



Implementation of Legal Sanctions Against Criminal Actions of Corruption

(Study of Decision Number 8/PID.SUS-TPK/2020/PN JKT.PST)

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Abstract

The crime of corruption is categorized as an extraordinary crime because the impact is extraordinary, which has occurred systematically and widely, not only harming state finances, disturbing the stability and security of society, weakening democratic values, ethics, justice and legal certainty, has also violated the social and economic rights of the community at large. The crime of corruption is included in the category of a very large crime and is very detrimental to the nation and state in one region. Therefore, the corruption law and the judicial system are very different, and there is a special institution that plays an important role in eradicating corruption. The research method used is normative juridical, namely library law research which is carried out by examining library materials or secondary data. The results of the research include that regarding the regulation of criminal acts of corruption contained in Law no. 31 of 1999 concerning the Crime of Corruption, which took effect on August 16, 1999 which was later amended by Law no. 20 of 2001 concerning Amendments to Law no. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption.

Keywords: Corruption; Crime; Law.

A. Introduction

In the current reform era, the realization of good governance, among others, must be supported by law enforcement against corruption. This is in line with the objectives mandated by Law Number 28 of 1999 concerning State Administrators that are clean and free from Corruption, Collusion and Nepotism. Furthermore, several laws and regulations were enacted in an effort to eradicate corruption, namely: Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption which was amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication Corruption Crime. Furthermore, Law Number 30 of 2002 concerning the Corruption Eradication Commission and Law Number 46 of 2009 concerning the Corruption Court.

As an extraordinary crime, the crime of corruption seems to be a habit. (Andi Hamzah 2008) believes that the increasing practice of corruption with a more systematic and sophisticated pattern is a serious problem for law enforcement efforts

in Indonesia. Recognizing the complexity of the problem of corruption in the midst of a multidimensional crisis and the real threat that will inevitably occur, namely the impact of this crime, the criminal act of corruption can be categorized as a national problem that must be faced seriously through a balance of firm and clear steps by involving all potentials. in society, especially law enforcement officers (Evi Hartani, 2009).

The increase in cases of uncontrolled corruption will bring disaster not only to the life of the national economy, but also to the life of the nation and state. The failure of the Indonesian political elite to make serious efforts to eradicate corruption will clearly endanger the welfare of the country. People will blame government policies for the difficulties they face, even though these difficulties are caused by corruption (Evi Hartani, 2009). Various regulations governing the eradication of corruption in reality have not been able to eradicate corruption. So far, corruption has been understood by various parties rather than eradicating it, even though corruption is a type of crime that can touch various interests related to human rights, state ideology, economy, state finances, nation's morals, and so on, which are evil behaviors that tend to be difficult to deal with. The difficulty of overcoming corruption can be seen from the many verdicts of acquittal of defendants in corruption cases or the minimum amount of punishment borne by the accused which is not commensurate with what he did. This is very detrimental to the country and hinders the development of the nation. If this happens continuously for a long time, it can negate a sense of justice and a sense of trust in laws and regulations by citizens. This feeling has indeed been seen increasingly thinning and can be proven from the many people who want to take vigilante action against criminals in public life on behalf of 3 justice that cannot be achieved from law, legislation, and also law enforcers in the community. Indonesia (Leden Marpaung202).

The crime of corruption has caused damage in various aspects of the life of the community, nation, and state so that it requires extraordinary handling. In addition, efforts to prevent and eradicate corruption crimes need to be carried out continuously and sustainably and need to be supported by various resources, both human resources and other resources such as increasing institutional capacity and increasing law enforcement in order to increase awareness and attitudes of anti-corruption public actions. Law Number 46 of 2009). Based on the description above, the authors are interested in conducting research with the title "Implementation of Legal Sanctions Against Criminal Acts of Corruption (Decision Study Number 8/Pid.Sus-TPK/2020/PN Jkt.Pst).

B. Method

Research is a process, which is a series of steps that are carried out in a planned and systematic way in order to get problem solving or get answers to certain questions. Basically, in doing every scientific paper writing always requires complete and objective data and has research methods and certain ways that are adapted to the problem to be discussed in order to complete the writing of the scientific paper. In this study the authors use normative legal research methods. The approach used is a normative juridical approach, namely legal research conducted by examining library materials or secondary data (Soerjono Soekanto and Sri Mahmudji, 1985).

1. Type of research

The type of research carried out by the author is library research, namely by conducting research on written sources, this research is qualitative. As a library research because the source of data in this study is a source of data obtained from libraries, books, magazines, journals, websites, and other data and examine them (Masri Singarimbun (ed), 1983).

2. Research Type

The research used is normative juridical. Normative juridical research is legal research that puts the law as a building system of norms. The system of norms in question is about principles, norms, rules of laws and regulations, agreements and doctrines (teachings).

3. Research Form

This research is a type of descriptive qualitative research. One of the characteristics of qualitative research is the data collected in the form of words, pictures, and not numbers. Thus, the research report will contain excerpts of data to illustrate the presentation of the report. Researchers also used field notes in the form of observation notes and other sources.

4. Data Type The

Type of data used in this study is secondary data, namely data that has been collected for purposes other than solving the problem at hand. This data can be found quickly. In this study, the secondary data sources are literature, articles, journals and sites on the internet related to the research conducted (Sugiyono, 2009).

5. Legal Material

Legal materials in this research include:

- a) Primary Legal Material Primary legal materials are legal materials that are authoritative. Where in this case the primary legal material consists of statutory regulations, official records, or minutes in the making of laws and regulations.
- b) Secondary Legal Material Secondary legal materials, namely legal materials that support and strengthen primary legal materials provide an explanation of the existing primary legal materials so that a deeper analysis and understanding can be carried out (Soerjono Suekanto, and Sri Mamudi, 2003) so that strengthening on the basis of law results in analysis good law.
- c) So in this study the secondary legal materials consist of: (1) Explanation of the laws and regulations used as primary legal materials (2) Reading literature books related to the theme (3) Research results (4) Expert opinion competent.
- d) Tertiary Law Material
Tertiary legal materials, namely legal materials that are complementary in nature providing instructions and explanations for primary and secondary legal materials. Tertiary legal materials can be exemplified such as: Big Indonesian Dictionary (KBBI), encyclopedias, cumulative index and so on.

6. Data Collection

Data collection was carried out to obtain information in order to achieve research objectives. The data collection technique used in writing this research is document study with library research, namely studying and systematically analyzing books,

journals, and other scientific works, as well as laws and regulations related to research material. According to M. Nazil in his book entitled *Research Methods*, that literature study is a data collection technique by means of a review study of books, literatures, notes, and reports related to the problems being solved (M. Nazil, 2010).

C. Results and Discussion

1. Regulation Regarding Criminal Acts of Corruption in Positive Legal Perspectives

Various efforts to eradicate corruption have been carried out by the government since independence, either by using existing laws and regulations or by establishing new laws and regulations that specifically regulate the eradication of corruption (Lamintang, 1984). Among the laws and regulations that have been used to eradicate corruption include:

a. Corruption offenses in the Criminal Code

The Criminal Code which has been enforced in Indonesia since January 1, 1918 is a Dutch heritage. It is a codification and unification that applies to all groups in Indonesia based on the principle of concordance, promulgated in *Staatblad* 1915 Number 752 based on KB October 15, 1915. As a result of adaptation from *Wetboek van Strafrecht Nederland* 1881, it means that 34 years has only been transformed into unification based on this principle of concordance. Thus, the Criminal Code at the time it was born was not something new. In practice, many adjustments are needed to enforce the Criminal Code in Indonesia, considering that as a Dutch heritage there are many provisions that are not in accordance with the legal needs of the Indonesian people. Although it does not specifically regulate corruption in it, the Criminal Code has regulated many acts of corruption, the arrangement of which has been followed and imitated by lawmakers to eradicate corruption to date. However, there is an open way to apply criminal law that is appropriate and in harmony with the way of life of the Indonesian people, considering that the Criminal Code that we have is old and is often given a colonial brand. In the course of its journey, the Criminal Code has been amended, added, and improved by several national laws such as Law Number 1 of 1946, Law Number 20 of 1946, and Law Number 73 of 1958, including various laws regarding the eradication of corruption. which regulates more specifically several provisions in the Criminal Code. Corruption offenses in the Criminal Code include office offenses and offenses related to office offenses. In accordance with the nature and position of the Criminal Code, the corruption offenses regulated in it are still ordinary crimes.

b. Law No. 28 of 1999 concerning State Administrators that are Clean and Free of Corruption, Collusion, and Nepotism.

Law No. 28 of 1999 has the same title as TAP MPR No. XI/MPR/1998 concerning clean and free state administrators of corruption, collusion and nepotism. The enactment of this law introduces a new criminal terminology or criminalization of the meaning of Collusion and Nepotism. This law stipulates the definition of collusion as a criminal act, namely consensus or cooperation against the law between state administrators, or between state administrators and other parties, which is detrimental to other people, the community, and or the State. Meanwhile, the criminal

act of nepotism is defined as every act of a state administrator against the law that benefits the interests of his family and/or cronies above the interests of the community, nation and state. In its course, this law was not widely used. Some of the reasons for the unpopularity of this law are too broad the provisions for criminal acts regulated in it and the need to use more specific and firm provisions of the law, namely the law that specifically regulates the eradication of corruption.

c. Law No. 31 of 1999 concerning the Eradication of Corruption.

The birth of the corruption eradication law Number 31 of 1999 was motivated by 2 reasons, namely first that in accordance with the passing of the reform order it was deemed necessary to put new values on efforts to eradicate corruption, and the second previous law, namely Law no. 3 of 1971 is considered too long and no longer effective. What is regulated as a criminal act of corruption in Law Number 31 of 1999 is actually not really something new because the legislators are still using the provisions contained in the previous law. However, the spirit and spirit of reform which is considered as the spirit of the formation of this new law is believed to give birth to a new breakthrough, especially with the mandate of the establishment of a commission to eradicate corruption as a new instrument of eradicating corruption (Muhammad Shoim, 2009). The public's hope that this new law will be more decisive and effective is very high, however, the legislators made several fundamental mistakes which resulted in the need for amendments to Law Number 31 of 1999.

Some of the weaknesses of this law include: a. Withdrawal of articles on certain acts of the Criminal Code as a criminal act of corruption by withdrawing the article number. This withdrawal raises the risk that if the Criminal Code is amended it will result in the synchronicity of the provisions of the new Criminal Code with the provisions of corruption crimes originating from the Criminal Code. b. There is a regulation regarding the reasons for imposing the death penalty based on certain circumstances which are considered excessive and not in accordance with the spirit of law enforcement. c. There is no transitional rule that explicitly bridges the old law with the new law, which causes a legal vacuum for a certain period or situation.

d. Law no. 20 of 2001 concerning Amendments to Law no. 31 of 1999 concerning the Eradication of Corruption Crimes.

Law Number 20 of 2001 is a law that was born solely to improve the weaknesses and shortcomings of previous laws. As mentioned above, some of these weaknesses were later revised in the new law. The revisions to the weaknesses of Law Number 31 of 1999 are: a. Withdrawal of certain articles of action from the Criminal Code as criminal acts of corruption is carried out by adopting the contents of the articles as a whole so that changes to the Criminal Code will not result in asynchronous. b. The regulation of the reasons for imposing the death penalty is based on acts of corruption committed on funds used for dealing with certain situations such as dangerous situations, national disasters, and monetary crises. c. The inclusion of transitional rules that explicitly become a bridge between old laws that are no longer valid and the existence of new laws, so that they no longer pose a risk of legal vacancies that can harm the eradication of corruption.

2. The basis for consideration of the Panel of Judges in deciding case number 8/Pid.Sus-TPK/2020/PN Jkt.Pst.

a. Sit down

Perum Perikanan Indonesia is a State-Owned Enterprise (BUMN) which carries out the main business activities:

- a) mooring services after completion of administration (clearance) by the authorized agency at the Fishery Port, loading and unloading services, management of fishery facilities and infrastructure, including but not limited to:
 - 1) Provision and exploitation of fish storage room, ice factory, fish processing and packing facilities;
 - 2) Provision and operation of supporting facilities including water, electricity, telecommunication facilities, fuel oil, transportation means, loading and unloading, and ship supplies; and
 - 3) Provision and exploitation of facilities in the form of fish auction places, fish marketing centers, land, space and buildings, workshops, docks, and shipyards;
- b) Organizing distribution of fish seeds, feed, and other production facilities;
- c) Implementation of fish resource cultivation business;
- d) Implementation of fishery product processing;
- e) Organizing ornamental fish marketing and hygienic fish market management;
- f) Organizing trade in fish and fishery products; and
- g) Organizing other trades related to the Fisheries business;

In its activities Perum Perikanan Indonesia may submit a Recommendation for Importation of Fishery Products (RPHP) to the Ministry of Maritime Affairs and Fisheries as a condition for obtaining an Import Approval Letter (SPI) from the Ministry of Trade. The defendant served as the President Director of Perum Perikanan Indonesia based on the Decree of the Minister of State-Owned Enterprises as Representative of the Government as Capital Owner of the Indonesian Fisheries Public Company (Perum) Number: SK-277/MBU/12/2017 dated December 11, 2017 concerning Dismissal and Transfer of Duties of Members- Member of the Board of Directors of the Indonesian Fisheries Public Company (Perum). In January 2019 at Starbucks Menteng Huis, Central Jakarta, the Defendant as the President Director of Perum Perikanan Indonesia held a meeting with MUJIB MUSTOFA (as an entrepreneur in the fishery sector who has so far taken advantage of the approval for the import of frozen Pacific mackerel/scomber japonicus (salm) fish belonging to Perum Indonesian Fisheries and the owner of a Customs Service Management Company). The meeting discussed opportunities for cooperation between Perum Perikanan Indonesia and Mujib Mustofa. After the meeting, the Defendant kept in touch with Mujib Mustofa regarding business opportunities for cooperation between Perum Perikanan Indonesia and Mujib Mustofa, including leasing of cold storage owned by Perum Perikanan Indonesia, decreasing profit margins on imports of frozen Pacific mackerel/scomber japonicus (salm) fisheries products provided by Mujib Mustofa to Perum Perikanan Indonesia and importation of fishery products other than frozen Pacific mackerel/scomber japonicus (salm).

On July 1, 2019, the Defendant as the President Director of Perum Perikanan Indonesia based on Letter Number: S-703/Dir.A/VII/2019 regarding the Application for Recommendation for the Import of Fishery Products in DKI Jakarta Province, submitted an application for RPHP frozen pacific mackerel/scomber japonicus (salm fish).) of 2000 (two thousand) tons to the Director General of Strengthening the

Competitiveness of Marine and Fishery Products, Ministry of Marine Affairs and Fisheries of the Republic of Indonesia. Still in July 2019, MUJIB MUSTOFA communicated with the Defendant, asking for relief in the provision of profit margins for Perum Perikanan Indonesia, which previously amounted to Rp. 1000.00/kg (one thousand rupiahs per kilogram) to Rp. 500.00/kg (five hundred rupiahs per kilogram). kilograms) for imports of fishery products for the May 2019 period via Surabaya and Semarang. Upon the request, the Defendant agreed to Rp. 700.00/kg (seven hundred rupiahs per kilogram). On July 30 2019, based on letter Number: B-282/DJ.PDS/PDS.430/VII/2019 the Director General of Strengthening the Competitiveness of Marine and Fishery Products, Ministry of Marine Affairs and Fisheries of the Republic of Indonesia, approved the application for RPHP frozen pacific mackarel/scomber japonicus (salmon) which was applied for by the Indonesian Fisheries Company, but only 500 (five hundred) tons. After obtaining the RPHP, on August 13, 2019, Perum Perikanan Indonesia submitted an application for approval of the import of fishery products through the licensing service in the electronic trading sector (intrade system) of the Ministry of Trade of the Republic of Indonesia. Based on this request, on August 16, 2019 the Directorate General of Foreign Trade of the Ministry of Trade issued import approval Number: 04.PI-53.19.1700 dated August 16, 2019 for the Indonesian Fisheries Corporation of 500 (five hundred) tons of frozen Pacific mackarel/ scomber japonicus (salmon).

After obtaining import approval, the Defendant as the President Director of Perum Perikanan Indonesia (as the company holding the General Import Identification Number/APIU), has the obligation to ensure that the imported fishery products are only used to meet the raw material needs of the traditional fish processing industry in the form of transfers and can only trade and / or transfer the imported fishery products to the company in accordance with the sales contract or proof of order held. Furthermore, on 20 August 2019, the Defendant held a joint meeting with Aslam Basir as the Head of the Sales Division and Sigit as Plt. Head of Fishery Product Management Division. During the meeting, Aslam Basir conveyed the names that could take advantage of the approval for the import of fishery products in the form of frozen Pacific mackarel/scomber japonicus (salm) belonging to the Indonesian Fisheries Corporation (TAN, MUJIB, RUDI). Upon this submission, the Defendant agreed by rewriting the names on the blackboard and adding Desmond's name along with the number of quotas for each of these names. After the Defendant approved Mujib Mustofa to take advantage of the approval for the import of fishery products in the form of 150 (one hundred and fifty) tons of frozen Pacific mackarel/scomber japonicus (salm) belonging to the Indonesian Fisheries Company, Mujib Mustofa contacted Antoni (Director of PT Sanjaya Internasional Fishery/PT SIF) to take advantage of the import approval as previously practiced. On the offer, Antoni accepted. Furthermore, Antoni is looking for a supplier from China who can meet the demand for 150 (one hundred and fifty) tons of frozen Pacific mackarel/scomber japonicus (salm) fish, after getting the fish supplier ((TENGGIANG (SHISHI) MARINE PRODUCT CO. Ltd), Antoni place an order using the import approval of Perum Perikanan Indonesia, while the one who handles the import document is Mujib Mustofa.

On September 6, 2019, 100 (one hundred) tons of frozen pacific mackarel/scomber japonicus (salm) from China imported by Antoni through Mujib

Mustofa using an import approval belonging to Perum Perikanan Indonesia arrived at Tanjung Priok Port, Jakarta, for further transportation. to the Muara Baru Warehouse owned by the Indonesian Fisheries Company on Jl. Muara Baru Edge of Nizam Zachman Ocean Fishing Port, North Jakarta. After the custom clearance has been handled by Mujib Mustofa, then the 100 (one hundred) tons of fish are removed from the warehouse of Perum Perikanan Indonesia to PT SIF's warehouse to be marketed by PT SIF.

On September 13, 2019, 50 (fifty) tons of frozen pacific mackarel/scomber japonicus (salm) from China imported by Antoni through Mujib Mustofa using the import approval of Perum Perikanan Indonesia arrived at Tanjung Priok Port, Jakarta for further transportation. to the Muara Baru Warehouse owned by Perum Perikanan Indonesia on Jl. Muara Baru Edge of Nizam Zachman Ocean Fishing Port, North Jakarta. On September 16, 2019, the Defendant had a meeting with Mujib Mustofa at the Cascade Lounge Hotel Mulia Jakarta. During the meeting, the Defendant asked about 150 (one hundred and fifty) tons of frozen Pacific mackarel/scomber japonicus (salm) imports, the import approval of which was used by Mujib Mustofa. During the meeting, Mujib Mustofa proposed to the Defendant that the Indonesian Fisheries Company apply for imports of other fishery products. On the proposal, the Defendant agreed and asked Mujib Mustofa to compile a list of fish needs that can be imported through an import approval belonging to the Indonesian Fisheries Corporation.

During the meeting, the Defendant asked Mujib Mustofa to prepare a sum of USD30,000 (thirty thousand United States dollars). Upon this request, Mujib Mustofa agreed. The defendant conveyed that the money should be handed over to the defendant through Adi Susilo Alias Mahmud on Monday, September 23, 2019 at 14.00 WIB at the Cascade Lounge Hotel Mulia Senayan Jakarta. After the meeting, the Defendant told Rika Rachmawati to order Adi Susilo Alias Mahmud to receive money from Mujib Mustofa at the time and place agreed with Mujib Mustofa, namely on Monday, September 23, 2019 at 14.00 WIB at the Cascade Lounge Hotel Mulia Senayan Jakarta. On September 19, 2019, the Defendant held another meeting with Mujib Mustofa at Coffee Bean Pacific Place SCBD Jakarta to receive a list of fish needs proposed by Mujib Mustofa to be imported using the import approval of Perum Perikanan Indonesia for the period September 2019 to March 2020. List it is in the form of a table containing a description of the intent and purpose, scientific name/trade name, volume/amount (tonnes), type (HS code) country of origin, means of transportation, entry point, period. In addition, on the right side of the table Adi Susilo Alias Mahmud notes, among others, next to the first line 1300 (one thousand three hundred), next to the second line 1700 (one thousand seven hundred), next to the third line 1300 (one thousand three hundred), next to the fourth line 1700 (one thousand seven hundred) and next to the fifth line 1300 (one thousand three hundred). Note that this figure is the amount of rupiah per kilogram as a profit margin that will be given by Adi Susilo Alias Mahmud to Perum Perikanan Indonesia. On September 22, 2019 at around 16.00 WIB, at the Cascade Lounge Hotel Mulia Senayan, Rika Rachmawati met with Adi Susilo Alias Mahmud and said that the Defendant asked Adi Susilo Alias Mahmud to receive money from Mujib Mustofa on September 23, 2019 at around 14.00 WIB at the Cascade Lounge Hotel Mulia Senayan by sitting in a chair that has been determined by the Defendant.

To fulfill the request for money from the Defendant in the amount of USD30,000 (thirty thousand United States dollars), on Monday, September 23, 2019 at around 11.35 WIB, Mujib Mustofa sent a message via wa chat to the Defendant to confirm the delivery of the money with the sentence, "At 2 sir?" and the Defendant replied with a thumbs up emoticon. On the same day at 13.30 WIB, Adi Susilo Alias Mahmud arrived at the Cascade Lounge Hotel Mulia Senayan and sat in the chair that had been determined by the Defendant. Not long after,

Mujib Mustofa approached Adi Susilo Alias Mahmud while introducing himself and then handed him a Panin Bank envelope which contained USD30,000 (thirty thousand United States dollars) while saying, "This is a deposit for Mr. Aris" which means to the Defendant. . After the handover of the money, Mujib Mustofa and Adi Susilo Alias Mahmud along with evidence in the form of money in the amount of USD30,000 (thirty thousand United States dollars) were secured by KPK officers. That the Defendant Risyanto Suanda as the President Director of Perum Perikanan Indonesia knew or at least should suspect that the receipt of money amounting to USD30,000 (thirty thousand United States dollars) from Mujib Mustofa was as a result of or caused by the Defendant to fulfill the request for money from the Defendant amounting to USD30,000 (thirty thousand United States dollars), on Monday, September 23, 2019 at around 11.35 WIB, Mujib Mustofa sent a message via wa chat to the Defendant to confirm the handover of the money with the sentence, "2 o'clock sir?" and the Defendant replied with a thumbs-up emoticon. On the same day at 13.30 WIB, Adi Susilo Alias Mahmud arrived at the Cascade Lounge Hotel Mulia Senayan and sat in the chair that had been determined by the Defendant. Not long after, Mujib Mustofa approached Adi Susilo Alias Mahmud while introducing himself and then handed him a Panin Bank envelope which contained USD30,000 (thirty thousand United States dollars) while saying, "This is a deposit for Mr. Aris" which means to the Defendant. . After the handover of the money, Mujib Mustofa and Adi Susilo Alias Mahmud along with evidence in the form of money in the amount of USD30,000 (thirty thousand United States dollars) were secured by KPK officers. That the Defendant Risyanto Suanda as the President Director of Perum Perikanan Indonesia knows or at least should suspect that the receipt of money amounting to USD30,000 (thirty thousand United States dollars) from Mujib Mustofa was as a result or caused because the Defendant agreed to Mujib Mustofa to take advantage of the fishery product import approval in the form of Frozen Pacific Mackarel/Scomber Japonicus (salm) belonging to Perum Perikanan Indonesia which is contrary to the Defendant's obligations as state administrators as regulated in Article 7 and Article 89 of Law of the Republic of Indonesia Number 19 of 2003 concerning State-Owned Enterprises (BUMN), Article 97 paragraph (4) Government Regulation of the Republic of Indonesia Number 9 of 2013 concerning Indonesian Fisheries Public Company, Article 23 Regulation of the Minister of BUMN Number: PER-01/MBU/2011 concerning the Implementation of Good Corporate Governance in Business Entities State Owned. approved Mujib Mustofa to take advantage of the approval for the import of fishery products in the form of Frozen Pacific Mackarel/Scomber Japonicus (salm) owned by the Indonesian Fisheries Company which contradicts the obligations of the Defendant as a state administrator as regulated in Article 7 and Article 89 of the Law of the Republic of Indonesia Number 19 of 2003 concerning State-Owned Enterprises (BUMN), Article 97 paragraph (4)

Government Regulation of the Republic of Indonesia Number 9 of 2013 concerning Indonesian Fisheries Public Company (Perum) Article 23 Regulation of the Minister of BUMN Number: PER-01/MBU/2011 concerning Implementation of Good Corporate Governance Good Corporate Governance in State-Owned Enterprises.

b. Basis for the Panel of Judges'

Considerations The panel considered everything that was revealed before the trial of this case, both from the statements of witnesses, letters, instructions, and statements from the defendant as well as evidence, after being linked to one another, to determine the extent to which the legal facts revealed before the trial could serve as the court's legal assessment. in determining the actions of the Defendant, whether he fulfilled the elements of the indictment or not as the Defendant was accused of committing a criminal act of corruption, namely:

1) First

Committing a criminal act of corruption that is punishable by a criminal offense as regulated in Article 12 paragraph (1) letter b of Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Laws RI Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption;

2) Second:

Committing a criminal act of corruption which is punishable by a criminal offense as regulated in Article 11 of Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption;

3) And Second:

Committing a criminal act of corruption which is punishable by a criminal offense as regulated in Article 12B of Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption Juncto Article 65 paragraph (1) of the Criminal Code; Considering, that the Defendant has been charged with an indictment in the form of Cumulative Alternative, the Assembly will consider and prove in advance the First Cumulative indictment which according to the Assembly is more appropriate, namely Article 12 letter b of Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption as amended with Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999, the formulation of which reads: "Shared with life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty years) and a minimum fine of Rp. 200,000,000.00 (two hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah); a civil servant or state administrator who receives a gift, even though it is known or reasonably suspected that the gift is given as a result of or is caused by having done or not doing something in his position, which is contrary to his obligations."

From the formulation of the article above, the elements are as follows:

1. Civil Servants or State Administrators
2. Receive gifts

Even though it is known or reasonably suspected that the gift is given as a result of or is caused by having done or not doing something in his position that is contrary to his obligations. In the point of Observing the assembly, it is based on Article 12 letter b of Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption and the Second Cumulative Charge of violating Article 12B of Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption in conjunction with Article 65 paragraph (1) of the Criminal Code, Law Number 8 of 1981 concerning the Criminal Procedure Code and other laws and regulations relating to the above.

3. Verdict

- a) To declare that the Defendant, Risyanto Suanda, has been legally and convincingly proven guilty by law of “committing a criminal act of corruption” as stated in the First Alternative Cumulative Indictment for violating Article 12 letter b of the Republic of Indonesia Law Number 31 of 1999 concerning Eradication of Corruption Crimes as amended by Law RI Number 20 of 2001 concerning Amendments to Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption and the Second Cumulative Indictment of violating Article 12B of Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption as amended by Law of the Republic of Indonesia Number 20 2001 concerning Amendments to Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption in conjunction with Article 65 paragraph (1) of the Criminal Code;
- b) Sentenced the Defendant Risyanto Suanda to imprisonment for 4 (four) years and 6 (six) months a fine of Rp. 250,000,000.00 (two hundred and fifty million rupiah) with the provision that if the fine was not paid, it was replaced with imprisonment for 3 (three) months. three months; a. Sentenced an additional penalty against the Defendant Risyanto Suanda to pay compensation in the amount of Rp1,244,799,300.00 (one billion two hundred forty-four million seven hundred ninety-nine thousand and three hundred rupiah) no later than one month after the court's decision obtained permanent law. taking into account the money that has been deposited into the KPK account, namely Rp. 200,000,000.00 (two hundred million rupiah) (BB Numbers 379 and 381) and the results of the auction of 1 (one) black Louis Vuitton sling bag with the words RS (BB Number 306), 1 (one) red maroon Louis Vuitton handbag in a cream color sheath that reads Louis Vuitton (BB Number 307), 1 (one) silver ring with 8 (eight) eyes (BB Number 308), 1 (one) watch brand FREDERIQUE CONSTANT GENEVE with

brown leather strap in a green box that reads FREDERIQUE CONSTANT GENEVE (BB Number 309). If within that time the Defendant does not pay the replacement money, his property will be confiscated by the Prosecutor and auctioned off to cover the replacement money. In the event that the Defendant (at that time the convict) does not have sufficient assets to pay the replacement money, he shall be sentenced to imprisonment for 1 (one) year; 4. Determine the period of arrest and detention that has been served by the Defendant to be deducted entirely from the sentence imposed; 5. Determine that the Defendant remains in custody; 6. Determine evidence in the form of.

D. Conclusion

Legislation that specifically regulates corruption crimes already exists. In Indonesia itself, the law on corruption has been amended 4 (four) times. As for the laws and regulations governing corruption, namely Law No. 24/1960 on eradicating corruption, Law No. 3/1971 on eradicating corruption, Law No. 31/1999 on eradicating corruption, Law number 20 of 2001 concerning amendments to the law on eradicating corruption.

As described above, that the Defendant Risyanto Suanda has been legally and convincingly proven guilty by law of "committing a criminal act of corruption" as stated in the First Alternative Compulsory Indictment in violation of Article 12 letter b of the Republic of Indonesia Law Number 31 of 1999 concerning Eradication of Acts Criminal Corruption as amended by Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption and the Second Cumulative Indictment violates Article 12B of Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption as amended by Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 65 paragraph (1) of the Criminal Code.

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