

Analysis of Elements of Abuse of Authority in Corruption Crimes by the Head of the PUPR Office (Study of Decision Number 18/Pid.Sus-TPK/2025/PN.Tjk)

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ABSTRACT

This study aims to analyze the application of the element of abuse of authority in criminal acts of corruption based on Article 3 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, with a focus on Decision Number 18/Pid.Sus-TPK/2025/PN Tjk against the Defendant Ir. Jalaludin MP as Head of the Public Works and Public Housing Agency of West Pesisir Regency. The issues examined include the application of the element of abuse of authority in Article 3 of the Anti-Corruption Law, the fulfillment of this element in the Defendant's actions, and the basis for the judge's consideration in handing down the verdict in relation to the principle of substantive justice. This study uses a normative juridical method with a case approach and a statute approach, analyzing secondary data in the form of court decisions, laws and regulations, and legal literature through qualitative analysis techniques. The results of the study show that the Panel of Judges proved that the Defendant abused his authority as a Budget User by approving the disbursement of project funds that did not comply with the contract specifications, resulting in state losses of IDR 1,887,218,440.32. The judges' considerations used a formalistic approach by proving all elements of Article 3 cumulatively, but did not sufficiently explore the dimension of abuse of authority from the perspective of state administrative law. This verdict confirms that public office creates legal obligations which, if violated for personal gain, constitute an abuse of authority that is detrimental to state finances.

Keywords: Abuse of Authority, Corruption Offenses, State Financial Losses

A. Introduction

Corruption is an *extraordinary crime* that continues to undermine the joints of national and state life in Indonesia.¹ State losses due to corruption are not only economic, but also social, political, and moral that hinder the achievement of national development goals and community welfare.² To eradicate corruption, Indonesia has a special legal instrument through Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as

¹ Efendi, Sumardi., Aris, Ardiyanti., Benuf, Kornelius., Rasiwan, Iwan., Aribandi., Maesarini, Indah Wahyu., Miharja, Ediyar. "Corruption in Indonesia." Tangerang: Akasa Law Center, (2025).

² Zunaidi, Ahmad Hajar. *The basis of eligibility in the settlement of minor corruption cases outside the court.* Diss. Airlangga University, 2019.

amended by Law Number 20 of 2001, which regulates various forms of corruption and its criminal threats.³ One of the formulations of corruption offenses that are often applied in judicial practice is Article 3 of the Corruption Law, which criminalizes the act of abuse of authority, opportunity, or existing means due to position or position with the aim of benefiting oneself or others that can harm the state's finances or the country's economy. The element of "abuse of authority" in this article is a crucial element that distinguishes it from Article 2 which uses the element of "unlawful". Abuse of authority has a special dimension because it is closely related to state administrative law and can only be carried out by legal subjects who have a certain position or position.⁴

In its development, the application of the element of abuse of authority in Article 3 of the Corruption Law faces various juridical problems. First, the absence of an explicit definition of "abuse of authority" in the Corruption Law raises a debate about the boundary between legitimate discretion and criminal abuse of authority. Second, there is a discourse on the relationship between criminal law and state administrative law in assessing abuse of authority, especially after the Constitutional Court decision Number 25/PUU-XIV/2016 which emphasizes the need for administrative testing first. Third, in judicial practice, judges often find it difficult to distinguish between pure administrative errors and abuse of authority with nuances of corruption.

Previous research by Saputra (2024) analyzed the differences between unlawful elements in Article 2 and abuse of authority in Article 3 of the Corruption Law, but has not examined in depth its application in concrete cases.⁵ Similarly, Wibowo's (2024) study which discusses the implications of the Constitutional Court Decision Number 25/PUU-XIV/2016 is still theoretical and has not examined how the decision is implemented by the corruption judge.⁶ The study of Hidayat et al. (2023) on proving state financial losses has also not touched on the aspect of abuse of authority comprehensively.⁷ Thus, there is a research gap regarding how the corruption judge considers and assesses the element of abuse of authority in concrete decisions, especially related to the parameters and indicators used to prove these elements.

In contrast to previous research that emphasized more on normative aspects, this study specifically analyzed judges' considerations in the verdict of corruption crimes to assess the fulfillment of elements of abuse of authority by the head of the agency. Decision Number 18/Pid.Sus-TPK/2025/PN Tjk against the Defendant Ir. Jalaludin MP provides examples of relevant actual cases to be studied in depth. In this case, the Defendant as the Head of the PUPR Office as well as the Budget User of the West Coast Regency was charged with abusing his authority by approving the disbursement of funds for the Marang-Kupang Ulu Road Improvement project that did not comply with the contract specifications, resulting in state losses of Rp1,887,218,440.32. The Panel of Judges acquitted the Defendant

³ Law Number 20 of 2001 concerning forms of corruption and its criminal threats.

⁴ Pebriyani, Ruci. "Criminal liability (toerekenbaarheid) against the perpetrators jointly (deelneming van strafbaarfeit) in corruption crimes." *Journal of Law Study Program, Faculty of Law, Untan (Journal of S1 Students, Faculty of Law), Tanjungpura University*, 4.2 (2016).

⁵ Saputra, Yusuf Eka, and Halimatus Khalidawati Salmah. "Comparative Analysis of Laws: Provisions and Sanctions For Corruption Crimes in Indonesia and Japan." *Widya Gama Law Review* 1.2 (2024): 1-13.

⁶ Wibowo, Ari. "Determination of Criteria for Elements of Abuse of Authority in Corruption Cases (Study of Court Decisions)." *Jurnal Juridis* (2024).

⁷ Hidayat, S., Haris, O. K., & Prasetyo, E. (2023). Criminal Law Policy for Solving Corruption Cases Outside the Court. *Halu Oleo Legal Research*, 5(2), 472-484.

of the primary charge (Article 2) but declared him guilty of violating the subsidiary charge (Article 3). The judge's consideration in proving the element of abuse of authority and distinguishing it from the unlawful element in this case is interesting to examine, especially associated with the principle of substantive justice in law enforcement⁸

Based on this background, this study explores the question: How is the application of elements of abuse of authority in corruption crimes according to Article 3 of the Corruption Law? Did the action of the Defendant Ir. Jalaludin MP meet the elements of abuse of authority? How is the judge's basis for consideration in assessing the element of abuse of authority related to the principle of substantive justice? Through a juridical analysis of Decision Number 18/Pid.Sus-TPK/2025/PN Tjk, this research is expected to make a theoretical contribution in clarifying the concept and parameters of abuse of authority in corruption crimes, as well as practical contributions for law enforcement officials in applying Article 3 of the Corruption Law appropriately and proportionately. The uniqueness of this research lies in the use of an analytical approach to the latest decisions that show the dynamics of the application of elements of abuse of authority after various legal developments, both from the aspects of legislation and jurisprudence.

B. Research Methods

This research is a normative legal research (normative juridical) which aims to analyze legal norms and their application in judicial practice, especially related to the elements of abuse of authority in corruption crimes. This type of research was chosen because the focus of the study lies in the review of the provisions of Article 3 of Law Number 31 of 1999 jo. Law Number 20 of 2001 and its application in court decisions.

This research uses two approaches, namely the statute approach and the case approach. The legislative approach is carried out by examining regulations related to the abuse of authority, state financial management, and the criminalization of corruption crimes, with the aim of understanding the normative framework and legal provisions that are the basis for judges' considerations. Meanwhile, the case approach is applied through the analysis of Decision Number 18/Pid.Sus-TPK/2025/PN Tjk to examine how judges interpret and apply legal norms in deciding cases, especially in assessing the fulfillment of elements of abuse of authority.

The legal materials in this study are divided into three categories. Primary legal materials include laws and regulations and court decisions which are the main sources of analysis. Secondary legal materials consist of textbooks, scientific journals, and the opinions of relevant legal experts, serving to strengthen and broaden the understanding of the issues being studied. Meanwhile, tertiary legal materials include supporting sources such as encyclopedias and legal dictionaries, which are used to support the clarification of legal terms and concepts used in research.

All legal materials are analyzed qualitatively with descriptive-analytical techniques, namely delineating, interpreting, and relating legal norms to legal facts contained in court decisions. The analysis of the verdict is carried out by examining the judge's considerations to assess whether the defendant's actions meet the elements of abuse of authority, distinguish between administrative errors and corruption crimes, and identify the indicators and parameters used by the judge in making decisions.

⁸ Decision Number 18/Pid.Sus-TPK/2025/PN Tjk Defendant Ir. Jalaludin MP

Through this method, the research is expected to be able to provide a complete and systematic picture of the application of elements of abuse of authority in corruption crimes and its relevance to judges' considerations in making decisions.

C. Results and Discussion

1. Application of Elements of Abuse of Authority in Article 3 of the Normative Framework Corruption Law Article 3 of Law Number 31 of 1999 jo. Law Number 20 of 2001

Article 3 of Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes regulates the abuse of authority with the formulation: "Every person who with the purpose of benefiting himself or others or a corporation, abuses the authority, opportunity or means available to him because of his position or position that can harm the state finances or the state economy."

The elements that must be fulfilled in this Article 3 include: (1) Everyone; (2) With the purpose of benefiting oneself or others or a corporation; (3) Abusing the authority, opportunity or means available to him because of his position or position; (4) It can be detrimental to state finances or the state economy.⁹

According to the consideration of the Panel of Judges in the a quo decision, abuse of authority is a *species delict* of unlawful acts (*genus delict*) as stipulated in Article 2 of the Corruption Law. This is in line with the opinion of Prof. DR. Indriyanto Seno Adji who stated that every act of abuse of authority is definitely against the law, but not every act against the law is an abuse of authority.¹⁰

2. Perbedaan Pasal 2 dan Pasal 3 UU Tipikor dalam Konteks Jabatan

In decision Number 18/Pid.Sus-TPK/2025/PN Tjk, the Panel of Judges expressly distinguished between the element of "unlawful" in Article 2 and the element of "abuse of authority" in Article 3. The Panel is of the opinion that the Defendant's actions arose in the realm of position and authority as the Head of the PUPR Office as well as the Budget User, so that the unlawful elements in Article 2 are not properly applied.¹¹

This shows that Article 3 of the Corruption Law requires the existence of a *persoonlijk bestanddeel* (special nature of the subject) in the form of a position or position that is not contained in Article 2. The defendant cannot be charged with Article 2 because his actions cannot be separated from his formal authority as a public official who manages the state budget.

3. The Concept of Abuse of Authority in Administrative Law and Criminal Law

Abuse of authority (*misbruik van bevoegdheid*) in the context of Article 3 of the Corruption Law has special characteristics that distinguish it from the concept of administrative law. According to Drs. Adami Chazawi, abuse of authority is an act committed by a person who has the right to do it, but is done wrongly or directed at things that are contrary to the law.¹²

⁹ Law Number 31 of 1999 concerning the Eradication of Corruption.

¹⁰ Darmayani, Satya, et al. *Anti-Corruption Education*. Bandung: Widina Publishers, 2022

¹¹ Decision Number 18/Pid.Sus-TPK/2025/PN Tjk Defendant Ir. Jalaludin MP.

¹² Adex, Yudiswan, Budi Santoso, and R. B. Sularto. "The Concept Of Abuse Of Authority In Corruption In Indonesia After The Enactment Of Law Number 30 Of 2014 Concerning Government Administration." *Adam Chazawi* (2016).

In the a quo decision, the Panel of Judges adopted the understanding that abusing authority means using authority for purposes other than the purpose for which the authority was granted. The defendant has formal authority to sign contracts, approve the disbursement of funds, and supervise the execution of the work, but this authority is used to benefit himself and the contractor by approving payment for work that does not meet the specifications.

4. Fulfillment of the Element of Abuse of Authority by the Defendant Ir. Jalaludin MP **a. The Defendant's Authority as a Budget User**

Based on the Decree of the West Coast Regent Number B/57/KPTS/V.02/HK-PSB/2022 dated January 17, 2022, the defendant Ir. Jalaludin MP was appointed as a Budget User (PA) at the West Coast Regency PUPR Office for the 2022 Fiscal Year. In accordance with Article 9 of Presidential Regulation Number 16 of 2018 concerning the Procurement of Government Goods/Services, the PA has 15 main duties and authorities, including:

1. Perform actions that result in the expenditure of the budget;
2. Enter into agreements with other parties within the predetermined budget limit;
3. Establish the PPK and procurement officials;
4. Assign the winner of the election to a specific value.

This authority gives a strategic position and full authority to the Defendant in managing a project worth Rp 5,839,009,000 for the Marang-Kupang Ulu Road Improvement Work. The defendant is fully responsible for all formal and material use of the budget in the service he leads.¹³

5. Forms of Abuse of Authority Committed by the Defendant

The Panel of Judges identified a series of acts of the Defendant that met the elements of abuse of authority:

1) Approval of Disbursement of Funds Without Material Verification

The defendant agreed to three disbursements of funds:

1. Disbursement I (March 16, 2022): 30% down payment = IDR 1,751,702,700,-
2. Disbursement II (June 14, 2022): 80% term = IDR 2,919,504,500,-
3. Disbursement III (April 18, 2023): 100% term = IDR 1,167,801,800,-

In each disbursement, the Defendant signed an Absolute Letter of Responsibility (SPTJM) stating that he was fully responsible and willing to return it to the regional treasury in the event of state losses. However, in fact, the Defendant did not conduct material verification as mandated by Article 18 paragraph (2) letter a of Law Number 1 of 2004 concerning the State Treasury which states that the PA/KPA is authorized to test the material correctness of the evidence documents.

6. Ignoring the Field Instruction Letter from the Supervisory Consultant

PT Yudha Karya Cipta Consultant as a supervisory consultant has issued 4 (four) Field Instruction Letters dated April 11, April 20, May 17, and May 25, 2022 which contain reprimands to CV Fhorist Asror Agung related:

1. Base B thickness is less than 1-3 cm from the 15 cm specification
2. Base A thickness is less than 2-3 cm from the 15 cm specification
3. The thickness of the hotmix is 3-4 mm less than the specification of 4 cm
4. Drainage is not given 15 cm of crushed stones, only plastered

¹³ Decision Number 18/Pid.Sus-TPK/2025/PN Tjk Defendant Ir. Jalaludin MP

The defendant knew of this reprimand but still agreed to the disbursement of funds and even ordered the PHO to be carried out even though the work was not in accordance with the contract specifications.¹⁴

7. Agreeing to PHO and FHO Even When the Work Is Not Completed

On October 5, 2022, the Defendant ordered the PPK to follow up on the PHE's request from the contractor even though he knew that the work had not been completed. Witness Beni Harsono and Witness Andrian Sani have reported to the Defendant that there are still many shortcomings in the work, but the Defendant decided to continue to assist the PHO process on the grounds of "humanity" so that the contractor does not suffer losses due to the termination of the contract.

This decision is clearly contrary to Article 141 number (1) of Government Regulation Number 12 of 2019 which states "Every expenditure must be supported by complete and valid evidence of the rights obtained by the collecting party".¹⁵

8. Receiving Gratuities from Contractors

The defendant received money from Witness Supardi Rudianto 4 (four) times with a total of Rp 1,200,000,000,- which was sourced from the project disbursement funds:

1. March 25, 2022: IDR 450,000,000 (from advance disbursement)
2. April 2022: IDR 150,000,000 (from advance disbursement)
3. December 2022: IDR 100,000,000 (from 80% term disbursement)
4. Through Witness Andrian Sani:
 1. June 15, 2022: IDR 200,000,000 (from 80% term disbursement)
 2. April 25, 2023: IDR 300,000,000 (from 100% term disbursement)

The receipt of this money shows that there is a *quid pro quo* between the Defendant and the contractor, where the smooth disbursement of funds is given in exchange for the deposit received by the Defendant.

9. State Losses as a Result of Abuse of Authority

Based on the Lampung Province BPKP Audit Report Number PE.03.03/SR/S-1054/PW08/5/2024 dated August 5, 2024, there was a state financial loss of Rp 1,887,218,440.32 with details:

Yes	Description	Amount (Rp)
1	Gross Payout Amount	5.839.009.000,00
2	PPN Dipungut	564.294.072,00
3	Income Tax Collected	96.288.654,00
4	Net Payout Amount	5.178.426.274,00
5	Audit Results Work Value	3.291.207.833,68
6	State Financial Losses	1.887.218.440,32

Engineering expert Dr. Ir. Sugito used a direct measurement method with a core drill every 50 meters and found deficiencies in 8 work items:

1. Drainage Sewer Excavation: less 224.70 m³
2. Masonry with Mortar: less 81.94 m³

¹⁴ <https://kupastuntas.co/2024/10/31/korupsi-proyek-jalan-18-miliar-di-pesisir-barat-direktur-cv-faa-ditetapkan-tersangka> uploaded on Wednesday, December 17, 2025.

¹⁵ Government Regulation Number 12 of 2019 concerning Regional Financial Management

3. Stucco + Drainage Shaft: less 238.59 m²
4. Class A Aggregate Foundation Layer: less 647.68 m³
5. Class B Aggregate Foundation Layer: 647.68 m³ less
6. Laston Layer Wear (AC-WC): less 166.51 tons
7. Masonry Structure: 63.94 m³ less
8. Stucco + Shaft Structure: less 12.05 m²

Experts stated that 60% of the road is still in good condition, but there is 10% (100-200 meters) of the damage and the rest is light to moderately damaged. This damage occurs due to thickness that does not meet specifications and materials that do not meet standards.¹⁶

10. The Causality Relationship between Abuse of Authority and State Losses

The Panel of Judges determined that there was a causal relationship (*causal verband*) between the abuse of the Defendant's authority and the state losses that arose. Without the Defendant's consent, the disbursement of funds will not occur because the APBD payment system requires the signature of the PA on the SPM and SPTJM.¹⁷

The defendant as PA has a key position in the chain of supervision and control of the budget. When the Defendant abuses his authority by approving payments that are not in accordance with the performance of the work in the field, the check and balance system becomes dysfunctional, and state losses are inevitable.

Furthermore, the economic motive in the form of receiving Rp 1.2 billion from contractors shows that the abuse of authority is carried out consciously and deliberately (*opzet*) to benefit oneself and the contractor, with consequences that are detrimental to the state's finances.

11. The Basis of Judge's Considerations in Assessing the Elements of Abuse of Authority

a. Analysis of the Elements of Article 3 of the Corruption Law in the Decision

The Panel of Judges proved 6 (six) elements in the subsidiary indictment:

Element 1: Everyone

The panel stated that this element was fulfilled because the identity of the Defendant was in accordance with the indictment and had been justified by the witnesses. The defendant is in good health, able to attend the trial, and can account for his actions. No reason was found for the abolition of the crime as stipulated in Articles 44, 48, 49, 50, and 51 of the Criminal Code.

Element 2: With the Aim of Benefiting Yourself or Others

The panel used the theory of *dolus eventualis* to prove the element of intentionality. The defendant knew or should have known that the approval of the disbursement of funds for work that did not meet the specifications would benefit him and the contractor. The fact that the receipt of Rp 1.2 billion proves the material gain obtained by the

¹⁶ Lampung Provincial Representative Financial and Development Supervisory Agency (BPKP), 2024.

¹⁷ Darmawan, Dicky, and Lidia Priscilla Pattiasina. "The Construction/Legal Character of Abuse of Authority and Abuse of Authority in Corruption Crimes." *MATAKAO Corruption Law Review* 1.1 (2023): 46-64.

Defendant.

The Panel referred to the Supreme Court of the Republic of Indonesia No. 813K/Pid/1987 which states that self-benefit is sufficient to be assessed from the reality that occurs or is related to the behavior of the Defendant according to his authority.

Element 3: Abuse of Authority due to Position

This is the core element (*bestanddeel delict*) that distinguishes Article 3 from Article 2. The Panel stated that the Defendant's authority as a PA gave the authority to:

1. Signing the contract (March 14, 2022)
2. Approve the disbursement of funds (3 disbursements)
3. Ordering PHO/FHO follow-up
4. Sign the SPTJM stating full responsibility

This authority is abused by:

1. Not conducting material verification as per Article 18 paragraph (2) letter a of Law No. 1/2004¹⁸
2. Ignoring supervisory consultants' reprimands
3. Agreeing to pay without adequate work performance
4. Receiving gratuities in return for a smooth process

Chapter 4: A Loss of Finances

The panel received the calculation of state losses from the BPKP of Rp 1,887,218,440.32. The word "can" in Article 3 is facultative, meaning that it does not have to be proven that there is an actual *loss*, it is enough that there is a *potential loss*. However, in this case, the losses have occurred in real and measurable terms based on an expert audit.

Element 5: Participating in Doing (Article 55 paragraph (1) 1st of the Criminal Code)

The Panel stated that there was conscious cooperation (*bewuste samenwerking*) between the Defendant and Witness Supardi Rudianto. The indicators:

- 1) Komunikasi melalui WhatsApp yang menunjukkan koordinasi
- 2) Penyerahan uang bertahap sebagai bentuk kesepakatan
- 3) Saling membutuhkan: kontraktor butuh kelancaran pencairan, Terdakwa mendapat bagian uang

Majelis merujuk Yurisprudensi MA RI No. 1/1955/M.Pid yang menyatakan *medepleger* tidak harus memenuhi semua unsur delik, cukup ada kerja sama erat untuk mewujudkan delik.

Element 6: Payment of Substitute Money (Article 18)

The Panel determined that the Defendant must pay compensation of Rp 1,200,000,000,- to be paid, with the calculation:

1. Money received by the Defendant: IDR 1,200,000,000,-
2. Minus deposit: IDR 900,000,000,-
3. Remaining to be paid: IDR 300,000,000

If it is not paid within 1 month after the verdict has permanent legal force,

¹⁸ Law Number 1 of 2004 concerning the State Treasury.

it can be replaced with a prison sentence of 1 year and 6 months.

12. Judge's Considerations in Distinguishing Article 2 and Article 3

The Panel of Judges explicitly acquitted the Defendant from the Primary Indictment (Article 2) with the consideration that the Defendant's actions "arose and were within the realm of the position of authority as the Head of the PUPR Office as well as a Budget User, so that the elements were unlawfully not fulfilled."

These considerations show that the Assembly adopted a view that distinctly distinguishes expressly between:

1. **Acts against the common law (Article 2):** can be committed by anyone, does not require a specific position
2. **Abuse of authority (Article 3):** can only be committed by officials who have a certain position/position

The Panel referred to the opinion of Prof. Dr. Indriyanto Seno Adji that abuse of authority is a *species* of unlawful (*genus*). Thus, when acts are carried out in the capacity of office by abusing formal authority, then the appropriate is Article 3, not Article 2.

This approach is in line with the Constitutional Court Decision Number 25/PUU-XIV/2016 which emphasizes that the abuse of authority in Article 3 must be interpreted in a limited way to abuse of authority related to state finances, not acts against the general law.

13. Application of Perma Number 1 of 2020 in Criminal Defense

The Panel of Judges applies Supreme Court Regulation Number 1 of 2020 concerning Criminal Guidelines Article 2 and Article 3 of the Corruption Law in determining the severity of the crime. Based on this Perma, the Assembly categorizes:¹⁹

1) National Loss Value Category

Losses of IDR 1,887,218,440.32 are classified as **MEDIUM** (between IDR 1 billion - IDR 25 billion) according to Article 6 paragraph (2) c of Perma 1/2020.

2) Categories of Offences

The Panel assessed the Defendant's guilt in the **MEDIUM** category by considering:

1. The defendant has a significant role as the PA who signs all crucial documents
2. The defendant is a person who participates in the
3. As the Head of the Service and PA, he should act according to his obligations and obey the regulations

3) Impact Category

The impact is in the **MEDIUM category** because the results of the work cannot be used perfectly. The road that was built was damaged in 10% of the sections (severely damaged) and 30% of the sections (light-moderate damaged), so it did not provide optimal benefits to the community.

4) Profit Category

The value of the Defendant's profit (Rp 1.2 billion) is 63.6% of the state's losses, in the **MEDIUM category** (above 50%). However, because more than 50% has been returned (Rp 900 million), this is a mitigating factor.

¹⁹ Supreme Court Regulation Number 1 of 2020 concerning Criminal Guidelines Article 2 and Article 3 of the Law on the Eradication of Corruption (Corruption Law).

Criminal Conclusion:

With all categories at a "moderate" level, the Tribunal imposes the following penalties:

1. Prison sentence: **1 year and 10 months** (lighter than the prosecutor's demand of 2 years and 6 months)
2. Fine: **IDR 50,000,000,-** subsidy of 2 months of imprisonment (lighter than the demand of IDR 100 million)
3. Compensation: **IDR 1,200,000,000,-** subsidy for 1 year and 6 months in prison

This criminalization reflects the principle of proportionality and individualization of criminal offenses as mandated by Perma 1/2020.

14. Substantive Justice Considerations in Decisions

The Panel of Judges does not only apply formal justice, but also considers substantive *justice* by paying attention to:

1) Corrective Justice

The panel required the defendant to pay compensation to recover state losses. Even though the defendant has returned Rp 900 million, there is still Rp 300 million left to be paid. This reflects the principle of *restitutio in integrum* in the corruption criminal law.

2) Retributive Justice

A prison sentence of 1 year and 10 months and a fine of Rp 50 million were imposed as retribution for the Defendant's actions that had betrayed the public trust. However, this sentencing also takes into account mitigating factors in the form of the return of most of the profits and the absence of a previous criminal history.

3) Restorative Justice

The Panel considered that the Defendant had attempted to recover state losses by returning Rp 900 million from the total Rp 1.2 billion he received (75%). This effort is a factor that mitigates and reduces the crime of the prosecutor's demands.

4) Preventive Justice

This ruling provides a *general deterrence* message to other public officials that abuse of authority will be prosecuted and punished. The large amount of money in lieu also provides a *specific deterrence effect* so that the defendant does not repeat his actions.

5) Humanitarian Considerations

Although the Defendant was proven guilty, the Panel did not impose the maximum penalty. The penalty of 1 year and 10 months is much lighter than the maximum threat of Article 3, which is 20 years in prison. This shows that the Assembly considers the humanitarian and proportionality aspects of crime.

Thus, the decision Number 18/Pid.Sus-TPK/2025/PN Tjk reflects the balance between legal *certainty*, legal *utility*, and legal *justice* as defined by Gustav Radbruch.

D. Conclusions and Recommendations

Based on the analysis of Decision Number 18/Pid.Sus-TPK/2025/PN Tjk, the application of the element of abuse of authority in Article 3 of the Corruption Law emphasizes that this offense is a misdemeanor that can only be committed by public officials in their capacity of office. The element of abuse of authority is considered fulfilled if there is a deviation of authority to benefit oneself or others, as well as causing real losses to state finances.

The case of the defendant Ir. Jalaludin MP shows the fulfillment of this element, because the formal authority he has is used in a deviant manner from the purpose of its grant, thus causing state losses. The judge's consideration in this decision shows a balance between proving the elements of delicacy, proportionality of the penalty, and substantive justice. Juridically, the application of Article 3 of the Corruption Law in this case is appropriate and can be a reference for handling cases of abuse of authority related to state financial management.

Based on the findings of the research, it is recommended that a consistent standard of interpretation be developed on the elements of abuse of authority in corruption crimes, accompanied by strengthening guidelines for judges in assessing the relationship between position, authority, and state financial losses so that they can distinguish between administrative errors and corruption crimes, as well as the development of follow-up studies, both through comparison of corruption court decisions and integration with the law state administration, to clarify the limits of abuse of authority and increase the effectiveness of the application of Article 3 of the Corruption Law in judicial practice.

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