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APPLICATION OF THE CONCEPT OF ERATING CORRUPTION IN INDONESIA FROM A RESTORATIVE JUSTICE PERSPECTIVE

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Abstract

The aim of this research is to analyze application of the concept of eradicating corruption in Indonesia from a restorative justice perspective. The type of research is normative legal research, namely research conducted on legal principles, legal rules in the sense of values (norms), concrete legal regulations and legal systems, which relate to the material studied. This research uses the statutory approach, conceptual approach and case approach. After collecting legal materials from the literature, an evaluative analysis is carried out to be able to solve legal issues based on doctrinal theories, theories and legal principles or principles put forward by legal experts or scholars. The research results show that the application of the concept of eradicating corruption in Indonesia from a restorative justice perspective takes into account first, the historical basis and shifts in the regulation of criminal acts of corruption in Indonesia. Second, eradicating corruption based on the current Corruption Law. Third, the distribution of the formulation of criminal acts of corruption in several laws. Fourth, the principle of restorative justice, which adheres to the notion of improvement, involvement and facilitation of the justice system. By paying attention to this concept, it is intended that there is coherence between the moral basis of corruption and the basic principles of restorative justice. Corruption is a criminal act that damages the economic system and causes huge losses to society, so eradicating it with RJ must lead to efforts to improve, involve and facilitate the justice system, because pursuing corporal punishment does not guarantee that the situation will return to normal, by emphasizing the perpetrator's responsibility to improve, then the criminal objective will automatically be realized. RJ arrangements have been included in institutional technical regulations, in the Police and Prosecutor's Office. The legal level is contained in the SPPA Law and has been contained in the new Criminal Code, namely the principles of improvement, involvement and eliminating nuances of retaliation.

Keywords: Corruption; Restorative Justice; Indonesia.

INTRODUCTION

The development of world civilization is increasingly progressing towards modernization where this development always brings changes in every aspect of life. Along with changes in world development, forms of crime also continue to follow the times and transform into more varied and varied forms. Of the various kinds of developments in crime or criminal acts that are phenomenal and very detrimental to the life of the nation and state are criminal acts of corruption.

The criminal act of corruption is a problem that is felt to be growing more rapidly as the development of the nation becomes more advanced, so it also increases and encourages corruption.1 Corruption in Indonesia is still one of the causes of the decline of the nation's economic system. This is because corruption in Indonesia occurs systemically and is widespread so that it not only harms the state's financial condition, but also violates the social and economic rights of society at large.

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The corruption phenomenon that occurs in Indonesia has become a chronic disease and is difficult to cure; corruption has become something systemic; it has become a system that is integrated with the administration of state government and it is even said that the government will actually be destroyed if corruption is eradicated. A government structure built against a background of corruption will become a corrupt structure and will be destroyed when the corruption is eliminated. With this phenomenon, it can be said that corruption in Indonesia has become a culture, so that this action is an action that is considered normal by the perpetrators.

When reform was rolled out, the Indonesian people initially had hope that there would be a change in the nation's living conditions, especially regarding the resolution of ongoing corruption cases. However, in reality, up to now, the form of action to eradicate corruption has not yet seen satisfactory results. In fact, acts of corruption appear to be increasingly widespread, not only at the central level but also at the regional level.

The development of criminal acts of corruption is increasing both in terms of quantity and quality. Therefore, it is not an exaggeration to say that corruption in Indonesia is not an ordinary crime but is an extra ordinary crime. When corruption is classified as an extraordinary crime, efforts to eradicate it can no longer be carried out in an ordinary way, but must be carried out in extraordinary ways. However, in reality the performance of the police and prosecutor's office in dealing with corruption over the last 5 (five) years tends to position corruption as an ordinary crime which is ultimately also handled in ordinary ways.

Various laws and regulations and various institutions were formed by the Government in an effort to tackle corruption. The number of acts of corruption in Indonesia should have decreased, but the reality has not changed, and is even getting worse. A harsh punishment strategy is very necessary, because corruption is not deviant behavior. Corruption is an action planned with full calculation of profit and loss (benefit-cost ratio) by law violators who have honorable status. They are not only good at avoiding legal traps by exploiting the weaknesses in the legal system itself. The deployment of all abilities and authority is calculated as carefully as possible, so that other people can only feel the smell of corruption, but are powerless when it comes to proving this.

The issue of eradicating corruption in Indonesia is not only an issue of law enforcement alone, but is also a social and social psychological issue, which is equally as serious as the legal issue, so this problem must be addressed simultaneously. The reason why corruption is considered a social problem is because corruption has resulted in the loss of equal welfare for all Indonesian people. Corruption must also be considered a social psychological problem, because corruption is a social disease that is difficult to cure.

Modus operandiand the forms of corruption that occur in Indonesia are very diverse, starting from corruption in the procurement of goods and services, embezzlement of budget markups, bribery, misuse of the budget, which is rampant from the ministerial level down to the lowest level. The Village Fund Budget is not free from corrupt practices. The village fund budget is a budget disbursed by the government through the Ministry of Villages, Development of Disadvantaged Areas and Transmigration (PDTT) which is allocated quite a large amount of

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72 trillion which will be distributed to 74,964 villages throughout Indonesia where each village receives 960 million rupiah in order to carry out massively empowering the people's economy of village communities so that it is hoped that there will be accelerated economic development evenly across all villages in Indonesia. Indonesia Corruption Watch (ICW) noted that corruption cases in the village budget sector were the most frequently prosecuted by law enforcement officials in 2019 compared to other sectors.

From the explanation above, there are structural problems, juridical problems and philosophical problems in the study of corruption in village funds. The structural problem is how weak village officials are, from the village head, village secretary to the Village Representative Body (BPD) in planning, using and supervising village use, so there is potential for misuse of village funds.

ICW data shows that there were 46 cases of corruption in the village budget sector out of 271 corruption cases during 2019. Village budget corruption was recorded as causing state losses of up to Rp. 32.3 billion rupiah. "The large amount of corruption in village funds shows that there is no comprehensive system implemented or created by the government in terms of monitoring village funds," said ICW researcher Wana Alamsyah at the ICW Jakarta office.2

According to the Indonesian Corruption Eradication Commission (KPK) commissioner, Nurul Ghufron, there are 2 factors that cause misuse of the village budget, namely the low understanding of the village head or village officials in managing village finances and another factor is the political process carried out by the village head to get this position where the person concerned has to spend capital. Which was large enough to get the position so that he thought about how to return the capital before taking office.3

Regarding the provision of Village Funds, of course, there is the potential for criminal acts of corruption to occur and therefore if the problem of such large village funds is not prepared for an appropriate legal solution then it will be detrimental to all parties.

The provision of village funds is based on Government Regulation Number 60 of 2014 concerning Village Funds. Priorities for the use of Village Funds are determined annually by the Minister of Villages, Development of Disadvantaged Regions and Transmigration and related ministries through ministerial regulations. Priority use of Village Funds in 2017 for development and community empowerment programs. Even though priorities are set, the use of Village Funds must reflect the aspirations and needs of the community.4 However, the fundamental problem is that there are no more specific regulations regarding the priority scale and how to manage the village funds more comprehensively. The demand that village governments must be able to realize a good government system or good governance in order to support village-based national development.

Empirical research conducted on restorative justice practices revealed a number of important findings, including a substantial reduction in reoffending/recidivism for violent and property crimes. Apart from that, RJ is more effective in reducing serious crimes that have victims, rather than less serious crimes. When looking at different types of RJ initiatives, evidence consistently shows that the average victim benefits most from face-to-face initiatives, such as offender reconciliation/mediation programs.[5]

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Based on sociological, juridical and philosophical grounds, there is a criminal act of corruption in the budget fund Village corruption is a criminal act of corruption that is not too complicated and tends to be simple, which is not much different from other general criminal cases such as embezzlement and fraud, while village budget corruption is the most frequent case handled by law enforcement officials. So there appears to be a significant disparity between the costs that must be incurred by the state to investigate criminal acts of corruption compared to the results obtained considering that the state losses incurred are relatively small in value, the author is interested in conducting a study in a dissertation on eradicating corruption in village funds from a restorative justice approach.

METHOD

The type of research is normative legal research, namely research conducted on legal principles, legal rules in the sense of values (norms), concrete legal regulations and legal systems, which relate to the material studied.[6] Normative legal research or also called doctrinal legal research.[7] In this type of research, law is conceptualized as what is written in statutory regulations (law in books) or law is conceptualized as rules or norms which are benchmarks for human behavior that is considered appropriate.[8]

Soetandyo Wignyosoebroto divides types of legal research methods into several groups,[9] including the doctrinal method which is normative legal research that examines positive law. According to Peter Mahmud[10], legal research is a process of discovering legal rules, legal principles, and legal doctrines in order to answer the legal issues faced. Legal research is carried out to produce new arguments, theories or concepts as pre-dissertations in solving the problems faced.

Based on this, the research examines principles and principles to find legal formulas related to application of the concept of eradicating corruption in Indonesia from a restorative justice perspective, hobstacles in implementing restorative justice in village fund corruption cases, Andlegal reconstruction to suppress criminal acts of corruption in the misuse of village funds in Indonesia using a restorative justice concept approach.

This research uses the statutory approach, conceptual approach and case approach.[11] Described as follows.

1) Statutory Approach

The legal approach is carried out by reviewing all laws and regulations that are related to the legal issue being handled. The practical use of the legal approach is that it will prove and study whether there is consistency and conformity between one law and other laws, or between a law and the Constitution. The academic use is to look for the rationale legal basis and ontological basis for the birth of the law so that the philosophical relationship behind the law will be discovered.

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2) Concept Approach (Conceptual Approach)

The conceptual approach departs from the conceptual views and doctrines that develop in legal science. By uncovering the doctrines of legal science, researchers will obtain ideas for obtaining new legal understandings, new legal principles that are relevant to the legal issue being researched.

3) Case Approach

The approach is to examine legal cases that have been decided in court relating to corruption in village funds.

The types and legal materials used in this legal research consist of primary legal materials, secondary legal materials and tertiary legal materials. Primary legal materials are legal materials of an authoritative nature consisting of statutory regulations, official records or minutes in the making of legislation and judges' decisions, [12], which are relevant to the legal issues of this research. Secondary legal materials are obtained from publications about law that are not official documents. Publications about this document include textbooks, law journals, and commentaries on court decisions.[13] meanwhile; tertiary legal materials are materials that provide meaningful instructions or explanations for primary legal materials and secondary legal materials such as legal dictionaries, Indonesian dictionaries and encyclopedias.

The collection of legal materials is adjusted to the research approach.[14] In this case, as mentioned above, researchers used several approaches, namely: the statutory approach, the conceptual approach and the case approach. The use of the legislative approach in this case involves collecting various statutory regulatory products that are related or not directly related to legal issues. Regulatory products that are directly related to the legal issues in this research include: the Corruption Eradication Law, the 1945 Constitution of the Republic of Indonesia, the Criminal Code (Indonesian Criminal Code), and statutory regulations. Others related.

Researchers also use a conceptual approach in analyzing problems. In collecting legal materials, researchers search law books because law books contain many legal concepts. Therefore, the technique for collecting legal materials consists of primary legal materials, secondary legal materials and tertiary legal materials, which are obtained by identifying all legal materials related to village development. The aim of using this technique is to obtain a theoretical basis and expert opinions, especially those that are closely related and have strong relevance to the object under study. In addition to the technical analysis of legal materials which is carried out inductively, namely drawing conclusions from a concrete problem of a specific nature to an abstract problem of a general nature, with a descriptive analysis method, which begins by grouping the same legal materials according to sub-aspects and then carrying out interpretations to provide meaning. Towards each sub-aspect and its relationship to each other so that in its entirety the aspects, which are the main problem of the research, are carried out inductively which ultimately provides a complete picture. In normative legal research, after collecting legal materials, the next step is processing legal materials by means of identification, classification according to hierarchical sources and carrying out systemization activities on legal materials to be studied or analyzed using legal reasoning using deductive-inductive-

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abductive methods and/or carrying out interpretations. To be able to solve legal issues based on doctrine, theory and legal principles or principles put forward by legal experts or scholars.

In addition, all legal materials are obtained from library research then analyzed using evaluative analysis, namely analysis that provides justification for the research results. The researcher will provide an assessment of the research results, whether the hypothesis of the proposed legal theory is accepted or rejected.[15] Therefore, in relation to this research topic, after collecting legal materials from the literature, an evaluative analysis is carried out to be able to solve legal issues based on doctrinal theories, theories and legal principles or principles put forward by legal experts or scholars.

RESULTS AND DISCUSSION

A. Eradicating Corruption In Indonesia

Efforts to overcome corruption through legal instruments have changed according to developments. The position of corruption as a criminal act, in Indonesian positive law, has long been seen as an act against the law as an offense, namely since the enactment of the Criminal Code (KUHP). Corruption regulations are also included in the criminal code in the Criminal Code. Corruption offenses in the Criminal Code include office offenses and offenses related to office offenses. The provisions for criminal acts of corruption contained in the Criminal Code are not effective in anticipating and overcoming the problem of corruption, which continues to take root. Then, legislation was formed to respond to the problem of corruption and improve legal work capacity, with the hope of filling and perfecting the deficiencies in the Criminal Code.

During the New Order era, the eradication of corruption first gave birth to a law regarding corruption, namely Law Number 3 of 1971. In the reform era after the fall of President Soeharto's regime, Law Number 28 of 1999 concerning State Administrators who were Clean and Free from Corruption was issued., Collusion and Nepotism as the government's initial steps to combat criminal acts of corruption, then Law Number 31 of 1999 concerning the Eradication of Corruption Crimes was issued (UU No. 31 of 1999) which was then adjusted with additions and changes through Law Number 20 2001 concerning Amendments to Law no. 31 of 1999 (UU No. 20 of 2001) as a legal instrument to eradicate criminal acts of corruption. Eradicating corruption with legal instruments in Indonesia is described in further discussion as follows.

a) Eradication of Corruption During the Dutch and Japanese Governments

Historically, criminal acts of corruption can be traced to the Dutch Government. Djoko Marihandono stated that corruption in Indonesia existed before the Dutch colonized Indonesia, according to him the culture of corruption had started since the VOC (Verenigde oost indische Compagnie) era.[16] The VOC was a trade association that once controlled and monopolized the archipelago's economy, this association even acted as a "government" that regulated and had power over the archipelago, the trade practices that were developed were very monopolistic, so that trade relations were colored by fraud and collusion which tended to be corrupt, because of its high The level of corruption within the VOC meant that the VOC finally went bankrupt.[17]

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In line with that, AK Wiharyanto also wrote that in 1799 the VOC was disbanded, the reasons for the fall of the VOC were, among other things, rampant corruption among its employees. Apart from that, many of the employees are incompetent. This causes trade monopoly control to not work as it should.

Another reason was that the VOC carried a lot of debt. This debt was the result of wars waged both with the Indonesian people and with the British in fighting for power in the trade sector. Apart from that, there has been a decline in morale among employees due to a financial system that is considered less transparent.[18]

In Erlina Wiyanarti's writing, it is said that the decline in the work ethic of leadership and management, which became increasingly worse over time, contributed to the worsening of the VOC's financial condition at the end of its existence. The result of this weak leadership and supervision system is an increase in smuggling, clandestine trade, as well as the spread of private businesses that utilize VOC (private business) facilities, such as sending private merchandise on VOC ships."[19]

Greed for wealth and poor integrity of officials is a mentality that fosters corruption. The desire to become prominent - because of power and wealth can be validated as a cultural orientation that has been cultivated from an early age and carries hidden seeds for corruption. The behavior of these officials then spread to VOC officials and employees. The bad mentality and behavior of VOC employees did not only mushroom towards the end of the 18th century. When the VOC Governor General Speelman died in 1648, corruption and abuse of power were exposed. Among other things, he made/and authorized payments for soldiers who did not actually exist and for work that was not carried out; give pepper prices below the predetermined price.[20]

After the VOC disbanded, Indonesia was handed over to the Dutch government (Bataaf Republic). VOC employees became Dutch government employees. The VOC's debt was also the responsibility of the Netherlands. Thus, since January 1, 1800, Indonesia was colonized directly by the Netherlands. Since then Indonesia has been called the Dutch East Indies. Since then, Indonesia has had a period of colonialism.[21]

The cultural legacy of corruption from the VOC era was continued by the Dutch East Indies government at that time, according to Ong Hok Ham, in his book "politics, corruption and culture" corruption in the Dutch era can be traced to the emergence of the term (terminoogi) "katabelece" as one of the modus operandi Corruption in the Dutch era, katebelence itself comes from the Dutch vocabulary which means "magic letter", which is used to influence policies/decisions for interests that benefit individuals or certain groups.[22] An overview of criminal acts of corruption and efforts to overcome them can be described as follows:[23]

The VOC trading company went bankrupt because it was unable to pay its debts. Even though products are abundant, many trade commodities accumulate at the port. In this situation, Herman Willem Deandels assumed the position of governor general in the Dutch East Indies. After traveling for 10 months, Deandels landed in Anyer on January 1, 1809. He then continued on to Batavia to meet Governor General Albertus Henricuk Wiese to carry out the handover of power, which was carried out three days later, namely on January 4, 1808.

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Before coming to the Netherlands, Deandels was provided with data from the French XII Division Commander who had previously been hoisted to Java. The report was also received by Deandels' superior, namely Napoleon Bonaparte. The content of the report was that the government administration system was so bad that it was very dangerous for leaders, such as the governor general, residents and other European officials. The moral condition of employees is damaged because they sacrifice the honor and interests of the state that they should be responsible for. One of the messages that Napoleon conveyed to Deandels before leaving for Java after the dissolution of the VOC was that he immediately clean up the dilapidated government administration. Bribery was rampant, officials legalized illicit trade, manipulated the delivery weight of export commodities, and even accepted compulsory work that oppressed the native population.

The corruption of government administration at that time was carried out by all officials from the governor general to the lowest officials. Problems that should have been a job in the High Government were never implemented because the previous governor general was unable to carry out his duties properly. What was instructed by the governor general never worked and never touched the root of the problem. What really stands out is the effort to fight for one's personal interests. In fact, it is not uncommon for the governor general to be deceived by conspiracy by members of the council to protect the crimes he has committed.

Seeing this bad reality, Daendels immediately took drastic steps to rehabilitate the bureaucracy which at that time was ineffective. In fact, he later presented himself as an 'iron fist' ruler. This, for example, was demonstrated by directly shooting several of his officials who were involved in corruption cases. Daendels took several steps to bring order to the bureaucracy so that a clean government emerged by fighting inefficiency. And, at least, there were five steps that Daendels took. The first is to prohibit all government employees from trading. In this case, he also at the same time increased the salaries of all government employees. At that time, Daendels was convinced that one of the factors causing corruption was the low salaries received by government employees. New salary standards from high to low were established. In fact, if previously only European officials received salaries, while native officials only received land as a substitute, in this new regulation, Daendels decided to provide regular monthly salaries, including to the regents and their assistants. "In return for a salary increase, government employees were asked by Daendels to work hard and honestly. Apart from that, he also stated that he would severely punish anyone who violated this order.

Daendels' second step was to prohibit government employees from receiving or sending parcels and packages. This order was issued not long after he received a report that the regents had an obligation to deposit recognition money (service money) to the governor. He stated that receiving and sending parcels was an act of passive corruption because the officials who received them would feel disturbed, thereby sacrificing the interests of the state. Daendels' steps became more drastic when he then revoked the governor general's regulations in 1743 and 1797 which stated that government officials could accept gifts. Daendels' decision was confirmed by the Council of the Indies by issuing a regulation on February 9 1808. As a result, after that, it was firmly stated that accepting gifts by officials was a violation.

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If the government finds out about this, the perpetrator will be punished. And, if the person giving the gift cannot be prevented, the gift must be handed over to the state.

Daendels' third act of bureaucratic control was when he fixed the provisions on weight measurements and prices of trade commodities. He apparently realized that up until now in the Dutch East Indies there had been no standard measure for handing over the proceeds of trade commodities to the government. He also knew that many government employees were taking advantage of this opportunity. And, as a result of this regulation, it was no longer possible for European and native officials to manipulate the weight of agricultural produce when they were about to be put into various government warehouses.

Daendels' fourth action was to establish regulations for depreciation of trade commodities. This regulation was issued because he found a reduction in the weight loss of more than 30 types of trade commodities that residents handed over to the government. Daendels outlined that the weight reduction should not be more than two percent. He also closely supervises administrative employees who work in government warehouses. Daendels' fifth bureaucratic cleansing action was to establish regulations regarding forest logging. This was also done after he received information about the corrupt actions of former VOC officials who exploited natural resources, in this case teak wood, on a large scale for personal gain.

Forests are state property and must be managed by the agency that manages forestry. For this reason, if you want to carry out logging, you must obtain permission. And, to avoid misuse of permits and illegal logging, from then on the government issued a secret code regarding the origins of teak wood. Since then, codes have emerged, for example, S1 for teak from Surabaya, G2 for teak from Gresik, R3 from Rembang, P6 from Pekalongan, and T7 from Tegal. With Daendels' firm steps, he became a feared figure for government bureaucrats. With his military leadership style, Daendels was able to minimize corruption. Not only is there a fine and loss of position for employees who are proven to have committed corruption, Daendels does not hesitate to implement the death penalty.

Based on the description written by Djoko Marihano above, the picture that can be interpreted in overcoming criminal acts of corruption is at least that: First, strong and responsible leadership is needed in encouraging law enforcement. Second, repressive efforts are needed to deal with deep-rooted criminal acts of corruption. Third, it requires other efforts and perspectives in the response approach. Of course, this needs to be studied further based on the current conditions in Indonesia. Apart from that, overcoming corruption during the VOC era was also explained by Erlina Wiyanarti, namely:

“Efforts to eradicate corruption among VOC employees were often carried out in various ways. These include the return of 200 people collecting gedwongen leverantie (forced deposits of agricultural produce) and contingenten (belsting in kind that must be paid by the people) in Batavia who were found to be corrupt to their country. According to Semma (2008), it is possible that more than hundreds or perhaps even more VOC employees committed corruption at that time. The epidemic of corruption in the VOC in the middle half of the 17th century became increasingly widespread and increasingly difficult to eradicate.

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On December 12, 1642 GJ Antonio van Diemen even wrote to Heeren XVII and reported about the severity of corruption that occurred within the VOC. Governor General Zwaardecroon sentenced 26 people to death in the early 18th century for smuggling. But the punishment was in vain, even though various efforts had been made to eradicate it but failed. Corruption finally got out of control, not only low-level employees did it, but also high-ranking officials. This can be seen from the actions of the Directors in 1731 who decided to impose strict punishment and order the immediate dismissal, as well as the forced return to the Netherlands of a director general of Asian commerce, named Durven, two members of the Council of the Indies and a number of other high-ranking officials. At the end of the 18th century, corruption within the VOC had become a disaster.[24]

From the findings and thoughts above, it can be seen that corruption during the VOC era had an economic dimension, which gradually and accumulatively influenced the decline of the overall economy. Apart from that, sanctions that are based on retaliation, including the death penalty, are unable to reduce the level of criminal acts of corruption that have spread in various fields.

The transfer of power from Dutch colonialism to Japan did not improve the culture of corruption in Indonesia, Japanese colonialism lasted 3.5 years, the amount of suffering was the same as the colonialism carried out by the Dutch East Indies for 3.5 centuries, Japan considered Indonesia as a battlefield resulting in everything in Indonesia, both natural and human, are used for the benefit of Japan. It is estimated that the Japanese era was a period of widespread corruption in Indonesia before independence. In fact, as a result of the use of kerosene for the needs of the Japanese army, they ordered and forced the native people to plant jatropha trees which were used for lighting purposes by the Japanese army. At this time there was extraordinary economic upheaval, because Japan no longer thought about the economy of the native people but was only oriented towards how to win the war in the Asian region, so that the native people suffered even more.[25]

b) Combating Corruption Crimes After Independence

After Indonesia's independence, steps to establish positive law to deal with the problem of corruption have been carried out over several periods of history and through several periods of legislative change. Efforts to eradicate corruption and create "Good Government" were carried out by President Soekarno. The President has formed a body that specifically handles corruption issues called the State Apparatus Relocation Committee, abbreviated as Paran. This body is chaired by General AH Nasution and assisted by 2 members, namely Prof. Moch. Yamin and Ruslan Abdulgani. To this body, officials must fill out a form containing a list of their assets before being appointed to certain positions. They are required to report their assets directly to the President every year. Because it was considered less effective, Paran was finally disbanded and its power returned to the Djuanda Cabinet in 1963 through Kep. Pres No. 275 of 1963. the government formed a new institution chaired by General AH Nasution. Budhi's operations were given the authority and power to bring corruption perpetrators to justice with the main targets being state companies, banks, plantations, Pertamina and so on.

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During the New Order, President Soeharto formed a Corruption Eradication Team, chaired by the Attorney General. The Corruption Eradication Team was deemed less effective and was disbanded. After Admiral Sudarmo was appointed Pangkolalib (Commander of Security and Order), the task of preventing corruption became his responsibility. In the reform era, efforts to prevent corruption during President Habibie's era by issuing Law no. 28 of 1999 concerning the Administration of a State that is clean and free from corruption, collusion and nepotism. During the reign of Abdurrahman Wahid, a Joint Team for the Eradication of Corruption Crimes was formed through Government Regulation Number 19 of 2000. Meanwhile, in the era of President Megawati, the Corruption Eradication Commission (KPK) was born until now.

The term corruption as a juridical term was only used in 1957, namely with the existence of a Military Ruling Regulation which applied in areas controlled by the Army (Military Regulation Number PRT/PM/06/1957). Several post-Indonesian independence regulations that regulate criminal acts of corruption are as follows:

1) Period of Rule of Military Rulers

The arrangement of the military rulers in Indonesia consists of:

a) The ruling regulation Number PRT/PM/06/1957 was issued by the Military Authority of the Army and applies to areas controlled by the Army. There are two formulations of corruption according to this law, namely, every act carried out by anyone either for their own interests, for the interests of others, or for the interests of an entity which directly or indirectly causes financial or economic loss.[26] Every act carried out by an official who receives a salary or wages from an agency that receives assistance from state or regional finances which, by using the opportunity or authority or power given to him by his position, directly or indirectly brings material financial benefits to him.[27]

b) Military Ruler Regulation Number PRT/PM/08/1957 contains the establishment of a body that has the authority to represent the state to sue civilly against people accused of committing various forms of civil acts of corruption (other acts of corruption through the High Court. The body in question is the Property Owner Objects (PHB).

c) Military Control Regulation Number PRT/PM/011/1957 is a regulation which is the legal basis for the authority possessed by Property Owners (PHB) to confiscate property which is considered to be the result of other acts of corruption, pending a decision from the High Court.

d) Regulation of the Central War Authority of the Army Chief of Staff Number PRT/PEPERPU/031/1958 and its implementing regulations.

e) Central War Control Regulations of the Chief of Naval Staff Number PRT/z.1/I/7/1958 dated 17 April 1958 (announced in BN Number 42/58). These regulations apply to the Navy's jurisdiction.[28]

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2) Corruption Offenses in the Criminal Code

In the Criminal Code (KUHP) there are actually provisions that threaten criminal offenses with people who commit official offenses, in particular offenses committed by officials who are related to corruption.

In accordance with the nature and position of the Criminal Code, the corruption offenses regulated therein are still ordinary crimes. The provisions for criminal acts of corruption in the Criminal Code are in Article 209 of the Criminal Code, Article 210 of the Criminal Code, Article 387 of the Criminal Code, Article 388 of the Criminal Code, Article 415, Article 416 of the Criminal Code, Article 417 of the Criminal Code, Article 418 of the Criminal Code, Article 419 of the Criminal Code, Article 420 of the Criminal Code, Article 423 of the Criminal Code, Article 425 of the Criminal Code, and Article 434. Apart from that, corruption in the form of bribery, for example, is regulated in the Criminal Code, Articles 209, 210, 418, 419 and 420.

However, based on the provisions of the Criminal Code Article 103 of the Criminal Code. In this article it is stated, "The provisions in Chapters I to Chapter VIII of this book also apply to acts which are punishable by other statutory provisions, unless otherwise provided by law."

So, if provisions in statutory regulations regulate other than those regulated in the Criminal Code, it can be interpreted that a form of special rule has overridden the general rule (Lex Specialis Derogat Legi Generali). In other words, Article 103 of the Criminal Code allows a statutory provision outside the Criminal Code to override the provisions regulated in the Criminal Code.

3) Period of Law Number 24/Prp/Year 1960 concerning Investigation, Prosecution and Examination of Corruption Crimes.[29]

Government Regulations in Replacement of the Anti-Corruption Law, which are improvements to various regulations. The nature of this law still has an emergency character, according to article 96 of the 1950 UUDS, article 139 of the 1949 RIS Constitution.[30] This Law is an amendment to the Government Regulation in Lieu of Law Number 24 of 1960 which is stated in Law Number 1 of 1961.[31]

4) Period of Law Number 3 of 1971 (LNRI 1971-19, TNLRI 2958) concerning the Eradication of Corruption Crimes.

This law, compared to previous regulations, more clearly regulates criminal acts of corruption. Law Number 3 of 1971 is valid until the reform period.

Philosophically, this law begins to look in depth at the threat of criminal acts of corruption to the nation's and state's economy, reflected in the preamble which states:

a. That acts of corruption are very detrimental to the state's finances/economy and hinder national development;

The formulation of criminal acts of corruption in Article 1 paragraph (1) of Law Number 3 of 1971 is as follows:

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a. Anyone who unlawfully commits an act of enriching himself or another person, or an entity, which directly or indirectly harms the state's finances and/or the state's economy, or he knows or reasonably suspects that such act is detrimental to the state's finances or the state's economy;

b. Anyone who, with the aim of benefiting himself or another person or an entity, abuses the authority, opportunity or means available to him because of his position or position, which directly or indirectly can harm the state's finances or the state's economy.

The formulation of criminal acts of corruption in Law Number 3 of 1971 places corruption as a material offense. The consequence of this formulation is that corruption must first be proven whether it has harmed state finances or not. The formulation of this model results in ineffective handling of criminal acts of corruption, especially those committed by state officials.

5) Decree of the People's Consultative Assembly of the Republic of Indonesia Number

6) The period of Law Number 31 of 1999 (LNRI 1999 40, TNLRI 387), concerning the Eradication of Corruption Crimes was then amended by Law Number 20 of 2001 (LNRI 2001-134, TNLRI 4150), concerning Amendments to Law Number 31 1999 concerning the Eradication of Corruption Crimes. Furthermore, on December 27 2002, Law Number 30 of 2002 (LNRI 2002-137. TNLRI 4250) concerning the Corruption Eradication Commission was issued.

B. Eradication of Corruption Based on the Law on the Eradication of Corruption Crimes

Law Number 31 of 1999 concerning Eradication of Corruption Crimes jo. Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 is a replacement regulation for the law that was previously in effect. This change was also based on the fact that the previous regulation did not have a large enough impact on overcoming criminal acts of corruption.

In the provisions governing criminal acts of corruption outlined in the Elucidation to Law no. 20 of 2001, criminal acts of corruption are criminal acts that need to be overcome with extraordinary efforts so that they are classified as "extra ordinary crimes". The implication of this is that ways to overcome criminal acts of corruption are also encouraged through extraordinary efforts, which have special characteristics that differentiate them from general criminal law, both from material and formal aspects. One of them is the formulation of criminal acts, the subjects imposed and the punishment system.

In Law Number 31 of 1999, the explanation regarding corruption and criminal sanctions is stated starting from Article 2 to Article 20. Then in Chapter IV starting from Article 25 to Article 40, it contains formal provisions on how to implement the material provisions. The government then made changes to Law Number 31 of 1999 by issuing Law Number 20 of 2001 concerning the Eradication of Corruption Crimes.

Law Number 20 of 2001 makes changes to Law Number 31 of 1999, namely the explanation of article 2 paragraph (2) while the substance remains, then the provisions of Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, Article 12. The formulation was changed by not referring to the articles in the Criminal Code but directly mentioning the elements

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contained in each article of the Criminal Law that is referred to. Efforts to improve the handling of criminal acts of corruption in Law no. 31 of 1999 jo. UU no. 20 of 2001 which is quite significant is through the formulation of the classification of acts, criminal liability including legal subjects, and the punishment system. The classification of criminal acts of corruption which is formulated into thirty forms/types of criminal acts of corruption are basically grouped into 7 (seven) types of criminal acts of corruption, namely as follows: [32]

1. State financial losses;
2. Bribery;
3. Embezzlement in office;
4. Extortion;
5. Fraudulent acts;
6. Conflict of interest in procurement;
7. Gratification.

Apart from the types of criminal acts of corruption mentioned above, there are other criminal acts related to criminal acts of corruption, namely as follows:[33]

1. Obstructing the process of examining corruption cases;
2. Do not provide information or provide information that is not true;
3. Banks that do not provide account information;
4. Witnesses or experts who do not provide information or provide false information;
5. Persons who hold official secrets do not provide information or provide false information;
6. Witness who reveals the identity of the reporter.

The classification of criminal acts mentioned above are acts that are included in criminal acts of corruption, or material aspects of criminal acts of corruption. Looking at the description of the classification of criminal acts, the provisions on criminal acts of corruption are dominated by formal offenses. The previous law, namely Law Number 3 of 1971, was based on the formulation of material offenses. It can be assumed that the legislators were driven by the movement and growth of criminal acts of corruption, which in their development have not only harmed the state's finances or economy but have damaged the social and economic rights of the people. This condition then changes the direction of criminal law policy, namely criminalization through the formulation of acts of corruption, criminal liability including the subject of corporate law and the criminal system, which is different from the provisions of general criminal law.

Forms of criminal acts of corruption that can cause financial or economic losses to the state are detailed in Article 2 and Article 3 of Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes as follows:

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Article 2 paragraph (1):

Any person who unlawfully commits an act of enriching himself or another person or a corporation, which can harm the state's finances or the state's economy.

Corruption crimes committed in certain circumstances are formulated in Article 2 paragraph (2). This article contains elements of criminal acts of corruption as well as elements of criminal acts of corruption contained in Article 2 paragraph (1), only in Article 2 paragraph (2) the provisions are added so that there is an element of 'committed under certain circumstances'. Certain circumstances are mentioned in the explanation of Article 2 paragraph (2), namely if a criminal act of corruption is committed against funds intended for:

a) Overcoming dangerous situations;

b) National natural disasters;

c) Overcoming the consequences of widespread social unrest; or

d) Overcoming the economic and monetary crisis;

e) Repetition of criminal acts of corruption.

The form of a criminal act of corruption by abusing authority, opportunity or means because of the perpetrator's position or position is formulated in Article 3, namely:

Article 3

Any person who, with the aim of benefiting himself or another person or a corporation, abuses the authority, opportunities or facilities available to him because of his position or position which can harm the state's finances or the state's economy.

Other forms of criminal acts of corruption other than those that can cause financial or economic losses to the state based on the classification of the 7 acts above are described as follows:

1. The criminal act of corruption of bribery by giving or promising something to a civil servant or state administrator is formulated in Article 5 paragraph (1) letter a. The provisions of Article 5 paragraph (1) letter a are adopted from Article 209 paragraph (1) number 1 of the Criminal Code.
2. The criminal act of corruption of civil servants or state officials who accept bribes is formulated in Article 5 paragraph (2).
3. The criminal act of corruption of bribery by giving something to a civil servant or state administrator is formulated in Article 5 paragraph (1) letter. The provisions of Article 5 paragraph (1) letter a are adopted from Article 209 paragraph (1) number 2 of the Criminal Code.
4. The criminal act of corruption of bribery to judges is formulated in Article 6 paragraph (1) letter a. The provisions of Article 6 paragraph (1) letter a have similarities to the elements of criminal acts of corruption formulated in Article 210 paragraph (1) number 1 of the Criminal Code.

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5. The criminal act of corruption of bribery to advocates is formulated in Article 6 paragraph (1) letter b. The formulation of criminal acts of corruption in Article 6 paragraph (1) letter b is similar to the formulation of criminal acts of corruption formulated in Article 210 paragraph (1) number 2 of the Criminal Code.
6. The criminal act of corruption of judges or advocates who accept bribes is formulated in Article 6 paragraph (2).
7. The criminal act of corruption committed by a contractor or building expert by committing fraudulent acts is formulated in Article 7 paragraph (1) letter a. The formulation of criminal acts of corruption in Article 7 paragraph (1) letter a is similar to the formulation of criminal acts of corruption formulated in Article 387 paragraph (1) of the Criminal Code.
8. The criminal act of corruption of building construction supervisors or the delivery of building materials that allows fraudulent acts to occur is formulated in Article 7 paragraph (1) letter b of the PTPK Law. The formulation of criminal acts of corruption in Article 7 paragraph (1) letter b is similar to the formulation of criminal acts of corruption formulated in Article 387 paragraph (2) of the Criminal Code.
9. The criminal act of corruption that occurs by committing fraudulent acts when delivering goods needed by the Indonesian National Army and the National Police of the Republic of Indonesia is formulated in Article 7 paragraph (1) letter c. The formulation of the criminal act of corruption in Article 7 paragraph (1) letter c is similar to the criminal act of corruption formulated in Article 388 of the Criminal Code.
10. The criminal act of corruption in supervisors of the delivery of goods needed by the Indonesian National Army and/or the National Police of the Republic of Indonesia who allow fraudulent acts to occur is formulated in Article 7 paragraph (1) letter d. The formulation of criminal acts of corruption in Article 7 paragraph (1) letter d is similar to the formulation of criminal acts of corruption formulated in Article 388 paragraph (2) of the Criminal Code.
11. The criminal act of corruption, fraudulent acts committed when receiving the delivery of building materials or goods needed by the Indonesian National Army and/or the National Police of the Republic of Indonesia is formulated in Article 7 paragraph (2).
12. The criminal act of corruption committed by embezzling money or securities is formulated in Article 8. The formulation of the criminal act of corruption in Article 8 is adopted from Article 415 of the Criminal Code,
13. The criminal act of corruption committed by falsifying books or lists specifically for administrative inspection is formulated in Article 9. The formulation of the criminal act of corruption in Article 9 is adopted from Article 416 of the Criminal Code.
14. The form of criminal acts of corruption regarding goods, letters, deeds or lists to convince or prove before authorized officials is formulated in Article 10. The formulation of criminal acts of corruption in Article 10 is adopted from Article 417 of the Criminal Code. The criminal act of corruption in Article 417 of the Criminal Code is formulated in one

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article without being divided into paragraphs or letters a, b and c, as is the formulation of the criminal act of corruption in Article 10 which is divided into letters a, b and c.

a. The criminal act of corruption which is committed by embezzling, destroying, damaging or rendering unusable an item, letter, deed or list is formulated in Article 10 letter a.

b. The criminal act of corruption which is committed by allowing another person to embezzle, destroy, damage or render unusable an item, letter, deed or list is formulated in Article 10 letter b.

c. The criminal act of corruption which is committed by helping another person embezzle, destroy, damage or render unusable an item, letter, deed or list is formulated in Article 10 letter c.

15. The criminal act of corruption of civil servants or state administrators receiving gifts or promises related to their position is formulated in Article 11 of the PTPK Law. The formulation of criminal acts of corruption in Article 10 is adopted from Article 418 of the Criminal Code.

16. The criminal act of corruption of civil servants or state officials who receive gifts or promises is formulated in Article 12 letter a which was adopted from the provisions of Article 419 of the Criminal Code. The criminal act of corruption of civil servants or state officials who receive gifts is formulated in Article 12 letter b.

17. The criminal act of corruption of judges who accept gifts or promises is formulated in Article 12 letter c which was adopted from the provisions of Article 420 paragraph (1) number 1 of the Criminal Code.

18. The criminal act of corruption of advocates who receive gifts or promises is formulated in Article 12 letter d which was adopted from the provisions of Article 420 paragraph (1) number 2 of the Criminal Code.

19. The criminal act of corruption of civil servants or state administrators who force someone to give something, pay, or receive payment at a discount or do something for themselves is formulated in Article 12 letter e which was adopted from the provisions of Article 423 of the Criminal Code.

20. The criminal act of corruption by civil servants or state administrators forcing them to request, accept or deduct payments from civil servants or other state administrators or to the general treasury is formulated in Article 12 letters adopted from the provisions of Article 425 point 1 of the Criminal Code.

21. The criminal act of corruption by civil servants or state officials requesting work or handing over goods is formulated in Article 12 letter g which was adopted from the provisions of Article 425 number 2 of the Criminal Code.

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22. The criminal act of corruption of civil servants or state officials who use state land in violation of the provisions of the law is formulated in Article 12 letter h which was adopted from the provisions of Article 425 point 3 of the Criminal Code.
23. The criminal act of corruption of civil servants or state officials who participate in contracting, procurement or rental is formulated in Article 12 letter i which was adopted from the provisions of Article 435 of the Criminal Code.
24. The criminal act of corruption in the form of gratification is formulated in Article 12B. The formulation of the criminal act of corruption in Article 12B is related to Article 12C.

C. Dissemination of the Formulation of Corruption Crimes in Various Legislation in Indonesia

Apart from the juridical issues as described above, there are also issues regarding the scope of criminal acts of corruption which are spread in other legislation outside of Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning Eradication of Corruption Crimes, namely:

1. Law Number 11 of 1980 concerning Criminal Bribery

The essence of the criminal act of corruption is bribery as regulated in Law Number 11 of 1980, in this law it is formulated that:

Section 2

Anyone who gives or promises something to someone with the intention of persuading that person to do something or not do something in their duties, which is contrary to their authority or obligations which involve the public interest.

Article 3

Anyone who receives something or a promise, even though he knows or should be able to suspect that the giving of something or the promise is intended to make him do something or not do something in his duties, which is contrary to his authority or obligation which concerns the public interest.

After the promulgation of Law Number 31 of 1999 jo. Law Number 20 of 2001, practically the law regarding criminal acts regarding bribery is not operationalized, because every criminal act of bribery is always subject to sanctions as regulated in the law on eradicating criminal acts of corruption.

Seeing this effectiveness, this law should be revoked, so as not to give the impression that the criminal act of bribery as regulated in Law Number 11 of 1980, is a criminalization that has no meaning as a real criminal act, or in other words the criminalization of bribery in the law. This law is only a political need, not a legal regulation as an answer to the legal needs of society.

2. Law Number 10 of 1998 concerning Banking

The formulation of criminal acts in Law Number 10 of 1998 concerning Banking is contained in Article 49 paragraph (2) which states that:

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Members of the Board of Commissioners, Directors, or bank employees who intentionally:

a. Requesting or receiving, permitting or agreeing to receive a reward, commission, additional money, services, money or valuables, for his personal benefit or for the benefit of his family, in order to obtain or attempt to obtain for another person in obtaining a down payment, bank guarantee, or credit facilities from banks, or in the context of purchasing or discounting by banks on bills of exchange, promissory notes, checks, and trade papers or other evidence of obligations, or in order to provide approval for other people to carry out withdrawals of funds that exceed their credit limit at the bank ;

The formulation of Article 49 paragraph (2) letter a states that members of the board of commissioners, directors or bank employees who "request or receive, authorize or agree to receive a reward, commission, additional money, services, money or valuables, for their personal benefit or for the benefit of his family." If examined more carefully, this formulation is a formulation of criminal acts of corruption within the scope of bribery, or gratification as stated in the law on criminal acts of corruption.

3. Law Number 16 of 2000 concerning Taxation

The formulation of criminal acts in the tax environment is outlined in Article 36A of Law Number 16 of 2000, which states that "If a tax officer in calculating or determining tax does not comply with the applicable tax law, causing harm to the state, then the tax officer concerned may be subject to appropriate sanctions. With the provisions of applicable laws and regulations." The explanation of Article 36A of Law Number 16 of 2000 states that:

"In order to improve services to taxpayers and increase the capacity of tax officers, tax officers who calculate or determine taxes that are not in accordance with applicable tax laws, thereby causing state losses, will be subject to sanctions in accordance with the provisions of applicable laws and regulations."

The formulation as outlined in Article 36A of Law Number 16 of 2000 is identical to the formulation of the criminal act of corruption, where the element mentioned is "harm to the state", and the element of "harm to the state" referred to in the formulation of the article is harm to the state in regarding "state finance or economy", this is based on the scope of tax handling which is part of the finance department or in charge of state finance and economy.

In line with the development and needs of society, Law Number 16 of 2000 concerning Tax was amended by Law Number 28 of 2007. In this law, Article 36A underwent the following changes:

(1) Tax officials who, due to their negligence or deliberately calculate or determine taxes that do not comply with the provisions of the tax law, are subject to sanctions in accordance with the provisions of the statutory regulations.

(2) Tax officials who, in carrying out their duties, deliberately act outside their authority as regulated in the provisions of tax laws and regulations, can be reported to the internal unit of the Ministry of Finance which has the authority to carry out audits and investigations

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and if proven to have done so, they will be subject to sanctions in accordance with the provisions of laws and regulations.

(3) Tax officials who in carrying out their duties are proven to have extorted and threatened taxpayers to benefit themselves unlawfully are threatened with criminal penalties as intended in Article 368 of the Criminal Code.

(4) A tax employee who, with the intention of benefiting himself unlawfully by abusing his power, forces someone to give something, to pay or receive payment, or to do something for himself, is threatened with a crime as intended in Article 12 of Law Number 31 of 1999 and the change.

Amendments to Article 36A of Law Number 28 of 2007, only confirm that only paragraph (4) is a criminal act of corruption, so that Article 12 of Law Number 31 of 1999 jo applies. Law Number 20 of 2001, where in this law this action is a criminal act of extortion in office as regulated in Article 12 letter (e) which confirms that:

"a civil servant or state administrator who, with the intention of unlawfully benefiting himself or another person, or by abusing his power, forces someone to give something, pay, or receive payment at a discount, or to do something for himself."

Article 36A paragraph (1) is not defined as a criminal act of corruption, even though the element of "negligence" or "intentional" in calculating taxes can result in losses to "state finances or the economy", which is a criminal act of corruption.

In contrast to the formulation of Article 36A of Law Number 16 of 2000, where the element "harmful to the state" is an essential element, this is intended to avoid multiple interpretations of the formulation, so that conflict of opinion can be avoided regarding whether or not sanctions can be applied in accordance with the Law. Number 31 of 1999 jo. Law Number 20 of 2001, although in essence the law on eradicating criminal acts of corruption as intended can be applied to tax violations in accordance with Article 36A paragraph (1) of Law Number 28 of 2007, where Article 14 of Law Number 31 of 1999 jo. Law number 20 of 2001, confirms that "Every person who violates the provisions of the Law which expressly states that violation of the provisions of the Law is a criminal act of corruption, the provisions regulated in this Law apply."

4. Law Number 15 of 2002 concerning the Crime of Money Laundering

The regulation of criminal acts is also formulated in Law Number 15 of 2002 in conjunction with Law Number 25 of 2003 concerning the Crime of Money Laundering, namely in Article 2 it is formulated:

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"The proceeds of a crime are assets amounting to IDR 500,000,000.00 (five hundred million rupiah) or more or an equivalent value, obtained directly or indirectly from a crime":

(a) Corruption;

(b) Bribery;

(c) Smuggling of goods;

(d) Labor smuggling;

(e) Immigrant smuggling;

(f) Banking;

(g) Narcotics;

(h) Psychotropics;

(i) Trade in slaves, women and children;

(j) Illicit arms trade;

(k) Kidnapping;

(l) Terrorism;

(m) Theft;

(n) Embezzlement;

(o) Fraud.

In this formulation, it is stated that assets amounting to a minimum of IDR 500,000,000.00 (five hundred million rupiah) or the equivalent resulting from criminal acts of corruption and bribery (letters a and b) are an act of money laundering. Corruption is essentially a form of financial crime. As a financial crime (interprise crimes), it is almost certain that money laundering will be carried out or at least it must be possible to carry out money laundering as soon as possible.[34] Between corruption and bribery and money laundering there is a series of crimes, where corruption and bribery can be said to be predicate crimes (predicate offense) while money laundering is a follow-up crime.[35] These crimes and the proceeds of crime can be categorized as a series of corruption which has not been accommodated in the current corruption laws. Based on current legal provisions in Indonesia, it can be seen from the concept of justice based on Pancasila, Therefore, current legislation does not provide a balance between regulation and prevention and other areas of policy as the main trigger for criminal acts of corruption. The concept of balance emphasizes the recognition of the position of humans as personal (individualistic) beings and humans as social (collective) beings.

Justice can only be understood if it is positioned as a condition that is intended to be realized by law. Carl Joamchim stated that efforts to realize justice in law is a dynamic process that takes a lot of time. This effort is often dominated by forces fighting within the general framework of the political order to actualize it.[36] Peter Mahmud [37]in detail and in-depth study

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describes justice as a form of legal goal, by first emphasizing that the goal of law is not order, but peace. In a situation of order, the government will act repressive and authoritarian, but in a peaceful situation the law protects human interests both materially and immaterially from detrimental actions. This goal of peace and prosperity can be realized if the law provides as many fair arrangements as possible, namely an arrangement in which interests are protected in a balanced manner, so that everyone gets as much of their share as possible.

5. Law Number 1 of 2023 concerning the Criminal Code

Article 603

Every person who unlawfully commits an act of enriching himself, another person, or a corporation which harms state finances or the state economy, shall be punished with life imprisonment or imprisonment for a minimum of 2 (two) years and a maximum of 20 (twenty) years. And a fine of at least category II and a maximum of category VI.

Article 604

Any person who, with the aim of benefiting himself, another person or a corporation, abuses the authority, opportunity or means available to him because of his position or position which is detrimental to the state's finances or the state's economy, shall be punished by life imprisonment or a minimum imprisonment of 2 (two)) years and a maximum of 20 (twenty) years and a fine of at least category II and a maximum of category VI.

Article 605

(1) Sentenced to imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least category III and a maximum of category V, 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 will do or not do something in his/her position, which is contrary to his or her obligations; or

b. giving something to a civil servant or state administrator because of or in connection with something that is contrary to an obligation, which is done or not done in his/her position.

(2) Civil servants or state administrators who receive gifts or promises as intended in paragraph (l), shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 6 (six) years and a fine of at least category III and a maximum of category V.

Article 606

(1) Any person who gives a gift or promise to a civil servant or state administrator in view of the power or authority attached to his or her position or position, or by the giver of the gift or promise is deemed to be attached to that position or position, shall be punished by imprisonment for a maximum of 3 (three) years. and a maximum fine of category IV.

(2) Civil servants or state administrators who receive gifts or promises as referred to in paragraph (1), shall be punished with a maximum imprisonment of 4 (four) years and a maximum fine of category IV.

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CONCLUSION

Based on the research results, it was concluded that the application of the concept of eradicating corruption in Indonesia from a restorative justice perspective takes into account first, the historical basis and shifts in the regulation of criminal acts of corruption in Indonesia. Second, eradicating corruption based on the current Corruption Law. Third, the distribution of the formulation of criminal acts of corruption in several laws. Fourth, the principle of restorative justice, which adheres to the notion of improvement, involvement and facilitation of the justice system. By paying attention to this concept, it is intended that there is coherence between the moral basis of corruption and the basic principles of restorative justice. Corruption is a criminal act that damages the economic system and causes huge losses to society, so eradicating it with RJ must lead to efforts to improve, involve and facilitate the justice system, because pursuing corporal punishment does not guarantee that the situation will return to normal, by emphasizing the perpetrator's responsibility to improve, then the criminal objective will automatically be realized. RJ arrangements have been included in institutional technical regulations, in the Police and Prosecutor's Office. The legal level is contained in the SPPA Law and has been contained in the new Criminal Code, namely the principles of improvement, involvement and eliminating nuances of retaliation.

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