

Criminal Law Enforcement Policy Against Convicted Corruption Offenders Continuously At The Denpasar District Court

Simon Nahak
Fakultas Hukum Universitas Warmadewa, Denpasar, Indonesia
Corresponding author: Simon NAHAK
E-mail: Simonnahak1964@gmail.com

Article Info:

Submitted: 2026-03-29 Revised: 2026 -06-28 Accepted: 2026-07-17
Vol: 5 Number: 1 Page: 279 - 291

Keywords:

Politics; Law
Enforcement;
Corruption; Courts

Abstrak:

This paper is based on the philosophical principle that the Indonesian state was established to promote the welfare of its people. Therefore, the increasing number of corruption cases in Indonesia, particularly in Bali, which threaten to cause financial losses to the state and damage the national economy, must be eradicated. The urgency of this paper lies in the need to understand the politics of law enforcement against convicted corruption offenders on an ongoing basis. The purpose of this paper is to analyze the politics of applying criminal sanctions against convicted corruption offenders on an ongoing basis and the legal consequences for perpetrators and victims of corruption in the Denpasar District Court. The research method used is a collaboration between the normative juridical method and the empirical juridical method with a quantitative and qualitative approach. Data was collected through in-depth interviews with perpetrators and victims of corruption. Then, an analysis of internal policy documents was conducted, as well as a survey of victims of extortion by convicted criminals. The results of the writing show that although there are regulations governing efforts to eradicate Corruption Crimes, there are still legal loopholes in their application that can be exploited by perpetrators of Corruption Crimes. This writing finds that legal protection education for victims and perpetrators is an important step in improving the political system of law enforcement that needs to be taken to strengthen legal protection. The output of this paper is expected to provide practical recommendations for perpetrators and victims to raise awareness and compliance with the law and to deter convicts from repeating their actions. Furthermore, the results of this paper can be used as a reference for better legal policies in protecting victims of extortion of corruption crimes in a sustainable manner with perpetrators to obtain justice, certainty, and legal benefits.

INTRODUCTION

Considering Law Number 28 of 1999 concerning Clean and Corruption, Collusion, and Nepotism-Free State Administration State administrators play a decisive role in state administration to achieve the nation's goal of realizing a just and prosperous society as stated in the 1945 Constitution; that in order to realize a State Administration that is capable of carrying out its functions and duties sincerely and responsibly, it is necessary to establish the principles of state administration; that the practices of corruption, collusion, and nepotism are not only carried out among State Administrators but also between State Administrators and other parties, which can damage the foundations of social life, national life, and statehood and endanger the existence of the state, thus requiring a legal basis for its prevention because Indonesia is experiencing a Corruption Emergency and the Rampant Cases of Corruption in Indonesia, furthermore, it is necessary to affirm



This open access article is distributed under a
Creative Commons Attribution (CC-BY-NC) 4.0 licence

the punishment of Perpetrators of Corruption Crimes (TIPIKOR) and a policy of Draft Law on the Confiscation of Assets of Convicted Corruption Criminals is needed.

This means that the establishment of national positive legal principles, including those intended to replace all positive legal principles formed during the colonial era, must be carried out through legally accountable procedures. Based on the above explanation, since Indonesia declared its independence, the Republic of Indonesia has aspired to reform its laws in order to free itself from the shackles of Dutch colonial law through the development of a national legal policy (Nahak, 2014).

The renewal began after breaking free from the shackles of Dutch colonial rule and colonial law, and the state institutions of the "Legislative and Executive branches, which have the authority to formulate laws and regulations that reflect the cultural values of the Indonesian people, with reference to the Preamble of the 1945 Constitution of the Republic of Indonesia as the constitution of the State" (Sukinto, 2012).

The Republic of Indonesia is a country rich in natural resources, which are gifts from God Almighty. In accordance with the provisions of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (Palempung et al., 2023). One of the natural resources that is currently in high demand by the community in order to meet investment development needs is land (Rosmidah et al., 2023), Land matters consist of legal documents, namely permits to use land and permits to build Magnum Resort Berawa Apartments on land owned by the Provincial Government of Bali, located in Berawa Traditional Village, Tibubenang Administrative Village, North Kuta District, Badung Regency, Bali Province, Indonesia. Valid documents issued by authorized local officials are one of the most important requirements for investors and/or parties, whether they are owners or buyers/tenants of land used for investment or for development by local and central government.

The enthusiasm of investors to build and obtain building permits has proven to be empirically very difficult when dealing with state officials to grant business permits to investors who need land located within the jurisdiction of those state officials. There is always a persistent malicious intent to extort investors on the part of state officials by abusing the power vested in them. This study describes another official in the region, namely the Bendesa Adat (traditional village chief), who receives a salary/honorarium/incentive sourced from the Regional Revenue and Expenditure Budget (APBD) of the Badung Regency Government, Bali, and who then, because of his position, commits the criminal act of extortion against an investor to fulfill his own interests. The authority of the District Court Judge in providing criminal legal protection to victims and perpetrators of corruption with continuing acts is needed because victims suffer not only physical and mental harm but also economic losses caused by a criminal act of corruption (extortion). However, the perpetrator's human rights must also be taken into consideration because if he is wrongfully arrested/detained for punishment, it will certainly have legal consequences for the perpetrator and his family. The case began when an investor wanted to use land to build apartments. Due to the limited amount of land, the selling price and/or utilization of the land increased, which was abused by a traditional village chief for his own interests because there was an increasing demand for land for the construction of public facilities, such as Magnum apartments, hotels, hospitals, and restaurants, or private facilities such as houses, villas, and others.

The government, in order to guarantee legal certainty, registers land throughout the territory of the Republic of Indonesia in accordance with the provisions stipulated by government regulations. In this case, the certainty concerns the location of land boundaries, land area, land status, and the persons entitled to the land, as well as the issuance of certificates, including business permits for investors. Urip Santoso writes that: Land registration aimed at providing legal certainty is known as *rechts cadaster*/legal cadaster. The legal certainty to be realized in this land registration



includes certainty of the status of the rights being registered, certainty of the subject of the rights, and certainty of the object of the rights. This land registration produces a certificate as proof of rights. The opposite of *rechts cadaster* land registration is *fiscaal cadaster*, which is land registration aimed at determining who is liable to pay land tax. This land registration produces a letter of proof of land tax payment, now known as the Land and Building Tax Notice (SPPT PBB) (Urip, 2012).

It is necessary to pay close attention to the legal norms in Book II of the Criminal Code because there is ambiguity in the legal norms, namely that almost all articles in the old Criminal Code (Law Number 1 of 1946) and the new Criminal Code (Law of the Republic of Indonesia Number 1 of 2023) do not contain the formulation of minimum penalties/fines, thus providing opportunities for perpetrators of general/specific crimes, such as extortion, because the perpetrators can take advantage of the weakness of the criminal sanctions, which do not specify minimum penalties/fines. In addition, the moral integrity of law enforcement officials, especially their character, plays a very important role. Even if the regulations are good and correct, if the quality of the officers is not good, the law enforcement process will not be good/correct.

METHODS

The research method used is the normative research method, with a problem-solving approach known as the statute approach, which is a research approach that prioritizes legal materials in the form of legislation as the basic reference material for conducting research. The conceptual approach is an approach that departs from the views and doctrines that have developed in legal science. The conceptual approach is a type of approach in legal research that provides an analytical perspective on the resolution of problems in legal research from the aspect of the underlying legal concepts. The sociological approach (*sociolegal approach*) is an approach that uses a sociological perspective to understand a social phenomenon. This approach focuses on social interactions, social structures, and culture within a society. The case approach (Marzuki, 2006) Research using a case approach, namely by tracing the *ratio decidendi* in court decisions or analyzing the existence of heteronomy or autonomy (Wiarda, 1980). in a decision based on "Legal Discourse Theory or Theory of Legal Argumentation (Haberman, 1996); Comparative research that may include comparisons of law enforcement agencies within state institutions (such as the Corruption Eradication Commission) and comparisons of laws (such as child protection and money laundering). Analytical research, for example analyzing the criminal concept of unlawful acts in environmental crime cases, or the concept of "discretion" in corruption crimes committed by state officials. Theoretical approaches, for example research on the theory of punishment (or which can be combined with philosophical and comparative research, such as in civil law and common law systems).

RESULT AND DISCUSSION

Criminal Law Enforcement Policy Against Convicted Corruption Offenders in Denpasar District Court

The actualization of criminal law enforcement plays an important role in efforts to combat corruption, but the burden placed on criminal law should not exceed its capacity, and restrictions on the application of criminal law must be taken into account, as criminal sanctions are recognized as a last resort (*ultimum remedium*) when other legal sanctions have failed.

Politics as policy is defined by Barda Nawawi Arief as a "legislative" policy to reformulate or reform the regulation of prison sanctions in criminal law as a means of improving or revising legislative policy. Crime prevention (criminal policy) is carried out using penal means (criminal

law), so criminal law policy (penal policy), especially at the judicial/applicative policy stage (enforcement of criminal law in concreto), must pay attention to and aim at achieving the objectives of social policy in the form of social welfare policy and "social defense" (Arief, 2018).

The author believes that criminal law formulation policy not only formulates prison sanctions but also includes minimum fines. Legal policy is also part of law enforcement policy. In addition, efforts to combat crime through the creation of criminal laws are essentially an integral part of efforts to protect society (social defense) and promote social welfare. Therefore, it is reasonable that criminal law policy is also an integral part of social policy. Social policy can be defined as all rational efforts to achieve public welfare and at the same time include public protection. So, the term "social policy" also includes "social welfare policy" and "social defense policy."

The actualization of criminal law enforcement policy in a broad sense covers the scope of policy in the field of substantive criminal law, in the field of formal criminal law in the field of criminal law enforcement, but this study focuses more on the actualization of policy in the field of substantive criminal law, particularly criminal sanctions in combating corruption in Indonesia. but it also provides a general explanation of the stages of application and execution for perpetrators of corruption.

The integral concept between criminal policy and social policy or national development policy. This means that solving problems such as what acts/actions should be considered criminal offenses and what sanctions should be used or imposed on violators or criminals must also be directed towards achieving certain objectives of the established socio-political policies.

In the dimension of legal politics, when examined in terms of substance, politics means policy, while law contains commands, permissions, prohibitions, obligations/coercion. Legal politics is a legal policy that determines the direction, form, and content of the law (legal substance). Legal politics is a part of legal science related to the formation, implementation, and application/enforcement of law. The content of law contains commands, permissions, prohibitions, and coercion, and provides restrictions that must be obeyed by authorities in forming legal products. The objectives of legal politics are to achieve certain social objectives or state objectives, build national law, and maintain the quality of legislation.

The above explanation proves that one form of law enforcement politics is the enacted through a national legislation program by the Legislative Branch together with the Indonesian Government as the holder of Executive power, is included in Law Enforcement, in the form of a penal system with "life imprisonment and/or the death penalty as well as a Draft Law on Asset Seizure against Convicted Corruption Criminals in Indonesia".

Article 1338 of the Civil Code stipulates: all agreements made legally are valid as law for those who make them. The agreement cannot be revoked except by mutual agreement of both parties, or for reasons that are deemed sufficient by law. Agreements must be carried out in good faith. In relation to Articles 1340 and 1338 of the Civil Code, every administrator is civilly liable when, in carrying out their duties, they do not act in accordance with the authority and/or powers of state administrators as agreed upon in accordance with the provisions of the Civil Code.

Article 1365 of the Civil Code stipulates: Every unlawful act that causes loss to another person obliges the person who caused the loss to compensate for it.

In law, there are three categories of unlawful acts, namely:

1. Unlawful acts committed intentionally
2. Unlawful acts committed without fault (without intent or negligence)
3. Unlawful acts committed through negligence (Fuady, 2002).



Article 1367 of the Civil Code: "A person is not only liable for losses caused by his own actions, but also for losses caused by the actions of persons under his responsibility or by items under his supervision," so that in accordance with this provision, liability will arise if an error occurs in the performance of his duties.

Based on several provisions of the Civil Code, according to civil law there are several types of legal liability, namely: liability based on fault and liability based on risk or without fault, also known as strict liability.

1. Administrative Legal Responsibility

The scope of administration and administrative law with the broad authority of the government has the potential to cause actions (legal or non-legal) that harm or violate the interests of the community, violate the rights of the community, both in the form of abuse of authority as regulated in Law No. 30 of 2014 concerning Government Administration and "abuse of authority" as regulated in Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning Eradication of Corruption Crimes, the nature of abuse of authority by administrative officials is referred to as *onrechtmatig overhead daad*, *de'tournement de pouvoir*, *daad van wellikeur*, or violating the general principles of good governance (*algemene beginselen van behoorlijke bestuur*). These actions then result in administrative legal accountability. Failure to carry out obligations or abuse of authority due to the parameters governing the authority of state officials (discretionary power) in the context of state administrative law constitutes abuse of authority (*detournement de pouvoir*, French, *onrechtmatig overhead daad*, Dutch, Abuse of power, English) or abuse of rights (*abus de droit*) as a State Administrative Official together with his cronies".

2. Personal responsibility

Article 1 paragraph 5 of Law No. 30 of 2014 on Government Administration stipulates that "Authority is the right possessed by Government Agencies and/or Officials or other state administrators to make decisions and/or take actions in the administration of government." Article 1 point 6 stipulates that "Government authority, hereinafter referred to as Authority, is the power of Government Agencies and/or Officials or other state administrators to act in the realm of public law."

Based on these provisions, there are two terms in the legal dictionary that refer to criminal responsibility: Liability is a broad legal term that refers to almost all characteristics of risk or certain responsibility that depends on or may include all actual or potential characteristics of rights and obligations, such as loss, threat, crime, cost, or conditions that create an obligation to enforce the law. Responsibility means something that can be accounted for in relation to an obligation, and includes decisions regarding skills, abilities, and competence, as well as the obligation to be responsible for the implementation of laws. In practical terms and usage, the term liability refers to legal responsibility, namely liability for mistakes made by legal subjects, while the term responsibility refers to political responsibility (Ridwan, 2006).

Anyone who violates a prohibited act, so that the perpetrator of a criminal act of corruption committed by an individual is criminally liable for "intent or negligence," while a legal entity is decided as corporate liability (collective liability), namely strict liability and vicarious liability (the company is liable for the criminal acts of its employees) because the crime and punishment are in the form of basic penalties, justification and exculpatory reasons in corruption cases are regulated in the Criminal Code.

3. Responsibility by virtue of office



This open access article is distributed under a Creative Commons Attribution (CC-BY-NC) 4.0 licence

The existence of the principle of government accountability is actually one of the balancing factors in positioning the government and the community in running the state organization. The government has the authority to regulate, collect taxes, enforce laws, impose sanctions, and so on, which are a series of "powers" in achieving the goals of statehood.

Responsibility is the legality of actions. The legality of actions must be based on authority, procedure, and substance. Every action taken by officials, including in the procurement of goods and services, must be based on legitimate authority. This authority is obtained through three sources, namely attribution, delegation, and mandate. According to Kranenburg and Vegting, there are two theories regarding the accountability of government officials. First, *Foutes Personelles*, which is a theory that states that damages to third parties are caused by officials whose actions have resulted in losses. Second, *Fautesde service*, which is a theory that states that damages to third parties are borne by the agency of the official concerned.

The application of the death penalty as the primary punishment in the policy of forming legislation has been formulated in the Criminal Code (KUHP) and is regulated in Article 10 of Law -Law Number 1 of 1946 concerning the Criminal Code, Special Crimes for Perpetrators of Corruption as regulated and threatened according to Article 2 paragraph (1).

The legal theories used as a tool to analyze the first issue are Lawrence M. Friedmann's theory of the legal system, John Nawiaski's theory of legal norm gradation (a student of Hans Kelsen), the theory of criminal law reform, the theory of legal politics, and the concept of punishment and enforcement of criminal law for corruption. Vos and Van Hamel's followers argue that punishment, in addition to maintaining public order (theory of purpose), also has the combined objectives of deterrence (*afschriking*), reform (*verbetering*), and eradication (*onschdelijkmaking*) of certain crimes.

The application of criminal sanctions is impossible if they are not first stipulated in legislation at the formulation stage. Similarly, their application at the implementation stage and the stage of criminal execution is impossible if, in reality, the criminal sanctions contained in legislation are never applied or enforced at all (Nahak, 2013).

The practice of law enforcement specifically against law enforcement officials (APH) brings suspects/defendants before the court proceedings, either through criminal proceedings at the police level, the Corruption Eradication Commission, the Attorney General's Office, and the courts must be based on valid evidence as formulated in the Criminal Procedure Code (KUHP) and/or based on the Special Law on Corruption Crimes and/or other Special Criminal Laws. In principle, evidence essentially has two (2) dimensions as a criminal process carried out starting from the investigation stage as the beginning of the evidence process and the stage of sentencing (verdict) by the judge as the final stage.

Valid evidence based on Article 184 paragraph (1) of the KUHP is: witness testimony, expert testimony, documents, clues, and defendant testimony. Evidence is an object recognized in Article 184 of the KUHP to declare the defendant guilty of a criminal act. The legal basis for evidence in Law Number 20 of 2025 (New Criminal Procedure Code) is regulated primarily in Article 235, which expands and modernizes the types of valid evidence to eight types, including witness testimony, expert testimony, documents, evidence, the defendant's testimony, as well as electronic evidence, material evidence, and the judge's observations. Evidence serves to prove facts in court. Politics is policy, law enforcement is a policy that regulates the direction, formulation, and content of law, including law enforcement. The goal is to achieve national and social objectives.

Based on the description of the concepts, views, and doctrines above, the author briefly describes the case example and analysis of the Denpasar District Court Decision Number: 15/Pid.Sus-TPK/2024/PN Dps as follows:

The case began with a person named: I KETUT RIANA, place and date of birth: Badung, April 21, 1970, Indonesian nationality, residing at Jalan Pantai Berawa, Banjar Berawa, Tibubeneng Village, North Kuta District, Badung Regency, Bali, occupation: Bendesa Adat Berawa (traditional village leader of Berawa). Because the identity of the perpetrator as Bendesa Adat Berawa is categorized as other State Officials as regulated in Article 1 paragraph (1) of Law Number 28 of 1999 concerning Clean and Free State Administrators from Corruption, Collusion and Nepotism, which stipulates that "Administrators are State Officials who carry out executive, legislative, or judicial functions, and other officials whose main functions and duties are related to state administration in accordance with the provisions of the applicable laws and regulations". Convicted persons are other officials because they receive salaries/honoraria/income from the Regional Revenue and Expenditure Budget (APBD) in accordance with Badung Regency Regional Regulation, effective from 2020 in accordance with Badung Regency Regional Regulation Number 12 of 2019 concerning the 2020 Regional Revenue and Expenditure Budget, Badung Regent Decree Number 48/043/HK/2020 dated January 2, 2020, concerning the Provision of Honoraria for Bendesa Adat and Kalian Banjar in Badung Regency, and so on until it is funded by the Badung Regency APBD for 2024, then the element of "every person" has been proven. Description of the criminal incident: The convict committed a continuous crime of extortion against an investor in the Magnum Hotel and Apartment building named Andianto Nahak T. Moruk, began communicating with the administrators/officials of the Berawa Traditional Village around October 2023, because the hotel construction area was located within the jurisdiction/territory of the Berawa Traditional Village and as one of the requirements for processing the AMDAL (Environmental Impact Analysis) permit, namely to prepare a (KA) by conducting a socialization program in the affected area, as stipulated in Government Regulation of the Republic of Indonesia Number 22 of 2021 concerning the Implementation of Environmental Protection and Management. The victim, Andianto Nahak T., Moruk communicated about the hotel construction plan in Berawa Traditional Village with witness I Wayan Kurmayasa as the representative (wakil) of Bendesa Adat Berawa, but was advised to communicate directly with the Defendant/Convicted Person via telephone number 082146907789 and via WhatsApp 6285337884910. However, from October 31, 2023, to November 2, 2023, at 12:14 p.m., the Defendant had not responded to the victim's WhatsApp message. Then, on November 2, 2023, at 6:43 p.m., the Defendant replied to the victim's WhatsApp message, followed by a conversation and a promise to meet, and established communication regarding the hotel construction plan in Berawa Traditional Village. The defendant/convicted person then requested Rp 10,000,000,000.00 (ten billion rupiah) from the victim witness under the pretext of a donation (Punia Fund) to build Berawa Traditional Village, related to the victim witness's activities. However, the victim objected because this had not been agreed upon in advance during the meeting, while the funds prepared were in accordance with the contract value of Rp 3,600,000,000.00 (three billion six hundred million rupiah). but the defendant/convicted person always asked for Rp 10,000,000,000.00 (ten billion rupiah), then the defendant asked the victim witness for Rp 100,000,000.00 (one hundred million rupiah), but the victim witness only provided Rp 50,000,000.00 (fifty million rupiah). The defendant received this amount on November 20, 2023, and told the victim witness not to disclose it to anyone because the funds would be used by the convict. Furthermore, when a meeting was held, the defendant/convicted person's signature was required, but the defendant was not present and always asked for Rp 10,000,000,000.00 (ten billion rupiah). The defendant continued to ask for

tens of billions of rupiah, but the victim witness was unable to provide it. However, the convict continued to ask for ten billion rupiah, but the victim witness was unable to hand over tens of billions of rupiah. The convict asked for another hundred million rupiah, and the victim witness felt pressured and afraid, so he finally handed over another Rp 100,000,000.00 (one hundred million rupiah), which was received by the defendant on May 2, 2024. bringing the total amount of Rp 50,000,000.00 + Rp 100,000,000.00 = Rp 150,000,000.00 received by the defendant/convicted person to fulfill the defendant/convicted person's personal interests, because the convicted person conveyed to the victim witness via WhatsApp that the Rp 150, 000,000.00 (one hundred fifty million) was used by the Convict to pay off the Traditional Village's debt and the immunization costs for the Convict's grandchild, as evidenced by the Digital Forensic Report on Electronic Evidence Number: LHP-056/CASE-12-24/05/2024 dated May 8, 2024, attached to the Extraction Report DE_003_CASE_12-Bali_05_2024, thus the Defendant/Convicted Person's actions fulfill the elements of intent to benefit themselves or others.

That the Defendant/Convicted Person has committed an act "against the law" as stipulated in Article 2 paragraph (1) of the Corruption Eradication Law, both in a formal and material sense. This is clearly stated in the general explanation of the law, which stipulates that "In order to cover various modes of operation of state financial or economic irregularities that are increasingly sophisticated and complex, the criminal acts regulated in this law are formulated in such a way as to cover acts of enriching oneself or others or a corporation "unlawfully" in both a formal and material sense." Furthermore, the explanation of Article 2 paragraph (1) itself states that: "what is meant by "against the law" in this article includes acts against the law in both a formal and material sense, namely even if the act is not regulated in legislation, if the act is considered reprehensible because it is not in accordance with a sense of justice or social norms in society, then the act can be punished. The explanation of this provision was invalidated by the Constitutional Court through its Decision Number 003/PUU-IV/2006 dated July 25, 2006, but the Supreme Court of the Republic of Indonesia expressed its own position regarding the meaning of "unlawful acts" in criminal corruption cases. This can be seen in the considerations of the Supreme Court of the Republic of Indonesia Decision Number 103 K/Pid/2007 dated February 28, 2007, which states, "That in casu, the Supreme Court continues to give meaning to "unlawful acts" as referred to in Article 2 paragraph (1) of the on Eradication of Corruption Crimes, both formally and materially.

Formally unlawful means an act that violates/contradicts the law, including regulations such as Government Regulations, Regional Regulations, and others, while materially unlawful means that even though the act is not regulated in legislation, it is unlawful if the act is considered reprehensible because it is not in accordance with a sense of justice or social norms in society, such as being contrary to customs, morals, religious values, and so on, then the act is punishable.

Because this element is alternative in nature, in the political dimension of law enforcement, the formulation of law enforcement takes the form of alternative choices, namely against the law or abuse of power. The word "or" in this element has the meaning of choice or alternative, so if one of these elements is fulfilled, this element has been proven in accordance with the facts revealed in the trial.

The defendant served as Bendesa Adat Berawa from February 27, 2020, until the law enforcement process in 2024 and committed the act of asking for money twice in a row or continuously from the victim witness to fulfill his own interests, so the element of acting unlawfully or abusing power has been proven.

The element of forcing someone to give something, pay or accept payment with a deduction, or do something for him, that the element of "coercive action" according to the author "is a series of

actions by pressuring another person against their will in such a way as to cause fear in that person, this feeling of fear arises due to either physical pressure or non-physical (psychological) pressure."

Adami Chazawi writes that coercive acts have the following elements:

- Conflicting wills, namely between the will of the person forcing and the will of the person being forced (the object of the act);
- The victim complies with the coercion in accordance with the will of the coercing person and overcomes their own will, meaning that the compliance is not done voluntarily;
- The coerced person is powerless to determine their attitude and act in accordance with their own will.

R. Soesilo wrote that "forcing someone to give something" means putting pressure on a person so that they do something against their will. (Soesilo, 1979).

Based on the opinion of legal experts and the description of the events surrounding the Convict's Actions, this element is also alternative in nature, meaning that if one element is fulfilled, this element can be declared fulfilled.

Elements between several acts, even though each act constitutes a crime or offense, are related in such a way that they must be regarded as a continuing act. Continuous acts are defined in Article 64 of the Criminal Code (KUHP) as acts that are considered a series of acts, because there is a close relationship between one act and another, so that such acts are only punishable by one criminal penalty, and if the penalties for these acts are different, then the most severe penalty can be imposed. This is because the legal system adopted in continuing acts is the absorption system (*absortie*), in which by imposing only one penalty, the penalty absorbs the penalties for the other acts. Thus, the acts referred to in Article 64 of the Criminal Code are similar to those referred to in Article 65 of the Criminal Code, which are called concurrent acts (*concurus realis* or *meerdaadsche samenloop*). The similarity is that in both continuing acts and concurrence of several acts, the perpetrator commits (more than one) criminal act. The difference is that in the case of a continuing act, the acts committed must be considered as a single act because of the relationship between them, whereas in the case of concurrent acts, the acts committed must be considered separately. The difference in punishment between the two is that a continuing act is only subject to one punishment without aggravation (pure absorption), while in the case of several concurrent acts (*concurus realis*), even though only one punishment is imposed, as in the case of a continuing act, the maximum punishment is increased by 1/3 of the most severe punishment. In other words, the penalty for *concurus realis* is heavier than the penalty for a continuing act. Thus, the element of a continuing act is proven. As per the results of an interview with Iman Santoso.

The concepts or theories used to analyze this discussion are Moh. Mahfud MD's theory of political studies, Hardjasoemantri Koesnadi's concept of law enforcement, Muladi's policy of criminalization, and the concept of political formulation regarding the substance of prison sentences and fines, as well as the moral integrity of law enforcement officials who process corruption cases, in accordance with the legal structure and legal culture of maintaining the authority of every law enforcement official, as narrated by the author.

Legal Consequences for Convicted Perpetrators of Continuing Corruption Crimes at the Denpasar District Court

The relationship between cause and effect always goes hand in hand with a criminal act, whether it is a general criminal act or a specific criminal act such as corruption or other specific criminal acts. Every criminal act, whether it is a general criminal act or a continuing criminal act as

in the example in this study, certainly has legal consequences for the perpetrator and victim of the crime.

Legal consequences are all consequences caused by the law to a legal event or act of a legal subject, such as the creation, change, or disappearance of a legal situation or relationship, or the emergence of sanctions for acts that violate the law. For example, a teenager who reaches the age of 21 will change their legal status from legally incompetent to legally competent. The birth, change, or disappearance of a legal relationship: for example, in a sales agreement, the legal relationship between the seller and the buyer will disappear after the price of the goods has been paid in full. The emergence of sanctions: for example, a thief will be subject to legal sanctions for the act of taking someone else's property unlawfully.

Based on the description of the legal consequences above, the following researchers narrate the results of their research on the legal consequences for convicts of ongoing corruption crimes at the Denpasar District Court in accordance with the Denpasar District Court's decision as follows:

The results of the research at the Denpasar District Court describe a case example of a Special Criminal Act of Corruption, Decision Number: 15 Pid.sus-TPK/2024/PN. Dps, the criminal events that occurred as described in the discussion and analysis above, then based on Article 185 of the Criminal Procedure Code, the Denpasar District Court has the authority to try the convicted person because most of the witnesses reside in the jurisdiction of the Denpasar District Court. The Convict committed a continuing Corruption Crime against the victim witness, so that in terms of the political dimension of law enforcement, the victim witness felt aggrieved and prosecuted the Convict before the Denpasar District Court. After going through the political application of law enforcement in the form of a trial at the Denpasar District Court.

The Convict's actions were proven to violate Article 12 letter "e" of the Corruption Eradication Law, which stipulates "punishable by life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a minimum fine of Rp 200,000,000. 000,00 (two hundred million rupiah) and a maximum of Rp 1,000,000,000.00 (one billion rupiah)," letter "e" Civil servants or state officials who, with the intention of benefiting themselves or others unlawfully, or by abusing their power, force someone to give something, pay, or receive payment with a discount, or to do something for themselves." In conjunction with Article 64 paragraph 1) of the Criminal Code, it is determined that "If several acts are related, so that they must be regarded as one continuous act, then only one criminal provision shall be used even though each act constitutes a crime or offense; if the penalties are different, then the provision with the heaviest main penalty shall be used." The actions of the convicted person who abused their authority are prohibited in accordance with Part Seven of the Prohibition of Abuse of Authority, Article 17 (1) of Law Number 30 of 2014 concerning Government Administration, which stipulates that "Government Agencies and/or Officials are prohibited from abusing their authority. (2) The prohibition of abuse of authority as referred to in paragraph (1) includes: a. prohibition of exceeding authority; b. prohibition of mixing authority; and/or c. prohibition of acting arbitrarily."

The punishment for the severity of the punishment at the political formulation stage, as formulated in Article 69 of the Criminal Code, stipulates that "(1) The comparison of the severity of punishments that are not of the same type shall be determined by the provisions of Article 10 of the Criminal Code, (2) In cases where the judge may choose between several punishments, only the most severe punishment may be chosen for comparison; (3) the comparison of the severity of similar principal penalties is determined by the maximum; (4) the comparison of the length of dissimilar principal penalties, as well as similar principal penalties, is determined by the maximum."



Considering that before the Panel of Judges imposes a sentence on the Defendant, in accordance with the provisions of Article 197 paragraph (1) letter "f" of the Criminal Procedure Code (KUHP), it is determined that "The Sentence Decision shall contain: The articles of law that form the basis for the punishment or action and the articles of law that form the legal basis for the verdict, accompanied by the aggravating and mitigating circumstances of the defendant." The law enforcement policy in the formulation stage based on the considerations of the Panel of Judges before passing the verdict needs to take into account the aggravating and mitigating circumstances of the Convicted Person.

Circumstances that aggravate the Defendant:

- - That the defendant's actions are contrary to the government's program to eradicate corruption.

Mitigating circumstances:

1. The defendant has no prior convictions;
2. The defendant has been cooperative throughout the trial process.

Having regard to Article 12 letter "e" of Law Number 31 of 1999 concerning Eradication of Corruption Crimes as amended by Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes in conjunction with Article 64 paragraph (1) of the Criminal Code, Law of the Republic of Indonesia Number 8 of 1981 concerning the Criminal Procedure Code, and Law of the Republic of Indonesia Number 46 of 2009 concerning Corruption Crimes Courts, as well as other articles of other legal regulations related to this case.

JUDGE

1. Declares Defendant I KETUT RIANA, as mentioned above, legally and convincingly guilty of committing a continuing criminal act of corruption;
2. Sentences the defendant to 4 (four) years imprisonment and a fine of Rp 200,000,000.00 (two hundred million rupiah), with the provision that if the fine is not paid, it will be replaced with 4 (four) months imprisonment;
3. Determining that the period of arrest and detention already served by the defendant shall be deducted in full from the sentence imposed;
4. Ordering that the defendant remain in custody;
5. Ordering that the evidence in this case be returned to the victim and/or other witnesses related to the evidence;
6. Ordering the defendant to pay court costs in the amount of Rp 5,000.00 (five thousand rupiah).

Analysis of the case example of the Convict for Extortion and Corruption Crimes that have been proven to have been committed by the Convict in the jurisdiction of the Denpasar District Court, the legal consequences for the Convict are that the Convict has been imprisoned because the Convict's actions have caused the victim to suffer mental anguish, even though all evidence has been ordered to remain attached to the case file and returned to the Victim, but time, energy, and money have been wasted, so that, legally, the consequences of the Convict's actions that harmed the victim are punishable by imprisonment and a fine.

The legal consequences of the convict's actions were analyzed using John Rawls' theory of justice and the principle of the rule of law, as well as Van Kan's theory of legal certainty, which states that the law serves to ensure legal certainty in human relations. The purpose of the law is to protect the interests of every human being so that those interests are not infringed upon. According to Van Kan, norms or rules are capable of protecting the interests of people in society. These rules or norms include religious norms, moral norms, and norms of decency. In this case, the law will carry out its



This open access article is distributed under a
Creative Commons Attribution (CC-BY-NC) 4.0 licence

role. Therefore, every criminal who is proven guilty must be punished in the interests of justice and legal certainty, as stated in an interview with Gde Putra Astawa.

Based on this description, it is known that the factors that cause a regional official to commit a criminal act of corruption in the jurisdiction of the Denpasar District Court are internal factors inherent in the individual because, according to Balinese philosophy, every person is born with two inherent characteristics, namely good and bad (Rua Bineda), and external factors, namely the environment, economy, society, and politics, as revealed in an interview with I KETUT RIANA, a perpetrator of corruption. In terms of law (legal substance, legal structure, and legal culture). Specifically, legal substance, legal structure, and legal culture (Friedman, 2001), Therefore, legally speaking, the two provisions imposed on the convicted person under Article 12(e) of the Corruption Eradication Law in terms of law enforcement policy are fair and provide legal certainty because in the policy of sentencing "...the minimum and maximum prison terms and fines are specified... the minimum and maximum fines...", but in the politics of law formation in Article 64 paragraph (1) of the Criminal Code, "there is no threat of imprisonment and a minimum fine, only a maximum sentence is formulated", thus causing ambiguity in the legal norm, as stated in the theory of legal norm gradation/hierarchy emphasized by Hans Nawiasky in Hans Kelsen's "The Pure Theory". (Ambiguity of Legal Norms, Conflict of Legal Norms, and Vacuum of Legal Norms). Legally and structurally, there is no legal issue because the convict has been processed through the criminal justice system (police, Corruption Eradication Commission investigators, prosecutors, judges) at the Denpasar District Court, resulting in a final and binding court decision.

CONCLUSION

The policy of criminal law enforcement against convicted corruption offenders in the Denpasar District Court is oriented towards the actions of convicted offenders who have caused damage to state finances and the national economy, because the government's program to eradicate corruption is aimed at preventing any acts of corruption that cause damage to state finances and the national economy. because this is intended to bring about the welfare of the nation and the state. The ultimate goal of criminal law enforcement policy is to guarantee justice, certainty, and the achievement of social welfare. Thus, in order to reduce or avoid the suffering caused by financial and economic losses to the state, perpetrators of corruption are subject to severe punishment in accordance with the provisions of the Corruption Eradication Law and the Criminal Law.

The legal consequences for perpetrators of continuous corruption crimes at the Denpasar District Court by a convicted regional official, namely Bendesa Adat Berawa, Desa Dinas Tibubeneng, Kuta Utara Subdistrict, Badung Regency, Bali Province, Indonesia, are that the convicted person must be held legally responsible for their actions, while the victims who suffered losses as a result of the convicted perpetrator's ongoing corruption crimes were processed by law enforcement officials to be given criminal sanctions through law enforcement policies in the form of criminal proceedings at the Denpasar District Court so that the punishment given to the convicted perpetrator would have a deterrent effect, causing distress and preventing them from repeating the same act or other criminal acts in the future.

REFERENCES

Arief, B. N. (2018). *Masalah penegakan hukum dan kebijakan hukum pidana dalam penanggulangan kejahatan*. Prenada Media.

Friedman, M. L. (2001). *American Law An Introduction*, penerjemah Whisnu Basuki. Jakarta:

Tata Nusa.

Fuady, M. (2002). *Perbuatan melawan hukum*. Bandung: Citra Aditya Bakti.

Haberman, J. (1996). *Between Facts and Norms*. Cambridge, MA: MIT Press.

Marzuki, P. M. (2006). *Penelitian Hukum (Cetakan Kedua)*. Jakarta: Kencana Prenadamedia Group.

Nahak, S. (2013). *Politik Hukum Pidana Dalam Pemidanaan Terhadap Pelaku Tindak Pidana Perpajakan Di Indonesia*. Malang, Universitas Brawijaya.

Nahak, S. (2014). *Hukum pidana perpajakan: konsep penal policy tindak pidana perpajakan dalam perspektif pembaharuan hukum*. Setara Press.

Palempung, F. J., Anis, F. H., & Setlight, M. M. M. (2023). Kajian Yuridis Penerapan Asas Berkelanjutan Dan Berwawasan Lingkungan dalam Kegiatan Investasi Dibidang Pertambangan Minerba. *Jurnal Tana Mana*, 4(2), 24–36. <https://doi.org/https://doi.org/10.33648/jtm.v4i2.365>

Ridwan, H. R. (2006). *Hukum administrasi negara*.

Rosmidah, R., Hosen, M., & Sasmiar, S. (2023). Penataan Struktur Hukum Hak Atas Tanah dalam Rangka Keadilan dan Investasi. *Recital Review*, 5(2), 209–244. <https://doi.org/10.22437/rr.v5i2.28387>

Soesilo, R. (1979). *Pokok-pokok hukum pidana: peraturan umum dan delik-delik khusus*. Politeia.

Sukinto, Y. W. (2012). *Kebijakan Formulasi Sanksi Pidana Dalam Tindak Pidana Penyelundupan di Indonesia*. Universitas Brawijaya.

Urip, S. (2012). *Hukum Agraria Kajian Komprehensif*. Jakarta: Prenada Media Group.

Wiarda, G. J. (1980). *Drie Typen von Rechtsvinding*. WEJ Tjeenik Willink, Zwolle.