

Meaningfull Justice Decision of Grant Funding Criminal Corruption Cases

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Abstract

Corruption in Indonesia mainly issues granting permits which end in state losses. Indonesian society has a communal character, tends to have the desire to live together peacefully and harmoniously called "guyub rukun", it tends to avoid conflict even when they face corruption problems. These good social values were often interpreted incorrectly in law enforcement view. This research uses normative juridical methods to answer how judges interpret justice meaning when making decisions related to criminal acts of corruption in grant funds. This research also analyzes the arguments in the weighing part of the judge's decision. Understanding the true meaning of justice at the trial stage is the judge's guide. The use sentence in the head of the Decision "For Justice Based on Belief in One Almighty God", has shown an element of religiosity linked by justice transcendently, namely God. The meaning of justice that should be used by the Panel of Judges was an explanation of the words "Based on Belief in One Almighty God" after the legal facts have been examined in court, then decisions based on certainty, benefits, and legal objectives need to be added with an explanation about considering justice from a religiosity/transcendental perspective. The point of view used in this paper was that religious values are used as a source of law, but they do not automatically become state law. So, it will be different from other countries in the international world.

Keywords: meaning of justice, judge's decision, corruption, grant funds, law

Introduction

Corruption was an acute problem in all countries in the transition/developing period, such as in Indonesia. The transition period is characterized by an imbalance of various elements of the country, both in a normal state and in a state of crisis or conflict. The effectiveness of law enforcement agencies will be tested (Shostko, 2018). The corruption index in Indonesia is still high and in the future, there is no certainty that it will decrease. Data from the Central Bureau of Statistics that the 2023 Indonesian Anti-Corruption Behavior Index (IPAK) will be 3.92 on a scale of 0 to 5, lower than the 2022 achievement is 3.93. (BPS, 2023). Our corruption perception index dropped from 38 percent to even worse 34 percent this year. In fact, research shows that the DPR

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institution seems to be the locus of law-making trade and various conflicts of interest that have given rise to many corruption cases (Sandi., & Kurniati, 2023).

Corruption is any attempt to use one's position to misuse information, decisions, influence, and economic power for personal profits and interests and cause material impacts, like state losses. Not only because of an inappropriate supervisory but also because of the cultural problems mentality in a bureaucratic structure that runs in government, so the abuse of authority often occurs. This cultural mentality was a feudalistic culture in dealing with government bureaucratic management. Bureaucracy has been managed rationally in a modern system, but bureaucratic culture is still traditionally based on inheritance from time to time. So, the feudalism system was difficult to eliminate from our modern bureaucracy (Santoso, Mayriswati & Alfian, 2014).

Even though Indonesia and Yogyakarta in present developed into tourism industrial cities, in the past Indonesian and Yogyakarta an agricultural society with a communal pattern. Yogyakarta one of the regions still has a strong communal pattern. People with this culture have the desire to live together peacefully (*guyub rukun*). As a consequence, they will tend to avoid conflict in order to get long social relationships. Any action that violates harmony will be considered an anomaly (deviant) and deserves social sanctions. Society tends to be silent, even permissive when someone violates social rules in certain forms. With the excuse of "*ewuh-pekewuh*" or worrying about embarrassing (*wirang*) his friends/leaders. With the reason of prioritizing social harmony, it opens up opportunities for law violations such as corruption. A.V Biletskyi's research on participation experiences was a survey of ordinary citizens and participants in anti-corruption public organizations shows that citizens tend to only express their intention to eradicate corruption, while anti-corruption activities in public organizations are more effective (Biletskyi, 2017).

The government has made various efforts to eradicate corruption. However, the growth of cases is certainly faster than eradication efforts. For example, the most massive corruption, such as bribery and gratification, has taken root, as well as the corruption that has formed a social network pattern, it is often called congregational corruption. This network pattern implies that the parties who enjoy bribes are not just single, but many. The large number of parties who receive benefits shows that corruption which was carried out collectively (communally) seems to be accepted by many people like a social consensus. Perpetrators who were caught did not show shame/self-consciousness, they still showed their existence. They consider that investigating the case will only be detrimental (Mapuasari & Mahmudah, 2018). This phenomenon was consistent with the opinion of the second neutralization technique used by white-collar workers to claim that the laws they violate are unnecessary or even unjust (Brooks, 2016).

About two centuries ago, in a letter to Bishop Mandell Creighton, John Emerich Edward Dalberg revealed the relationship between power and corruption, he stated that "power tends to corrupt, and absolute power necessarily corrupts. Power tends to corrupt, so absolute power tends to absolute corruption too". (M. Creighton, 1887).

Eradicating corruption in Indonesia uses a criminal justice process that requires evidence. As evidence, several theories are known, namely positive theory, belief theory, belief ratio theory, and negative theory. The negative evidence theory was used in Article 183 of the Criminal Procedure Code. These theories emphasize that the burden of proof of a criminal act is on the public prosecutor, in accordance with the principle of *actor incumbit onus probandi*, it means that whoever makes the argument is the one who was burdened with the burden of proof. In its development, anti-corruption regulations in Indonesia introduced the reversal of evidence, especially regarding gratuities which were considered bribes as intended in Article 12B and Article 37.

Corruption of grant funds in decision 7/PID. SUS-TPK/2016/PT YYK (district court) uses Robert Klitgaard's theory and Jack Bologne's (GONE) theory, and intersects with Ramirez Torres' theory, the author will quote several corruption theories (Kabar Pusat, 2012)

1. According to Robert Klitgaard, the monopoly of power exercised by the leadership (monopoly of power) coupled with the high power possessed by a person (discretion of official) and without adequate supervision from supervisory authorities (less accountability), gives rise to the commit to corruption acts.
2. Ramirez Torres' theory says that corruption is a crime of calculation, not just a desire. Someone would commit corruption if the reward obtained from corruption is higher than the punishment.
3. Jack Bologne's theory (GONE) states that there are four root causes of corruption, namely greed (fighting the greed and avarice of the perpetrators of corruption), Corruptors are people who are dissatisfied with the existing situation, a system that provides opportunities for corrupt needs, a mental attitude that never feels enough, and always full of endless needs.

Methodology

This research used a normative juridical method, collected and analyzed secondary and tertiary data from the library, and then analyzed descriptively in relation to the research problem (Widjaja, 2022). The problem formulation of this research was how judges interpret meaning of justice in made decisions related to grant fund corruption cases. With the additional assumption that Indonesia still uses the retributive

theory in its justice system, at least until the end of 2025 (before the new Criminal Code takes effect).

Result and Discussion.

Grant Found Corruption

Corruption mode using grant funds often occurs because there is repetition and use of loopholes to misuse grant funds, through actions such as abuse of authority, and bribery, specifically or not limited to the use of grant funds. The concept of grants in terms of civil law was studied based on several sources, including the Compilation of Islamic Law and the Civil Code. According to the Compilation of Islamic Law, the grant is a voluntary and unpaid gift of an object from someone to another person who is still alive to own. (Permata Press, 2014). R. Subekti stated that a gift is a gift stated in an agreement, where one party undertakes it free of charge by handing over an object absolutely to the party who has the right to receive the object. In civil law, gifts are regulated in articles 1666 to 1693 of the Civil Code "A gift is an agreement whereby the gift giver, for the rest of his life, free of charge and irrevocably, provides goods/services according to the needs of the recipient of the gift. The law only recognizes gifts between living people. Government regulations provide that the definition of a grant is the transfer of rights to something in the form of money, goods, and services from the government or another party to a region or vice versa which has been specifically determined and implemented through an agreement (Pradana, 2020).

Regulations regarding Grants in public law were regulated in statutory regulations such as the State Treasury Law, Government Regulations concerning Regional Grants, and Ministerial Regulations governing Grants. Regulations regarding the provision of grants (social assistance) originating from the Regional Revenue and Expenditure Budget (hereinafter referred to as "APBD") by Regional Governments, both Provincial Governments and Regency/City Governments were quite complete, although other supporting regulations are still needed as an explanation from the Ministry of Home Affairs.

The provision of grants or social assistance originating from the APBD by regional governments (Provincial and Regency/City) must be based on Regional Head Regulations or *Perkada*, concerning Procedures for Budgeting, Implementation and Administration, Accountability and Reporting, and Supervision. Evaluation of social grants and assistance, as mandated by Article 42 paragraph (3) in the Minister of Home Affairs Regulation ("Permendagri") Number 32 of 2011 which states "Regional governments can budget for social grants and assistance if they have been established regional head regulations". The formation of a Regional Regulation is mandatory and must be established long before the General Budget Policy (KUA) process, and the

Temporary Budget Ceiling Priority (PPAS) is agreed upon between the Regional Government and the Regional People's Representative Council (DPRD), because the grant and social assistance budgeting process start from the KUA and PPAS.

Those who are formally or materially responsible for the provision and use of grants and social assistance as stated in articles 19 of Permendagri No. 32 of 2011 as follows:

1. Recipients of grants or social assistance are formally and materially responsible for the use of the grants or social assistance they receive.
2. He responsibilities of recipients for grants or social assistance include:
 - a. Report of the use of grants or social assistance;
 - b. A statement that the grant funds have been used in accordance with the NPHD or a statement that the social assistance has been used as proposed; And
 - c. Complete and valid proof of expenditure in accordance with statutory regulations for grant recipients (money) or a copy of proof of handover of goods/services for grant recipients (goods/services) or complete and valid proof of expenditure in accordance with statutory regulations for recipients of social assistance in the form of money or photocopy of proof of handover of goods for recipients of gifts in the form of goods.
3. The report was submitted to regional head not later than January 20 of the following fiscal year, unless otherwise determined in accordance with statutory regulations.
4. The account reports were stored and used by grant recipients as objects of inspection.

Furthermore, article 41 of Minister of Home Affairs Regulation no. 32 of 2011, stated that if the results of monitoring and evaluation find that social assistance was not used in accordance with the approved proposal, the recipient of a grant or social assistance will be subject to sanctions in accordance with statutory regulations. So, in providing grants and social assistance, the parties who are formally and materially responsible are:

1. Grant and social assistance recipients.
2. The Regional Work Unit (Satuan Kerja Perangkat Daerah/SKPD) determines the provision of social assistance, provides recommendations regarding the provision of grants and social assistance, and monitors and evaluates the provision of grants and social assistance.

The Position of Grant Fund Corruption Case.

The retributive theory has been abandoned but is still used in several criminal cases in Indonesia. Nigel Walker named the Absolute Theory "Retributive Theory", which was divided into pure retributive and impure retributive. Pure retribution had a view that financial sanctions must be commensurate with the error. Impure Retributive Theories are grouped, namely: (Atmadja & Budiarta, 2018).

- a. The theory of retribution argues that the punishment taken was not necessarily commensurate with the mistake. What is important is the crime creates unpleasant circumstances. Criminal sanctions do not exceed the appropriate limit to determine a violation, which can be called a mistake (violation).
- b. In its distribution, the punishment was still designed as retaliation, but there must be strict limits in its collection regarding the severity of the sanctions.

The pure retributive view states that criminal sanctions must be commensurate with the crime, which was debated among judges, public prosecutors, and legal advisors. The author further outlines the hypothesis that the debate between these three parties was still at the stage of a pure retributive theory perspective, in the section "the prison sentence was commensurate with the degree of guilt committed by the defendant" or not commensurate.

Decision Number 7/PID. SUS-TPK/2016/PT YYK, Defendant (criminal perpetrator) who served as Head of Kesbang Yogyakarta City, who served based on Decree. Mayor of Yogyakarta on May 31 2012 regarding the Appointment of Civil Servants to Structural Positions within the Yogyakarta City Government on the day and date of entry in the period March 2013 to August 2013 at the City Kesbang Office Yogyakarta City Hall Complex which is still included in the jurisdiction of the PN Corruption Court Yogyakarta, unlawfully; (then there was a debate about abuse of authority) committing acts of enriching oneself or another person or a corporation which could harm state finances or the state economy, namely acts carried out by the Defendant in the following way (see the Public Prosecutor's Indictment Letter dated 26 February 2016):

- a. That KONI of Yogyakarta in the 2013 fiscal year submitted a proposal to obtain grant funds from the Yogyakarta City Government through the Yogyakarta City Kesbang office by making a budget plan of IDR 17,502,622,000.00 (seventeen billion five hundred two million six hundred twenty-two thousand rupiahs) which is then rationalized. (Supreme Court, 2016)
- b. Then KONI Yogyakarta City proposed disbursement of grant funds to the Office of National Unity via Letter Number: 041/Sekret/KOI.KY/III/2013 dated 26 March 2013 regarding Disbursement of KONI City Yogyakarta 2013. However, the defendant as Head of Kesbang had the desire to include 3 (three) activities in the

budget plan proposed by KONI, namely: Football Training, PPLPD Activities, and Sports Facilities and Infrastructure Assistance Activities throughout the City of Yogyakarta. These three activities were not the result of the Yogyakarta City KONI development planning deliberations (Musrenbang).

- c. The position of the case in consideration of the judge's decision, On July 27, 2016, the Defendant's Attorney filed an appeal which was essentially as follows:
1. The Defendant's Attorney (as the opposing party) agrees with *Judex Factie* regarding the consideration of the existence of an "unlawful" element in the *quo* case, namely that the elements as intended in Article 2 paragraph (1) of Law Number 31 of 2016 as amended and coupled with Law Number 20 of 2001, so that we as the Defendant's Legal Counsel do not agree with the appeal submitted by the Public Prosecutor; In this case, if it was considered against the law, we state that the KONI of Yogyakarta City Management committed an act against the law/abused its authority by actively "inviting" the Defendant as a participant and giving each meeting participant opportunity to propose. We ask the Panel of Examining Judges at the appellate level to consider whether there was approval or disapproval from the KONI management.
 2. The legal advisor did not agree with the Public Prosecutor in his memorandum of appeal regarding the element of "benefiting oneself or another person or corporation", because the defendant only said "yes/acceptance" when brother "N" was ordered by brother "E" (KONI Treasurer) to take the check to be disbursed, then distribute it to the people who have submitted the proposal, they do not have the slightest intention to enjoy/manage it, plus proof of whether there has been a deduction from the grant funds, if it is considered an error it should only be an administrative error.
 3. The legal advisor disagreed with the Public Prosecutor in his memorandum of appeal regarding the length of the sentence imposed by the Judge. Considering the law as a problem: the Public Prosecutor in his memorandum of appeal used the basis of "subjectivity" by stating "too light and does not meet the public's sense of justice", we do not agree with the Public Prosecutor because according to the Legal Advisor, the sentence against the defendant is quite severe and has fulfilled the public's sense of justice, who in fact only read the outside of the case, without understanding the depth of this case. The current criminal justice system imposes the role of judges on the demands of fulfilling the public interest which of course requires valid interpretation. Regarding the fate of a person (defendant), may the panel of case judges at the appellate level not only prioritize the community's expectations of justice as intended by the Public Prosecutor but also prioritize true justice for the defendant and the community's sense of justice which truly places

the judge's role in fulfilling public interest. In the interests and determination of a person's fate, we hope that the panel will prioritize true justice for the defendant and a sense of justice for the community that really understands the depth and "meaning behind the facts" of this case.

4. Considering the appeal memo of the Public Prosecutor and the counter-appeal memo from the Defendant's Attorney, the Corruption Court at the Appellate Level at the Yogyakarta High Court argued as follows: that the Corruption Court at the Appeal Level at the Yogyakarta High Court does not agree with the objection submitted by the Public Prosecutor in the appeal memo that The article proven is Article 2 paragraph (1), because according to the Corruption Court of Appeal at the Yogyakarta High Court Article 3, it was proven that the defendant abused the authority, opportunity or means at his disposal.
5. Considering the Corruption Court at the Appellate Level at the Yogyakarta High Court also disagreed with what was conveyed by the Defendant's legal advisor in his rebuttal, arguing that it was actually the KONI of Yogyakarta City management who had committed an unlawful act or abused their authority because they actively "invited" the defendant as a meeting participant and provided an opportunity to submit a proposal or make use of it, if the KONI of Yogyakarta management later obtains approval, this is beyond the responsibility of the defendant. According to the Corruption Court of Appeals, the defendant as Head of *Kesbang* Office should have known what was within his authority and what was not.
6. Considering the Public Prosecutor's objection to the prison sentence imposed by the judge which was considered too light, did not meet the sense of justice of the community, and according to the defendant's legal advisor it was considered too severe, the Corruption Court of Appeal at the Yogyakarta City High Court disagreed with both of them because of the prison sentence imposed is equivalent to the degree of error committed by the defendant;
7. Considering the second and third objections, namely regarding unfair trials because the witnesses were examined simultaneously and witness "N" seemed hesitant, however, according to the Corruption Court of Appeal at the Yogyakarta High Court, the signing of the witness examination report stated that there was no coercion or pressure. during the examination process and the witnesses who provide information have also been sworn in first to tell the truth.
8. Considering, that according to the Corruption Court of Appeal at the Yogyakarta High Court, the decision of the Corruption Court of First Instance at the Yogyakarta District Court Number: 04/Pid.Sus-TPK/2016/PN. yes. On May 25, 2016, the defendant was sentenced to 3 (three) years in prison and a fine of IDR 50,000. 000,- with the provision that if the fine is not paid, it will be replaced with

imprisonment for 1 (one) month which was deemed to fulfill a sense of justice and in accordance with the level of guilt.

9. Considering that according to the Court of Appeal for Corruption Crimes at the High Court, the additional crime in the form of compensation money charged to the defendant was not Rp. 900,000,000,- because based on existing legal facts, the defendant had distributed funds amounting to Rp. 800,000,000,- to 138 community groups or community organizations without any deductions at all. Likewise, the funds Rp. 100,000,000 were used by the defendant to buy a carpet for himself without being supported by witnesses and proof of a valid purchase receipt and there was no seller's address, therefore according to the Corruption Court of Appeal at the Yogyakarta High Court, the defendant was sufficient. burdened with paying replacement money amounting to IDR 100,000,000,- as regulated in article 18 paragraph (1) the letter b Republic of Indonesia Law Number 31 of 1999 concerning Corruption Crimes as amended and supplemented by the Republic of Indonesia Law Number 20 of 2001 concerning Amendments to the Law Republic of Indonesia Number 31 of 1999 concerning the Eradication of Corruption Crimes, which states that the payment of compensation money is "in an amount equal to the property obtained from the crime of corruption".

d. Presecution

1. Receiving an appeal request from the Public Prosecutor at the Yogyakarta District Prosecutor's Office and an appeal request from the defendant.
2. Revising the Corruption Court Decision at the Yogyakarta District Court Number: 04/Pid.Sus-TPK/2016/PN. Yogyakarta on May 25 2016, the advisory only concerns the amount of replacement money payments, so the complete advisory reads as follows:
 - a. Declare that Defendant "S" has not been legally proven and is believed to be guilty of committing a crime as charged by Primair;
 - b. Acquit the Defendant from the Primair charges;
 - c. Declare that defendant "S" has been legally and convincingly proven guilty of committing a criminal act of corruption as in the subsidiary indictment;
 - d. Sentenced Defendant "S" to Prison for 3 (Three) Years, and a fine of IDR 50,000. 000,- with the provisions that if the penalty is not paid, the Defendant must be replaced by imprisonment for 1 (one) month;
 - e. Demand defendant "S" to pay compensation Rp. 100,000. 000,- if the defendant does not pay the Replacement Money no later than 1 (one) year after the permanent Court's decision, the property can be confiscated by the Public Prosecutor and then auctioned off to pay the replacement money. In

case the defendant does not have the assets to cover the Replacement Money, it will be replaced by imprisonment for 1 (one) year.

Actually corruption occurs several years before the trial. Even though people know or see allegations of corruption, they tend to avoid conflict because of values like peace and harmony, they tend to maintain harmony in social relationships and the workplace.

Analysis of Meaning from Justice.

In developing countries like Indonesia, to understanding justice was more difficult than developed countries. The findings in the dissertation reveal that the magnitude of the influence of risk factors such as lack of transparency, bribery, corruption, lack of necessary equipment, political orientation, low salaries, lack of motivation, lack of protective equipment, health and safety problems was limited influence in developed countries (Otobo, 2016).

A judge's decision is an important and necessary aspect of resolving criminal cases. Thus, the judge's decision was useful for the defendant to obtain the status of legal certainty (*rechtszekerheids*) and prepare an attitude toward the decision handed down. Meanwhile, if it is seen from a vision perspective in the essence of trying cases, the judge's decision is a "crown", which reflects the value of justice, ultimate truth, accurate, high-quality control of the law or facts and factual, as well as showing the ethics, mentality, human rights and morality of the judge (Trisna, 2020).

As stated above, criminal case number 7/PID. SUS-TPK/2016/PT YYK on behalf of the defendant "S" who was the Head of Kesbang Yogyakarta can be sentenced by the judge as the perpetrator of the criminal act of corruption Article 3, which has been amended and supplemented by Republic of Indonesia Law Number 20 of 2001 concerning Amendments to RI Law Number 31 of 1999 concerning Eradication of Corruption Crimes.

Justice considers from the arguments of the public prosecutor and legal advisor whether justice is "the interests of the defendant" or "the sense of justice of the community". So, that it can determine the qualifications of the defendant's actions in Article 2 or Article 3; which then results in lighter fines in appeal decisions. The panel of judges in their decision has an opinion that regarding the Public Prosecutor's objection to the prison sentence imposed by the judge, it was too light and did not meet the public's sense of justice, while according to the Legal Advisor the phrase "too light" was excessive. The Court of Appeal "disagreed" with both because "the length of the prison sentence was commensurate with the degree of guilt"

Quoting Barda in Nurozi, punishment does not have to be in accordance with the defendant's guilt. Adherents of the retributive distributive theory, abbreviated as

'distributive' argue that punishment should not be imposed on people who do nothing wrong, but punishment should not be appropriate and limited by the mistake; The principle of 'no-fault liability' is respected, however exceptions are possible, for example in the case of 'strict liability (Nurozi & Muttaqien, 2021).

In this case, the judge's consideration was limited to addressing/looking at the main sentence only, even though the defendant was actually still given an additional sentence. According to the author, both the Public Prosecutor and the judge seem to base their arguments on the pure retributive theory. Pure retributive theory has the concept that the perpetrator of the crime must be in accordance with and commensurate with the mistake made by the perpetrator. (Muladi & Nawawi, 1992). Referring to the basic theory of judges' considerations, the decision can be good or perfect if it is tested with 4 main questions, namely: (Mulyadi, 2007).

1. Is this decision correct?;
2. Am I honest in making decisions?;
3. Is this decision fair for the parties?;
4. Is this decision worthwhile?

A panel of judges did not fully give the demands of the public prosecutor, because in deciding a case must consider the juridical (legal) truth and philosophical truth based on truth and justice. In his decision, the judge must clearly state the defendant's actions that fulfill the facts at trial according to the formulation of a particular statutory article (Larasati, 2013).

The application of justice theory in this debate was quite complex, especially on "equivalence" and "fairness". In the lex generalize perspective, it was clear that corruptors were punished to fulfill justice, but it became difficult to consider the lex specialist expression that "the prison sentence is commensurate with the level of guilt." The question of "fair" commensurate with what kind of guilt? In another word, how many years should the prison sentence be (quantitative)? According to the author, paying attention to the principles of justice, differences meaning of the length of imprisonment, or the severity of imprisonment between the Public Prosecutor and legal advisors, do not conflict with aspects of justice. The difference in the meaning of the length of imprisonment correlated with aspects of justice, which can be abstracted by the judge from the facts of the trial. More clarity on the mode and impact of state losses, as well as looking at whether state losses have been returned or not, and paying attention to the mens rea element in the defendant's actions.

The interesting thing that was apart from the concept of "commensurate with the error" was the decision that state compensation money refers to the provisions of Article 18 paragraph (1) letter b of the Republic of Indonesia Law Number 31 of 1999 concerning Corruption as amended and supplemented by the Law Republic of

Indonesia Number 20 of 2001 concerning Amendments to Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Corruption Crimes. The payment of compensation money is the same as the property obtained from the criminal act of corruption. So, it is considered that the assets "obtained" from the criminal act of corruption are Rp. 100,000,000.00 (one hundred million rupiah). In the author's opinion, the judge's consideration is based on the facts of the trial and the sociological perspective of law, by distinguishing what is obtained and what is enjoyed. The defendant has distributed funds Rp. 800,000,000.00 (eight hundred million rupiah) to 138 community groups/social organizations, but in this case the author does not want to state whether he agrees or not with the legal logic of this reduction.

Conclusions

This case can be explained by Robert Klitgaard's theory where the head of an office who is considered to monopolize power, which someone has without adequate supervision, causes corruption. Ramirez Torres' theory, regarding the (probability of) profit obtained from the possibility of being caught, but in this case the perpetrator stated until the end of the trial that he had not committed corruption. The author believes that the perpetrator misunderstood with written rules (was not competent in his position). Jack Bologne's theory (GONE), talks about greed, dissatisfaction with one's situation, and non-compliance with the system will provide opportunities for corruption, never having enough, always being met with never-ending.

"Guyub rukun" is a life value that is strongly held in a communal society. This value means that society greatly appreciates peace, and harmonization, and tends to be silent and permissive towards violations of norms because it is reluctant.

The judge's decision can be classified as good or perfect if the decision is tested using 4 basic question criteria (four-way-test). The judge's interpretation and consideration have to be required with objectivity in making a decision. Several legal theories serve as guidelines for a judge, as well as appearing as the "face of the judge in judging". In this case, the debate regarding the decision uses a purely retributive theory, according to the author should have begun to be applied and developed more widely, but the details depend on the modus operandi and result of the defendant's actions (impact value).

Actually, study of justice is become judge's hand at all times. Every decision will always begin with "for the sake of justice based on divinity". This sentence shows the judge's declaration in deciding, thereby showing horizontal responsibility in creating justice and vertical responsibility based on God. A judge's promise should not only be used when making a decision but applied in the trial process too. The theory of justice relates with the conclusion that corruption has harmed society's sense of justice,

in addition to the defendant's essential right to be tried fairly, and in its development has given rise to "resistance/hostility" from society, so this needs to be studied further. According to the author, justice that should be used by the Panel of Judges is the sentence "Based on Belief in One Almighty God". When the legal facts have been examined in court, a decision based on certainty, benefits, and legal objectives is made, there is still a need for an additional consideration that was a religiosity/transcendental perspective.

Confession.

The governance of KONI as an organization that helps (government) the City of Yogyakarta requires adequate supervision. Lack of supervision and poor distribution of power/authority, has the potential for corruption. Justice Based on Belief in One Almighty God is an expression that always present in the judge's decisions, but carrying out the trial stages, a judge still needs to be careful in reviewing the chronology of the trial of a criminal incident, not limited to the verdict. In the future, professionalism of judges as the last bastion of justice must always be improved in a measurable and evaluation manner.

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