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LEGAL ANALYSIS OF JUDGES' CONSIDERATIONS IN IMPOSING CRIMINAL SENTENCES ON PERPETRATORS OF GRANT CORRUPTION (CASE STUDY OF DENPASAR DISTRICT COURT DECISION NO: 14/Pid.Sus-TPK/2025/PN.DENPASAR)

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Abstract

The Judge's Consideration in Proving the Elements of Corruption Crimes in the Subsidiary Charges of Article 3 of the Corruption Crime Law against the defendant Pande Made Purwata in Case No: 14 / Pid.Sus-TPK / 2025 / PN.Denpasar, is the basis of legal considerations where the defendant's actions fulfill the elements of Article 3, namely: a) Benefiting oneself or others or a corporation; b) Abusing the authority of opportunities or means available because of office or position; c) Harming state finances or the state economy, and the basis of non-legal considerations is considerations seen from non-legal aspects. The legal implications of the court's decision regarding corruption of grant funds from the Indonesian National Sports Committee (KONI) emphasize the doctrine of absolute liability and tiered guilt (mens rea) for administrators. This also closes the gap where maladministration is considered purely an administrative violation when irregularities occur that harm state finances.

Keywords: Judge's Considerations, Grant Funds, and Corruption

INTRODUCTION

The disbursement of grants from the Regional Budget (APBD) for national development often creates opportunities for corruption among those involved. Abuse of authority is the most common reason for such cases. In Indonesia, the most common type of corruption is corruption that harms state finances. Perpetrators engage in corruption to enrich themselves, others, or corporations through unlawful means or abuse of authority or opportunity. The methods employed by perpetrators vary, including reducing the quantity and quality of goods or services, misusing funds or budgets for their intended purpose, and creating fictitious reports.

Therefore, the author is interested in discussing the issue of corruption, a case that occurred in Gianyar Regency involving grant funds to the Indonesian National Sports Committee (KONI) of Gianyar Regency for the 2019 Fiscal Year, with Pande Made Purwata, S.TP., S.H., as the defendant in Denpasar District Court decision No. 14/Pid.Sus-

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TPK/2025/PNDps. That the defendant Pande Made Purwata has been legally and convincingly proven guilty of committing the crime of corruption jointly as stated in the Subsidiary Charge.

Problem Formulation

By looking at the background above, the problem formulation can be taken as follows: first, the judge's consideration in proving the elements of the crime of corruption in the Subsidiary indictment of Article 3 of the Corruption Crime Law against the defendant Pande Made Purwata in Case No: 14/Pid.Sus-TPK/2025/PN.Denpasar, second, the legal implications of the decision on the standards of criminal responsibility of the administrators of the Indonesian national sports committee organization in the management of grant funds in the future in order to prevent maladministration that leads to criminal acts of corruption.

Purpose of Writing

This study aims to determine the basis for the judge's consideration in proving the elements of the crime of corruption in the Subsidiary indictment of Article 3 of the Corruption Crime Law against the defendant Pande Made Purwata in Case No: 14/Pid.Sus-TPK/2025/PN.Denpasar, secondly, the legal implications of the decision on the standards of criminal responsibility of the administrators of the Indonesian national sports committee organization in the management of grant funds in the future in order to prevent maladministration that leads to criminal acts of corruption.

METHOD

The research for this thesis is normative research supported by empirical (field) legal research. Normative legal research seeks truth based on the logic of legal science from its normative perspective. An empirical approach is research based on practices occurring in the field, particularly at the Denpasar District Court. Johnny Ibrahim argues that normative legal research is a form of scientific research aimed at discovering truth based on the logic of legal science from a normative perspective, or one that takes the form of an attempt to discover law tailored to a specific case.

RESULTS AND DISCUSSION

Judge's Considerations in Proving the Elements of the Criminal Act of Corruption in the Subsidiary Charge of Article 3 of the Corruption Law Against Defendant Pande Made Purwata in Case No: 14/Pid.Sus-TPK/2025/PN.Denpasar

If the law is unclear, incomplete, or even non-existent, the judge must seek the law or conduct a legal discovery. A judge is responsible for receiving, processing, and deciding cases to ensure they do not cause further problems. In mastering the law, in accordance with the system adopted in Indonesian court hearings, the judge must actively ask questions and provide the defendant, represented by legal counsel, with the opportunity to question witnesses, as well

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as the public prosecutor. All of this is intended to discover the material truth, and ultimately, the judge is responsible for all decisions he or she makes.

A judge is obligated to uphold the law and justice impartially. In administering justice, a judge must first examine the truth of the events presented to him or her, then assess the events and relate them to applicable law. Only then can the judge issue a verdict. Today's increasingly complex society demands the enforcement of law and justice to satisfy the public's sense of justice. The role of a judge is crucial through their decisions, as they essentially exercise judicial power to ensure the implementation of the judicial function.

A judge's decision or statement made in an open court hearing is called a court decision, as stipulated in Article 1 point 11 of the Criminal Procedure Code which states that: "A court decision is a judge's statement made in an open court hearing which may be in the form of a criminal sentence or acquittal or release from all legal charges in matters and according to the methods regulated in this law."

Bismar Siregar said that, if there is and will be a conflict between what is perceived as fair by the community and what is called legal certainty, legal certainty should not be forced and the community's sense of justice should not be sacrificed. Factors that must be considered sociologically by the judge in making a decision on a case, include: a) Paying attention to unwritten legal sources and values that exist in society; b) Paying attention to the good and bad character of the defendant as well as values that mitigate or aggravate the defendant; c) Paying attention to the presence or absence of reconciliation, guilt, and the role of the victim; d) Community factors, namely the environment in which the law applies or is applied; e) Cultural factors, namely as a result of creative works and feelings based on human initiative in social life.

In general, criminal law academics define corruption from several sources, including the history of the word's origins around the world, and the creation of anti-corruption laws. Etymologically, the word "corruption" comes from the Latin "corruptio" or "corruptus," which in turn derives from the older Latin word "corrumpere." This Latin word has been passed down into many European languages, including English (corruption), French (corruption), and Dutch (corruptie). Therefore, it can be concluded that the Indonesian word "corruption" originates from Dutch. There are three elements to the definition of corruption: a. Abuse of power. b. Entrusted power, whether in the public or private sector, with access to business or material gain. c. Personal gain (not necessarily just for the individual abusing power, but also for their family members and friends).

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Corruption is considered an extraordinary crime because the victims are so numerous that the losses suffered by the state can be so progressive. As stipulated in Law No. 39 of 1999 in conjunction with Law No. Law No. 20 of 2001 concerning the Eradication of Corruption states that systematic and widespread corruption violates the social and economic rights of the general public. Therefore, corruption can no longer be classified as an ordinary crime but rather as an extraordinary crime. Therefore, efforts to eradicate it cannot be attempted through ordinary means but require extraordinary measures. Furthermore, corruption is also referred to as a white-collar crime because the perpetrators of corruption are generally educated or intellectual individuals and individuals holding significant positions of power.

Government authorities in Indonesia hold a leading position as the root cause of corruption, both at the central and regional levels. Throughout 2016, for example, Corruption Watch observed 482 corruption cases in Indonesia, and abuse of power remains the dominant basis for these government authorities.

As is well known, corruption is certainly nothing new in the public activities of individuals in a country, including Indonesia. Elwi Danil & Iwan Kurniawan stated that: "Today, corruption is still the biggest and most pressing problem facing Indonesia, due to its impact on the nation."

Alleged corruption in the management of grant funds at the Indonesian National Sports Committee (KONI) in Gianyar Regency for the 2019 Fiscal Year, with a budget allocation of Rp. 25,357,759,000 (twenty-five billion three hundred fifty-seven million seven hundred fifty-nine thousand rupiah), sourced from the 2019 Gianyar Regency Regional Budget and the 2019 Revised Gianyar Regency Regional Budget, allegedly committed by suspect PANDE MADE PURWATA, S.TP., S.H. (General Chairperson of KONI Kab. Gianyar for the 2018-2022 Period) together with Witness SRI SARTIKA GUSTINI as the Secretariat Staff of KONI Kab. Gianyar for the 2018-2022 Period, member of the procurement of goods and services for KONI Kab. Gianyar for the 2018-2022 Period and Deputy Treasurer of the Gianyar Regency Contingent Committee at the 2019 Bali XIV PORPROV (Suspect in a Separate Case File), Witness I WAYAN RUTAWAN (Daily Chairperson of KONI Kab. Gianyar for the 2018-2022 Period and Chairperson of the Procurement of Goods and Services for KONI Kab. Gianyar for the 2018-2022 Period), Witness drg. I MADE PURWITA (General Secretary of KONI Kab. Gianyar for the 2018 to 2022 Period), and Witness I NYOMAN ARI TEMAJA, S.E. (General Treasurer of KONI Kab. Gianyar for the 2018 to 2022 Period), which occurred from October 2018 to January 2020 or within the period of 2018 to 2020, located at the KONI Kab. Gianyar

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Office and the KONI Kab. Gianyar Secretariat Post in the context of the 2019 Bali XIV PORPROV in Tabanan.

After considering Article 3 in conjunction with Article 18 paragraph (1) letter b of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code, Law Number 8 of 1981 concerning Criminal Procedure Law, and Law Number 46 of 2009 concerning the Corruption Court, as well as other articles of other legal regulations related to this case, in its decision, among others: (1) Declares that the Defendant PANDE MADE PURWATA, S.TP., S.H., mentioned above, has not been legally and convincingly proven guilty of committing the crime of corruption together as stated in the Primary Charge; (2). Acquits the Defendant from the Primary Charge; (3). Declaring the Defendant PANDE MADE PURWATA, S.TP., S.H., mentioned above, legally and convincingly proven guilty of committing the crime of corruption jointly as in the Subsidiary Indictment.

The basis for the Judge's consideration in sentencing the defendant in the corruption case of Article 3 of Law number 20 of 2001 in conjunction with Law number 31 of 1999, namely the basis for the judge's consideration of juridical and non-juridical. Can be explained as follows: 1. Basis for Juridical Consideration. The basis for juridical consideration is the judge's consideration seen from a legal perspective. Therefore, in deciding the crime of corruption Article 3 of Law number 20 of 2001 in conjunction with Law number 31 of 1999, the judge must examine carefully and thoroughly based on what was revealed in the trial, namely based on the available evidence, whether the defendant's actions fulfill the elements of Article 3, namely: a) Benefiting oneself or another person or a corporation; b) Abusing the authority, opportunity or means available because of position or position; c) Harming state finances or the state economy. 2. Non-legal basis for consideration. The basis for non-legal consideration is consideration seen from a non-legal aspect. The application of the severity of the sentence imposed by a judge is adjusted to what is the motivation and the consequences of the perpetrator's actions, especially in the application of the type of prison sentence, however in certain laws have normatively regulated certain articles regarding punishment with minimal threats as regulated in Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption. The judge in his consideration must also pay attention to aggravating and mitigating factors as stated in Article 8 paragraph (2) of Law Number 48 of 2009 concerning

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Judicial Power which states that: "In considering the severity, the judge must also pay attention to the good and bad nature of the defendant."

Here it is explained that the judge must pay attention to the good and bad traits of the accused, in considering the punishment to be imposed and the personal circumstances of the accused need to be considered or taken into account to give a commensurate and fair punishment. The personal circumstances are obtained from statements from people from the environment, neighbors, psychiatrists and so on. In addition, in imposing a sentence, the judge must delve into the background of the crime by taking into account the nature and seriousness of the crime and the circumstances that include the actions accused of the defendant, including the level of education, the personality of the defendant and the environment and others, so that the judge feels confident that the decision handed down is correct and fair. Although in principle the judge is free or independent, the judge must always remember his oath of office, the judge is not only responsible to the law, himself and society, but also responsible to God Almighty. Judges in handling corruption criminal cases, namely examining and deciding the criminal case, in addition to being based on normative provisions, also require social knowledge and ethical and sociological considerations in order to reach a correct decision and reflect justice.

Legal Implications of the Decision Regarding the Standards of Criminal Responsibility of KONI Organizational Administrators in the Management of Grant Funds in the Future to Prevent Maladministration Leading to Criminal Acts of Corruption

Special minimum punishment in corruption cases at the Denpasar District Court in 2025, in case Number 14/Pid.Sus-TPK/2025/PN Dps which was sentenced to 3 (three) years and 6 (six) months in prison and a fine of Rp. 100,000,000.00 (One Hundred Million Rupiah) subsidiary to 3 months, for violating Article 3 of Law Number 20 of 2001 concerning the eradication of corruption with the amount of state losses when the defendant served as Chairman of the KONI of Gianyar Regency.

A prison sentence of 3 (three) years and 6 (six) months and a fine of Rp. 100,000,000.00 (One Hundred Million Rupiah) subsidiary of 3 months, with the amount of corruption committed by the defendant being less than the amount of the fine decided by the judge is considered very heavy for the defendant, not comparable when compared to corruption amounting to billions of rupiah and only sentenced to under 5 years. The amount of the fine of Rp. 100,000,000.00 is an amount two and a half times the amount of money embezzled when the defendant served as Chairman of the KONI Gianyar Regency. The subsidiary sentence is considered quite lenient because the defendant is unable to pay the fine. The special minimum

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sentence imposed in corruption case No. 14/Pid.Sus-TPK/2025/PN Dps, on the other hand, impacts the defendant upon his release from detention as a citizen include dismissal from his position as Chairman of the Gianyar Regency KONI (National Sports Committee), loss of honor, such as no longer being accorded special respect by the community and neighbors as he was during his tenure as Chairman of the Gianyar Regency KONI, shame, loss of trust, and ostracization by the community. Such punishment is not imposed but applies automatically and lasts for life. This shame also impacts his immediate family.

According to I Gede Eka Suadnyana, S.H., Head of Unit 1, Sub-Directorate III, Directorate of Special Criminal Investigation of the Bali Regional Police, another direct impact the defendant experienced was shame and ostracization from neighbors, the community, relatives, and friends because the defendant's position as a civil servant, a public institution that should provide education and set a good example for students, was misused. This impact on the defendant automatically also applies to the perpetrator's immediate family, including neighbors, relatives, and friends.

Furthermore, according to I Nyoman Darmika, S.H., Head of Unit 2, Unit 1, Sub-Directorate III, Directorate of Special Criminal Investigation of the Bali Regional Police, the impact on employment includes loss of position and being asked to resign from work, including the loss of pension rights or being able to retire with a much smaller amount. The impact of the special minimum sentence received by the perpetrator is very disproportionate to what the perpetrator has done during his life. The impact is very significant in providing a deterrent, harming himself and his family in the future, as explained previously. On the other hand, according to the perpetrator, the special minimum sentence is appropriate to the number and background of why someone committed an act of corruption and matters outside the trial that are the basis for the judge's consideration to reduce the sentence.

In accordance with the purpose of punishment, which is to provide a deterrent to the convict, punishment is solely as compensation for unlawful acts that emphasize public order. The special minimum sentence impacts the defendant's life while in detention and after the defendant is released from detention and returns to society. Here it can be said that the impact of criminal punishment on the defendant of the crime of corruption who was sentenced to a special minimum, even though the judge's decision only imposed a special minimum sentence, the impact of the defendant's corrupt actions was heavier than the results of the corruption crime, because it concerned the defendant's future life in the public community, including loss of honor, impoverishment of the defendant, administrative sanctions received because of the corruption crime itself.

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Corruption occurs due to errors in the state administration system. These errors can be intentional or negligent on the part of state administrators, the government, or public officials. The Ombudsman Law clearly regulates the forms and elements of maladministration. The parameters for unlawfulness and abuse of authority stipulated in both provisions, Law Number 37 of 2008 concerning the Ombudsman Commission of the Republic of Indonesia and Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, are the same.

Unlawfulness in maladministration and corruption is any act prohibited by applicable law. The principle of legality is a fundamental principle of every legal rule. Criminal law is known as nullum delictum nulla poena sine praevia lege poenali, while administrative law is known as wetmatigheid van het bestuur. The principle of legality comes from the Latin word lex, meaning law.

Based on Minister of Home Affairs Regulation Number 32 of 2011 concerning Guidelines for the Provision of Grants and Social Assistance Sourced from the Regional Budget (APBD), the accountability of recipients of grants in the form of a grant utilization report and a statement of responsibility stating that the grant received has been used in accordance with the Regional Budget Plan (NPHD). Complete and valid proof of expenditure must be provided in accordance with statutory regulations. If any remaining grant funds remain unused by the end of the relevant fiscal year, these remaining funds must be returned to the regional treasury account.

Abuse of authority in maladministration and criminal acts of corruption both refer to Law Number 30 of 2014 concerning Government Administration. The provisions of Article 17 of Law Number 30 of 2014 concerning Government Administration, which prohibits abuse of authority, include:

Article 17

(1) Government agencies and/or officials are prohibited from abusing their authority.

(2) Prohibitions on abuse of authority as referred to in paragraph (1) include:

a. Prohibition on exceeding authority;

b. Prohibition on mixing up authority;

c. Prohibition on acting arbitrarily.

Referring to poor public services (maladministration) and indications of corruption, it is certainly very easy to find. Maladministration is the main gateway for corruption. The perpetrators include officials, regional leaders, civil servants, state administrators, and others who are certainly legal subjects capable of being held accountable.

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The author in this attempt to inventory the most frequent acts of maladministration committed as the modus operandi of corruption. Based on the collected material, several acts of maladministration that become the modus operandi of corruption are as follows: a. Neglect of obligations, as public officials, or administrative officials always commit acts of negligence in carrying out the duties and functions of their positions. This habit is carried out when committing crimes or their evil intentions. Usually by pretending to be out of town, claiming not to know about something that must be taken care of and so on. b. Falsification, carried out as a kind of obligation in worship to God. Every crime of corruption or criminal act of corruption occurs because of the large amount of data from false reports. This is often in the procurement of goods and services. c. Unlawful acts, this is the basic requirement for every perpetrator of a crime to be considered a criminal. No act can be said to be prohibited if the law does not regulate it. d. Abuse of authority, this act absolutely occurs to anyone who according to the law has authority. Every public official, state administrator, and so on is a position holder and holder of authority in the state. All those involved in corruption are those who have abused their authority. e. Collusion, often found in procurement of goods and services, either between officials and tender holders or between officials. f. Procedural irregularities, often committed in procurement cases involving corruption. These procedural irregularities are intertwined with falsification of data/reports, collusion, unlawful acts, and so on.

Harming the public or individuals. This action is often carried out by leaders of government agencies against their subordinates or individuals or the public in carrying out their malicious intentions. Various forms of maladministration in corruption have become more advanced and changed over time. The perpetrators' mindset is always focused on the future, keeping pace with technological advances and existing regulations. Their only goal is to ensure the success of their plans and minimize the likelihood of being caught.

The court ruling in the KONI grant fund corruption case confirms that deliberate maladministration for personal or group enrichment is categorized as a criminal act of corruption. The implication is that future KONI administrators must adhere to strict liability standards, transparent governance, and separate administrative authority from financial execution to avoid criminal liability.

To prevent maladministration from transforming into criminal activity, future KONI organizations must implement the following steps: a. Digitalization of Financial Reporting, namely by mandating the use of an electronic-based financial reporting system directly integrated with local governments and banks to monitor cash flows in real time. b. Compliance

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with Accounting Standards, namely by managing funds in accordance with Financial Accounting Standards (SAK) and adhering to audit guidelines from the Supreme Audit Agency (BPK), with a strict prohibition on creating fictitious accounts or proposals. c. Segregation of Duties, namely by establishing a strict separation of duties between the authorizer (the official who approves the budget), the verifier (the person who checks administrative completeness), and the executor (the person who holds the cash).

By adhering to the principles of good governance, organizational administrators are expected to be able to close the gaps that often become entry points for findings by the Supreme Audit Agency (BPK) and investigations by law enforcement officials. Thus, the legal implications of the verdict on corruption of grant funds reinforce the doctrine of strict liability and the imposition of absolute personal responsibility on KONI administrators. This verdict closes the loophole for administrators who hide behind the excuse of "administrative negligence" or "staff/subordinate error," stipulating that any deliberate abuse of authority results in imprisonment and the obligation to repay state losses. This will foster caution in applying for grant funds.

CONCLUSION

The Judge's Consideration in Proving the Elements of Corruption Crimes in the Subsidiary Charges of Article 3 of the Corruption Crime Law against the Defendant Pande Made Purwata in Case No: 14/Pid.Sus-TPK/2025/PN.Denpasar, is the basis of legal considerations where the defendant's actions fulfill the elements of Article 3, namely: a) Benefiting oneself or another person or a corporation; b) Abusing the authority, opportunity or means available due to position or position; c) Harming state finances or the state economy, and The basis of non-legal considerations is considerations seen from non-legal aspects. The legal implications of the court's decision regarding corruption of grant funds from the Indonesian National Sports Committee (KONI) emphasize the doctrine of absolute liability and tiered guilt (mens rea) for administrators. This also closes the gap that maladministration is considered purely an administrative violation when there is a deviation that harms state finances.

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