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## LAW ENFORCEMENT OF CRIMINAL ACTS OF CORRUPTION IN THE FORM OF ABUSE OF OFFICE AUTHORITY


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***Abstract***

*Corruption is able to paralyze the development of the nation, blind the morals of the perpetrators to turn off the concern for this increasingly fragile and weak nation. This is caused by corruption that seems to have been rooted and ingrained in the system and fertile is maintained with corrupt habits in society, this corruption practice can be found in various modus operandi and can be done by anyone, from various social and economic strata . Corruption is generally carried out by people who have power in a particular position so that the characteristics of crimes corruption are always related to the abuse of power. According to Ibn Khaldun, the causes of corruption are the lust for luxurious and excessive living in groups that govern or the ruling group that causes economic difficulties in sustaining national development.*


## INTRODUCTION

Corruption can cripple national development, blinding the morals of its perpetrators, and even killing concern for this increasingly fragile and weak nation. This is caused by corruption, which seems to be deeply rooted and ingrained in the system and is fostered by corrupt habits within society. These corrupt practices can be found in various modes of operation and can be committed by anyone, from various social and economic strata.

Corruption is generally committed by individuals in positions of power, so the characteristics of corruption are always related to the abuse of power. According to Ibn Khaldun, the causes of corruption are the desire for a luxurious and excessive life within the ruling or ruling group, which causes economic difficulties in supporting national development.

Corruption can also have devastating, far-reaching, and deep-rooted impacts. In addition to harming the state and violating the social and economic rights and welfare of the people, it can also lead to other negative impacts, such as:

1. Reduced trust in government, resulting in hampered development in all sectors, particularly economic development, and can disrupt the country's economic and political stability. 2. The government's authority in society is diminished due to smuggling and embezzlement of state funds.

3. The reduction or shrinking of state revenues is due to smuggling and embezzlement by certain government officials.
4. The mental health of individuals is damaged due to excessive abuse of authority in their positions, leading to the measurement of everything in material terms, neglecting their duties and responsibilities, and engaging in actions solely aimed at enriching themselves and/or others.
5. The law is no longer enforced, obeyed, and disregarded by the public due to the incompetence of law enforcement officers.

Therefore, it can be recognized that the complexity of the problem of corruption amidst a multi-dimensional crisis, along with the real threat that will inevitably occur, namely the impact of this crime, corruption can be categorized as a national problem that must be addressed seriously through a balance of firm and clear steps involving all existing potential within society Especially the government and law enforcement officials, as corruption in Indonesia continues to increase year after year.

Corruption in Indonesia has become widespread in society. Its development continues to increase year after year, both in the number of cases and the amount of state financial losses, as well as in the quality of the crimes committed, which are becoming more systematic and have penetrated all aspects of society. Therefore, corruption has been considered a "seriousness crime," a serious crime that significantly disrupts the economic and social rights of the community and the state on a large scale. Therefore, its handling must be carried out with "extraordinary treatment," and its proof requires serious, professional, and independent steps.

Based on the above definition, it can be concluded that corruption is an unlawful act committed to enrich/benefit oneself or others. Therefore, the state, as the state administrator, must prioritize the interests of the community, nation, and state without harming others, in order to realize a just and prosperous society.

Not only in Indonesia, but in various other countries, corruption consistently receives more attention than other crimes. This phenomenon is understandable given the negative impacts this crime has. Corruption can jeopardize societal stability and security, jeopardize socio-economic and political development, and undermine democratic values and morality because it gradually becomes a culture. Corruption is a threat to the ideals of a just and prosperous society.

Corruption is a disease that burdens developing countries, including Indonesia. In fact, many experts state that corruption has spread to all levels of government structures. Corruption has become a central issue, even more popular than any other issue in Indonesia. The trend of corrupt behavior appears increasingly endemic, permeating all aspects of social life. Corruption is commonplace and seems to have become part of Indonesian culture.

Law enforcement occupies a strategic position in legal development, especially in a country governed by the rule of law. According to Jeremy Bentham, "Law enforcement is central to the protection of human rights." Law enforcement requires a driving force that includes the police, the prosecutor's office, the judiciary, and other institutions Correctional institutions, in addition to legal counsel. Criminal law is one of the laws existing in Indonesia, its written provisions outlined in the Criminal Code (KUHP) as a positive law. Like other legal disciplines, criminal law has a general objective, namely to maintain public order. Its specific objective is to combat crime and prevent its occurrence by imposing harsh and harsh sanctions to protect legal interests, namely individuals (dignity, life, property, body, etc.), society, and the state.

In general, corruption often involves many people, both those who commit it and those who merely benefit from the proceeds of corruption. They cover for each other and meticulously cover up their actions in an effort to avoid legal action.

Understanding corruption as an organized crime has demonstrated the characteristics of corruption involving several individuals. From this perspective of organized crime, corruption is considered "the primary weapon of organized crime to consolidate power and freedom of action."

Although various laws and regulations concerning corruption have been comprehensively formulated, starting with Law Number 3 of 1971 concerning the Eradication of Criminal Acts of Corruption, which was amended by Law Number 31 of 1999 and updated by Law Number 20 of 2001, and supplemented by the establishment of the Corruption Eradication Commission (KKN) based on Law Number 30 of 2001, corruption has not decreased, but rather increased. This demonstrates that combating corruption cannot be resolved solely through a normative legal approach; it requires a social and cultural approach within society.

The causal factor for this bribery is driven more by the habit of viewing bribery as a mutually beneficial practice, rather than a violation of the law. Bribery is even considered a means of obtaining permits, which is expected to expedite the process.

In the Big Indonesian Dictionary (KBBI), The word bribe is equated or equated with bribery. Bribery is the most frequently cited corruption technique because it creates the most unique obligations on the part of the office holder. The bribed official specifically agrees to perform or cancel the intended action in return or specified compensation. The actions of the bribed official can be classified as an unlawful act to enrich himself or another person (Article 2 of Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption) or abuse of authority or position or to enrich himself or another person (Article 3 of Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption).

## METHOD

In relation to the issues outlined in the problem formulation above, the research needs to utilize relevant methods. This can be explained in terms of its approach, methods and tools for collecting legal materials, and legal material analysis techniques.

1. Research Type and Approach

This research is normative legal research. Normative legal research is defined as research conducted solely through the examination of library materials or secondary data.

The use of qualitative normative legal methods in this research is based on the following reasons: First, qualitative analysis is based on the paradigm of a dynamic relationship between theories, concepts, and data, which constitutes constant feedback or modification of the theories and concepts based on the data collected. Second, the data to be analyzed is diverse, has fundamentally different characteristics, and is not easily quantifiable. Third, the fundamental nature of the data to be analyzed in this research is comprehensive and holistic.

Meanwhile, this research is also descriptive in nature, utilizing a statute approach and an analytical approach. Soerjono Soekanto stated that descriptive research is intended to provide the most accurate data possible about people, conditions, or other phenomena. The goal is primarily to clarify hypotheses, to help strengthen existing theories, or to develop new ones.

2. Data Sources

The data sources for this research are primary legal materials, secondary legal materials, and tertiary legal materials.

a. Primary Legal Materials

Primary legal materials are data sources derived from binding legal materials authorized by authorized officials. The primary data sources used by the author are: Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), and Court Decision Number 56/Pid.Sus/TPK/2017/PN.Jkt.Pst.

b. Secondary Legal Materials
Secondary data sources are data sources that provide explanations regarding primary legal materials, such as various bibliographic materials in the form of books, magazines, research results, seminar papers, and journals related to this research.
c. Tertiary Legal Materials
These are legal materials that provide explanations of primary and secondary legal materials, such as language dictionaries and encyclopedias.
3. Data Collection Method
The data collection method used is library research to obtain secondary data through books, literature, and bibliography, the results of which are primary, secondary, and tertiary legal materials.
4. Legal Material Analysis Techniques
Legal material analysis techniques utilize techniques that can be described as follows:
a. Interpretation techniques are applied to legal norms whose formulation is unclear, so they must be interpreted to obtain a clear understanding and can be applied to solve the problem at hand.
b. Evaluation techniques involve assessing the accuracy or inaccuracy of information obtained from both primary and secondary legal materials.
c. Argumentation techniques present reasons that are the result of reasoning after conducting evaluation techniques.
d. Descriptive techniques are the most fundamental and absolute techniques. This implies that this technique must be implemented in legal discussions to ensure the discussion is understandable to others.

**RESULTS**
1. Criminal Acts of Corruption
The definition of corruption can be viewed from various perspectives, depending on the discipline used. As stated by Benveniste in Suyatno, corruption is defined as having four types:
a. Discretionary Corruption
Corruption committed because of the freedom to determine policies, even if seemingly legitimate, is not accepted by the members of an organization.
b. Illegal Corruption
An act intended to undermine the language or intent of laws, rules, and regulations.
c. Mercenary Corruption
A type of corruption intended to obtain personal gain through the abuse of authority and power.
d. Ideological Corruption
An illegal or discretionary type of corruption intended to pursue group goals. Provisions regarding criminal law can be classified into two groups: General Criminal Law and Special Criminal Law. General criminal law is the legal provisions contained or codified in the Criminal Code (KUHP), while special criminal law is the provisions of criminal law that fall outside the provisions of the Criminal Code or are outside the codification. Therefore, any offense not included in the KUHP (Criminal Code) is not applicable if there are more specific provisions governing an act that could be subject to criminal penalties.

The criminal act of corruption has existed in Indonesian law for a long time, since the enactment of the Criminal Code (Wetboek van Strafrecht) on January 1, 1918. The Criminal Code (Wetboek van Strafrecht) is based on the principle of concordance and was promulgated in Staatblad 1915 Number 752 dated October 15, 1915.

The current regulations regarding corruption are regulated by Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption and Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption.

These regulations will make it easier for law enforcement officials to eradicate perpetrators of corruption, while minimizing state losses and reducing the misuse of state funds by certain state officials.

2. Corruption Crimes in the Criminal Code

When reviewing the history of corruption criminal legislation, we must look further back, namely to the Criminal Code (Wetboek van Strafrecht), which came into effect on January 1, 1918.

In addition to codifying our criminal law, this section of law has also been unified, applying to all groups of people, eliminating the dualism that existed in civil law, where different laws applied to indigenous people than to Europeans.

Although it has been adapted to the Indonesian situation and conditions, including the insertion of certain articles deemed appropriate and meeting the legal needs of Indonesian society, this unification is opposed by many Dutch legal scholars.

The statement that the current criminal law has been codified and unified is actually inaccurate, as it was not that long ago; In some areas outside Java, customary courts and autonomous courts still existed, and customary law was still applied to those eligible for justice.

Those opposed to codification were generally customary law scholars, such as Ter Haar, who wanted a separate codification for non-Europeans (Indonesians).

Therefore, there are no customs or customs within the criminal code. This is officially stated according to Article 1 of the Criminal Code, but it appears that in rural villages in Indonesia, some criminal regulations based on customs still exist, and in concrete terms, they may influence the interpretation of certain articles of the Criminal Code.

In some areas, so-called customary courts (inheemsche rechtspraak) are still run by local authorities who still practice this "customary criminal law." These customary courts have various names, for example, in Palembang they are called Rapat (meeting), in Bali they are called Rad-kerta (rad-kerta), in Lombok they are called Rad-Sasak (rad-sasak), and in Gorontalo they are called Majelis (assembly).

Andi Hamzah's opinion, explaining the sociological interpretation of the Criminal Code (W.v.S.) from the past to the present, even regarding the crime of corruption, demonstrates that there is a clear path to implementing criminal law that is appropriate and in harmony with the way of life of Indonesian society, even though the current Criminal Code is outdated and often labeled as colonial.

This also applies to corruption offenses, whether derived from the Criminal Code or from its own formulations with unclear wording. Various regulations were enacted in an effort to combat corruption, especially before the enactment of Law Number 3 of 1971, particularly the formulation contained in the Criminal Code, which regulates various acts that can be categorized as corruption.

Measures to combat corruption involving individuals holding state power in the Dutch East Indies legal system already existed, namely in the Wetboek van Strafrecht (The Code of Criminal Procedure), in addition to regulations in the administrative/financial sphere.

The details of corruption offenses derived from the Criminal Code are outlined in Chapter I of the introduction. All are ordinary crimes, meaning they are not minor crimes or violations as recognized in our criminal law. Similarly, in the Penal Code, official offenses, such as those included in the books on ordinary crimes and minor crimes, are separated into separate books according to the Code's systematic structure.

The Criminal Code (Wetboek van Strafrecht) contains provisions that threaten criminal penalties for those who commit official offenses (Chapter XXVIII), specifically offenses committed by officials (ambtenaar) related to corruption, namely:

a. Embezzlement (Article 415 of the Criminal Code)
Article 415 is a special provision to the general provisions of Article 372 of the Criminal Code. Crimes punishable by Article 415 are crimes of office, namely embezzlement committed by civil servants in the performance of their duties/positions.
b. Forgery (Article 416 of the Criminal Code)
Article 416 of the Criminal Code is a special provision to the general provisions of Article 263 of the Criminal Code. Crimes punishable by Article 416 are crimes of office, namely forgery committed by civil servants in the performance of their duties/positions.
c. Accepting Bribes (Articles 418, 419, and 420 of the Criminal Code)
Articles 418, 419, and 420 of the Criminal Code contain provisions for passive bribery, which involves allowing oneself to be bribed and is a violation of official authority. Articles 418 and 419 apply to civil servants in general, while Article 429 applies to judges and advisors, with increased criminal penalties.
d. Illegally Benefiting Oneself (Articles 423, 425, and 435 of the Criminal Code)

Article 423 of the Criminal Code addresses officials who, with the intent of unlawfully benefiting themselves or others, abuse their power. The provisions of Article 425 are referred to as extortion committed by officials in carrying out their duties. Meanwhile, Article 435 addresses officials who intentionally participate in contracting, transferring, and leasing.
The existence of corruption in the Criminal Code (KUHP) served for several years as a provision governing the behavior of officials in exercising their authority. This was ultimately replaced by Law Number 3 of 1971 concerning the Eradication of Corruption. The regulations regarding corruption were then strengthened by the enactment of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption.
3. Regulation of Corruption Outside the Criminal Code
If we examine the history of legal development in Indonesia, particularly regarding regulations on corruption, we will find numerous regulations outside the formulated Criminal Code. These regulations were subsequently amended with new regulations. However, what will be discussed here are the legal regulations outlined in the form of laws, namely Law Number 3 of 1971, Law Number 31 of 1999, and Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption. As is known, since the birth of the New Order in 1966, calls for intensified corruption eradication have grown louder and louder, both in the form of news and articles in newspapers and magazines, in meetings, discussions, and so on, all focused on the topic of corruption eradication.
Finally, on August 13, 1970, the President submitted to the House of Representatives the "People's Representative Council Draft Law on the Eradication of Criminal Acts of Corruption" for deliberation with priority. After debate in parliament, the draft law was then passed into law on March 29, 1971, as Law Number 3 of 1971 concerning the Eradication of Criminal Acts of Corruption.
Two elements can be seen here: the regulation itself and its implementation. Law No. 3 of 1971 was the result of the development of regulations on corruption eradication since 1957 and was not enacted during an emergency. The issuance of this law was also accelerated by youth and student protests in 1970 demanding more concrete anti-corruption measures. Therefore, the existing law was adequate.
With the formation of the Habibie cabinet, with Muladi as Minister of Justice in 1998, a plan was launched to expedite the creation of legislation. In a short time, less than two years, this government created legislation, prioritizing amendments or replacements to Law No. 3 of 1971 concerning the Eradication of Criminal Acts of Corruption. Apparently, the assumption that the law was the flawed factor that led to widespread corruption was the "people" and the "system." On August 16, 1999, Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption was enacted, replacing Law Number 3 of 1971.

The final amendment to the Corruption Law came when Baharuddin Lopa served as Minister of Justice around March 2001. He created a provision reversing the burden of proof within the Corruption Law, which was immediately implemented. This led to the enactment of Law Number 20 of 2001, amending Law Number 31 of 1999 concerning the Eradication of Corruption.

Every law dealing with specific criminal offenses, or outside the Criminal Code, always contains elements of both material and formal criminal law. Likewise, Law Number 31 of 1999, in conjunction with Law Number 20 of 2001, also contains elements of material criminal law, namely Chapters II and III, contained within its 40 articles and paragraphs.

The 40 (forty) articles and verses of material criminal law are grouped into 7 (seven) types of corruption crimes, referred to as the 7 (seven) Typologies of Corruption Crimes in Indonesia according to Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, namely:
a. Type of Corruption Crime "Purely Causing Detriment to State Finances."
Article 2; Article 3; Article 7 paragraph (1) letter a; Article 7 paragraph (1) letter c; Article 7 paragraph (2); Article 8, Article 9; Article 10 letter (a); Article 12 letter (i); Article 17, Law Number 31 of 1999 in conjunction with Law Number 20 of 2001.
b. Type of Corruption Crime "Bribery"
Article 5; Article 6; Article 11; Article 12 letter a; Article 12 letter b; Article 12 letter c; Article 12 letter d; Article 12 A; Article 17, Law Number 31 of 1999 in conjunction with Law Number 20 of 2001.
c. Type of Corruption Crime: "Extortion"
Article 12 letter e; Article 12 letter f; Article 12 letter g; Article 12 A; Article 17, Law Number 31 of 1999 in conjunction with Law Number 20 of 2001.
d. Type of Crime: "Expropriation"
Article 12 letter I; and Article 17, Law Number 20 of 2001.
e. Type of Corruption Crime: "Gratification"
Article 12 B; in conjunction with 12 C; Article 13; and Article 17, Law Number 20 of 2001.
f. Types of Corruption Crimes: "Attempted, Assistance, and Conspiracy"
Article 7 paragraph (1) letter b; Article 7 paragraph (1) letter d; Article 8; Article 10 letter b; Article 10 letter c; Article 15; Article 16; and Article 17. Law Number 31 of 1999 in conjunction with Law Number 20 of 2001.
g. Types of Corruption Crimes: "Other"
Article 21; Article 22; Article 23; Article 24. Law Number 31 of 1999.
4. Definition of Civil Servant (PNS)
Law Number 3 of 1971 provides a broader definition by stating that civil servants as referred to in this law also include individuals who receive salaries or wages from state or regional funds or who receive salaries or wages from an agency/legal entity receiving assistance from State or regional finances, or other legal entities that utilize capital and concessions from the state or the public.
Article 92 of the Criminal Code broadens the definition of civil servants. Furthermore, Article 2 of Law Number 31 of 1999 further expands the definition of civil servants, including Article 1, point 2, to include:
a. Civil servants as defined in the Civil Service Law.
b. Civil servants as defined in the Criminal Code.
c. Individuals receiving salaries or wages from state or regional finances.
d. Individuals receiving salaries or wages from a corporation receiving state or regional financial assistance.

e. Individuals receiving salaries or wages from another corporation that utilizes capital or facilities from the state or the public.

The inconsistency in the 2001 PTPK Law further defines bribe recipients as civil servants or state administrators. The expanded definition of civil servants would certainly include state administrators such as the House of Representatives (DPR), the Supreme Audit Agency (DPA), the Supreme Audit Agency (BPK), the President, the Vice President, and Ministers, as they are included in Article 1, point 2, specifically letter c, which defines "persons who receive salaries or wages from state or regional finances."

5. Corporations as Subjects

Changes and developments in the position of corporations as subjects of criminal law have occurred gradually. Generally, they can be divided into three stages:

a. The First Stage, marked by efforts to limit the nature of crimes committed by corporations to individuals. Therefore, if a crime occurs within a corporation, it is deemed to have been committed by the corporation's management.

b. The Second Stage, marked by the recognition, emerging after World War I in the formulation of laws, that a crime can be committed by an association or business entity (corporation). Responsibility for this also falls on the management of the legal entity.

c. The Third Stage, marked the beginning of direct responsibility. of corporations that began during and after World War II. In this phase, the possibility of prosecuting corporations and holding them accountable under criminal law was opened. Another reason is that, for example, in economic and physical crimes, the profits obtained by corporations or the losses suffered by society can be so great that it would be impossible to balance them if the punishment were imposed solely on corporate administrators. It was also argued that simply punishing administrators does not or has not yet guaranteed that the corporation will not repeat the offense. By punishing corporations, they are required to comply with the relevant regulations.

6. Unlawful Acts in Corruption

An unlawful act is an act that is not based on the perpetrator's rights or authority. There is no legal basis granting the perpetrator authority to carry out a particular act. Therefore, a person accused of corruption related to the use of power is always charged with subsidiary charges, namely, the primary charge of violating Article 2 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, and the subsidiary charge of violating Article 3 concerning Abuse of Authority in Article 2 paragraph 1 of Law Number 31 of 1999, as amended by Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption.

Article 2, paragraph 1 of Law Number 31 of 1999, as amended by Law Number 20 of 2001, reads as follows:

"Any person who unlawfully enriches themselves, another person, or a corporation, thereby harming state finances or the national economy, shall be punished by life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years, and a fine of at least Rp. 200,000,000 (two hundred million rupiah) and a maximum of Rp. 1,000,000,000 (one billion rupiah)."

The explanation of Article 2 paragraph 1 reads as follows:

"The term 'unlawfully' in this Article encompasses unlawful acts in both the formal and material sense. Even if the act is regulated by law, if the act is deemed reprehensible because it does not conform to a sense of justice or social norms, then the act is punishable. In this provision, the word "may" before the phrase "causing harm to the state's finances or economy" indicates that corruption is a formal offense, meaning that the existence of a criminal act of corruption is sufficient if the defined elements are met, not if the consequences arise."

7. Legal Consequences of Abuse of Authority

State losses are not losses in the corporate/commercial sense, but rather losses that occur due to an unlawful act. State financial losses can occur at two stages: when funds enter the State Treasury and when funds leave the State Treasury. At the stage of funds entering the state treasury, losses can occur through: Tax Conspiracy, fine conspiracy, state financial recovery conspiracy, and smuggling. While at the stage of funds leaving the state treasury, losses occur due to: Mark-Up, Corruption, implementation of activities that are not in accordance with the program, and others. What is meant by actions that can harm the state economy are criminal violations of regulations issued by the government within its area of authority.

According to Yunus Husein, there are several ways that state financial losses can occur, namely state losses related to various transactions: transactions of goods and services, transactions related to accounts receivable, and transactions related to costs and revenues. These three possibilities for state losses give rise to several possible events that can harm state finances:

1. There is procurement of goods at unreasonable prices, significantly above market prices, resulting in a loss to state finances equal to the difference between the purchase price and the market price or a reasonable price;
2. The procurement price of goods and services is reasonable. Reasonable prices, but not in accordance with the required specifications. If the price of goods and services is low but the quality is poor, this can also be considered detrimental to state finances;
3. There are transactions that increase state debt unreasonably, resulting in a loss to state finances due to the increased obligation to repay the debt;
4. An unreasonable reduction in state receivables can also be considered detrimental to state finances;
5. State losses can occur if state assets are reduced due to being sold at low prices, donated to other parties, or exchanged with private parties or individuals (ruilslag);
6. The purpose of causing harm to the state is to increase the costs of an agency or company. This can occur either through waste or through other means, such as creating fictitious expenses. With inflated costs, the company's profits, which are subject to tax, are reduced; and
7. A company's sales revenue is reported as lower than actual sales, thus reducing the company's official revenue.

Unlawful behavior relies on an open system with an autonomous function to assess whether a prohibited act violates norms or is considered appropriate under certain circumstances. According to Ernst Ludwig Von Beling, unlawful behavior is based on a legal system that is superior to statutes, namely norms. Beling further stated that norms have a higher status than statutes, so that norms ultimately determine whether an act is appropriate or inappropriate.

Similar to Beling, Immanuel Kant distinguished between law and statutes. Law (recht), according to Immanuel Kant, refers to rights, which illustrate the transcendental concept of law and provide equal freedom to make different choices in society for the sake of social harmony. In the case of Corruption, the material unlawful behavior is found in Law No. 31 of 1999, as amended by Law No. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption. Although the regulation of the nature of The rise in the concept of material unlawfulness in its positive function did not last long after Constitutional Court Decision No. 003/PUU-IV/2006 declared that the provision on material unlawfulness in its positive function was not binding in corruption cases under Article 2 of the PTPK Law.

The use of material unlawfulness in its positive function has sparked debate in criminal law discourse because it is considered contrary to the principle of legality and has the potential to create arbitrariness. Komariah Emong Sopardja explained at length that material unlawfulness in its positive function creates unhealthy symptoms because it reduces public trust in legal enforcement and legal certainty. Ultimately, it will create arbitrariness. She further stated that:
The doctrine of material unlawfulness gives criminal judges the freedom to explore unwritten legal values within society. However, this does not mean that these unwritten legal values can be the basis for prosecution.

By the regional government and the time of submission to representative institutions. Whereas in Constitutional Court Decision No. In its Decision No. 003/PUU-III/2006 dated July 25, 2006, the Constitutional Court refused to grant the removal of the word "can" from Article 2 paragraph (1) and Article 3 of the Corruption Law, on the principal grounds that corruption is a formal crime, not a material crime, so the element of causing financial loss to the state is not essential. According to the Constitutional Court's reasoning in this decision, the existence or absence of a criminal act of corruption does not depend on whether or not there is a state loss; rather, it is sufficient to prove that an unlawful act has occurred, so the presence or absence of the word "can" is no longer important.
8. Application of Substantial Law to Corruption in Abuse of Authority
Discussing the application of substantive criminal law to corruption in the case I studied, the author found the application of substantive criminal law in the data in this decision, namely the indictment, the public prosecutor's demands, and the verdict.
Before discussing the application of the law, the author outlines the case as follows:
1. Corruption Crime at the First Instance of the Central Jakarta District Court
The Corruption Crime Court at the Central Jakarta District Court, which examines and adjudicates Corruption Crime cases at the first instance using standard proceedings, has issued a verdict against the Defendant:

Full Name: Hj. DELLY INDIRAYATI, Mmsi Binti KASIYAMUN (Deceased), Place of Birth: Medan, Age/Date of Birth: 59 Years/February 15, 1958, Gender: Female, Nationality: Indonesian, Residence: Jl. Raya Bogor Km.20 No.117, RT.09 RW.010, Kramat Jati Sub-district, East Jakarta City, Religion: Islam, Occupation: Retired Civil Servant of the DKI Jakarta Government/Former Head of the West Jakarta Elementary Education Sub-dept., Last Education: Master's Degree in Public Relations, University of Indonesia.
2. The Defendant is Undergoing City Detention
a. Detention by the Public Prosecutor, from March 21, 2017, to April 9, 2017.
b. Detention by the Panel of Judges at the Corruption Court at the Central Jakarta District Court from April 5, 2017, to May 4, 2017.
c. Extended by the Chief Justice of the Corruption Court at the Central Jakarta District Court from May 5, 2017, to July 3, 2017.
d. First Detention Extension by the Chief Justice of the Jakarta High Court to City Arrest from July 4, 2017, to August 2, 2017.
e. Second Detention Extension by the Chief Justice of the Jakarta High Court to City Arrest from August 3, 2017, to September 1, 2017.
f. The Defendant was accompanied by a Legal Advisory Team: Wesly Sitohang SH and Bintang K. Napitupulu SH, Advocates and Legal Consultants at the Law Office of Wesly Sitohang SH & Partners, located at Jal. Duren Sawit Raya No. 28, Ruko Lt. 2 No. 3 Duren Sawit, East Jakarta, to act either jointly or individually based on a Special Power of Attorney dated April 6, 2017.

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The corruption trial process at the Central Jakarta District Court, with the following stipulations:
a. Stipulation Letter from the Chief Justice of the Corruption Court at the Central Jakarta District Court Number 56/Pid.Sus/TPK/2017/PN.JKT.PST dated April 5, 2017, concerning the Stipulation of the Panel of Judges.
b. Stipulation Letter from the Chief Justice of the Corruption Court at the Central Jakarta District Court Number 56/Pid.Sus/TPK/2017/PN.JKT.PST dated April 10, 2017, concerning the Trial Date.
c. Other documents in the case file.

After hearing the indictment, hearing the testimony of witnesses, expert opinions, and testimony from the Defendant, and examining the documentary and material evidence in this case. Having heard the reading of the Public Prosecutor's Demand Letter at the West Jakarta District Attorney's Office which was read at the trial on July 26 2017 which in essence demands that the Panel of Judges at the Corruption Crimes Court at the Central Jakarta District Court which examined and tried the case on behalf of the Defendant decide, namely:
a. Declaring that the Defendant Hj. Delly Indirayatnti, M.Si., has not been legally and convincingly proven to have committed the crime as referred to in the Primary Indictment of the Public Prosecutor.
b. Acquitting the Defendant Hj. Delly Indirayatnti, M.Si., of the Primary Indictment.
c. Declaring the Defendant Hj. Delly Indirayatnti, M.Si., has been legally and convincingly proven guilty of committing the crime of “having committed or participated in committing an act, with the aim of benefiting oneself or another person or a corporation, abusing the authority, opportunity or means available to him because of his position or position that can harm state finances or the state economy” as regulated and threatened with criminal penalties in Article 3 of Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 55 paragraph (1) to 1 of the Criminal Code.
d. Sentencing the defendant to one year and six months in prison, minus the time served under city detention, with an order that the defendant be detained in the detention center.
e. A fine of Rp. 100,000,000 (one hundred million rupiah), subsidiary to six months' imprisonment.
f. Exhibits No. 1 to No. 55 will be used in another case (Rudy Siahaan, et al.).
g. Ordering the defendant to pay court costs of Rp. 10,000 (ten thousand rupiah).

3. Defense by the Defendant's Legal Counsel
a. Declaring the Defendant not proven to have committed a crime as stated in the Primary Charge of Article 2 paragraph (1) of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code from the Public Prosecutor.
b. Declaring the Defendant not proven to have committed a crime as stated in the Subsidiary Charge of Article 3 of Law concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code from the Public Prosecutor. from the Public Prosecutor.
c. To acquit the Defendant of the Primary Charge of Article 2 paragraph (1) of the Law on the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code from the Public Prosecutor and Subsidiary Article 3 of the Law on the Eradication of

Criminal Acts of Corruption as amended by Law Number 20 of 2001 Concerning amendments to Law Number 31 of 1999 in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code.
d. Release the Defendant from City Detention.
e. Restoring the dignity and honor of the Defendant, Hj. Delly Indirayatnti, M.Si.
f. Charging the State to cover court costs.

4. State Losses Due to the Corruption Acts of the Defendant, Hj. Delly Indirayanti, M.Si.
As a result of the unlawful actions of the Defendant, Hj. Delly Indirayatnti, M.Si., together with Rendy Leon Tua Siahaan (Director of PT. Rebdill Borusia) and Rudi Siahaan (prosecution of the case was conducted separately), they have benefited themselves or another person or a corporation, namely PT. Rebdilla Borusia, in the amount of Rp. 1,368,702,000.00 (one billion three hundred sixty-eight million seven hundred and two thousand rupiah) by abusing his authority, opportunities, or means, resulting in losses to the State, cq. the West Jakarta City Elementary Education Sub-Department, in accordance with the Financial Report of the Financial and Development Supervisory Agency (BPKP) Representative Office of DKI Jakarta Province No. SR-867/PW09/5/2015 dated December 22, 2015, for the procurement of multi-color machines for schools at the West Jakarta City Elementary Education Sub-Department for the 2013 Fiscal Year.
5. Verdict of the Panel of Judges of the Central Jakarta District Court
a. Declaring that the Defendant, Hj. Delly Indirayanti, M.Si. binti Kasiyamun (deceased), has not been proven legally and convincingly guilty of committing the crime of corruption as charged in the Primary Indictment.
b. Therefore, acquitting the Defendant of the Primary Indictment.
c. Declaring that the Defendant, Hj. Delly Indirayatnti, M.Si., daughter of Kasiyamun (deceased), has been legally and convincingly proven guilty of jointly committing the crime of corruption as stated in the subsidiary indictment.
d. Therefore, the defendant is sentenced to one year in prison and a fine of Rp. 50,000,000 (fifty million rupiah), with the provision that if the fine is not paid, it will be replaced with one month in prison.
e. Determining that the period of detention already served by the defendant will be deducted in full from the sentence imposed.
f. Determining that the defendant remains in City Detention.
g. Determining that the evidence, as numbered 1-55, is evidence.
h. Determining that the defendant must pay court costs of Rp. 10,000 (ten thousand rupiah).
Thus it was decided in the deliberation meeting of the Panel of Judges for Corruption Crimes at the Central Jakarta District Court on AMIS, August 3, 2017 by us: Casmaya, SH, MH., as Chief Judge, Dian Siti, SH., M.Hum., and Sofialdi, SH, MH., Adhoc Judges each as Member Judges, which decision was pronounced in a hearing open to the public on MONDAY, August 7 2017 by the Chief Judge accompanied by the Member Judges, assisted by Marthin Turip, SH., MH as the Substitute Clerk of the Corruption Court at the Central Jakarta District Court, and attended by the Public Prosecutor at the West Jakarta District Attorney's Office and the Defendant accompanied by his Legal Advisory Team.

**CONCLUSION**
Based on the results of this research and the discussion outlined above, the author can draw the following conclusions:
1. In applying material criminal law to the corruption committed by Defendant Hj. Delly Indirayati, M.Sc., in decision No. 56/Pid.Sus/TPK/2017/PN.JKT.PST., Article 3 of Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning the Eradication of Criminal Acts of

Corruption is appropriate, as the elements of the crime in the article have been proven to have been fulfilled. Likewise, Article 55 paragraph (1) point 1 of the Criminal Code is appropriately applied in this case because the crime was committed due to collaboration between the Defendants.

2. In the Panel of Judges' considerations in handing down the verdict regarding the corruption committed by Defendant Hj. Delly Indirayati, M.Sc., as the Former Head of the West Jakarta Elementary Education Sub-Department (Retired Civil Servant) in decision Number 56/Pid.Sus/TPK/2017/PN.JKT.PST., has been appropriate because in the legal considerations by the Panel of Judges, the defendant's actions are acts of abusing his authority to benefit others which result in losses to state finances and there is no reason for justification, the Defendant is also a person who according to the law is capable of being responsible, and committed the act intentionally and there is no reason for forgiveness. Therefore, the Panel of Judges believes that the defendant is legally and convincingly guilty of committing a criminal act of corruption committed jointly because it has fulfilled the elements in Article 3 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 in conjunction with Article 55 paragraph (1) 1 of the Criminal Code. Therefore, the decision of the panel of judges containing criminal punishment is appropriate. Based on the conclusions above, the author makes the following recommendations:

3. Law enforcement officials, including prosecutors, lawyers, and judges, must possess a sound and competent knowledge of law, particularly regarding criminal corruption law. It is hoped that when handling a case, they will be able to apply appropriate criminal law provisions. This will ensure that perpetrators of corruption receive appropriate punishment for their actions. Based on the proper application of criminal law by law enforcement officers, a sense of justice is achieved for all.

4. To avoid being entangled in state financial losses due to corruption, civil servants must always adhere to applicable laws and regulations, including internal civil servant regulations, in carrying out their work. They must also maintain transparency, accountability, and adhere to the principles of good civil servant ethics, while avoiding conflicts of interest in decision-making and managing state finances and assets.

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