

# *Juridical Analysis Of Criminal Acts Of Corruption With The Use Of Social Assistance Funds In The Ministry Of Education And Culture (Decision Of The Serang State Court No.25/Pid.Sus-Tpk/2017/Pn.Srg)*

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**Abstract:** This research is to find out the application of Corruption Crimes committed by the Defendant in collecting from the Social Assistance Fund at the Ministry of Education and Culture according to Decision No. 25/Pid.Sus/2017/PN.SRG. This study uses Juridical-Empirical Research method, namely research that uses two ways, namely library research and field research, and data collection techniques used, namely data that has been collected both primary data sources and secondary data sources. The results of this study Defendants were proven to have violated Pasal 2 ayat 1 Jo Pasal 18 Undang-Undang Nomor 31 Tahun 1999 as amended by Undang-Undang Nomor 20 tahun 2001 as amended by Act Number 20 of 2001 concerning Eradication of Corruption Crime Jo Pasal 55 ayat 1 ke-1 KUHP is cut/collect social assistance funds from recipients of social assistance on the grounds that there are fees paid to the center and the social assistance funds that are deducted/collected will be distributed again to the central person or the Indonesian Ministry of Education and Culture who manages the search for social assistance, Technical Guidelines for Distribution of Social Assistance in 2015 in Chapter V concerning Supervision and Complaints in Point B concerning Complaints in the Contents "To Obtain No Social Assistance Funds Charged by Anyone" and Article 4 paragraph 6 Republic of Indonesia Minister of Finance Regulation Number 81/PMK.05/2012 which contains "Social assistance provided by the Social Assistance Giver is not to be taken by the Provider of social assistance. The Defendant's act has benefited the Defendant and has caused State Finance losses of 230,354,000 (two hundred thirty million Three hundred fifty four thousand rupiahs) and the Corruption Court's decision at the Serang District Court the defendant was sentenced to 2 (two) years prison is lighter than the prosecutor's demands, namely 4 (four) years in prison;

**Keywords :** *Corruption, Collection*

## I. INTRODUCTION

Corruption is an extraordinary violation and crime, because it is capable of destroying this Indonesian state, both in the nation's economy, politics, social and corruption as if it has become a culture for this country. Corruption in Indonesia today is a very dangerous social disease that threatens all aspects of social, national and state life. Corruption has caused enormous financial losses to the state.

But even more alarming is the confiscation and deprivation of state finances carried out collectively by State

officials on the pretext of Grant Funds, Social Funds, Comparative Studies, THR, Severance Pay and others beyond the normal limits. Such forms of deprivation and depletion of state finances occur in almost all regions of the country. It is a reflection of low morality and shame, so that what stands out is greed that will harm the country. The problem is can corruption be eradicated? There is no other answer if we want to progress, is that corruption must be eradicated.

If we are not able to eradicate corruption, or at least reduce it to the lowest level, then do not expect this country will be able to catch up with other countries to become a developed country. Because corruption has quite a negative impact and can bring the country to the brink of collapse. The act of corruption has removed the values of moral integrity in assuming responsibility as a government. The act of corruption is as if it is no longer an act that is forbidden by any religion because the tendency of corruption has penetrated the hearts of some people of this nation.

Corruption has been entrenched, extending from the central level to the regions, from the upper strata to the lower strata, both from officials and government employees and the private sector so that their interests can be achieved. The culture of corruption can occur because of agreements to achieve interests between the government and the private sector aimed at enriching themselves by harming state finances.

The acts of corruption are carried out in various ways by those who have interests. For example, there is illegal fund collection from the government budget.

## II. METHODS

### 1. Type of Research

The design of this study uses qualitative research, namely the data used, namely data that has been collected both primary data sources and secondary data sources, analyzed qualitatively to obtain research results that can be scientifically tested and the nature of research using Descriptive Analysis namely research that describes or describes clearly and carefully regarding defaults about corruption.

## 2. Data Types

### a) Data Sources

Data sources are the subject of studies from which data is obtained. The data source of this writing is the Corruption Court Office in the Serang District Court to obtain Decision number 25 / Pid.Sus-TPK / 2017 / PN.SRG.

### b) Legal Materials

In writing this legal material used is primary legal material. Primary legal material consists of Decision number 25 / Pid.Sus-TPK / 2017 / PN.SRG and supporting legal material in the form of legislation, official records or treatises in legislation, official records of law and doctrine law.

### c) Data Analysis Techniques/ Teknik Analisis Data

The data analysis technique used in this study is qualitative data analysis. Namely data analysis techniques that are presented in the form of words rather than numbers. The steps used in data analysis techniques in general are: 1. Checking, 2. Organizing, 3. Coding, 4. Description, 5. Reading relevant literature.

### d) Data Processing Techniques

In this study, data analysis is simplified by the following stages. The first stage is identifying data obtained from the field. Both with interviews, observations and documentation sourced from the Office of the Corruption Court at the Serang District Court. The second stage is to adjust the data with the purpose of the study. The third stage, namely making presentations and providing information on research results.

## III. RESULT AND DISCUSSION

Findings in criminal acts in this case originated from actions carried out by the witness Drs.H.Asep Saifudin who had the position as leader / owner of the Foundation "Laraiba" who sought information from the Indonesian Ministry of Education and Culture in Jakarta to seek social assistance funds for schools - the school of the "Laraiba" Foundation which he leads. At the Indonesian Ministry of Education and Culture Office in Jakarta, witness Drs.H.Asep Saifudin met with the Ministry of Religion who according to him was named Mrs. Amelia (Alm) a Civil Servant at the Ministry of Education and Culture of the Republic of Indonesia Jakarta. Then a few days later Ms. Amelia (Almh) phoned witness Drs. H. Asep Saifudin in order to submit a request for social assistance funds for his school and after the liquid funds of Amelia (Almh) told the witness Drs. H. Asep Saifudin to inform other educational institutions who are interested in submitting requests for assistance and submitted through witnesses Drs. H. Asep Saifudin and willing to give a fee for Amelia (Almh).

Then witness Drs. H. Asep Saifudin contacted witness Arifin to look for educational institutions interested in getting social assistance in order to make proposals and were willing to deduct 50% fee. For this information, witness Arifin contacted

the Defendants to look for interested educational institutions.

The Defendants were Defendant I Rohman Bin Arjaya as an entrepreneur in Pandeglang Regency and Defendant II Elvie Sukaesih, S.Pd Binti H.Santaya as a Civil Servants One-roof Kindergarten Teacher in Cikayas Village, Angsana District, Pandeglang District.

The Defendants contacted 22 (twenty two) of the Talim Council and Educational Institutions stating that there was social financial assistance but the funds would later be deducted by 60%.

Then a meeting was held at the Defendant's house with witness Arifin as many as 3 (three) times, a partial proposal was made by the Defendants through witness Mahmudin and some were made by witness Arifin with his conditions.

After the proposal was collected, witness Arifin handed over to the witness Drs.H.Asep Saifudin to be sent to the Indonesian Ministry of Education and Culture Jakarta via. Ms. Amelia (Almh), after witness liquid funds Drs. H. Asep Saifudin notified witness Arifin and witness Arifin to inform the Defendants and the Defendants forwarded the information to the Head of the Educational Institution.

The defendant notified each Chairperson of the Majelis Taklim that the recipient of the social assistance fund was to check and collect the funds tomorrow in their respective bank accounts. At the time of the Taklim Chairperson the recipient of the social assistance checks and takes out the social assistance funds in their respective banks namely BJB Bank, BRI Bank, BTN Bank around October 2015 until January 2016 because the funds go not all at once to each Najelis Taklim account. Recipients at the time of the Taklim Assembly recipients disbursed their money at their respective Banks, the Defendants followed and waited outside the Bank with recapitations from witness Arifin. After the educational institution that received the social assistance funds left the Bank, the Defendants then requested social assistance funds that had been received by Majelis Taklim as recipients of social assistance funds.

After the liquid funds the Defendants did the deductions according to the list of recapitulation made by witness Arifin. Then the funds that were deducted were handed over by witness Arifin to the witness Drs.H.Asep Saifudin after being cut off part for the Defendants and part for Arifin's own witness in accordance with the agreement.

Based on the evidences in the form of SK documents, SPP, SPM, SP2D and books of bank accounts of each recipient, the funds that enter the account of 22 (twenty two) recipient institutions a total of Rp. 306,894,000 (three hundred six million eight hundred and nine twenty four thousand rupiah) from the Indonesian Ministry of Education and Culture in Jakarta, while funds received by 22 (twenty two) educational institutions totaling Rp.76,540,000 (seventy six million five hundred forty thousand rupiah) from the Defendants after all the

funds were taken from the receiving institutions by the Defendants, the funds collected by the Defendants from the 22 (twenty two) recipient educational institutions were Rp. 306,894,000 (three hundred six million eight hundred and ninety four thousand rupiahs) minus Rp.76,540,000, - (seventy six million five hundred and forty thousand rupiahs) amounting to Rp.230,354,000 (two hundred thirty million three hundred fifty four rupiah).

That of the total funds collected by the Defendants from the 22 (twenty two) institutions receiving the social assistance funds in the amount of Rp. 230,354,000 (two hundred thirty million three hundred fifty four thousand rupiahs) were handed over by the Defendants to witness Arifin then witness Arifin handed over to the witness Drs.H.Asep Saifudin in his house according to witness Arifin amounting to Rp.128,000,000, - (one hundred twenty eight million rupiah) after each part has been cut according to the agreement.

That for this act of corruption, the state suffers from state financial losses in this case as reported by the results of an audit of the BPKP Prov. Banten as outlined in the report Number: LHKPKKN / 125PW30 / 5/2017 dated May 31, 2017, the amount of the state financial loss is approximately Rp.230,354,000 (two hundred thirty million three hundred fifty four thousand rupiah).

From this act the defendant violated Article 3 Jo Article 18 of the Republic of Indonesia Law Number 31 of 1999 concerning the Eradication of Corruption Crime, as amended and supplemented by the Law of the Republic of Indonesia Number 20 of 2001 concerning amendments to the Republic of Indonesia Law Number 31 Year 1999 concerning Eradication of Corruption Crime Jo Article 55 paragraph (1) of the Criminal Code, the elements of which are as follows:

1. Elements of Everyone;
2. Elements with the goal of benefiting yourself or others or a corporation;
3. Elements of Abusing Authority, Opportunities or Facilities available to him because of Position or Position;
4. Elements that can harm State Finance or the State Economy;
5. The Conducting Element, Who Asks to Do or Who Participates in Doing the Act.

To assess whether the actions or series of actions of the Defendants who have been indicted by him are in accordance with the said provisions and fulfill the elements contained in the article, the Panel of Judges considers the following:

#### 1. Elements of Everyone

The General Provisions of Law Number 31 of 1999 concerning Eradication of Corruption Crime, Article 1 point 3 "Everyone" is an individual or a corporation, so from the formulation it can be said that the intention of each person can be individuals or corporations, so this is alternative. The formulation of "Everyone" is not required to have certain characteristics that must be possessed (persoonlijk bestaandeel) from an actor, so that the perpetrator can be

anyone (legal subject) who can be presented as a Defendant. What that means is that the subject must be associated with identity or personification that is suspected so that there is no mistake about the person (Error in Persona). In this case, the person proposed was Rohman Bin Arjaya and Oorang named Elvi Binti H Santaya, with Sukaesih S.Pd. Identity has been researched and justified and valid, so that it has fulfilled the element of "Everyone".

#### 2. Elements with the goal of benefiting yourself or others or a corporation;

The definition of "with purpose" in this element is the same as the meaning "with purpose" in the criminal law known as "bijkomend oogmerk" or "oogmerk cadre" or as "verder reikend oogmerk" or "further intention", which implies that " the next intention "of the perpetrator does not need to have been carried out when the offender's actions have been completed by the perpetrator. It must be distinguished between the opset and what is called the oogmerk that he formulated as " het streven van een nader doel "or an effort to achieve the further, for example, the intention to control objects stolen against the right to the crime of theft.

Profit is the same as earning profit, that is, the income earned is greater than expenditure, regardless of the further use of the income earned. Therefore, what is meant by the element "Profitable Self or Other People or a Corporation" is the same as getting profit for yourself or another person or a corporation. In the provisions concerning corruption committed in article 3 of the Republic of Indonesia Law Number 31 of 1999, the element "Profitable Self or Other People or a Corporation" is the goal of the perpetrators of corruption.

The subjective element that is attached to the mind of the creator, is the goal of the creator in carrying out actions to benefit themselves or others. The objective element (doel) does not differ in meaning with intent or error as a means (als oogmerk opset) or intentional in a narrow sense as it is in extortion, threats, or fraud as in Article 368, 369 and 378 of the Criminal Code. What is meant by a goal is a will that is in the mind or in the mind of the creator which is intended to gain an advantage (benefit) for himself or others

The intentionally done to benefit oneself is the first three forms are intentions that are a goal to achieve something (opzetals oogmerk), the second is intentional which does not contain a purpose, but is accompanied by conviction, that an effect will surely occur (opzet bij zekerheidsbewustzijn ) or intentional conviction of certainty and the third is intentional like the second form but accompanied by conversion there is only the possibility (opzet bij mogelijkheden-bewustzijn) or intentional conversion by possibility.

The Supreme Court of the Republic of Indonesia with its verdict dated June 29, 1989 Number: 813K / Pid / 1987 in its legal considerations stated, among other things, that the element "Self-Profitable or Other People or an Agency" is sufficiently judged from the fact that it is related to the Defendant's behavior in accordance with the authority he has because of his position or position.

Based on the legal facts revealed in the trial where the Defendants were Defendant I and Defendant II were against

social assistance funds from the Indonesian Ministry of Education and Culture Jakarta on TA. 2015 for Pandeglang Regency, has carried out the following actions:

- After the funds entered into each account of the Majelis Taklim recipient from the Indonesian Ministry of Education and Culture Jakarta, Amelia (Almh) informed the witness Drs.H.Asep Saifudin and witness Drs. H. Asep Saifudin informed witness Arifin that witness Arifin continued the information to the Defendants. During the interview, witness Arifin handed over a written record of data to the witness. Arifin handed over a written record of data from the applicant who had received a social assistance fund to the Defendants, the Defendants notified each Chairperson of the Taklim recipient of social assistance funds that tomorrow they would check and collect the funds. in their respective bank accounts. When the Taklim Chairperson of the social assistance recipient checks and takes out the social assistance funds in their respective banks, namely Bank BJB, Bank BRI, BTN Bank around October 2015 until January 2016 because the funds go not at once to each account of the Taklim Assembly receiver.

- At the Taklim Assembly the recipient disbursed his money at their respective Banks, the Defendants followed and waited outside the Bank with recapitulation from witness Arifin. After the educational institution that received the social assistance funds left the Bank, the Defendants then requested social assistance funds that had been received by Majelis Taklim as recipients of social assistance funds.

- The social assistance fund collected by the Defendants was handed over to witness Arifin according to the initial commitment, the surrender was carried out in several places and there was a surrender by the Defendant to witness Arifin in a cement gray Kijang Grand Extra car (having witness-in-law Arifin) while his wife and in-laws witness Arifin waited in the shop.

- Submission of social assistance money collected from each Majelis Taklim recipient by the Defendants to witness Arifin varied in number. From the money collected, witness Arifin gave the amount of money. From the money collected, witness Arifin gave money (one hundred thousand rupiahs) to Rp.400,000 (four hundred thousand rupiahs).

- Based on evidence in the form of SK documents, SPP, SPM, SP2D and books of bank accounts of each recipient, funds entering the account of 22 (twenty two) recipient institutions a total of Rp.306,894,000 (three hundred and six million eight hundred ninety four thousand rupiah) from the Indonesian Ministry of Education and Culture Jakarta, while funds received by 22 (twenty two) educational institutions totaling Rp.76,540,000, - (seventy six million five hundred forty thousand rupiah) from The defendant after all the funds were taken from the receiving institutions by the Defendants, so that the funds collected by the Defendants from the 22 (twenty two) recipient educational institutions were Rp. 306,894,000 (three hundred six million eight hundred ninety four thousand rupiahs). ) deducted Rp.76,540,000 (seventy six million five hundred forty thousand rupiahs) amounting to Rp.230,354,000 (two hundred thirty million three hundred fifty four thousand rupiah).

- From the series of actions of the defendants as a matter of fact the aforementioned law reflected the intentions of the Defendants to collect or coordinate the board of education institutions to submit proposals and then after the liquid funds were deducted by the Defendants and / or received from witness Arifin without rights using witness Arifin with the intention of the Defendants to get a share of the social funds withdrawn by the Defendants as promised by witness Arifin to him and the intention was realized by the Defendants with real actions by withdrawing / cutting funds to be taken by the Defendants and to be handed over to witness Arifin and witness Arifin then handed over to the witness Drs.H.Asep Saifudin.

- Disbursement of social assistance funds to 22 (twenty two) to the accounts of each recipient education institution in Pandeglang Regency based on social assistance funding proposals which were later withdrawn by the Defendants without the right to benefit the Defendants and to benefit people another is to benefit witness Arifin and benefit witness Drs. H. Asep Saifudin and resulted in state losses amounting to Rp.230,354,000 (two hundred and thirty million three hundred fifty four rupiahs).

From the above considerations the Panel of Judges argued that the Element with the aim of benefiting themselves or others or the corporation has been fulfilled.

### 3. Elements of Abusing Authority, Opportunities or Facilities available to him because of Position or Position.

Misusing authority, opportunity, or means due to the position or position is to use the authority, opportunity, or means inherent in the position or position held by the perpetrator of the crime of corruption for other purposes than the purpose of giving such authority, opportunity or means. Authority is a set of rights inherent in a position or position of the perpetrators of a criminal act of corruption to take necessary actions so that their work duties can be carried out properly, then what is meant by Opportunity is an opportunity that can be exploited by perpetrators of corruption, which opportunities are listed in the provisions concerning work related to a position or position held or occupied by a criminal offender. In general, this opportunity is obtained or obtained as a result of the absence or weakness of the provisions regarding the work or intentionally interpreting the provisions incorrectly.

To achieve the goal of benefiting themselves or others has been determined the way to be taken by the perpetrators of acts of corruption pyodana, namely:

- By abusing the authority that exists in the position or position of the perpetrators of corruption.

- By misusing opportunities that exist in positions or positions of perpetrators of corruption.

- By misusing facilities available in positions or positions of perpetrators of corruption.

Authority is a series of rights attached to a position or position of the perpetrators of a criminal act of corruption to take the necessary actions so that their work duties can be carried out properly, as stated in Article 53 paragraph (1) letter b of Law Number 5 of 1986 concerning Administrative Courts Country.



Opportunities are opportunities that can be utilized by perpetrators of criminal acts of corruption, which opportunities are listed in the provisions of work procedures relating to positions or positions held or occupied by perpetrators of criminal acts of corruption. "Means" are conditions, methods or media. In relation to the provisions concerning corruption as contained in Article 3, what is meant by means is the method of work or method of work relating to the position or position of the perpetrators of criminal acts of corruption.

Article 17 paragraph (1) of Law Number 43 of 1999 concerning the Acts of Personnel Principles, among others, is stated in the explanation, that what is meant by "position" is a position that shows the duties, responsibilities, authority and within the government bureaucracy are Career Position. Career positions can be divided into 2 (two) types, namely structural positions and functional positions. Structural positions are positions that are explicitly in the organizational structure, while functional positions are those that are not explicitly mentioned in the organizational structure, but from the point of view of the functions required by the organization.

The term "position" in the element of Article 3 of the Republic of Indonesia Law Number 31 of 1999, which is meant by "position" which can be carried by the Civil Servants as perpetrators of criminal acts of corruption, can also be carried by perpetrators of corruption who are not civil servants or people private individuals. Based on the Decision of the Supreme Court of the Republic of Indonesia on December 18, 1984 Number: 892 K / Pid / 1983 which in its legal considerations stated that the Defendant misused the opportunity, because his position as CV Director and executor of CV had been proven to have committed corruption as referred to in Article 1 paragraph (1) letter b of Law Number 3 of 1971. Therefore, it can be concluded that the word "position" in Article 3 of Act Number 31 of 1999 is used for the perpetrators of corruption as follows:

- Civil Servants as perpetrators of criminal acts of corruption who do not hold a certain position, both structural positions and functional positions.
- Actors of corruption who are not civil servants or private individuals who have a function in a corporation.

Based on the facts, according to the Panel of Judges, which is more appropriate to be considered is the element of misusing the opportunity that exists to him because of his position. Based on the description above, the Panel of Judges argued that the Element "Misusing the Opportunities That Are in It Because of the Position" had been fulfilled.

#### 4. Elements that can harm State Finance or the State Economy

In the explanation of Article 2 paragraph (1) of Law Number 31 of 1999, it is stated that the word "can" before the phrase "detrimental to the country's finances or economy" shows that criminal acts of corruption constitute formal offenses, namely the existence of criminal acts of corruption sufficiently fulfilled by the elements of action which has been formulated, not with the emergence of consequences. State finances in this element are as

explained in the General Explanation of Law Number 31 of 1999, namely all state assets in any form, separated or not separated, including all parts of the country's wealth and all rights and obligations arising from:

- Being in control, management, accountability of state agency officials both at the central and regional levels.
- Being in the possession, management, accountability of State-Owned Enterprises / Basan Mili Daerah, foundations, legal entities and companies that include state capital or companies that include third party capital based on agreements in the country.

In this case, it was explained in 2015 that there was social assistance from the Ministry of Education and Culture of the Republic of Indonesia for the education and culture community and individuals as well as the Education and Culture Organization for all of Indonesia with a budget of Rp.175,730,000,000 (one hundred seventy-five billion seven hundred thirty million rupiah) sourced from the Republic of Indonesia State Budget (APBN), that the assistance was also used by educational institutions in Banten Province, especially educational institutions in Pandeglang Regency. That the social assistance funds which were misused by the Defendants in this case came from social funds which were informed by witness Arifin to the Defendants, while witness Arifin obtained information from the witness Drs.H.Asep Saifudin, while the witness Drs.Asep Saifudin obtained information from the Finance Bureau The Indonesian Ministry of Education and Culture, according to her testimony from Ms. Amelia (Almh), thus the source of funds for social assistance which were misused by the Defendants in this case was included in the definition of State Finance because it was sourced from the Republic of Indonesia State Budget (APBN) and The Indonesian culture was transferred to the account of 22 (twenty two) recipient educational institutions which included the legal area of Pandeglang Regency.

The aim is to provide social assistance by the Indonesian Ministry of Education and Culture, one of which is to provide social assistance to Community Organizations (ORMAS), Islamic Boarding Schools, Talim assemblies and mosques spread throughout Indonesia including Banten Province and Pandeglang Regency specifically to be used for construction of facilities and infrastructure for the Education and Culture Institution that submitted the request for assistance, thus the understanding of the country's economy in this case was fulfilled.

The report on the results of the Banten Provincial BPKP expert audit as outlined in the report Number: LHKPKKN / 125PW30 / 5/2017, dated 31 May 2017, found that the amount of state financial losses in this case is approximately Rp.230,354,000.- (two hundred thirty million three hundred fifty four thousand rupiah). The above legal considerations are related to the provisions of the judicial laws and regulations that the fulfillment of "elements that can harm the state / regional finances or the country's economy has been fulfilled.

#### 5. The Conducting Element, Who Asks to Do or Who Participates in Doing the Act.

The provision of this element is the act of an offender arranged and determined alternatively, in the sense that if one of the elements in this element has been fulfilled, this element is deemed fulfilled and proven so that the offender can be blamed and convicted of the act.

The legal facts in this case in proving the element of abuse of opportunity and self-benefit as considered above, it has been evident that the misuse of opportunities has caused state financial losses due to the role of Defendants who coordinate educational institutions without the right to invite, make and collect proposals and then withdraw funds after the funds are disbursed and withdrawn by the management of the educational institution in the bank account of each recipient. And then the Defendants without the right to take and or receive a part for the Defendants from witness Arifin and then hand over the funds collected from each receiving institution and handed over to witness Arifin and from witness Arifin after being cut for him, the rest left to witness Drs.H Asep Saifudin, so that at that time the Defendants learned that the actions committed by him without rights were jointly with witness Arifin and together with the witness Drs.H.Asep Saifudin was incorrect.

Based on the description of the above considerations, all elements in violating Article 3 Jo Article 18 of the Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Corruption Crimes Jo Law of the Republic of Indonesia Number 20 Year 2001 concerning

Changes to the Republic of Indonesia Law Number 31 of 1999 concerning Eradication of Corruption Crime Jo Article 1 paragraph (1) of the first Criminal Code, have been fulfilled. From the above elements as a result of the acts of corruption committed by the defendant, the Panel of Judges ruled this case, namely imposing a criminal sentence on the defendants, therefore with a prison sentence of 2 (two) years each and a fine of Rp. 50,000,000 (fifty million rupiahs) provided that the fine is not paid is replaced by imprisonment each for 3 (three) months.

#### IV. CONCLUSION

From these actions the defendant violated Article 3 Jo Article 18 of the Republic of Indonesia Law No. 31/1999 concerning Eradication of Corruption, as amended and supplemented with RI Law No. 20/2001 concerning amendments to RI Law No. 31/1999 concerning Corruption Eradication Jo Article 55 paragraph (1) of the Criminal Code, the elements of which are as follows:

1. The Element of Everyone;
2. Elements for the purpose of benefiting oneself or another person or a corporation;
3. Elements of Abusing the Authority, Opportunity or Means available to him due to his position or position.
4. Elements that can be detrimental to the State Finance or the State Economy;
5. Elements that do, who tell to do or who do and also do.

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