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Judge's Consideration in Rendering Verdicts on Corruption Crimes Committed by The Village Head of Pekon Pagar In Pesisir Barat

ABSTRACT

Corruption is an extraordinary crime with a widespread and destructive impact, posing a serious threat to the state and society. This study examines the factors behind the corruption case committed by the Village Head of Pekon Pagar Dalam Pesisir Barat and the judges' considerations in Decision Number 11/Pid.Sus-TPK/2023/PN.Tjk. Using a normative juridical and empirical approach, the findings reveal that corruption persists due to the misalignment of legal structure, substance, and culture. The judges' considerations in this case reflect not only adherence to written law but also the pursuit of social justice. To combat corruption, local governments must strengthen supervision through strict and routine audits, while judges should uphold legal certainty to prevent future offenses.

Keyword: Causal Factors; Corruption; Village Funds; Judges' Considerations.

INTRODUCTION

Corruption has become a threat to the life of the Indonesian nation. The rampant practice of corruption, especially in the procurement of goods and services, not only causes financial losses to the state but also erodes public trust in the government and hampers development.

Corruption is a legal violation committed by an individual or a company to gain personal benefits by abusing power or position, thereby harming the state. The anti-corruption law strictly punishes anyone who commits corruption with a minimum prison sentence of four years and a minimum fine of Rp. 200 million.

According to the law, to prove someone guilty of corruption, it must be demonstrated that their actions violate the law, aim to unlawfully benefit themselves or others, and cause state losses. The law also stipulates that corrupt individuals who abuse their positions for personal enrichment must receive the harshest punishment, ranging from one year to life imprisonment, along with significant fines.

Corruption not only drains state funds but also hinders national progress. To achieve a just and prosperous Indonesia, as envisioned in Pancasila and the 1945 Constitution, corruption must be eradicated.

Corruption is not an ordinary crime. Its widespread and destructive impact makes it a serious threat to the state and society, requiring a comprehensive approach for its eradication. To enforce the law, Indonesian authorities have introduced various regulations to combat corruption. The government also encourages students to actively promote anti-corruption norms in society.

Law No. 28 of 1999 and Law No. 31 of 1999 (including its amendments) are the two main regulations governing corruption eradication in Indonesia. These laws aim to ensure that state officials work transparently and are free from activities that harm the state.

For effective law enforcement, several key principles must be upheld: impartiality, honesty, adherence to proper procedures, protection of all parties' rights, and freedom from pressure. The implementation of law enforcement in court involves coordination among various institutions: the police (POLRI) responsible for investigation, prosecutors for prosecution, the judiciary for case adjudication, and correctional institutions for executing court decisions.

Those who break the law must be held accountable for their actions in accordance with applicable regulations. One example is a corruption case handled by the Tanjung Karang Corruption Court, where the Village Head of Pagar Dalam was suspected of misappropriating village funds for 2020 and 2021 by withdrawing and managing them independently without involving other village officials.

The purpose of this article is to analyze the impact of corruption on national development, evaluate existing legal frameworks, and provide recommendations for strengthening law enforcement and public awareness to effectively combat corruption in Indonesia.

Based on the background described above, this study aims to address the following issues: What are the factors causing the corruption crime committed by the Village Head of Pekon Pagar Dalam, Pesisir Barat (Case Study of Decision Number 11/Pid.Sus-TPK/2023/PN.Tjk)? Additionally, what are the judges' considerations in rendering a verdict against the perpetrator of the corruption crime committed by the Village Head of Pekon Pagar Dalam, Pesisir Barat (Case Study of Decision Number 11/Pid.Sus-TPK/2023/PN.Tjk)?

RESEARCH METHODS

To address the research problem and ensure the validity of the findings, this study employs a normative juridical approach and an empirical approach. The normative juridical approach is a doctrinal legal research method that examines legal norms, rules, and regulations relevant to the issue by analyzing legislation, theories, and literature. Meanwhile, the empirical approach studies the implementation of normative legal provisions (codifications, laws, or contracts) in real-life situations by collecting primary data through direct observation and interviews with relevant sources at the research site.

RESULT AND DISCUSSION

Factors Contributing to Corruption Committed by the Village Head of Pekon Pagar Dalam, Pesisir Barat (Case Study of Verdict No. 11/Pid.Sus-TPK/2023/PN.Tjk)

In field research aimed at identifying the causes of corruption committed by the Village Head of Pekon Pagar Dalam, Pesisir Barat (as outlined in Verdict No. 11/Pid.Sus-TPK/2023/PN.Tjk), several key informants were interviewed to provide empirical insights into the case. Their testimonies help to establish a clearer understanding of the factors leading to the crime.

According to Andri Timur, a prosecutor at the West Lampung District Attorney's Office, the corruption case involving Amri Jaya Bin Maazi, the village head (Peratin) of Pekon Pagar Dalam, illustrates the persistent issue of abuse of authority in village financial management in Indonesia. The crime was committed through various fraudulent practices, including fictitious expenditures, budget inflation, and misappropriation of village funds for personal gain. Based on an analysis of the court ruling, several key factors contributed to this crime, ranging from individual misconduct and weaknesses in the oversight system to socio-cultural influences within village governance.

One of the primary causes of corruption in this case is the lack of integrity and morality of the defendant. As a village leader, the defendant was entrusted with managing village funds for public welfare. However, instead of fulfilling this responsibility, he exploited his authority for personal enrichment. His low ethical awareness and lack of accountability were key factors driving his corrupt actions. The defendant prioritized personal benefits over the well-being of the community he was supposed to serve.

Judge Hendro Wicaksono of the Tanjung Karang Corruption Court (Class IA) noted that the defendant had full control over the Village Revenue and Expenditure Budget (APBP), which enabled him to misappropriate funds without strict oversight. The corruption occurred due to loopholes in the governance system that allowed unilateral decision-making in fund allocation. The lack of transparency in financial management also contributed to the crime, as village heads often had excessive authority over budget decisions without involving other village officials.

Another contributing factor is weak oversight and accountability mechanisms in village fund management. Although regulations mandate transparency and accountability in the use of village funds, government oversight has been inadequate. In this case, the Pesisir Barat Inspectorate only detected irregularities after conducting an audit, indicating that the monitoring system failed to function effectively from the outset. The lack of stringent oversight allowed the village head to misuse funds without immediate legal consequences.

Additionally, many village heads lack sufficient education and financial management skills. In this case, the defendant only had a high school education, which likely contributed to his poor understanding of proper financial governance. The lack of training and technical guidance for village heads on transparent and accountable financial management further exacerbates the situation, creating an environment where corruption can thrive.

Another crucial factor is the prevalence of corrupt practices as an ingrained cultural norm at the village level. Corruption is often perceived as "normal" or even an accepted part of the system. Patronage and nepotism within village governance give village heads a sense of entitlement over public funds. In many cases, they treat village funds as a flexible resource that can be used for personal or political gain, particularly in the absence of active community oversight.

Social pressures and lifestyle expectations also play a role. Village heads often feel compelled to maintain a high social status, leading them to seek quick financial gains, including through corrupt practices. A lavish lifestyle and societal expectations can push individuals to engage in corruption to sustain their image.

Furthermore, weak law enforcement at the village level enables corruption to persist. Many corruption cases remain undiscovered for years due to ineffective early detection mechanisms. Even when cases are prosecuted, the penalties imposed are often too lenient to serve as a deterrent. In this case, the defendant was sentenced to 7 years and 10 months in prison, fined IDR 300,000,000, and ordered to repay IDR 1,030,553,502. However, the perceived leniency of penalties compared to the scale of state losses highlights the need for stricter enforcement and harsher punishments to deter future offenses.

Legal Analysis Based on Lawrence Friedman's Legal System Theory

The corruption case involving the Village Head of Pekon Pagar Dalam can be analyzed using Lawrence Friedman’s theory of legal implementation, which consists of three key elements: legal structure (law enforcement institutions), legal substance (laws and regulations), and legal culture (public legal awareness and enforcement attitudes). A lack of balance among these elements contributes to the persistence of corruption at the village level.

From a legal structure perspective, this case reflects weaknesses in law enforcement institutions responsible for monitoring village fund usage. The Pesisir Barat Inspectorate only discovered the misconduct after an audit, indicating a failure in preventive supervision. Ideally, financial oversight should be conducted regularly and comprehensively to detect potential abuses early. The lack of effective oversight allows village heads to misuse funds with little fear of consequences.

Regarding legal substance, existing laws, such as Law No. 6 of 2014 on Villages and Minister of Home Affairs Regulation No. 20 of 2018 on Village Financial Management, provide clear guidelines for managing village funds. However, despite the presence of regulations, poor implementation and low compliance among village heads, coupled with weak enforcement, make corruption possible. This case demonstrates that even strict legal provisions cannot prevent corruption if they are not supported by effective oversight and enforcement mechanisms.

The legal culture factor also plays a significant role. Friedman emphasizes that legal effectiveness is not solely determined by written laws and institutions but also by public legal awareness. In this case, corrupt practices are deeply embedded in village governance, where many village officials view public funds as their personal entitlement. The lack of community participation in financial oversight further contributes to the prevalence of corruption. If citizens were more actively involved in monitoring village budgets, the likelihood of corruption would be significantly reduced.

Furthermore, the weak enforcement of laws in village-level corruption cases indicates a systemic imbalance. Although the defendant in this case received a legal penalty, many similar cases go undetected for years, highlighting deficiencies in early detection mechanisms. If legal sanctions are not stringent enough, corrupt practices will persist across other villages.

Recommendations for Preventing Future Corruption Cases

Based on Friedman's theory, the imbalance in this case stems from structural weaknesses in oversight, substantive legal loopholes, and a permissive corruption culture at the village level. To address these issues, improvements must be made in all three aspects, including:

- Enhancing transparency in village financial management – Public access to financial reports should be improved, and village financial data should be made available online for community scrutiny.
- Strengthening oversight institutions – The role of the Village Consultative Body (BPD) should be maximized to provide better local checks and balances.
- Utilizing technology for financial management – Digitalized financial reporting systems should be implemented to minimize opportunities for manipulation.
- Improving education and training for village heads – Regular financial management training should be provided to ensure proper fund allocation.

- Increasing legal enforcement and harsher penalties – Stricter legal consequences should be imposed on corrupt officials to create a stronger deterrent effect.

If these legal principles and preventive measures are effectively implemented, corruption in village financial management can be significantly reduced, ensuring better governance and accountability at the grassroots level.

The Judge's Considerations in Sentencing the Perpetrator of Corruption Committed by the Village Head of Pekon Pagar Dalam, Pesisir Barat (Case Study of Verdict No. 11/Pid.Sus-TPK/2023/PN.Tjk)

In Verdict No. 11/Pid.Sus-TPK/2023/PN.Tjk, the panel of judges considered various legal aspects before delivering a verdict against the defendant, Amri Jaya Bin Maazi, who was found guilty of corruption in the management of village finances in Pekon Pagar Dalam, Pesisir Selatan District, Pesisir Barat Regency. The judge's considerations in this ruling were based on several factors, including the fulfillment of corruption elements, the impact of the defendant's actions, and both aggravating and mitigating aspects of the case.

Based on an interview with Mr. Hendro Wicaksono, a judge at the Corruption Court of Tanjung Karang Class IA, it was stated that the panel of judges found the defendant legally and convincingly guilty of corruption as stipulated in Article 3 in conjunction with Article 18 paragraphs (1) letters a, b, paragraphs (2) and (3) of Law No. 31 of 1999, as amended by Law No. 20 of 2001 concerning the Eradication of Corruption. The defendant's criminal act involved the abuse of authority, opportunity, or facilities available due to his position, resulting in state financial losses amounting to Rp. 1,030,553,502, based on an audit report by the Inspectorate of Pesisir Barat Regency.

As the Village Head (Peratin) of Pekon Pagar Dalam, the defendant was responsible for managing the Village Revenue and Expenditure Budget (APBPekon) transparently and accountably in accordance with applicable laws and regulations. However, based on the judge's considerations, the defendant knowingly abused his authority by disbursing village funds for activities that never took place and using a significant portion of the budget for personal gain.

According to Judge Hendro Wicaksono, the panel of judges emphasized that the defendant's actions caused significant financial losses to the state, exceeding Rp. 1 billion. These losses stemmed from various fictitious budget allocations, including village meetings, child protection training, village office maintenance, and educational support for underprivileged students, none of which were actually realized. Therefore, the element of "causing state financial losses" in corruption offenses was deemed fulfilled.

In considering the severity of the sentence, the panel of judges examined several aggravating factors, including:

1. The defendant showed no remorse for his actions.
2. The defendant abused the public trust and his position as village head.
3. The defendant's actions harmed the residents of Pekon Pagar Dalam, who should have benefited from village funds.
4. The corruption committed by the defendant hindered village development and public welfare.

Despite the severity of the crime, the judges also considered several mitigating factors, including:

1. The defendant cooperated during the trial.
2. The defendant had no prior criminal record.

3. The defendant had family dependents.

Based on all these considerations, the panel of judges sentenced the defendant to 7 years and 10 months in prison, along with a fine of Rp. 300,000,000, with a subsidiary penalty of 6 months' imprisonment. Additionally, the defendant was required to pay compensation of Rp. 1,030,553,502. If this amount was not paid within one month after the verdict became legally binding, his assets would be seized and auctioned. If the assets were insufficient, the defendant would face an additional 3 years and 11 months of imprisonment.

The legal considerations in this verdict reflect the principles of law enforcement at the village level, which depend on clear legal elements and judicial courage in delivering firm decisions. In this case, the judge emphasized the fulfillment of abuse of authority and state financial loss elements, as well as the impact on village communities. The sentence imposed aims to serve as a deterrent, not only for the defendant but also for other village heads, to prevent the misappropriation of village funds. However, this case also highlights the need to strengthen transparency and oversight mechanisms in village fund management to prevent similar crimes in the future.

According to Gustav Radbruch's theory, the purpose of law consists of three primary goals: legal certainty, utility, and justice. However, Radbruch asserts that justice should be the highest priority in law enforcement. In sentencing the defendant Amri Jaya Bin Maazi in Verdict No. 11/Pid.Sus-TPK/2023/PN.Tjk, the panel of judges considered legal principles consistent with Radbruch's theory, namely legal certainty, utility, and justice. Radbruch emphasized that while all three aspects are important, justice must be the primary goal of law enforcement. In this case, the judge sought to ensure that the law was applied not only formally but also in a manner that provided fair consequences for society and deterrence for corruption offenders.

Legal certainty in this verdict is evident in the application of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption.

By using clear legal provisions, the judge ensured that the defendant's actions constituted a corruption offense, fulfilling the elements of abuse of authority and causing state financial losses. Legal certainty is also reflected in the firmness of the verdict, which imposed 7 years and 10 months of imprisonment, a Rp. 300,000,000 fine, and an obligation to pay Rp. 1,030,553,502 in restitution. This provides legal clarity for all parties involved and society at large regarding the legal consequences of misusing village funds.

In addition to legal certainty, the principle of utility was also considered in this ruling. Corruption at the village level directly affects the community, particularly because village funds intended for development and public welfare were diverted for personal use. In its deliberations, the court highlighted that the defendant's actions hindered various village development programs, including infrastructure maintenance, social assistance, and public services that the community urgently needed. Therefore, the imposed sentence aims to serve as a deterrent, not only for the defendant but also for other village officials, to curb corruption and ensure that village funds are used appropriately.

The most important aspect of this ruling is justice, as emphasized by Radbruch as the primary goal of law. The judge did not only consider the formal legal aspects but also the social impact of the defendant's actions. In delivering the verdict, the panel of judges balanced the aggravating and mitigating factors to ensure that the sentence was proportional to the defendant's wrongdoing. Aggravating factors, such as the abuse of public trust and the defendant's lack of remorse, justified the severe punishment. However, mitigating factors, such as the defendant's cooperation during the trial and family responsibilities, were also considered to ensure that the punishment was not excessive.

The decision to require the defendant to reimburse the state's losses through compensation payments is also an embodiment of justice in this ruling. If the defendant fails to pay within a specified period, his assets will be seized and auctioned. If the seized assets remain insufficient, the defendant will serve an additional 3 years and 11 months in prison. This provision ensures that the state recovers part of the embezzled funds and that justice is effectively upheld for the affected community.

CONCLUSION

From the perspective of Gustav Radbruch's legal theory, this ruling reflects a legal application that is not merely based on written rules but also considers its impact on social justice. While legal certainty is upheld through clear regulations and the principle of utility is realized through deterrence, the judge prioritizes justice as the most crucial aspect. Thus, this verdict not only punishes the defendant but also aims to restore the community's rights to the misappropriated village funds and prevent similar cases in the future.

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