

# Juridical Review of the Criminal Act of Corruption in Procurement of Health Equipment in Hospitals

Azis Budianto<sup>1</sup>, Mohammad Umar Halimuddin<sup>2</sup>  
[hukkrim@yahoo.com](mailto:hukkrim@yahoo.com)<sup>1</sup>, [umarhalimuddin@gmail.com](mailto:umarhalimuddin@gmail.com)<sup>2</sup>

Universitas Borobudur<sup>1,2</sup>

**Abstract.** The existence of corruption in Indonesia is very worrying because it has caused increased social unrest and needs to be eliminated. To ensure that the budget is implemented, the Corruption Eradication Commission (KPK), the authority for eradicating corruption in Indonesia, must act quickly and participate in monitoring every action related to budgeting for state needs. Based on the Decree of the Head of the Madiun District Health Service Number: 188.45/1464/KPTS/402.102/2011, the judge considered that the actions carried out by the defendant fulfilled all the elements of Article 3 of Regulation Number 31 of 1999 concerning the Annihilation of Debasement Violations related to Article 55 passage (1) point 1 of the Lawbreaker Code (KUHP). Despite the fact that the Public Examiner accused the respondent of Article 2 of Regulation Number 20 of 2001, the Adjudicator thought about that the Public Investigator couldn't demonstrate the "unlawful" components of what the litigant did. Hence, in light of realities and similarities, the Adjudicator thought about that Article 3 was proper to apply. The utilization of criminal approvals against individuals as culprits of criminal demonstrations of defilement is by those controlled in Regulation Number 31 of 1999 related to Regulation Number 20 of 2001. Notwithstanding, the detailing of approvals in a few articles in Regulation Number 20 of 2001 2001 is in opposition to the general arrangements in regards to sanctions managed in the Lawbreaker Code (KUHP).

**Keywords:** Crime, Corruption, Medical Devices, Hospital

## 1 BACKGROUND

The current corruption situation in Indonesia is very worrying for the welfare of society, the state, and the country. This is demonstrated by the many problems facing developing countries today, including Indonesia's reputation as one of the most corrupt countries in the world. Every area of life is deeply embedded in corruption. From year to year, corrupt behavior increasingly develops in political, judicial, executive, and legislative circles. The uncontrolled increase in criminal acts of corruption will have a negative impact not only on the welfare of the country in general but also on the economy and financial losses to the country. As is known, Indonesia continues to fight against corruption. Corruption is a criminal act that causes state financial losses and violates social and economic rights that occur systemically.[1] The return

of corrupted state assets and funds must of course be agreed upon to improve law enforcement in corruption cases because corruption is very detrimental and can hamper the state's ability to encourage economic growth and provide social welfare services.

Corruption is an outstanding crime (extraordinary crime), and efforts to eradicate it can no longer be carried out ordinarily, but are prosecuted in extraordinary ways which are carried out specifically, [2] Also, endeavors to forestall and destroy criminal demonstrations of intemperance it needs nonstop and manageable advances and should be upheld by different assets, both HR and different assets like expanding institutional limit and expanding policing foster public mindfulness and against debasement mentalities.[3]

The crook demonstration of defilement is managed in Regulation Number. 31 of 1999 concerning the destruction of defilement, and its article is managed in Regulation No. 31 of 1999 which has been revised by Regulation No. 20 of 2001, gathering it into 7 (seven) kinds of debasement.

The crook demonstration of debasement completed mutually for the situation study is formed in an extraordinary criminal guideline (lex specialis), specifically, Regulation No. 31 of 1999 which was altered by Regulation No. 30 of 1999 concerning the annihilation of criminal demonstrations related to Regulation No. 20 2001 with respect to revisions to Regulation No. 31 of 1999. The criminal act of corruption in Case No: 8/Pid.Sus-Tpk/2019/PT PBR was executed by several perpetrators who carried out it together in the procurement of medical equipment.

Inclusion is regulated in the Criminal Code, namely "article 55 paragraphs 1 to 1 which reads:

“Criminal Law Article 55, Punishable as criminal acts: 1. Those who commit it, order it to do it, and participate in it; 2. Those who by giving or promising something, by abusing their position using violence, threats, or deception, or by offering opportunities, means, or information, and encouraging other people to perpetrated actions.”

The criminal act of corruption which is committed jointly has very slight differences with the criminal act of embezzlement which is committed jointly in that both of these criminal acts are committed jointly and both want to own and take rights that do not belong to them.

Corruption is an extraordinary crime (extraordinary crime) because the mode, techniques, and perpetrators are very organized and systematic, as well as the massive impact it causes, so extraordinary and particular methods are needed to handle and eradicate it, namely:[4]

- a. Establishment of the Corruption Eradication Commission (KPK), a body with special jurisdiction to handle corruption crimes that operates as an independent organization that is not influenced by political influence.
- b. A restricted or adjusted arrangement of converse proof is utilized in instances of criminal demonstrations of defilement, and the litigant is given the option to demonstrate and give data pretty much all private or organization resources that are thought to have come from the returns of criminal demonstrations of debasement to show that he has not perpetrated a crook demonstration of debasement.
- c. Specific minimum criminal threats, compensation money, and higher fines, as well as the threat of the death penalty which is a criminal aggravation.

White Collar Crime also includes offenses including corruption. Edwin Sutherland coined the term "white collar crime" because it referred to crimes committed by people with high social status who were in the process of running for office and were considered respectable. After all, they wore white collars and neat suits. This white-collar crime is regulated in Article 3 of Regulation Number 31 of 1999 concerning the Destruction of Criminal Demonstrations of Debasement, which characterizes the maltreatment of power, opportunity, or means because of position or position.

Debasement in the realm of wellbeing, particularly the acquirement of labor and products in the wellbeing area, as is right now the situation, requires extraordinary dealing with in checking the acquisition of labor and products in the wellbeing area.

Corruptors' self-defense can be seen as normal, as is the case when a corruptor who is convicted of corruption in the procurement of health equipment (Akes) until now feels that he has not committed corruption. It is indeed ironic that the facts of corruption have been revealed before our eyes, but they still argue that what they did was an order from their superiors through instructions that apply nationally, and therefore their arguments in self-defense according to their reasons cannot be faulted because they have justificatory and forgiving reasons as well as the same reasons. stated by the perpetrator of corruption in the procurement of medical equipment. Corruption in the procurement of medical equipment (Alkes) is a series of corruption crimes that are considered hidden corruption because the perpetrator defends himself by saying he is carrying out the instructions of the Minister of Home Affairs so that the policies implemented are policies ordered according to applicable procedures. In this context, the perpetrators admitted that they carried out correct procedures based on a valid tender for procurement of goods which had been carried out openly to the public and under the supervision of the relevant institutions.

Corruption still haunts the delivery of health services. The negative impact is detrimental to state finances reduces the quality of services and also directly threatens people's lives. Corruption occurs from policymakers to service provider units, such as hospitals and community health centers (puskesmas). At the central level, for example, two former health ministers have been detained: Achmad Suyudi and Siti Fadilah Supari. At the regional level, several regional heads were detained by the Corruption Eradication Commission (KPK) for being involved in corruption in health projects and budgets, including Jombang Regent Nyono Suharli Wihandoko, Tegal Mayor Siti Mashita, and former Banten Governor Atut Chosiyah. Likewise, at the level of service providers, quite a few leaders or employees of hospitals and health centers who deal with them end up in jail because of corruption.

Of the many loopholes in corruption, the procurement of medical equipment and medicines are the two most vulnerable sectors. Based on the trend in eradicating corruption in the 2010-2015 health budget, the procurement of medical equipment is at the top of the sector with the most corruption. In a span of five years, there were at least 107 cases of corruption in the procurement of medical equipment handled by law enforcement officials. The value of the loss was IDR 543 billion.

## **2 METHODOLOGY**

The kind of exploration that the creator utilizes is regularizing legitimate examination, with the information assortment technique utilized being a writing study. The information utilized incorporates essential legitimate materials (restricting materials), and auxiliary lawful materials (legitimate materials that make sense of essential legitimate materials).[5] To accomplish the examination goals, the methodology in this exploration was helped out cautiously through the arrangements of regulations and guidelines and different precepts (lawful well-qualified assessments) connecting with the issue of criminal demonstrations of defilement. The materials that have been gathered are then examined utilizing distinct scientific techniques so an outline of the current issues is acquired. In this examination, the focal point of the issue is the legal survey of the obtainment of clinical hardware in the Takalar area alluding to Regulation No. 20 of 2001 concerning criminal demonstrations.

## **3 RESULTS AND DISCUSSION**

### **3.1 Presidential Decree Number 80 of 2003 concerning Guidelines for Implementing Government Procurement of Goods/Services**

In view of Article 33 sections (4) and (5) of the 1945 Constitution of the Republic of Indonesia which controls the public economy, it is important to make lawful guidelines in regards to the acquirement of labor and products. There are no less than five justifications for why guidelines with respect to the obtainment of labor and products play a significant part in state organization, to be specific:[6]

- a. It is needed to ensure that the procurement of goods and services by the government achieves the goal of obtaining goods and services at competitive prices with high quality. This arrangement serves as a guide for organizers who have the task of procuring goods and services.
- b. So that there are relatively uniform arrangements when various public agencies procure goods and services. Uniformity is needed to facilitate the process of procuring goods and services and monitoring.
- c. So that public agencies and providers of goods and services can accurately know the processes and procedures as well as various requirements in the procurement of goods and services by public agencies.
- d. So that collusive and corruptive actions can be prevented, including correct and wrong procedures.
- e. Can serve as a guide for auditors to ensure that requirements, processes, and procedures have been followed.

Beginning in 1973, Indonesia has had lawful guidelines with respect to the obtainment of government merchandise/administrations, yet these are as yet included as a component of the Official Declaration (Keppres) in regards to rules for carrying out the APBN, which pretty much consistently another Official Pronouncement (Keppres) is

given to get to the next level. At last, after 2000, Official Declaration (Keppres) Number 18 of 2000 was given which explicitly manages the obtainment of government products/benefits, and was then disavowed with Official Announcement (Keppres) Number 80 of 2003 was altered multiple times.[7]

Official Pronouncement (Keppres) Number 80 of 2003 was then denied through Official Guideline (Perpres) of the Republic of Indonesia Number 54 of 2010. Then, at that point, Official Guideline (Perpres) of the Republic of Indonesia Number 54 of 2010 was generally as of late revised by Official Guideline (Perpres) of the Republic of Indonesia Number 4 2015 concerning Government Acquirement of Merchandise/Administrations was repudiated and announced presently not substantial through Official Guideline (Perpres) of the Republic of Indonesia Number 16 of 2018 concerning Government Obtainment of Products/Administrations.

### **3.2 Corruption Criminal Provisions According to Law Number 31 of 1999 concerning Eradication of Corruption Crimes Juncto Law Number 20 of 2001**

Regulation Number 31 of 1999 concerning the Annihilation of Defilement Wrongdoings is managed in Regulation Number 20 of 2001 containing 7 (seven) acts that are delegated debasement offenses, including defilement connected with state monetary misfortunes; pay off related debasement; corruption related to embezzlement of office; extortion-related corruption; corruption related to cheating; and corruption related to gratification.

Criminal demonstrations of defilement in the acquisition of labor and products include: giving pay-offs, misappropriation, falsification, coercion, maltreatment of position or authority, irreconcilable circumstance/claiming your own business, bias, tolerating commissions, and unlawful commitments or gifts. Debasement in the acquirement of labor and products is in opposition to the morals, standards, and standards expressed in Official Guideline Number 16 of 2018 concerning the Acquisition of Labor and products.

Regulation Number 20 of 2001 isn't very different from Regulation Number 31 of 1999 and just adds the detailing of a couple of articles. For instance, Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, and Article 12 of Regulation Number 31 of 1999 just alludes to articles in the Crook Code, with the goal that in the Law Number 20 of 2001 straightforwardly makes reference to the components contained in each article of the Lawbreaker Code alluded to.

The guideline of criminal authorizations against culprits of criminal demonstrations of defilement as directed in Regulation Number 31 of 1999 as altered by Regulation Number 20 of 2001, is partitioned into a few kinds of debasement. Among them are as per the following:[8]

a. Corruption crimes harm state finances;

Criminal acts of corruption that cause unreasonable harm to state finances are also included in this category, as are criminal acts of corruption committed by someone by taking advantage of the power, resources, or opportunities available in their position. Article 2 paragraph 1 and Article 3 of Law Number 20 of 2001, both regulate this matter.

- b. Active bribery corruption crime;  
Article 5 passage (1) letter b, Article 6 section (1) letters an and b, and Article 13 of Regulation Number 20 of 2001 cutoff this sort of dynamic pay off wrongdoing. These three articles separate among legitimate and unlawful types of defilement concerning giving pay-offs. Giving pay-offs to judges or legal counselors is viewed as a crook demonstration of defilement committed by government employees or state authorities. Giving gifts or vows to government workers is likewise viewed as a lawbreaker demonstration of defilement.
- c. Corruption crime of passive bribery or accepting bribes;  
This category of corrupt behavior is further divided into corrupt behavior involving accepting bribes by public servants or state officials and corrupt behavior involving accepting bribes by judges or lawyers. This is stated in the formulation of Law Number 20 of 2001 concerning Article 5 Paragraph (2), Article 11, and Article 12 letters a, b, and c.
- d. Corruption crime of embezzlement in office;  
Unlawful acts in the form of embezzlement of money or securities due to position, criminal acts of falsifying books or special lists for administrative audits, and criminal acts of embezzlement or destruction of evidence, are all considered official misconduct.
- e. Corruption crime of extortion;  
The various types of extortion corruption crimes are divided into three categories, namely: extortion crimes that force other people to surrender or do something, extortion crimes that give the impression that civil servants or other state employees owe money to the perpetrator and extortion crimes. wild which gives the impression that the perpetrator owes the perpetrator money. the impression that you owe it to someone other than civil servants and other state employees.
- f. Corruption crimes, fraudulent acts;  
Corruption crimes, also called fraudulent acts, are divided into three categories: fraudulent acts involving land; fraudulent acts in the procurement of goods and services; and fraudulent acts in contracts, suppliers, and partners. 14 The threat of various criminal sanctions varies depending on the type of corruption crime committed by the perpetrator of the crime of corruption or fraud.
- g. The crime of corruption is receiving gratification;  
The crime of corruption in terms of receiving gratuities is differentiated based on the amount of value received. In this case, a distinction is made between receiving gratuities worth ten million rupiah or more and receiving gratuities worth less than ten million rupiah. Grouping gratuities based on the amount of value received influences the criminal sanctions that can be imposed on the perpetrator.
- h. Corruption crimes outside the Anti-Corruption Law; And  
Defilement wrongdoings outside the Counter Debasement Regulation incorporate any demonstration or infringement of the arrangements of this

Regulation as a crook demonstration of defilement. It is controlled in Article 14 of Regulation Number 20 of 2001. This implies that this regulation opens up the chance of extra kinds of debasement violations later on.

- i. Other criminal acts related to criminal acts of corruption.  
sanctions on the off chance that a crook demonstration of defilement has recently happened. Different sorts of criminal demonstrations connected with debasement are assembled into discouraging the most common way of exploring defilement cases, not giving data or giving bogus data, infringement of a few arrangements of the Lawbreaker Code in debasement cases, and witnesses unveiling the columnist's character.

Regulation Number 31 of 1999 article 21 expresses that about criminal demonstrations of defilement that have been carried out by the charged, the culprit is undermined with detainment for at least 3 years and a limit of 12 years, as well as a fine of basically IDR 50,000,000 and a limit of IDR 600,000,000.

In the event that an observer uncovers the personality of the journalist, the culprit can be condemned to detainment for a limit of three years, as well as a fine of a limit of one hundred and fifty million rupiah. This connects with the security of informants as controlled in Regulation Number 31 of 1999 related to Regulation Number 20 of 2001. This is applied in examinations and assessments at trials.[9]

The scope of criminal acts of corruption is quite broad, this can be seen from the justification above regarding the regulation of criminal consequences for people who commit these criminal acts. The law, in particular Law Number 20 of 2001, has regulated criminal sanctions for anyone who commits criminal acts of corruption against civil servants or state administrators, law enforcement officers, or anyone in a similar position who endangers state finances.

Ironically, several criminal sanctions regulated in Law Number 20 of 2001, give the impression of being more favorable to civil servants or state administrators, compared to perpetrators of other criminal acts of corruption.

The following is an example of a corruption case in the procurement of goods and services that occurred in one of the hospitals in Madiun City under the Decree of the Head of the Madiun Regency Health Service Number: 188.45/1464/KPTS/402.102/2011 dated 24 August 2011. The Planning Team proposed medical equipment/ health needs by Dolopo Regional Hospital.

The procurement of medical equipment at the Dolopo Regional Hospital in 2011 was carried out utilizing a public auction carried out by the Procurement Committee with the Decree of the Head of the Madiun District Health Service. In the auction, the company "Andalanku" led by Dwi Enggo Tjahyono was among the 5 participants who submitted bids with the lowest bid value of IDR 4,450,017,000. The results of the public auction were concluded and the prospective winner was determined by the Procurement Committee, namely, the company "Andalanku".

The "Andalanku" company knew from the start that the distributor's price was far below the HPS and would receive a price discount of up to 45% from the distributor. After being determined as the winner, the agreement/contract is then signed with a

contract value of IDR 4,450,017,000 (four billion, four hundred and fifty million, and seventeen thousand rupiah).

To realize this agreement/contract, the company "Andalanku" ordered 22 types of medical equipment from the distributor with a total purchase price of Rp. 2,438,169,370. On December 6 2011 and December 28, 2011, Dwi Enggo Tjahyono handed over as mentioned medical equipment to the 2011 Medical Equipment Procurement Technical Control Officer (PPTK) at the Dolopo Regional Hospital at the District Health Service. Madiun and at the same time payments were made to the "Andalanku" company.

After checking the 22 items of medical equipment, it was found that 8 medical devices were not accompanied by an original certificate of origin (COO) from the manufacturer/principal, and 5 medical devices did not comply with the specifications as outlined in the Agreement/Contract Letter.

Law Number 20 of 2001, the Criminal Code, and other statutory regulations, the Judge decided:

- a. Declare that the respondent Dwi Enggo Tjahyono, SH., has not been lawfully and convincingly demonstrated at fault for carrying out a wrongdoing as expressed in the Primair Prosecution;
- b. Acquit the respondent from the Essential Charge;
- c. Declare that Respondent Dwi Enggo Tjahyono, SH., has been legitimately and convincingly demonstrated at real fault for carrying out the wrongdoing of Debasement together as in the auxiliary arraignment;
- d. Sentence the Respondent to detainment for 2 (two) years and a fine of Rp. 50,000,000 (fifty million rupiah) gave that in the event that the fine isn't paid, the Respondent will be dependent upon detainment for 1 (one) month;
- e. Also rebuffed the Litigant to pay adding up to Rp. 745,938,000,- (700 45 million 900 38 thousand rupiah) as pay for State misfortunes gave that on the off chance that the convict doesn't pay the swap cash for 1 (one) month after the Court Choice which gets super durable legitimate power, his property can be seized by the Investigator and unloaded to cover the substitution cash. In the event that the convict doesn't have adequate resources for pay the substitution cash, he will be condemned to jail for a half year;
- f. Determine the time of detainment that has been served by the litigant, to be deducted in full from the sentence forced;
- g. Order that the respondent remaining parts in care.

Judges have the authority to decide a case through interpretation or analogy if it is related to the understanding and theory surrounding the application of law in the context of a civil law system that uses legal discoveries by judges. After reviewing the case, the judge assesses the facts or considers them before making a decision or issuing a dicta. This process leads to the application of law or the discovery of law.

In the case example above, the judge's decision begins with an assessment of the facts found in court. The judge considered that the facts obtained from the chronology of events accompanied by valid evidence were that the defendants were proven to have jointly committed criminal acts of corruption, starting from planning the procurement of health/medical equipment to disbursing project funds that were not by the work contract or what had been mutually agreed upon.



Then, an appraisal of the legitimacy of the case. In light of the legitimate realities in court, the adjudicator thought about that the activities did by the litigant satisfied every one of the components of Article 3 of Regulation Number 31 of 1999 concerning the Annihilation of Defilement Wrongs related to Article 55 passage (1) point 1 of the Crook Code (KUHP). Despite the fact that the Public Examiner accused the respondent of Article 2 of Regulation Number 20 of 2001, the Appointed authority thought about that the Public Investigator couldn't demonstrate the "unlawful" elements of what the defendant did. Therefore, based on facts and analogies, the Judge considered that Article 3 was appropriate to apply.

The utilization of criminal approvals against individuals as culprits of criminal demonstrations of defilement is by those controlled in Regulation Number 31 of 1999 related to Regulation Number 20 of 2001. Notwithstanding, the definition of approvals in a few articles in Regulation Number 20 of 2001 is in opposition to the general arrangements in regards to sanctions managed in the Crook Code (KUHP).

The Lawbreaker Code controls that a wrongdoing carried out in light of position and disregarding authority is a criminal exacerbation. Then again, Article 3 of Regulation Number 20 of 2001 which controls demonstrations of maltreatment of power, open doors, or offices accessible to him due to his situation or position, conveys a lighter punishment than that directed in Article 2 of Regulation Number 20 of 2001.

### **3.3 Enforcement of Justice by Judges**

As stated above, the crime of corruption is very extraordinary. For this reason, it must be handled in a different way from handling other crimes. This phenomenal dealing with can be done by giving the culprits the cruelest discipline, this is by the command of the law in regards to criminal demonstrations of debasement. In the clarification of the Defilement Wrongdoing Regulation, it is expressed that to accomplish more compelling objectives in forestalling and killing debasement violations, Regulation Number 20 of 2001 concerning alterations to Regulation No. 31 of 1999 concerning the destruction of criminal demonstrations of defilement contains criminal arrangements that are not the same as the past regulation, among these distinctions is the arrangement of capital punishment as an oppressive danger. For instance, criminal demonstrations of defilement are perpetrated under particular conditions.

The threat of the heaviest punishment was given by the judge through his decision. There is nothing wrong then, in handling criminal cases, the judge is the one who determines whether the law applies or not. Likewise in eradicating criminal acts of corruption. Judges are important actors in convicting corruptors with sentences that uphold the values of societal justice.

Judges are the spearhead of justice for society. However, on the other hand, judges are also burdened with professional responsibilities, meaning that judges cannot be arbitrary in carrying out their duties, judges have responsibilities, both morally, legally, and technically in their profession.[10]

Judges have a very central role in law enforcement. Judges have the authority to decide cases, who is right and who is wrong. Judges cannot take sides, unlike prosecutors

who must side with the interests of the state and try to prove mistakes (reasons for the sake of upholding the law).[11]

Judges must uphold their noble performance and integrity and must comply with the established code of ethics and behavioral guidelines for judges. Even though they face many temptations, judges should still be on the straight path, because judges are one of the determining pillars of law enforcement.[12]

Thus, in this condition, there is a great need for judges who have integrity and are professional in their field. Because after all, quality decisions will bring a sense of justice to society. Of course, without ignoring the evidence found during the court examination. This evidence is important to find out the extent of the defendant's involvement.

Therefore, legal certainty and the usefulness of the judge's sentence through his verdict will bring benefits to the entire community. Because the judge handed down a verdict based on his belief and the available evidence, that the defendant was guilty. Especially if the judge can impose the heaviest sentence. Because it is a special criminal offense, the threat to perpetrators of corruption should be severe, including the threat of the death penalty.

For the execution of the Defilement Wrongdoing Regulation to be powerful, the viability of the adjudicator's choice is the way to guaranteeing that criminal demonstrations of debasement can be disposed of or if nothing else decreased. This viability can be accomplished by forcing even the heaviest discipline, for instance, capital punishment. Capital punishment authorize directed under Regulation No. 20 of 2001 can be forced on any individual who unlawfully commits a demonstration of improving themselves or someone else or an enterprise which can hurt state funds or the state economy. It is the ideal opportunity for judges to decipher the arrangements of the Debasement Annihilation Regulation and upgrade lawful approvals as really as possible in disposing of defilement reliably thoroughly.

## **4 CLOSING**

Defilement in the realm of wellbeing, particularly the acquisition of labor and products in the wellbeing area, as is right now normal, requires extraordinary taking care of in checking the acquirement of labor and products in the wellbeing area. The acquisition of emergency clinic hardware is contained in Official Pronouncement (Keppres) Number 18 of 2000 which explicitly manages the obtainment of government products/administrations.

In light of the case model over, the adjudicator surveyed that the activities did by the litigant satisfied every one of the components of Article 3 of Regulation Number 31 of 1999 concerning the Destruction of Defilement Wrongdoings related to Article 55 passage (1) point 1 of the Crook Code (KUHP). Despite the fact that the Public Examiner accused the respondent of Article 2 of Regulation Number 20 of 2001, the Adjudicator thought about that the Public Investigator couldn't demonstrate the "unlawful" components of what the litigant did. In this way, in view of realities and similarities, the Appointed authority thought about that Article 3 was suitable to apply.

The utilization of criminal approvals against individuals as culprits of criminal demonstrations of defilement is by those controlled in Regulation Number 31 of 1999 related to Regulation Number 20 of 2001. Notwithstanding, the detailing of approvals in a few articles in Regulation Number 20 of 2001 2001 is in opposition to the general arrangements in regards to sanctions managed in the Lawbreaker Code (KUHP).

The Lawbreaker Code manages that a wrongdoing executed in light of position and disregarding authority is a criminal disturbance. Then again, Article 3 of Regulation Number 20 of 2001 which directs authority misuse, potential open doors, or offices accessible to him due to his situation or position, conveys a lighter punishment than that controlled in Article 2 of Regulation Number 20 of 2001.

## REFERENCES

- [1] Nyoman Serikat Putra Jaya, *Beberapa Pemikiran ke Arah Pengembangan Hukum Pidana*. Bandung: Citra Aditya Bakti, 2008.
- [2] Elwi Danil, *Korupsi: Konsep, Tindak Pidana dan Pemberantasannya*. Jakarta: Rajawali Pers, 2011.
- [3] Aziz Syamsuddin, *Tindak Pidana Khusus*. Jakarta: Sinar Grafika, 2011.
- [4] Ifrani, "Tindak Pidana Korupsi Sebagai Kejahatan Luar Biasa," *Al'Adl*, vol. 9, no. 3, 2017.
- [5] Soerjono Soekanto, *Pengantar Penelitian Hukum*, 3rd ed. Jakarta: UI Press, 2007.
- [6] "Direktorat Penelitian Dan Pengembangan KPK, Loc.Cit., hal. 27." .
- [7] Y. Sogar Simamora, "Hukum Kontrak : Kontrak Pengadaan Barang Dan Jasa Pemerintah Di Indonesia, Kantor Hukum 'WINS & Partners' dan Laksbang Justitia Surabaya," 2013.
- [8] Achmad Al, *Menguak Tabir Hukum (Suatu Kajian Filosofis dan Sosiologis)*. Jakarta: Chandra Pratama, 2002.
- [9] "Law Number 20 of 2001 Article 24." .
- [10] Prianter Jaya Hairi, "Kebijakan Kriminalisasi Terhadap Tindakan Hakim Dalam Rancangan Undang-Undang Tentang Mahkamah Agung," *J. Ilm. Huk. Negara Huk. Membangun Huk. Untuk Keadilan dan Kesejaht.*, vol. 5, no. 1, p. 50, 2014.
- [11] A. Muliadi, "Peran Politik Hukum Dalam Penegakan Hukum yang Berkeadilan, Adil," *J. Hukum, Fak. Huk. Univ. Yars.*, vol. 2, no. 2, p. 160, 2011.
- [12] Arrista Trimaya, "Peranan Hakim Sebagai Agent of Change Dalam Melakukan Reformasi Peradilan Tata Usaha Negara," *J. Perundang-Undangan Prodigy*, vol. 1, no. 1, 2013.