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Research Paper

Collective Accountability of Corruption Crime Perpetrators

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ABSTRAK **:***The government's efforts to eradicate corruption in Indonesia are a big challenge. In the Surabaya District Court Decision Number 74/Pid.Sus-TPK/2022/Pn Sby of 2022, namely a criminal act of corruption related to bad credit at PT. Bank Negara Indonesia (Persero) Tbk Surabaya Intermediate Credit Center. The objectives of this research are (1) To determine the form of criminal responsibility for corruptors and their decisions. (2) Examining the judge's considerations in deciding on criminal acts of corruption along with his decision. The design of this research is to explain criminal acts of corruption that were carried out jointly in 3 Supreme Court decisions and analyzed by referring to Law Number 31 of 1999 in conjunction with Law Number 20 of 2001. This type of research is normative legal research. This research approach is descriptive qualitative. types and sources of legal materials using primary and secondary. The collection and processing of legal material data in this research was carried out using library procedures. The analysis of the legal materials used is normative juridical descriptive. Based on the results and discussion, it is concluded that (1) Law Number 20 of 2001 is in line with the theory of the inclusion of Articles 55 and 56 of the Criminal Code which explains that there are two or more people who commit a criminal act. A criminal act of corruption will not be successful if it is carried out by just one person. (2) Surabaya District Court 74/Pid.Sus-TPK/2022/Pn Sby, Decision Number 35/Pid.Sus-TPK/2020/PT SBY and Decision Number 5/PID.SUS-TPK/2022/PT SBY as panel The judge has decided that the defendants have been proven to have fulfilled the elements in Article 3 of Law Number 31 of 1999 and Law Number 20 of 2000, although all three are different forms of corruption, all three together have harmed the state. state finances.*

kata kunci : *Criminal Responsibility, Joint Corruption Actors, Surabaya District Court 74/Pid.Sus-TPK/2022/Pn Sby, Decision Number 35/Pid.Sus-TPK /2020/PT SBY, Decision Number 5/PID.SUS-TPK /2022 / PT SBY*

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I. INTRODUCTION

Corruption in Indonesia does not always involve just one perpetrator because in practice there are many corruption cases involving several actors who are related and have the same interests (collective corruption) in committing immoral acts. The definition of corruption according to Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes is the act of someone who deliberately violates the law either in a region or in a corporation with the aim of enriching themselves, other people or other people's business entities, which result in financial and economic losses for the country [1][2] . Corruption in Indonesia is a serious and complex challenge.

The government's efforts to eradicate the problem of corruption in Indonesia is a big challenge, considering that opportunities for acts of corruption are wide open at various levels of society. Delays in disclosing cases of criminal acts of corruption actually provide many opportunities for perpetrators of criminal acts to not only be involved in one criminal act of corruption, but to commit acts of corruption. consciously and repeatedly in violation of applicable law. The phenomenon of corruption has penetrated various layers of government, institutions and the public sector [3] .

Corruption crimes committed consciously by a group of people in the form of abuse of authority with the aim of enriching themselves and their group, either as direct perpetrators, giving orders, or participating in

their implementation, or those who deliberately abuse authority through violence, threats, fraud. , providing opportunities, facilities, or deliberately encouraging other people to commit acts of corruption as regulated in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 Articles 2 to Article 3 concerning the Eradication of Corruption Crimes, as well as Article 55 to Article 56 of the Criminal Code, all of them must be faced with heavier legal consequences. Therefore, it is important for judges who handle corruption cases to carry out their duties carefully and professionally in giving decisions to perpetrators of criminal acts of corruption so that they can be given appropriate punishment[4].

In the Surabaya District Court Decision Number 74/Pid.Sus-TPK/2022/Pn Sby of 2022, namely a criminal act of corruption related to bad credit at PT. Bank Negara Indonesia (Persero) Tbk Surabaya Intermediate Credit Center. The chronology of the case begins in 2014 where the Defendant was the Director of PT. Atlantic Bumi Indo applied for a credit facility to PT. Bank Negara Indonesia (Persero) Tbk Surabaya Middle Credit Center worth IDR 60 billion with various house guarantees. Of the 74 bills, the defendant was late in paying 14 bills, resulting in a loss to the state of IDR 28,365,000,000. with details, namely: 1) Credit Disbursement: Rp. 60,000,000,000,- 2) Principal Payment: Rp. 610,000,000,- 3) Additional Guarantee: Rp. 31,025,000,000,-. The results of the trial proved that the Defendant had enriched himself by Rp. 60,000,000,- from the results of unpaid/bad payments. Decree Number 35/Pid.Sus-TPK/2020/PT SBY regarding illegal levies carried out by sub-district heads who have authority.

1. Declare that Defendant "M" has been legally and convincingly proven guilty of committing a criminal act of corruption as in the First Alternative Indictment;
2. Sentenced the defendant to imprisonment for 2 years and a fine of Rp. 25,000,000,- with the provision that if the fine is not paid, the defendant will be replaced by serving 2 months in prison.
3. Determine the sentence reduced by the length of detention of the Defendant.
4. Ordered the Defendant to remain detained.

Not only does corruption in the form of illegal fees or illegal levies involve more than just one person, namely the criminal act of bribery for promotion still occurs in Indonesia, position bribery does not only involve one person, namely many people are involved, as in the TBW case on Wednesday 28 April 2021 at around 14.00 WIB or at least around April 2021 or at the latest around 2021, located in the yard of the Sukomoro District Office on Jalan Panglima Sudirman Number 4 Sukomoro District, Nganjuk Regency, East Java Province or at least in another place that is still included in the jurisdiction of the Corruption Crime Court at the Surabaya District Court which has the authority to examine, try and decide on the case, has given or promised something, namely giving money amounting to Rp. 20,000,000.00 (twenty million rupiah) to Civil Servants or State Administrators, namely to NRH as Civil Servants or State Administrators who serve as Regent of Nganjuk based on Decree of the Minister of Home Affairs Number: 131.35-5901 of 2018 dated September 5, 2018 2018 concerning the Appointment of the Regent of Nganjuk, East Java Province through MIZ as Adjutant to the Regent of Nganjuk based on Employment Agreement Number: 800/022/411.030/2021 dated 4 January 2021, with the intention that Civil Servants or State Administrators do or not do something in their position, namely with the intention for NRH to appoint MB as Head of the Government Division of Sukomoro District, Nganjuk Regency, which is contrary to his obligations, namely contrary to NRH's obligations as a Civil Servant. State officials or administrators who serve as Regent of Nganjuk must first ask for consideration from the civil servant performance assessment team based on an objective comparison between competency, qualifications, tenure, work performance assessment, leadership, cooperation, creativity, regardless of gender, ethnicity, religion, race, and class, before promotion and transfer of Echelon IV Civil Servant Officials within the Nganjuk Regency Government as intended in Article 56 paragraph (3) and Article 200 paragraph (1) (Government Regulation (PP) No. Number 11 of 2017 concerning Management of Civil Servants, and not committing acts of corruption, collusion and nepotism; carrying out duties with a full sense of responsibility and not committing disgraceful acts, selflessly for personal, family, crony or group interests, and not expecting rewards in any form that is contrary to with the provisions of applicable laws and regulations as regulated in Article 5 numbers 4 and 6 of Law Number 28 of 1999 concerning the Administration of a State that is clean and free from Corruption, Collusion and Nepotism.So the High Court Number 5/PID.SUS-TPK/2022/PT SBY handed down the following decision:

1. Declare that the Defendant Tri Basuki Widodo has been legally and convincingly proven guilty of committing the criminal act of corruption as charged in the Second Indictment;
2. Sentenced the defendant Tri Basuki Widodo to imprisonment for 1 year and 3 months and a fine of Rp. 50,000,000,- if the fine is not paid, it will be replaced by imprisonment for 3 months;
3. Determining that the prison term served by defendant Tri Basuki Widodo be deducted entirely from the sentence imposed;
4. Ordered that the defendant Tri Basuki Widodo be detained at the State Detention Center

The three examples of decisions above can be carried out in research related to corruption together. Hasaziduhu Moho concluded that the basis for the judge's consideration in imposing a criminal sentence on the perpetrator of a criminal act of corruption which was carried out jointly was guided by Article 183 of Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP) formally and materially applicable Article 3 of the Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Corruption Crimes [5] . Another study by Defalius Pramudya concluded that the basis for judges' considerations in making decisions is seen from the perspective of responsibility, so that only people who are able to be responsible for their actions can be held accountable. If there is no fault in a criminal act, this is the principle of criminal responsibility, so in the case of a person who is punished for committing an act that is threatened, it depends on whether in committing the act he made a mistake [5]. Therefore, based on these two studies, the research will continue with the title "Criminal Responsibility with Corruption Actors".

II. LITERATURE REVIEW

Punishment Theory

Positive law in Indonesia in criminal law has never formulated the purpose of punishment. So far, the discourse about the purpose of punishment is still at a theoretical level. However, as study material, the Draft Criminal Code has determined the objectives of punishment in Book One of General Provisions Chapter II with the title Punishment, Crimes and Actions. The objectives of punishment according to Projodikoro are:[6]

1. Scare people so they don't commit crimes either by scaring the masses (general preventive) or by scaring certain people who have committed crimes so that they won't commit crimes again in the future (special prevention), or
2. Educate or reform people who commit crimes so that they become people with good morals who are beneficial to society.

In general, the theory of punishment is divided into three. In this section the author will explain the following theory:

1. Absolute Theory or Revenge Theory (Vergeldings Theorien)

According to this theory, punishment is imposed solely because a person has committed a crime or criminal act. This theory was introduced by Kent and Hegel. The absolute theory is based on the idea that punishment has no practical purpose, such as determining a crime, but punishment is an absolute demand, not just something that needs to be imposed but is mandatory, in other words the nature of punishment is retribution. .

2. Relative theory or objective theory

This theory shows that punishment is a tool to enforce order (law) in society. This theory is different from the absolute theory, the premise that a crime can be punished means that punishment has a specific purpose, for example improving mental attitudes or making the perpetrator innocent, so a mental attitude development process is needed.

3. Combination/modern theory (Vereningings Theorien)

Combined theory or modern theory views that the purpose of punishment is plural, because it combines relative (goal) and absolute (revenge) principles as one unit. This theory has a double pattern, where punishment contains the nature of retaliation because punishment is seen as moral criticism in response to wrong actions. Meanwhile, the nature of the aim lies in the idea that the aim of moral criticism is reform or change in the behavior of convicts in the future.

Criminal Justice Subsystem in Indonesia

Indonesia as a country of law upholds human rights and guarantees all citizens the same position in law and government and is obliged to enforce the law as the supreme commander with no exceptions [7]. The definition of a criminal justice system is a crime control system consisting of police agencies. Prosecutors, courts and prisons for convicts [8] . It is also stated that the criminal justice system is a system in a society for dealing with crime [9]. The criminal justice system is also called the "criminal justice system" which starts from the process of arrest, detention, prosecution and examination before the court, and ends with the implementation of criminal acts in correctional institutions [10].

The most basic principles of justice in the administration of justice administration services which lead to principles of effectiveness and efficiency are the principles of convenience, speed and low cost.

a. Simple, interpreted as a process that is not long-winded, not convoluted, not tortuous, not convoluted, clear, straightforward, cannot be interpreted, easy to understand, easy to carry out, easy to carry out.

b. Fast, interpreted as a strategic effort to make the justice system an institution that can guarantee the achievement of justice in law enforcement quickly by justice seekers. Both fast in the process, fast in results, and fast in assessing the performance and level of productivity of judicial institutions. Fast in the sense of being precise and thorough. Appropriate in the application of statutory provisions which are used as a juridical basis and careful in the sense of containing an element of caution and thoroughness in the results and assessments.

c. Cheap Costs: This means that seeking justice through judicial institutions does not only mean that society has hope that justice will be guaranteed therein, but also means that justice is not expensive. Justice cannot be realized.

The principle of differentiation in the Criminal Procedure Code

Legal principles in criminal procedural law are very important [11] , because 1) They are the basis for the formation of criminal procedural law, 2) Show whether the criminal procedural law applied provides protection for the rights of suspects and defendants in the judicial process (criminal justice system) and 3) Used as a basis for measuring whether law enforcement actions in implementing criminal procedural law are appropriate or not.

An investigation is a series of investigative actions according to procedures regulated by law to search for and collect evidence to clarify the criminal act committed and to find the suspect. Investigations are closely related to investigations because before starting an investigation the investigator must go through an investigation process into a criminal act that occurred. Investigation and interrogation are interrelated to complete the examination of a criminal incident. The success or failure of the prosecution by the Public Prosecutor at the examination stage at the court hearing is influenced by the success of the investigation [12] .

The success of overcoming crime, especially corruption, is influenced by the implementation of SPP, among other things, as an orderly structure or arrangement, a unit consisting of interrelated parts, arranged according to a plan or pattern, the result of which is a thought to achieve a goal. In a good system there should be no conflict or clash between these parts, nor should there be duplication or overlap between institutions [13] . After the principle of functional differentiation applies, the prosecutor's office will no longer be the dominus litis in a case, even though in fact the prosecutor's office in exercising its prosecutorial authority must know clearly how investigations are carried out so as to reduce repeated returns. on case.

III. RESEARCH METHODS

The design of this research is to explain criminal acts of corruption carried out jointly as stated in the three examples of decisions attached and analyzed according to the first and second problem formulations then linked to Law Number 31 of 1999 in conjunction with Law Number 20 of 1999 2001 for answer both problem formulations. This research is a type of normative legal research, namely research that refers to legal regulations contained in laws, especially Law Number 31 of 1999 in conjunction with Law Number 20 of 2001[14] . Furthermore, this research approach is descriptive qualitative because it presents theories related to criminal acts of corruption together which are used to answer the research problem formulation in accordance with the law and court decisions.

The preparation of this research uses types and sources of legal materials using qualitative methods because it does not use figures in the form of figures but instead uses information from several previous studies. The source materials will be described as follows: a) Sources of Primary Legal Materials, namely data sources obtained directly from news reports and decisions, b) Secondary Legal Material Sources, namely data sources obtained from other parties who have collected information in the form of journals, books, or laws such as Law no. 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes [14] .

The collection and processing of legal material data in this research was carried out using library procedures, namely collecting documents in the form of books, journals, decisions and laws that are relevant to the research problem contained in the Decree as attached regarding criminal acts of corruption with the Management of Regional Government Food Reserves. (CPPD) [14] . The analysis of legal materials used is normative juridical descriptive, because it examines the case in the attached decision and then analyzes it based on the judge's decision and the applicable law as stated in the decision.

IV. RESEARCH RESULTS AND DISCUSSION

Joint responsibility for criminal acts of corruption

Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia (hereinafter referred to as the Prosecutor's Law), Article 1 paragraph (1) states that the prosecutor's office is a government institution that exercises state power in the field of prosecution and other matters. power based on law. From this formulation it can be concluded that the prosecutor's office is a government institution, thus in exercising state power, the prosecutor's office is one of the state's tools. According to Article 1 paragraph (2), this authority is exercised independently. The Attorney General's Office is one and cannot be separated (Article 1 paragraph (3)). These things need to be understood to know the position of the prosecutor's office both in government and as a bearer of state duties. The Head of the Attorney General's Office, namely the Attorney General, is not a member of the cabinet because the Attorney General is not a minister but has the same position as a minister.

The Attorney General is an assistant to the president but is not the president as head of government but as head of state.

The prosecutor's office is a government tool that acts as a prosecutor in criminal cases against criminal law violators. In this way, the prosecutor's office is defending the public interest, and is considering whether that public interest requires that a criminal offense be prosecuted or not. It is up to the prosecutor only to prosecute punishable acts [15] . Investigations carried out by the prosecutor's office are generally aimed at uncovering a crime or crime, namely from the beginning until sufficient evidence is found for the perpetrator of the crime.

In addition to carrying out prosecutions, the Public Prosecutor's authority has the authority to carry out "determinations" and judge decisions, however, this does not eliminate the relationship and cooperative relationship between investigators and public prosecutors on the one hand, and especially on that side. court on the other hand. Because basically a court examination is impossible without the presence of a prosecutor as public prosecutor. Not only in court proceedings of first instance, these relations and connections, but also include matters relating to the use of ordinary and extraordinary law.

In preparing the indictment, the public prosecutor must comply with the results of the investigator's examination. If the formulation of the indictment deviates from the results of the investigator's examination, the indictment cannot be used by the public prosecutor to prosecute the defendant. If deviations like this are allowed in the implementation of law enforcement, then we have justified the public prosecutor in arbitrarily indicting someone for something he never did. This kind of freedom cannot be legally justified and can be considered as oppression of the accused. If the defendant finds that the formulation of the indictment differs significantly from the results of the investigator's examination, then the defendant can file objections or objections to the indictment in question. Likewise, the judge, if he finds an indictment that deviates greatly from the results of the investigative examination, can declare the indictment "unacceptable" because the formulation of the indictment is "vague" or unclear for defamation, because the contents of the indictment formulation do not complicate things and do not clearly emphasize the agreement. and the reality of the criminal act determined in the investigative examination with what is described in the indictment. In the event that the court accepts the transfer of case files, the judge must carefully check whether the indictment submitted does not deviate from the results of the investigative examination. To determine whether the indictment deviates or not, the judge examines the formulation of the indictment with the investigator's examination report.

The relationship between the Corruption Eradication Committee (KPK) and the Police and Prosecutor's Office is a partnership, namely that the Corruption Eradication Committee supports the performance of the Police and Prosecutor's Office in eradicating corruption, so it can be said that the Corruption Eradication Committee has the authority to prosecute. Corruption cases began with the enactment of the Corruption Eradication Committee Law, where the Corruption Eradication Committee has three powers to carry out investigations, investigations and prosecutions of corruption cases. However, in its existence, the Corruption Eradication Commission continues to coordinate with other law enforcement agencies, such as the Police and the Attorney General's Office. As desired in the applicable laws and regulations in an effort to eradicate criminal acts of corruption caused by the inability to function of government institutions that handle corruption cases effectively and efficiently in eradicating corruption, the Corruption Eradication Committee was formed. The formation of the KPK is in accordance with the provisions of Article 43 of the Corruption Eradication Law as amended by the Attorney General's Law concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes.

Corruption crimes committed by state officials often involve the presence of more than one person so that unlawful acts can occur. This is then regulated in Article 3 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes jo. Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes and in line with the theory of inclusion regulated in Articles 55 and 56 of the Criminal Code regulates that there are two or more people when committing a criminal act. The criminal act of corruption will not be successful if it is carried out by just one person, many will be involved in committing theft with authority and causing state financial losses.

Judge's Considerations in Deciding Corruption Crimes Simultaneously in the Decision

Criminal responsibility in criminal law is intended to determine whether a criminal can be held responsible for a crime he has committed or not. In the case of criminal acts, they can be held accountable if there is an error. Because in the principle of criminal responsibility there is a principle that is side by side with the principle of legality, namely the principle of no crime without error. Criminal liability is determined based on the fault of the maker and not just by fulfilling all the criminal elements. In this way, error is placed as a determining factor in criminal responsibility and is not only seen as a mere psychological element in criminal acts [16]. However, there is also another view that departs from the principle of no crime without fault, namely the theory of the separation of criminal acts and criminal responsibility or known as dualistic teachings [16]. In

essence, this theory teaches that even though he has committed a crime, the perpetrator is not covered by guilt, he can still be held responsible for his actions, because when committing a crime, the perpetrator is not always guilty. his actions. From the teachings of this dualistic theory it can be concluded that error is only an element of criminal responsibility, not an element of crime, because criminal acts only regulate actions that are against the law.

In general, theories regarding criminal law regarding criminal liability according to civil law embrace error as an element of crime, therefore in discussing criminal liability we will simultaneously discuss errors which this teaching is called monistic theory. From these theories it can be concluded that error is the basis for determining criminal responsibility, and criminal responsibility will also determine whether the perpetrator of the crime can be punished. It's just that mistakes as a basis for criminal liability are not a criminal element. The relationship between guilt, criminal responsibility and punishment is that first we have to talk about guilt, after it can be determined that there is a mistake then we can determine the responsibility of the perpetrator of the crime, only after that can determine the punishment.

The laws and regulations in force in Indonesia do not regulate or explain the meaning of criminal liability. The definition of criminal responsibility is very minimal and little mentioned in positive law in Indonesia. In the Criminal Code, for example, criminal liability only concerns the reasons for eliminating criminal acts as stated in Articles 44, 48, 49, 50 and 51 of the Criminal Code. Apart from that, it is only regulated in Article 183 of Law no. 8 of 1981 concerning the Criminal Procedure Code (KUHAP), concerning the importance of error in convicting a defendant.In determining criminal liability, the judge must consider the following elements: [17]

a. The nature of breaking the law is assessed teleologically and is not an element of crime
b. Errors are assessed teleologically and not as elements of crime
c. No justification
d. No reason
e. Able to be responsible

The error itself consists of two forms of signs, namely intentional and negligent. Deliberation in assessing the guilt of a person who commits a criminal act assumes that the act that can be punished is an act carried out intentionally. The element of intent must be taken into account when it comes to signs of wrongdoing or when holding someone responsible for a crime. Deliberation is classified into three styles, namely intentionality as intention, intentionality as necessity, and intentionality as possibility [16] . Intentional as a matter of necessity is intentional that occurs because the goal the perpetrator wants to achieve can be realized by committing the act. Meanwhile, deliberate intention is due to the possibility that the maker knows that his actions also have the scope for certain consequences to occur, or the maker thinks to achieve a certain goal in committing a criminal act.

Then this form of negligence is an exceptional form of error, meaning that not all actions that occur as a result of the maker's negligence can be blamed [16] . In negligence, an act that occurs due to negligence which results in the emergence of a new crime can be denounced or said to be a crime only if it is regulated in law. Forgetfulness itself consists of conscious forgetting and unconscious forgetting. A conscious error occurs when the creator does not use his or her mind properly, resulting in prohibited consequences. The maker also does not realize that what he should know, can know or guess what he can predict. Meanwhile, in unconscious negligence, the creator does not think at all that his actions could result in a crime, even though the creator should have thought about this.

The difference between intention and negligence in formulating a sign of guilt in a criminal act can be seen in criminal procedures. This can be seen from the difference in the sound of the judge's decision for the two forms of error. If the author's negligence is not proven, he will be declared 'exonerated'. Meanwhile, if it is not proven that there was any intention on the part of the maker, then the decision will be 'released from all legal demands'. This is because negligence is the core part (best deel) of a crime, while intention is not included in the formulation of the core part of a crime. The panel of judges, in deciding cases of criminal acts of corruption, will jointly consider the value of the losses caused, especially regarding state and regional finances. These are the three judges' decisions regarding criminal acts of corruption which were carried out jointly.

V. KESIMPULAN

Kesimpulan daripenelitianiniadalah 1) KUHP tidakmemberikanpenjelasanmengenaideelnemingdelicten, pokokbahasankorupsi pada umumnyaselaluberada di sekitarpejabatkarenapejabatmemilikikewenangan, halinikemudianeratkaitannyadengandelikjabatan yang kemudianmelahirkanUndang-undang. PemberantasanTindakPidanaKorupsi. Tindakpidanakorupsi yang dilakukanpenyelenggara negara seringkalimelibatkankehadiranlebihdarisatu orang

sehinggadapatterwujudperbuatanmelawanhukum. Hal inikemudiandiaturdalam Pasal 3 Undang-UndangNomor 31 Tahun 1999 tentangPemberantasanTindakPidanaKorupsi jo. Undang-UndangNomor 20 Tahun 2001 tentangPerubahanatasUndang-UndangNomor 31 Tahun 1999 tentangPemberantasanTindakPidanaKorupsi dan sejalandenganteoriinklusi yang diaturdalam Pasal 55 dan 56 KUHP mengaturbahwaada dua orang ataulebih pada saatmelakukantindakpidana. Tindakpidanakorupsitidakakanberhasilhanyajikadilakukan oleh satu orang, akanbanyak yang terlibatdalammelakukanpencuriandenganwewenang dan menimbulkankerugiankeuangan negara. 2) Pengadilan Negeri Surabaya 74/Pid.Sus-TPK/2022/PnSby, PutusanNomor 35/Pid.Sus-TPK/2020/PT SBY dan PutusanNomor 5/PID.SUS-TPK/2022/PT SBY sebagaimajelisMajelis hakim telahmemutuskanbahwa para terdakwaterbuktimemenuhiunsur-unsurdalam Pasal 3 Undang-UndangNomor 31 Tahun 1999 tentangPemberantasanTindakPidanaKorupsi jo. Undang-UndangNomor 20 Tahun 2001 tentangPerubahanatasUndang-UndangNomor 31 Tahun 1999 tentangPemberantasanTindakPidanaKorupsi, meskipunketiganyamemilikibentukkorupsi yang berbeda, namunketiganyasama-samamerugikankeuangan negara.

Sedangkan saran penelitianadalah: 1) Sebaiknyadalampenerapan Pasal 55 KUHP dapatditerapkandalamperkaratindakpidanakorupsi dan memperhatikanmaknadelikjabatandalamtindakpidanakorupsi. Korupsisecarabersama-sama sangat merugikanmasyarakat, dana yang digunakanharusdapatmembantupembangunan dan sanksinyaharuslebihberat dan adasanksisosial. 2) Sebaiknya hakim dan aparatpenegakhukumlainnyadalammenyelesaikansuatuperkaratindakpidanakorupsi yang dilakukan oleh penyelenggara negara tetapteguh dan lebihmemperhatikanperaturanperundang-undangansertafakta-fakta yang terungkapsehinggadapatmenjatuhkanpidanaberatterhadap negara. pejabat yang terpidanakorupsi dan memilikiefekjera di kemudianharibagicalonpelakukorupsi.

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