Legal Politics Handling Criminal Acts Of Corruption Under IDR 50,000,000.- (Fifty Million Rupiahs) In ReformingThe Authority Of The Criminal Acts Of Corruption For Budget Eficiency

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Abstract. Eradication of Corruption Crimes requires high operational costs; while not all corruption cases have significant losses, some are small. Since the enactment of Law 46 of 2009, all corruption crimes can no longer be tried in the District/City District Courts but at the Corruption Court of the provincial capital, which requires a large number of operational costs for prosecution, while the value of losses is also tiny or below IDR 50,000,000. This article aims to handle cases of Corruption Crimes with a value below IDR 50,000,000.- not exceeding operational costs, to create budget efficiency so that the State does not experience an increase in the number of state financial losses. The research method used is normative juridical. This study concludes by reformulating the authority of the Corruption Court with a loss value of below IDR 50,000,000.- transferred to the District/City District Court for Budget Efficiency.

Keywords: legal handling, corruption, criminal

1. Introduction

The court in carrying out the judicial process uses the rule of law as a reference. In addition to the rule of law, for the judicial process to be carried out properly, it is necessary to pay attention to legal principles. The principle of law is the basic rule that underlies the legal rules and the basis for implementing the law. Bellefroid, argues that the principle of general law is a basic norm derived frompositive law and which legal science does not ascribe to more general rules. So the principle of general law is the crystallization (deposition) of positive law in society[1].

One of the principles that have received more attention from the public is the principle of simple, fast, and low-cost justice. Theprinciple of a simple, fast, and low-cost trial is not new in the Criminal Procedure Code. Since the beginning of HIR, this principle hasbeen implied in more concrete words than those used in the Criminal Procedure Code. To denote a speedy justice system, many provisions in the Criminal Procedure Code use the term "immediately"[2].

The Criminal Procedure Code does not explicitly explain the principles of simple, fast, and low-cost justice, but these principlesare mandated to be enforced in the law. In a general explanation, it is stated that the principles governing the protection of the nobility of human dignity which has been laid down in Law Number 48 of 2009 concerning Judicial Power (hereinafter referred to as Law No. 48 of 2009) must be enforced in the Criminal Procedure

ICLSSE 2022, October 28, Singaraja, Indonesia

DOI 10.4108/eai.28-10-2022.2326395

Code. Furthermore, it is stated that the principles, among others, are simple, fast, and low-cost, and free, honest, and impartial justice must be applied consistently at all levels of the judiciary [3].

The principle of a simple, fast, and low-cost trial was later reaffirmed in Article 4 paragraph (2) of Law no. 48 of 2009 which states that: "The court helps justice seekers and tries to overcome all obstacles and obstacles to achieve a simple, fast and low-cost trial". To achieve the stated simple, fast, and low-cost trial, the examination at the court session led by the Panel of Judges must actively ask questions and provide opportunities for the defendant, represented by his legal advisor to ask witnesses, as well as the public prosecutor. All of that is to find material truth [3].

The Corruption Court is one of the special post-reform courts that is expected to be a model of an independent, quality, fair andmodern court. This court was originally regulated in Law no. 30 of 2002 concerning the Corruption Eradication Commission, with theauthority to adjudicate specifically on corruption cases whose prosecution is carried out by the Corruption Eradication Commission (abbreviated KPK (Komisi Pemberantasan Korupsi) [4].

In 2006, two years after the establishment of the Tipikor Court, the legal basis of the Tipikor Court was declared contrary to the constitution by the Constitutional Court (MK) through its decision No. 012-016-019/PUU-IV/2006. The considerations in the decision essentially state that because the Corruption Court's authority is only limited to adjudicating corruption cases whose prosecution is carried out by the Corruption Eradication Commission, there has been a dualism in the handling of corruption cases. Furthermore, the Constitutional Court thinks that this may result in differences in treatment between corruption defendants who are examined at the Corruption Court and the District Court. The Constitutional Court then gave three years for the government and the DPR to improve legislation related to the Corruption Court. Responding to the Constitutional Court's decision, the government and the DPR drafted a Corruption Court Bill which was later ratified into Law no. 46 of 2009 concerning the Corruption Court [4].

Since the enactment of Law 46 the Year 2009, Corruption Courts will be established in each Regency/City capital which will beimplemented in stages considering the availability of facilities and infrastructure. However, for the first time based on the Law, a Corruption Court is established in every provincial capital.

The purpose of the establishment of the Law on Corruption Crimes in addition to responding to the Constitutional Court's Decision No. 012-016-019/PUU-IV/2006 is also to provide legal certainty in handling corruption cases by ending the dualism of authority to adjudicate corruption cases and to provide solutions to respond to public dissatisfaction with the performance of conventional courts through the establishment of a special court. In addition, based on the Elucidation of Law Number 30 of 2002 concerning the Corruption Eradication Commission which states *"...to improve the efficiency and effectiveness of law enforcement against criminal acts of corruption, this Law regulates the establishment of courts for criminal acts of corruption in the general court environment..."*. From the word efficiency, the court of corruption must also pay attention to efficiency in handling corruption cases, which reflects a trial that is carried out quickly, simply, and at a low cost. Based on the Corruption Law, the composition and criteria of judges at the Corruption Court are different from the court in general, the Corruption Court consists of 2 types of judges, namely career judges and ad hoc judges. The academic text of the Anti-Corruption CourtLaw states that the purpose of recruiting ad hoc judges is the need for specialization/skills from ad hoc judges

to resolve corruption cases, in addition to low trust in the courts[5]. To overcome the integrity of the Career Judge, one of the requirements for the Career Judge of the Corruption Court is to have a special certification as a judge of corruption crimes issued by the Supreme Court. In the Academic Paper on the Anti-Corruption Court Law, the purpose of the inclusion of special certification requirements is intended to assess the integrity and capacity of a prospective judge. The fact is that several ad hoc judges and Career Judges of the Tipikor Court in several different courts were caught in the KPK arrest operation for bribery so the purpose of the establishment of the Tipikor Court has not been able to provide a solution to respond to public dissatisfaction with the performance of conventional courts.

Whereas since the enactment of the Corruption Crimes Law, all corruption crimes investigated and prosecuted by the Public Prosecutor from the Prosecutor's Office, which were tried by district courts in the same city/district as the offices of the State Prosecutor's Office, could only be tried in corruption courts in the provincial capital. The reduction in the number of courts that can hear corruption cases from the previous 382 district courts throughout Indonesia to only 30 courts has resulted in the accumulation of corruption cases in the district courts where the corruption courts are located. The accumulation of cases will be quite extreme in the corruption courts which in their jurisdiction cover quite a several districts/cities or the offices of the District Attorney [6].

The accumulation of cases in the Tipikor Court, and changes in the rules of authority to hear corruption cases at the Tipikor Court in the provincial capital, also bring significant geographical access for Public Prosecutors located in several regions in Indonesia. The longer distance and the limited choice of transportation modes that can be used by the Public Prosecutor to reach the corruption court in the provincial capital should be considered as potential obstacles in the prosecution of corruption cases in several regions. The operational support needed is mainly for travel and accommodation costs for the Public Prosecutor's team in this case, as well as for the witnesses that the Public Prosecutor must present in the trial. The operational costs for this prosecution process can reach a fairly large amount because the number of witnesses in corruption cases is generally more than in ordinary criminal cases, while not all losses incurred by Corruption Crimes are large, there is also a relatively large amount of losses in Corruption Crime cases. small or brought IDR 50,000,000.- (fifty million rupiahs).

Whereas following up on the number of operational costs required by the Public Prosecutor, especially in Corruption Crime Cases, which were relatively small in value, on 18 May 2010, the then Attorney General of the Republic of Indonesia, Basrief Arief, issued the Attorney General's Circular Number B-113/F/Fd. 1/05/2010, dated May 18, 2010, addressed to all High Prosecutor's Offices in Indonesia, contains an appeal that in cases of alleged corruption, people who consciously have returned state losses of small value need to be considered not to be followed up or apply the principle of restorative justice. At that time, the statement by Attorney General Basrief Arief regarding the Circular Letter was that if the corrupted money was around IDR 10,000,000,- (ten million rupiahs) it wouldbe better to return it to the state and the case terminated. If followed up starting from the investigation, investigation, prosecution, and trial process, it will cost the state more than IDR 50,000,000.- (fifty million rupiahs)[7].

The Supreme Court also responded by issuing a Supreme Court Circular Number 07 of 2012, dated 12 September 2012 concerning the Legal Formulation of the Results of the Plenary Meeting of the Supreme Court Chamber as a Guide to the Implementation of Duties

for the Court, page 27 Number 13 with the issue of "Discretion in imposing minimum penalties in Article 2 Act. No. 31 of 1999 in conjunction with Law no. 20 the Year 2001, if the value of the state loss is very small, the solution is the minimum criminal provisions of Law no. 31 of 1999 in conjunction with Law no. 20 of 2001 cannot deviate, for example, the indictment of Article 3 which is proven, there is no need to impose a fine if the state loss is below IDR 50.000.000.-, even so, the substitute moneysentence is still imposed.

Observing the above facts, how important it is to handle corruption cases so that operational costs do not exceed the results of corruption crimes committed by perpetrators, especially with a relatively small loss value or below IDR 50,000,000.- (fifty million rupiahs). criminal acts of corruption under IDR 50,000,000.- (fifty million rupiahs) in the reformulation of the authority of the court for corruption as referred to in Law 46 of 2009 for the sake of budget efficiency, this can be done by duplicating the Corruption Court at the District/City Court with the composition of the Panel of Judges, all Career Judges with integrity while still being supervised both administratively and technically, both by the High Court in the General Courts environment which is higher than the District Court, the Judicial Commission, the community and other Law Enforcement Apparatus such as Indonesia's Corruption Eradication Commission.

Based on the background of the problem, the formulation of the problem in this research can be formulated as follows:

a. What is the legal political concept of handling corruption under IDR 50,000,000.- (fifty million rupiahs) in the reformulation of the authority of the court for corruption for the sake of budget efficiency?

b. How is the implementation of legal politics in handling corruption crimes under IDR 50,000,000.- (fifty million rupiahs) in the reformulation of the authority of the court for corruption for the sake of budget efficiency?

How is the implementation of supervision to the Panel of Judges of the Court of Corruption in the legal politics of handling corruption crimes under IDR 50,000,000.- (fifty million rupiahs) in the reformulation of the authority of the court for corruption for the sake of budget efficiency?

3. Method

The type of legal research carried out in a normative juridical manner is a normative juridical where the law is conceptualized aswhat is written in laws and regulations (law in books) or the law is conceptualized as a rule or norm which is a benchmark for human behavior that is considered appropriate. This normative legal research is based on primary and secondary legal materials, namely research that refers to the norms contained in the legislation [8].

In connection with the type of research used is normative juridical, the approach taken in this paper is statutory. The approach to legislation in which in this case Law no. 46 of 2009 concerning the Corruption Court, Law no. 48 of 2009 concerning Judicial Powers, and Law No. 8 of 1981 concerning Criminal Procedure Code (KUHAP). The norm of examining the efficiency and effectiveness of law enforcement on corruption in the Corruption Court is related to the principle of a simple, fast, and low-cost trial

In research in writing that uses a normative approach, the legal materials used are obtained through tracing legal materials or literature studies on primary, secondary, and tertiary legal materials :

1) Primary legal materials, namely legal materials consisting of national legal rules that are sorted by hierarchy, starting from the 1945 Constitution, laws, government regulations, and other rules under the law;
2) Secondary legal materials are legal materials obtained from textbooks, foreign journals, and the opinions of scholars. Legal cases, as well as symposiums conducted by relevant experts. with a discussion of the law on the efficiency and effectiveness of law enforcement for criminal acts of corruption at the Corruption Court
3) Tertiary legal materials are legal materials that provide meaningful instructions or explanations for primary and secondary legal materials, such as legal dictionaries, encyclopedias, and others [8].

Legal sources are obtained from libraries, browsing, books, laws, regulations, as well as expert opinions.

4. Results and Discussion

According to Hol and Loth, the specificity of courts can be seen from three aspects: knowledge, environment, and organization[9]. From the aspect of knowledge, specificity is seen from the side of knowledge possessed [9]. Arguments pro- specification argue that special courts can improve the quality of decisions and encourage the development of better laws. From the environmental aspect, special courts are considered to be able to encourage court legitimacy [9]. From an organizational perspective, specificity is also considered to encourage efficiency and job satisfaction[9]. However, Hol and Loth also note a variety of potential problems that may arise from the specificity of the courts, including inflexibility in court organization and high costs in educational programs[9]. Reiling noted several other risks that may arise from the establishment of special courts, including the potential for inequality that arises from differences in systems and mechanisms, inefficiency due to the need for special budgeting, and finally the potential for special interests to arise that can have an impact on the independence and impartiality of the courts[10]. Reiling also argues that the more complex the form of the special court chosen, the risk that arises will be even greater[10].

Adriaan Bedner[11] his paper explains that the strategy to build a special court in Indonesia to improve court performance has not fully achieved success. Bedner uses several special court case studies, including human rights courts, state administrative courts, commercial courts, and tax courts. One of the factors underlined by Bedner, among others, is the fragmentation and intertwining of court jurisdictions and the difficulty of harmonizing jurisdictions [11]. Furthermore, Bedner reminded us that this jurisdictional issue is not merely a legal issue but also creates problems in practice because the parties and justice seekers must take their cases to different court jurisdictions. In practice, this problem can have an impact on injustice, problems with access to justice, and potential inconsistencies in decisions [11].

It is necessary to measure the performance of a special court (Corruption Court) based on the purpose of its establishment. For this reason, it is necessary to see how the implementation of the court specialization policy is in practice by looking at the various elements that shape and determine the success of the court. It is in this context that the evaluation of the enactment of Law no. 46 of 2009 concerning the application of courts for criminal acts of corruption is important.

The term corruption court has been mentioned in Law no. 19 of 1964 concerning the Basic Provisions of Judicial Power, namely in the Elucidation of Article 7 paragraph (1). However, at that time it was not explained further what was meant by a corruption court,

considering that previously the Corruption Law at that time, namely Perpu No. 24 of 1960 did not mention the existence of a corruption trial. Several years later in Law no. 3 of 1971 which regulates criminal acts of corruption and replaces Perpu No. 24 of 1960, there is no mention of this corruption court. Article 14 of the Law states that cases of criminal acts of corruption are tried in district courts according to the applicable procedural law [4].

The idea of establishing a Corruption Court itself only really started to become a discourse after the start of the reform era. At that time the public's disappointment over the alleged rampant corruption in the era of corruption began to strengthen. This was addressed by the Government and the DPR at that time by establishing several legal instruments in the context of preventing and eradicating corruption such as the enactment of Law no. 28 of 1999 concerning the Implementation of a Clean and the Free State of Corruption, Collusion and Nepotism and Law no. 31 of 1999 concerning the Eradication of Corruption Crimes replacing Law no. 3 of1971 which at that time was considered ineffective. Law no. 31 of 1999 was then mandated to establish a new institution to prevent and eradicate corruption, namely the Corruption Eradication Commission which will be regulated in a separate law no later than two years [4].

Although several laws were enacted to make corruption eradication effective in 1999, however, at that time there was no mention of a special court for corruption. The court itself was finally introduced three years later, namely in 2002 through Law no. 30 of 2002 concerning the Corruption Eradication Commission as regulated in Chapter VII [4].

The emergence of the Corruption Court in the KPK Law was inseparable from the low public trust at the time in the court. In 1999-2001 there were quite a several major cases involving high-ranking officials, including former president Suharto and his son, Tomy Suharto, whose decisions were seen as not fulfilling the public's sense of justice [12]. There were quite a several public demands atthat time that wanted corruption cases not to be tried in a district court but a new court was created, namely a special court for corruption. Where one of the specialties is the existence of ad hoc judges, namely people who are not among judges who are temporarily appointedas special judges to try corruption cases[13].

The Corruption Court as regulated in the KPK Law is in principle not intended to be an independent court, but to be part of a district court. This can be seen from the regulation of Article 53 paragraph (2) of Law no. 30 of 2002 which states that for the first time the Corruption Court was established at the Central Jakarta District Court with jurisdiction covering all of Indonesia. In addition, the KPK Law also does not regulate the organizational structure of the Corruption Court such as the chairman of the court, deputy chairman, clerk, and secretary as befits a court.

The specifics of the Corruption Court in the KPK Law are, first, its authority is all corruption crimes whose prosecution is filedby the KPK. This means that the cases demanded by the KPK cannot be examined by a court other than the Tipikor Court, and the Tipikor Court is not authorized to hear corruption cases whose prosecution is carried out by the Public Prosecutor at the Prosecutor's Office. Second, the trial process in court is given a deadline, namely for the first instance a maximum of 90 days since the case is registered, for an appeal level a maximum of 60 days, and for an appeal level a maximum of 90 days. Third, the composition of the panel of judges is different from the composition of the panel in criminal cases in general, which consists of 5 judges with a composition of 2 career judges and 3 ad hoc judges. The composition of the panel of judges also applies to the level of appeal and cassation. However, there is an unclear arrangement in the Supreme Court [4].

The KPK Law stipulates that Corruption Courts can be established in other district courts apart from the Central Jakarta DistrictCourt. The establishment of the Corruption Court

other than the Central Jakarta District Court is under the authority of the President and for that, the President will issue a Presidential Decree.[28] However, in reality, the President has never established a Corruption Court other than the one in the Central Jakarta District Court

In the middle of increasing public confidence at the time in the Corruption Court, in 2006, two years since the Corruption Courtregulated in the KPK Law was effective, the legal basis for the Corruption Court was declared by the Constitutional Court through its decision no. 012-016-019/PUU-IV/2006 is against the constitution. The main consideration of the Constitutional Court at that time wasthat the provisions of the Corruption Court in the KPK Law gave rise to dualism in the trial of corruption cases. Where there are corruption cases that are tried in the district court and the Corruption Court due to differences in the institutions that carry out the prosecution. However, the Constitutional Court at that time did not automatically declare its decision to take effect immediately. The Constitutional Court has given no later than three years for the Government and the DPR to enact a law on the Corruption Court in which there is no dualism in handling corruption in court [4].

Following up on the Constitutional Court's decision in 2007, several non-governmental organizations along with several legal experts coordinated by the National Legal Reform Consortium (KRHN) took the initiative to prepare a draft law on the Corruption Court and its Academic Papers. This initiative was part of an effort to encourage the Government and the DPR to draft a Law on the Corruption Court, at which time there was concern that the Government and the DPR would not draft the law with the intention of disbanding the Corruption Court.30 This effort paid off. In 2008 the Government formed a team to draft the Corruption Court Bill, led by Prof. Romli Atmasasmita, Professor of Criminal Law at the University of Padjadjaran, who was also involved in drafting the Draft Law on the Anti-Corruption Court, a civil society initiative. The Corruption Court Bill was then discussed in the DPR and was passedinto law in 2009 with Law No. 46 of 2009 [4].

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One of the goals of eradicating corruption in Indonesia is to restore state losses, this is also stated in the sentence considering Law Number 31 of 1999 concerning the Eradication of Corruption Crimes in points a and b which states "*That corruption is very detrimental to state finances or the country's economy and hinder national development, so it must be eradicated in the context of realizing a just and prosperous society based on Pancasila and the 1945 Constitution" and "that the consequences of corruption that have occurred so far apart from harming the state finances or the state economy, it also hampers the growth and survival of the nation.national development that demands high efficiency*"

The word efficiency in point b of the sentence considering the Law is also contained in the Elucidation of Law Number 30 of 2002 concerning the Corruption Eradication Commission which states *"...to increase the efficiency and effectiveness of law enforcement against corruption, this law regulates the establishment of courts. criminal acts of corruption*

in the general court environment…". Based on the goal of eradicating corruption, how important it is to handle corruption cases so that operational costs do not exceed the results of corruption crimes committed by perpetrators, especially with a small nominal loss or below IDR 50,000,000.- (fifty million rupiahs) for the sake of budget efficiency.

The problem with the corruption courts as stated in Law Number 46 the Year 2009 has not been able to provide a solution to respond to public dissatisfaction with the performance of conventional courts, namely the integrity of the judge, not that the judge must be from outside who has the expertise, this is clear with the presence of several ad hoc judges stumbling over the problem. The corruption that needs to be improved is the integrity of every existing judge by imposing a system of judge supervision that is further improved both administratively and technically and non-technically. For this reason, it is necessary to have a legal policy for handling corruption crimes below IDR 50,000,000.- (fifty million rupiahs) in the reformulation of the authority of the court for corruption for the sake of budget efficiency with the concept of duplicating corruption courts in district courts in districts/cities, so that the handling of corruption cases is more efficient, especially the handling of corruption crimes under IDR 50,000,000.- (fifty million rupiahs).

Chandra M. Hamzah, an advocate and former KPK Commissioner who was involved in the discussion of the KPK Law, stated that the initial idea or intention of forming ad hoc judges was not for reasons of expertise, but rather for integrity[4]. Reflecting on this,the judges needed in handling corruption crimes must have integrity and of course, also have to increase their capacity and capability as a judge.

Implementation of legal politics in handling corruption crimes under IDR 50,000,000.- (fifty million rupiahs) in the reformulation of the authority of the courts for corruption crimes for the sake of budget efficiency by duplicating the corruption courts in district courts in districts/cities with the composition of the panel of judges in court District/City government without having to recruitad hoc judges and institutionally there is no need to build facilities and infrastructure that are separate from the existing District/City courts because apart from incurring large costs that are difficult to realize, the frequency of criminal acts of corruption is below IDR 50,000,000 (fifty million rupiahs). tens of millions of rupiah) can still be handled by the district/city district courts, this is because the facilities and infrastructure of the corruption courts in each provincial capital remain with the district courts in the provincial capital.

Implementation of supervision to the panel of judges in the court of corruption in the legal politics of handling corruption under IDR 50,000,000.- (fifty million rupiahs) in the reformulation of the authority of the court for corruption for the sake of budget efficiency, namely the need for supervision of judges both administratively, technically and non-technical involving the High Court, the Judicial Commission, the community and other Law Enforcement Agencies such as the KPK. Administration-related supervision, for example, annual reporting of assets in the LHKP, which if it is not reported regularly, the judge concerned will be given a sanction and may notbe involved in handling corruption cases, then technically any access to the trial can be easily viewed by the public either online through the court's website. or directly by the community and reported to the Chair of the Provincial Corruption Court, this must be explicitly regulated in the legislation so that the public has access to see the progress of the corruption case at the court and the involvement of the Judicial Commission in the placement of each judge in the district court in the district. / City, in addition to providing training for judges to increase capacity and capability related to corruption and non-technical supervision, the recruitment of judges must involve the KPK and the Judicial Commission to "give birth" prospective judges who have integrity.

5. Conclusion

According to Hol and Loth, the specificity of courts can be seen from three aspects: knowledge, environment, and organization**.** From the aspect of knowledge, specificity is seen from the side of knowledge possessed**.** Arguments pro- specification argue that special courts can improve the quality of decisions and encourage the development of better laws. From the environmental aspect, special courts are considered to be able to encourage court legitimacy Implementation of supervision to the panel of judges in the court of corruption in the legal politics of handling corruption under IDR 50,000,000.- (fifty million rupiahs) in the reformulation of the authority of the court for corruption for the sake of budget efficiency, namely the need for supervision of judges both administratively, technically and non-technical involving the High Court, the Judicial Commission, the community and other Law Enforcement Agencies such as the KPK

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