case of Angelina Patricia Pingkan Sondakh. She is a mother who was caught in the Wisma Atlet corruption case. Angelina Patricia Pingkan Sondakh was sentenced to 10 (ten) years in prison and has a 3 (three) year old child.
b. Decision of the Banten High Court, Appeal Level Number: 25/PID/2024/PT. BTN which continued to give a maximum sentence of 2 (years) imprisonment to the defendant Dina Eka Sari in a case of embezzlement and making false invoices in the company where she worked. The defendant filed an appeal because she has a 4 (four) month old child.
c. The case of Nita Setia Budi, a mother who was convicted for 2 months for unlawfully distributing unlicensed drugs, Nita Setia Budi also had a toddler at the time she was imprisoned.
d. The case of Vanesa Angel was sentenced to three months imprisonment and a fine of Rp 10 million by the West Jakarta District Court, related to the possession of Xanax-type psychotropic drugs and at that time had a 4 (four) month old baby child
e. A woman in North Aceh, Aceh, Isma Khaira, served a prison sentence with her six-month-old baby. Isma was sentenced to 3 (three) months imprisonment in relation to an ITE case.

As we already know that one of the causes of weak law enforcement in Indonesia is the low morality of law enforcement officials (judges, police, prosecutors and advocates) and judicial corruption that has been ingrained so that until now it is very difficult to eradicate. The existence of judicial corruption clearly complicates law enforcement in Indonesia because law enforcers who are supposed to enforce the law are involved in corrupt practices, making it difficult to be expected to participate in creating good governance. The inability to enforce the law is due to the lack of professionalism of the apparatus in carrying out their duties so that many legal officers commit corruption.

The recruitment of law enforcement officers in Indonesia is carried out through several stages and a strict process to ensure that prospective law enforcement officers have good quality and integrity, and are able to carry out their duties professionally and effectively. Some ways to prevent law enforcement officers from committing corruption are:

a. A rigorous and transparent selection process can help ensure that the law enforcement officers selected are of good integrity and quality.

[42] Supardi, 2024, *Pembaharuan Hukum Pidana Pertemuan Ke-4 Penal Reform,Penal Policy, Law Enforcement Policy dan Criminal Policy (Presentasi Power Point Slide 15-16)*, Fakultas Hukum Universitas Pembangunan "Veteran" Jakarta

[43] Candra, F. A., & Sinaga, F. J. (2021). Peran penegak hukum dalam penegakan hukum di Indonesia. *Edu Society: Jurnal Pendidikan, Ilmu Sosial Dan Pengabdian Kepada Masyarakat*, *1*(1), 41-50.

b. Adequate education and training can help law enforcement officers understand the importance of integrity and ethics in carrying out their duties.
c. Decent salaries and adequate compensation can help reduce the temptation for law enforcement officers to commit corruption.
d. Effective internal oversight can help detect and prevent corruption within law enforcement institutions.
e. External oversight from independent institutions, such as the KPK, can help ensure that law enforcement officers do not commit corruption.
f. An effective reporting system can help law enforcement officials report any acts of corruption they find.
g. Building a culture of integrity within law enforcement institutions can help prevent corruption and ensure that law enforcement officers perform their duties in a professional and ethical manner.

The process of prosecuting law enforcement officials who commit corruption usually involves several institutions and stages, including:

a. Complaints about corruption can be submitted to anti-corruption agencies, such as the KPK (Corruption Eradication Commission).
b. Investigate the complaint and collect relevant evidence.
c. If the KPK finds sufficient evidence, they can make arrests of law enforcement officials suspected of corruption.
d. KPK conducts further investigations and collects stronger evidence.
e. If KPK finds sufficient evidence, they can prosecute law enforcement officials suspected of corruption to court.
f. A court hearing is conducted to decide the case and determine the punishment for law enforcement officials who are proven to have committed corruption.

This process aims to ensure that law enforcement officials who commit corruption can be prosecuted and punished in accordance with applicable laws.

3. Sanctions for Corruption

The articles on corruption offenses explain in detail the acts that can be subject to imprisonment for corruption offenses. The forms or types of corruption offenses can basically be grouped as follows:

a. State financial loss,
b. Bribery,
c. Embezzlement in office,
d. Extortion,
e. Fraudulent act,
f. Conflict of interest in procurement,
g. Gratification.

In addition to the forms or types of corruption crimes described above, there are other crimes related to corruption crimes as stipulated in Law No. 31 of 1999 jo. Law No. 20 of 2001 concerning the Eradication of the Crime of Corruption.

According to Article 5 of Law No. 20 of 2001 concerning the Crime of Corruption reads:

Shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and or a fine of at least Rp 50,000,000.00 (fifty million rupiah) and a maximum of Rp 250,000,000.00 (two hundred and fifty million rupiah) every person who:

a. Giving or promising something to a civil servant or state administrator with the intention that the civil servant or state administrator does or does not do something in his/her position, which is contrary to his/her obligations or ;
b. Giving something to a civil servant or state organizer because of or in relation to something that is contrary to an obligation, done or not done in his/her position.

Other types and forms of criminal offenses related to the crime of corruption are:

a. Obstructing the examination process of corruption cases;
b. Not giving information or giving false information;
c. Banks that do not provide information on the suspect's account;
d. Witnesses or experts who do not provide information or provide false information;
e. People who hold the secret of office do not provide information or give false information;
f. Witnesses who reveal the identity of the reporter.

Criminal sanctions for law enforcement officers who commit corruption can be :

a. Imprisonment Penalty, which is a heavier punishment than the ordinary punishment, in accordance with Article 52 of the Criminal Code regulates the aggravation of punishment for civil servants or officials who commit criminal offenses. This aggravation can be in the form of additional punishment of one third of the basic punishment because law enforcement officers have the responsibility to enforce the law. Article 58 and Article 59 of the new Criminal Code also discuss additional punishment and aggravating circumstances.

Article 58 of the New Criminal Code: Additional Penalty

This article regulates the types of additional punishment that can be imposed to criminal offenders, such as:

1) Deprivation of certain rights, such as political rights, civil rights, or other rights.
2) Forfeiture of property obtained as a result of a criminal offense or used to commit a criminal offense.
3) Payment of compensation to victims of criminal offenses.

Article 59 of the New Criminal Code: This article mentions several circumstances that can aggravate the punishment, such as:

1) Using power or position to commit a criminal offense.
2) Committing a criminal offense repeatedly or being a recidivist.
3) Using deception or other means to commit a criminal offense.
4) Committing a criminal offense knowingly and intentionally.

By considering these circumstances, the judge can impose a more severe punishment on the perpetrator of the crime.

b. Dismissal from office, namely law enforcement officers who commit corruption can be dismissed from their positions.
c. Fines are larger fines than ordinary fines, because law enforcement officers have a responsibility to enforce the law.
d. Asset forfeiture, namely law enforcement officers who commit corruption can be subject to asset forfeiture obtained from corruption crimes.

The purpose of punishment is to provide a deterrent effect and increase the accountability of law enforcement officials in carrying out their duties. In addition, punishment aims to restore public confidence in law enforcement institutions.

CONCLUSIONS

Corruption is a criminal act that directly enriches oneself and harms the state's finances and economy. Corruption is a violation of the rights of society, both economic and social. Corruption is no longer classified as an ordinary crime, but has become an extraordinary crime. In the judge's consideration in the appeal level decision Number 10/PID.SUS-TPK/2021/PT.DKI, non-juridical aspects dominate the low verdict in the appeal level decision Number 10/PID.SUS-TPK/2021/PT.DKI, which is clearly not in line with the principles of justice and the aim of eradicating corruption. Because in the case of a criminal act of corruption committed by Prosecutor Pinangki, the Judge should be able to impose a maximum sentence of 20 (twenty) years. Article 52 of the Criminal Code regulates the aggravation of punishment for civil servants or officials who commit criminal offenses. This aggravation can be in the form of an additional sentence of one third of the main sentence. The imposition of a sentence of 4 (four) years is too light, not even reaching one third of the longest sentence. Moreover, Pinangki committed corruption and money laundering crimes. Prosecutor Pinangki is also a prosecutor or law enforcement officer who has the duty to uphold the law and provide a sense of justice to the community, in this case as a perpetrator who violates the law. So, if you emulate and explore the values and sense of justice that exist in society, the sentence imposed can be more severe to provide a deterrent effect to the defendant so that he does not commit this crime again as an effort to eradicate corruption, especially to law enforcement officials.

Judges as the ultimate law enforcers must comprehensively provide considerations, especially juridical aspects rather than non-juridical aspects in accordance with the law on corruption, so that the public can believe in judicial institutions in Indonesia that are free from corruption. The existence of criticism from the public against a Judge's Decision is something consequential in order to open the eyes of the Judges to pay attention to the values of justice that live in society when assessing a legal event. As mandated by Article 5 of the Judicial Power Law, a judge must be able to explore, follow, and understand the values of law and the values of justice that exist in the midst of community life. The judge's decision must be attached to justice because justice is the main purpose of law and legislation. Especially law enforcement officials who commit corruption can be tried and punished in accordance with applicable law, without distinguishing differences in gender, religion, ethnicity, race, ethnicity, group, class, social status, economic status, gender, language, political beliefs. in accordance with the principle of equality before the law stated in Article 28D paragraph 1 of the 1945 Constitution of the Republic of Indonesia which states that everyone is entitled to recognition, guarantees, protection and certainty of a just law and equal treatment before the law. Which means that all Indonesian citizens do not see gender, race, ethnicity, or religion. Likewise, Article 3 paragraph 2 of Law Number 39 of 1999 concerning Human Rights states the same thing that everyone must get equal treatment before the law. The principle of equality in law is also stated in the Criminal Procedure Code in the General Explanation section point 3e, Article 4 paragraph 1 of the Judicial Power Law, and Article 2 letter d of PERMA RI No. 3 of 2017. Where the three rules must be a reference for judges when adjudicating and making decisions on a criminal case.

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