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Reconstruction of the regulation of court decision on corruption case in Indonesia based on progressive law

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Abstract
Law enforcement in Indonesia requires a new perspective in resolving the problem of corruption because corruption law enforcement in Indonesia currently still unable not reflect the value of justice. This problem encourages the author to make a study on the subject of why Court Decision on Corruption Case in Indonesia currently are unable not reflect progressive decisions and how to reconstruct Court Decision on Corruption Case in Indonesia with a progressive legal approach. The study was conducted in the perspective of the Constructivism paradigm with the type of socio-legal research and qualitative approach methods. Data used in this research are from interviews and questionnaires supported by literature, legislation and various public documents, while the data analysis was carried out by the method of qualitative critical analysis.
The results showed that the Court Decision on Corruption Case are unable to reflect progressive decisions due to factors such as the domination of legal positivism of lawmakers and law enforcers, low understanding of progressive law by lawmakers and law enforcers, low on moral that supported the formation and enforcement of law, the existence of political influence on the formation of law and law enforcement, and the existence of laws and regulations relating to corruption that are still scattered, incomplete and contradictory. In order to tackle the problem, the regulation of Court Decision on Corruption Case needs to be reconstructed, namely in Article 2 paragraph (1), Article 3, and Article 38 B paragraph (2) of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning Eradication of Corruption by applying progressive legal principles to it.

Keywords: reconstruction, verdict, corruption, progressive law

Introduction
One of the important aspects in eradicating criminal acts of corruption is the law enforcement process. The process of law enforcement in criminal acts of corruption must be carried out in a thorough and comprehensive manner with due observance of juridical and empirical facts, so that decisions given by judges can reflect law enforcement that is just, certain and beneficial for the nation and state.
Eradicating corruption is not just enough to rely on the approach as has been implemented by law enforcement agencies through the operation of the criminal justice system. The law enforcement approach that has been implemented has failed. The failure to eradicate criminal acts of corruption is precisely due to weaknesses in the law enforcement process itself. Weaknesses in every stage of the operation of the criminal justice system, among others, occur in the investigation stage, the prosecution stage, the trial stage at court and the implementation stage of court decisions.
At the trial stage in court, the perpetrator who is presented as a defendant in a corruption court has been often legally and convincingly proven guilty of committing a criminal act of corruption, so that he is sentenced to a penalty. However, sometimes it was found that the perpetrator who was presented as a defendant in court was found guilty of committing an act, but the act was not a criminal act, so the defendant was acquitted of all legal charges. Another defendant in court was declared not legally and convincingly proven to have committed a criminal act, so that the defendant was acquitted of all charges. The court's decision may be based on the results of a deliberation by a panel of judges, each of which has the same opinion. There is another corruption court decision colored by dissenting opinion. The difference of opinion can be about whether or not an element of the article is accused of being proven, for example regarding the element of "*against the law*", or regarding whether or not the element of "*abusing authority, opportunity or means is proven or not*", or whether or not the element "*can harm state finances or not. The country's economy*", or regarding whether other elements are proven or not. This shows that there is no common understanding of an applied statutory provision [1].
Law enforcement in Indonesia requires a new perspective in solving legal problems, one of which is to use a progressive legal framework as a tool for analysis. This is because progressive law is part of a never-ending truth-seeking process. Progressive law departs from the empirical reality of the operation of law in society, in the form of dissatisfaction and concern with the performance of the quality of law enforcement in the Indonesian setting in the late 20th century. The domination of the positivism paradigm with its inherent formality [2].

[1] Pabalik, Daeng & Hatta, Muhammad & Hidaya, Nur & Bima, Muhammad & Djanggih, Hardianto. (2020). Characteristics of Criminal Acts of Corruption in Indonesia. International Journal of Psychosocial Rehabilitation. 24. 2596-2608. 10.37200/IJPR/V24I8/PR280279.
[2] Satjipto Rahardjo, in al Arif, M.Yasin. (2019). Penegakan Hukum dalam Perspektif Hukum Progresif. Undang: Jurnal Hukum. 2. 169-192. 10.22437/ujh.2.1.169-192.

The presence of progressive law is very important in the context of law enforcement, especially for judges in court. Judges are central figures in the judicial process. A fair judge's decision will be the pinnacle of wisdom for solving legal problems that occur in state life. Moreover, the judge's verdict pronounced "*For the sake of the Almighty Godhead*" shows the obligation to uphold justice that is accounted for to God Almighty, and also to fellow humans. To achieve justice in society, the process and quality of law enforcement are very important and determining factors. The process and quality of good and fair law enforcement are expected to create a good community life in an atmosphere of mutual respect according to applicable legal principles. However, in reality, law enforcement in our country is still very weak in realizing a sense of justice for society in general and justice seekers in particular. The law, which should function as a public protector by providing justice through its law enforcement apparatus, has not been able to perform its main function properly.

In the corruption trial process, law enforcers, especially most judges, still see law as a set of positive legal regulations that are uprooted from philosophical and sociological aspects. The mindset of some judges is still shackled by formal legality by making Law seen as statutory regulations only. Court decisions on corruption have not reflected the justice that is aspired to, so that justice as a product of the judicial process is limited to formal justice. As a result, there are court decisions on corruption that do not produce material justice that do not reflect substantial justice. Court Decision on Corruption Case are considered unfair and injured the sense of justice of the community. For this reason, it is necessary to reconstruct court decisions on corruption with a progressive legal approach.

Based on this background, the researcher then conduct a research with the following issues:

1. Why Court Decision on Corruption Case in Indonesia do currently are unable to reflect progressive decisions?
2. How is the reconstruction of The Regulation of Court Decision on Corruption Case in Indonesia based on a progressive legal approach?

Method of Research

The paradigm that is used in the research this is the paradigm of constructivism which is the antithesis of the understanding that lay observation and objectivity in finding a reality or science knowledge [3]. Paradigm also looked at the science of social as an analysis of systematic against *Socially Meaningful Action* through observation directly and in detail to the problem analyzed.

The research type used in writing this paper is a qualitative research. Writing aims to provide a description of a society or a certain group of people or a description of a symptom or between two or more symptoms.

Approach (approach*)* the research is to use the approach *of Empirical-Juridical* [4], which is based on the norms of law and the theory of the existing legal enforceability of a law viewpoint as interpretation.

As for the source of research used in this study are

1. Primary Data, is data obtained from information and information from respondents directly obtained through interviews and literature studies.
2. Secondary Data, is an indirect source that is able to provide additional and reinforcement of research data. Sources of secondary data in the form of: Primary Legal Material and Secondary Legal Materials and Tertiary Legal Material.

In this study, the author use data collection techniques, namely literature study, interviews and documentation where the researcher is a key instrument that is the researcher himself who plans, collects, and interprets the data [5]. Qualitative data analysis is the process of searching for, and systematically compiling data obtained from interviews, field notes and documentation by organizing data into categories, describing it into units, synthesizing, compiling into patterns, selecting important names and what will be studied and make conclusions.

Research Result and Discussion

1. Reason Why Court Decision on Corruption Case In Indonesia Currently Are Unable To Reflect Progressive Decisions

Theoretically, the factor that causes progressive legal thinking that does not underlie the formation and enforcement of law in Indonesia is due to the political influence on the formation and enforcement of laws in Indonesia. The author's reason is based on Moh. Mahfud MD's Argument [6] that theoretically the relationship between law and politics can be divided into three relationship models, namely, first, as a basic law determinant of politics because every political agenda must be subject to legal rules, second, as a *das sein*, a political determinant on law because in reality law is a political product, so that existing law is the result or crystallization of interacting and / or competing political wills and thirdly, politics and law as a social sub-system are in a position of determination and balance between one another because even though the law is a product of political decisions, once the law exists, all political activities must be subject to the rules of law or in other words politics without law will be tyrannical, while law without politics will be paralyzed.

The three models of the relationship between politics and law as mentioned, which are related to the issue of political influence on law are the second relationship model, namely the fact that while it is true that law is a political product, if politics is not good then the law is not good and if the politics changes then the law will change as democratic politics will produce responsive laws, while authoritarian politics will produce orthodox laws.

Based on the assumption that law is a political product, in reality after the end of the New Order politics in 1998, there were various changes to the legislation products of the New Order such as the replacement of the Party Law, the Election Law, the Law on Judicial Powers, the Corruption Eradication Law, the Government Law. Regions, the repeal of the Subversion Law until the amendment to the MPR Decree and the 1945 Constitution of the Republic of Indonesia. However, the laws and regulations that were born

[3] Faisal, (2010), Menerobos Positivisme Hukum, Rangkang Education, Yogyakarta.

[4] Johnny Ibrahim, (2005), Teori dan Metodologi Penelitian Hukum Normatif, Bayumedia, Surabaya.

[5] L. Moleong,(2002), Metode Penelitian Kualitatif, PT Remaja Rosdakarya, Bandung.

[6] Mahfud M.D., in Siregar, Fritz. (2015). The Political Context of Judicial Review in Indonesia. Indonesia Law Review. 5. 208. 10.15742/ilrev.v5n2.140.

after entering the reform era, have not been fully based on progressive legal thinking as it is mostly based on the political interests of each of the political parties.

Several laws resulting from reform products that are not based on progressive legal thinking are the Law on the Composition and Position of the MPR, DPR and DPD and the Law on Regional Government which gives political parties the authority to recall members of DPR / DPRD, resulting in most of the DPR / DPRD Members are not fighting for the aspirations of the voters but rather securing the interests of the political parties that nominate them to become DPR / DPRD members because of their fear of being recalled. Likewise, the formation of laws in the reform era is not supported by adequate facilities and infrastructure so that in its implementation it does not provide benefits for development and society but instead increases losses for the state.

For example, the law on the establishment of a corruption court seems rushed so that it is not accompanied by careful planning. As a result, in archipelagic provinces such as East Nusa Tenggara, Papua, Maluku and others, prosecutors from districts / cities that are far away from the provincial capital where the Corruption Court is located on the grounds of legal certainty try to process the perpetrators of corruption that cause state losses of only Rp. 5. 000.000, - up to Rp.10, 000,000, - by having to pay relatively high travel and accommodation costs. Therefore, with the presence of corruption courts, especially for archipelagic regions, law enforcement on corruption does not provide benefits for the community, nation and state because state expenditures for carrying out legal processes are greater than the losses incurred by the perpetrators.

According to the author, what should be done by legislators is that there is a need for changes to the law on corruption court by limiting its authority, namely that it is only authorized to adjudicate corruption cases where the state's financial losses are relatively high, for example IDR 500,000,000. Five hundred million rupiah) and above, while the value of state financial losses below this figure should be submitted to the general court. Another consequence is that law enforcement on corruption by the criminal court of corruption focuses more on the conviction of the perpetrator of corruption, not on the return of state finances.

The proof of this is that there are many judges' decisions that only convict the perpetrator without burdening the perpetrator with replacement money, while fines are imposed on the perpetrators but generally the perpetrators do not pay fines but instead replace fines with imprisonment.

2. Reconstruction Of The Regulation of Court Decision On Corruption Case In Indonesia Based On A Progressive Legal Approach

Enforcement of material criminal law on corruption through formal criminal law in general includes provisions regarding proof of submission to and is regulated in the Criminal Procedure Code, however as a special criminal law there are also provisions regarding procedural law which are special and are an exception, namely a system of reversal of proof. The provisions regarding the system of reversal of proof in the formal criminal law of corruption which are formulated in the Corruption Eradication Law are a form of exception to the evidentiary law regulated in the Criminal Procedure Code.

The provisions regarding the imposition of reverse proof are contained in Article 12 B paragraph (1) letter a specifically for the object of proof that elements of the criminal act of corruption receive gratification. Apart from that, it is also contained in Article 38 B, especially on the object of the defendant's property which has not been charged which was later discovered during examination at a court session. The proof system in the Criminal Procedure Code is in accordance with the general principle of proof, that is, whoever accuses something is the public prosecutor who is burdened with the obligation to prove the truth of what he is accused of. The system in general formal criminal law does not fully apply to criminal acts of corruption as in Article 12 B paragraph (1) letter a or Article 38 B, which clearly adhere to a reversed system of proof.

The reversed proof's burden is based on the principle of "*presumption of guilty*" where the opposite of the system of burden of proof on the public prosecutor which is based on the principle of "*presumption of innocence*" [7]. The principle of presumption of innocence is contained in Article 8 of Law Number 48 of 2009 concerning Judicial Power, which states that every person who is suspected, arrested, detained, prosecuted, or tried before a court must be presumed innocent before a court ruling declares his guilt and has obtained permanent legal force.On the principle of presumption of guilt, the public prosecutor is not burdened with the obligation to prove his indictment. If the public prosecutor presents the indictment, the defendant is deemed guilty. Therefore, the defendant has the obligation to prove his or her innocence.

The system of reversal of proof as regulated in Article 12 B paragraph (1) letter a is an extraordinary advance in the formal criminal law of corruption. Although in principle the system of proof of corruption is adhering to the negative system according to limited laws (negatief wettelijk), the burden of proof is no longer the obligation of the public prosecutor to prove the guilt of the accused against the criminal act charged, but the defendant is obliged to prove his innocence. committed the criminal act he was accused of.

Regarding the burden of proof on defendants, there are three systems that exists namely [8]:

1. The full system of imposition on the defendant is *in casu*, which means that If the defendant fails to prove that he is not guilty of the criminal act he is accused of, then he is considered to have been proven guilty of committing the crime of corruption (in reverse system). This system applies to the criminal act of corruption receiving gratuities of Rp.10,000,000.00 (ten million rupiah) or more (Article 12 B paragraph (1) letter a).
2. The system of partial imposition of the defendant, if it fails to prove his innocence in the criminal act of corruption charged (*in casu*, the origin of the accused or not / not), it will be used to strengthen existing evidence (in casu from the prosecutor general) that the defendant was guilty of a criminal act of corruption. This system

[7] Ferdian, Ardi. (2012). Sistem Pembebanan Pembuktian Terbalik Pada Tindak Pidana Korupsi. Arena Hukum. 5. 163-170. 10.21776/ub.arenahukum.2012.00503.2.

[8] Rahmayanti, Rahmayanti & Maulana, Muhammad & Alvin, Stanley & Paly, Nadya. (2020). Analisis Yuridis terhadap Penerapan Sistem Pembuktian Terbalik Berdasarkan Undang-undang Tindak Pidana Korupsi. JURNAL MERCATORIA. 13. 29-35. 10.31289/mercatoria.v13i1.3140.

is called semi reverse.

3. Specifically for the criminal act of corruption, receiving gifts / gratuities based on the value applies a conditional balanced system. If the receipt of gratuities which is worth Rp.10,000,000.00 (ten million) or more, the reverse system applies. There are also those who call it a pure reverse system, namely the proof is on the defendant himself. If the defendant succeeds in proving his innocence, the panel of judges will use the success of the accused to state that the indictment of the public prosecutor is not proven (Article 37 paragraph (2)). In such a case the public prosecutor is passive and proof is unnecessary. However, in the event that the value of the receipt of gratuities is less than Rp.10,000,000.00 (ten million rupiah) there is evidence of a public prosecutor (using the normal system). So, the conditions in the balance are conditional in case you want to use the reverse system or the regular system is put on the condition that the value is less or more than Rp.10,000,000.00 (ten million rupiah).

In the case of objects concerning property that have not been charged in the case being examined, a reverse proof system can also be applied (Article 38 B). If the defendant is accused of committing one of the criminal acts of corruption as referred to in Article 2, Article 3, Article 4, Article 13, Article 14, Article 15, and Article 16 of Law Number 31 Year 1999 and Article 5 through Article 12 of the Law Number 20 of 2001, the defendant is burdened with the obligation to prove that the property was obtained not from a criminal act of corruption Article 38 B paragraph (1). Whereas if the defendant cannot prove that the property was not obtained from a criminal act of corruption, then the property is it is deemed to have also been obtained from a criminal act of corruption and the judge has the authority to decide that all or part of the confiscated property for the state (Article 38 B paragraph (2).The concept of the reverse proof's burden on the offense of receiving gratification have actually been applied at the Corruption Court at the Central Jakarta District Court in the corruption case Number 34 / Pid.B / TPK / 2011 / PN-Jkt.Pst. The legal considerations in the decision, among others, stated that:

"... although the prosecutor proved unsuccessful in proving the acceptance of gratuities from Alif Kuncoro and Denny Adrianz, this situation did not diminish the role of the defendant in having been proven to accept gratification, because it has been proven that he received gratification, because it has already been proven. evidently proven from witness Roberto Santonius and of course from other taxpayers who have brought the defendant can collect money in the amount of US $ 659,800 (six hundred fifty-nine thousand eight hundred US dollars) and SGD 9,680,000 (nine million six hundred eighty thousand dollars. Singapore) above which the defendant could not prove origin from a source in accordance with the provisions of the law".

The reverse proof system is not without a dilemma, especially by paying close attention to the provisions of Article 38 B of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001. These dilemma include: First, the formulation of criminal acts (material feit) in these provisions raises errors and unclear norms of the burden of proof reversed. Second, reverse evidence is contrary to the provisions of criminal procedure law in Article 66 of the Criminal Procedure Code which states that the suspect or defendant is not burdened with the obligation of proof. Third, reverse evidence only occurs in the offense of gratification and in the case of the defendant's property which has not been charged. Fourth, practice confusion, the burden of proof reversed in court is still ambiguous, because the public prosecutor does not have the authority to submit claims on reports of assets obtained in the investigation process.

The author is of the view that a theoretical and practical in-depth study is needed regarding the formulation of norms regarding the burden of reversed proof in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001. Some of the dilemmas include :

1. The corruption offense described (*delict omscherjving*) in this law in Chapter II, Chapter III, with their respective titles. Chapter II Corruption Crime and Chapter III Other Crimes related to corruption. Chapter II consists of articles 2 to 20 and Chapter III consists of articles 21 to 24. The *delict met formele omscherjving* has weaknesses and partly lacks coherence. If there are acts of corruption that are not included in the formal description, then the perpetrator (suspect) cannot be brought to court.
2. Reversal of the burden of proof is not carried out at the stage of examination by the judge, the suspect is not given the freedom to provide explanations through information during the investigation period. This method is not feasible according to the approach of law enforcement norms, Martiman [9] said that the truth can only be about certain conditions in the past. Therefore, the truth about the situation in the past, cannot possibly be achieved. Criminal procedural law will only show the way to approach as much as possible the correspondence between the judge's conviction and the true truth (*de materiele warheid*).
3. From an editorial perspective, the law is clearly understood that there is a limitation or specialization in the application of reverse proof. Reversed evidence only applies to the offense of gratification of corruption as this specialization is then considered contrary to legal norms.

The Court Evidence according to KUHAP in principle is "*whoever claims, then he is the one burdened to prove what is alleged is true*". This principle arises from the occurrence of the presumption of innocence as an important principle in the law of criminal events. This principle is contained in Article 8 of Law No. 48 of 2009 on Judicial Powers, which states that any person suspected, arrested, detained, prosecuted, or brought before a court must be presumed innocent before any court ruling is found guilty and has obtained the power of law remains. Law No. 8 of 1981 on the Fourth Criminal Procedure Law, regulates the "*proof and verdict in ordinary trial*". While the form of examination events in special criminal matters such as corruption offenses, belongs to the extraordinary examination events.

Corruption is classified as a specific crime, which carries the burden of reverse proof. However, the reverse proof must be strengthened with the proof formula as regulated in criminal procedural code. Precisely the evidence in the form of "*defendant's evidence*" is an instrument of applying the burden of reverse evidence in specific criminal cases such as

[9] Martiman Prodjohamidjojo,(2001), Penerapan Pembuktian Terbalik dalam Delik Korupsi (UU No.31 Tahun 1999), Penerbit Mandar Maju, Bandung, p.13.

corruption.

The system of reversing the evidence as defined in Article 38 B paragraph (2) facilitates the public prosecutor in prosecuting corruption cases, as there is no obligation of the public prosecutor to prove that the property was obtained from corruption crimes. The author is of the view that in dealing with corruption cases that are difficult to prove, this reverse proofing system should be implemented. Although in the case of the defendant can not prove that the property was acquired not because of corruption, so the property is considered to be obtained also from corruption and the judge has the authority to decide all or part of the property was confiscated for the state, but it should be used as one of the legal considerations in the judge's decision to reduce the penalty imposed on the defendant.

Pursuant to Law No. 31 of 1999 and Law No. 20 of 2001, the system of reversing the burden of proof can be applied against the corruption of gratuitous receipts and against the object of an unspecified defendant's property which was later discovered during a court hearing. However, the system of reversing the evidence should also be applied in cases of corruption that are difficult to prove, as long as there is a loss of the state marked by the transfer of money or state wealth to the defendant.

Specifically Article 38 B of Law No. 31 of 1999 jo Law No. 20 of 2001 stipulates that the public prosecutor must file a claim for restitution on the property of the defendant at the time of reading his claim on the principal matter and the defendant must prove that the defendant's property is not from criminal acts of corruption when reading his defense in the main matter. The judge is obliged to open a special conference to examine the evidence presented by the defendant. When the defendant is acquitted or declared free from all legal claims from the subject matter, then the claim for the return of property must be rejected by the judge. The state may file a civil lawsuit against the perpetrator and / or the heirs of the perpetrator of the corruption offense if after a court decision acquires the legal force it remains known that there are still criminal assets that are suspected or should be derived from corruption crimes that have not been confiscated for the state. With the presence of the defendant's property confiscated for the state or the civil lawsuit filed by the state against the perpetrator and / or the heirs of the perpetrator of the corruption crime, then the assets resulting from the corruption crime can be returned to the state. If the defendant's property that is suspected or should be suspected of originating from the crime of corruption is returned to the state, then the judge should have the authority to reduce the penalty imposed on the defendant as seen in Article 38 B paragraph (2) of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 as follows:

Article 38(2): "*In the event that the defendant is unable to prove that the assets referred to in paragraph (1) were not obtained due to a criminal act of corruption, the said assets are deemed to have also been obtained from a criminal act of corruption and the judge has the authority to decide that all or part of the assets are confiscated for the state*".

The concept of the formulation of Article 38 B paragraph (2) as a result of reconstruction is by means of the formulation of Article 38 B paragraph (2) added with the phrase "and reducing the punishment against the accused", so that the concept of the article reads as follows:

Article 38 B paragraph (2): "*In the event that the defendant is unable to prove that the assets referred to in paragraph (1) were not obtained due to a criminal act of corruption, the said assets are deemed to have also been obtained from a criminal act of corruption and the judge has the authority to decide that all or part of the assets are confiscated for the state and reduce the punishment against the accused*".

The idea of returning the assets resulting from the crime of corruption is not only intended to impoverish the corruptors so that they suffer, but also aims as a preventive action, which will result in the loss of resources to commit other crimes, because the perpetrators no longer have assets controlled. The preventive impact will serve as a warning that there is no safe place to hide the proceeds of crime and no one can enjoy the proceeds of crime (the doctrine of "crime does not pay") [10]. Corruption as a predicate crime (a crime that places corruption as a crime that generates or is a source of laundered funds), so that assets resulting from corruption can be confiscated and confiscated as soon as possible, then derivative crimes such as money laundering can be minimized and avoided.

Based on the reconstruction of the value of court decisions on corruption based on progressive law above, it is expected that by implementing the reconstruction, an equal justice for defendants and the state as well as for defendants who are civil servants and defendants who are non civil servants can be achieved.

Conclusion

1. Corruption court decisions are unable to reflect progressive decisions due to factors such as the domination of legal positivism of lawmakers and law enforcers, the lack of understanding on progressive law for lawmakers and law enforcers, the lack of morale that supported the formation and enforcement of laws, the existence of political influence on the formation of law and law enforcement as well as the existence of laws and regulations relating to corruption that are still scattered, incomplete and contradictory.
2. Arrangements for corruption court decisions need to be reconstructed, namely in Article 2 paragraph (1), Article 3, and Article 38 B paragraph (2) of Law Number 31 Year 1999 Jo Law Number 20 Year 2001 regarding Corruption Eradication reconstruction needs to be carried out, by applying the principles, among others, that corruption court judges must have the courage to break away from positivistic - legalistic views by changing to a progressive legal perspective. In addition, judges in deciding cases of criminal acts of corruption must not limit themselves to statutory texts, but they need courage to break through written law, because the operation of the law is also influenced by non-legal factors so that the verdicts of the court for criminal acts of corruption reflect substantial justice. Furthermore, if there is a conflict between the rules of substantive law and those of formal law, the judges of the corruption court must prioritize substantive legal principles rather than formal legal principles, in order to realize substantial justice to then realize the reconstruction of the value of corruption court decisions based on progressive law and that is to achieve

[10] Henderson, J. & Kuncoro, Ari. (2004). Corruption in Indonesia, National Bureau of Economic Research, Cambridge.

balanced justice for defendants and the state as well as for defendants who are civil servants and defendants who are not civil servants.

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