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7 THE ALL OF LAWSUITS (ONSLAAG VAN ALLE RECHTSVERVOLGING) IN THE CRIME OF CORRUPTION

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1 Abstract

The verdict from all lawsuits (onslaag van alle rechtsvervolging) dropped the judge to the defendant in this matter can be categorized as progressive verdicts when associated with corruption eradication efforts. At a time when the Government was determined to eradicate corruption, still popping Awards judge who frees or releasing the accused. In the case when the prosecution claim is examined in depth and is associated with the fact at the trial the accused should have been convicted of a criminal offence of corruption and very worthy was sentence to criminal penalties. The purpose of criminals, ruling out of any law against judges not bring deterrent effect for want to be corruptor.

Keywords: Off-Lawsuits-Corruption

I. Introductions

Corruption in Indonesia is still very high and widespread. According to the survey results Transparency International in 2007, Indonesia is at a sixth World litigant from 133 countries surveyed. Corruption not only happens in the surrounding Government on the central level but also rampant in the area. The offenders range from acting to a lowly servant, the value of money that corruptions began to count millions to billions of rupiah. Of more concern because if past corruption be furtive when this is done openly.

Exactly what was said by Kautilya a philosopher and thinker of the India 300 years B.C. in describing the current corrupt practices including in Indonesia. Kautilya was asked one day about how much money the people who looted by teachers ' Praja. Kautilya replied, impossible to count them. They, like fish Kautilya said diving in the ocean, not known whether drinking water or not. What was said, as Kautilya survive to this day In a corrupt environment, difficult to choose which one is corruption, which is not, is not easy to judge where the gratuities which money bribes (Francis et al, 2000: 212).

One case of corruption that occur in South Sulawesi that attract public attention is something that is mounting the h. Muhammad Arif Bin h. Puna who was then Chairman of the Representatives Area Bulukumba Regency as a defendant.

The matter came to light after a report from the Coordinator of the non-governmental organization (NGO) in Bulukumba who suspect there has been a misuse of funds in the market development grant Bulukumba and terminal Tanete. NGO reports of the followed up by a law enforcement officer in Bulukumba and eventually the matter assigned to court.

Formulation of the Problem

As for the formulation of the problem in the research are:

1. How does the application of the law of criminal procedure in criminal acts of corruption?
2. What is the ruling of the judge in this case is in line with the corruption eradication efforts in Indonesia?

Whereas the objectives of this research are:

1. To know the application of the law of criminal procedure in the crime of corruption

2. To determine whether the verdict of the judge in this case is in line with the corruption eradication efforts in Indonesia?

Research Method

This research was carried out in Class IIB Bulukumba District Court of South Sulawesi province. This research is the normative research. The data source in this research is the primary legal materials in the form of laws and legal materials of decision of the judge and the secondary literature-legal literature. The results were analyzed by descriptive.

Background of Case

The matter began when Bulukumba Regency Government plan on finding the right location is used to build and market new terminal in Bulukumba sub district. These plans were known by the defendant as a Director of PT. Citra Buana Panrita Lopi. The defendant finds the right location to use to build and market a new terminal next the defendant met the Head Tenete and Bulukumba to discuss the release site to build and market the terminal.

Monday December 23, 2003, the defendant held a meeting in the Office of Neighborhood Tanete attended by the head of Bulukumba and landowners who would be freed. The meeting agreed on several things including:

- a. Land will be freed in village Biroro Village sub district Bulukumba Regency Tanete.
- b. The landowners agreed the land freed by the agreed price of Rp 10,000 (ten thousand dollars) parameter, along with punitive damages on crops that were upon the location.

In early March 2003, the defendant as a Director of PT. Citra Buana Panrita Lopi submits a letter to the Governor of Bulukumba subject construction market and a new terminal Tanete with number: 017/images. PL/III/2003 as had been proposed earlier by the numbers 004/Image-PL/I/2003 dated 3 January 2003 and by the disposition Bulukumba Regent to Drs. H. Suddin, DS, as the head of MSi Dispenda Bulukumba Regency and the market.

On the basis of the above, the defendant received a grant funding in 2003 from Drs. h. Suddin, DS, MSi through the Treasurer Hidayat Kahar, s. Sos who withdraw funds in BPD Bulukumba Rp 250.000.000 (two hundred and fifty million rupiah) appropriate SPMU dated 11 March 2003 number 17/5/2003. Then in August 2003, the defendant filed a return request funds to Drs. h. Suddin DS, MSi and finally the accused received funding Grant in 2003 from Drs. H. Suddin DS, MSi through the Treasurer Hidayat Kahar, s. Sos who withdraw funds in Bulukumba BPD of Rp. 300,000,000 (three hundred million dollars) as of August 6, 2003 dated SPMU Number 119/BT/2003. Thus the total number of funds a Grant in 2003 which was received by the defendant for the liberation of the land market development project and the new terminal Tanete is Rp. 550.000.000 (five hundred and fifty million rupiah).

After the national land Agency (BPN) doing repeated measurements of the land market development project and the new terminal Tanete as stated in the certificate of the land and the deed of sale was the overall land area is only 45.047 square meters. When land area is multiplied by the price of Rp 10,000 (ten thousand dollars) parameter then obtained the price of Rp. 450.470.000 (four hundred and fifty million four hundred and seventy thousand rupiah) plus other expenses (cost of damages crops, notary fees and taxes) of 11.861.225 (eleven million eight hundred sixty-one thousand two hundred twenty-five dollars) so the overall amount became Rp 462.331.225 (four hundred and sixty-two million three hundred thirty-one thousand two hundred twenty dollars five rupiah).

While the overall Grant Budget 2003 funds have been disbursed by Drs. h. Suddin, DS, MSi through the Treasurer Hidayat Kahar, s. Sos which is then received by the defendant for a land acquisition project payments market and the new terminal Tanete is Rp. 550.000.000 (five hundred and fifty million rupiah). Thus there is a difference between the payment of the compensation land and plants that exist in order to fund a Grant 2003 received the defendant Rp 87.668.775 (eighty seven million six hundred sixty-eight thousand seven hundred seventy-five dollars) difference those funds not returned the accused to Bulukumba Regency Government.

The defendant's actions, in particular the Country resulting in Bulukumba Regency Government suffered losses amounting to Rp 87.668.775 (eighty seven million six hundred sixty-eight thousand seven hundred seventy-five dollars). This is corroborated by the report of the audit investigation results the Agency's oversight of finance and development representation of the South Sulawesi province number: Lap-5804/PW 21/5/2005 dated, November 18, 2005

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II. Results and Discussion

1. The facts on which the proceeding

Proven or whether indictments public prosecutor the trial Court is determined by means of evidence submitted. In this case the public prosecutor has submitted evidence in the form of witnesses, experts, information letter and description of the defendant. Witnesses and experts who are asked questions provides information under oath. But one witness, namely Drs. H.A. Patabai Pabokori Bulukumba Regency Regent who also could not be present at the trial, in which testimony was read out in court over the approval of the public prosecutor and the accused.

Based on description of witnesses, experts and defendants, found the facts substantially as follows:

Completely in 2002 Bulukumba Regency Government is planning to build a market and terminal Tanete Bulukumba Sub to be budgeted and implemented in 2003. To carry out the plan, the Regent of Bulukumba pointed orally and then approved by the head of representatives area Bulukumba Regency based on number 07/RS-III/2003/representatives area to Citra Buana Panrita Lopi to make concrete steps to materialize the development market and the terminal.

- a. After the appointment of a Regent Bulukumba verbally to the defendant, the defendant and the Regent of Bulukumba locating. After the location set was held the meeting on 23 December 2002 between the landowners and residents of the defendant as the President Director of PT Citra Buana Panrita Lopi is facilitated by Bulukumba as the head of the leadership meeting.
- b. In a meeting between the owners of the land to the defendant agreed that landowners agree compensation price of Rp. 10,000 parameter while taxes and other costs will be borne by the Developer (Citra Buana Panrita Lopi). While the crop is in the ground that will be released will be discussed in its own among citizens with the Developer. Citizens landlord gets priority for the kiosk will be built.

- c. Prior to the purchase of land measurement by the defendant was held on 13 January 2003 by BPN Bulukumba Regency. The measurement results of 47.277 square meters.
 - d. After measurements of Bulukumba Regency BPN is made by selling the land between the land owners with a defendant who corroborated with the deed of sale and purchase of land.
 - e. The defendant has received funding from the Department of revenue and County Market area of Bulukumba on March 11, 2003 amounting to Rp. 250.000.000 for pre-payment of liberation land market and terminal Tanete Bulukumba Sub-district.
 - f. The defendant has received funding from the Department of revenue and County Market area of Bulukumba on 6 August 2003 of Rp. support for payment of the cost of land for the construction of the Bulukumba Sub district Tanete.
 - g. The total amount of funds that have been received for the release of the defendant is IDR 250.000.000,-+ USD 300,000,000,-= Rp. 550.000.000,-
 - h. During a meeting held on 23 December 2002 between the landowners and residents accused facilitated Bulukumba followed by the purchase of citizens by the defendant, has formed the Committee of nine. Nine new Committee formed after the land was purchased by the defendant and the finish will be held from the defendant's waiver to Bulukumba Regency Government.
 - i. The Committee for the implementation of the procurement of Land Development to public interest in Bulukumba Regency area has hosted the release of land rights with the Land Procurement event/News Release land rights Number 580/01/BLK/2003 and Land Procurement event/news release land rights Number 580/02/BLK/2003 the first party substantially h. Muhammad Arif (defendant) as the owner of the land release rights to the land to both Drs. Mappigau SammaBulukumba Regency Secretary of the MSi, on behalf of the Governments of Bulukumba Regency.
 - j. In order to release the land rights held by BPN Bulukumba measurements so that the total area of the land released by the defendant as a news event in the procurement of land/release of land rights. In addition to the evidence of witnesses, experts and the defendant's description of the public prosecutor has filed evidence letter.
1. Based on the facts revealed at trial, the Public Prosecutor believes that the defendant is guilty of committing criminal acts of corruption. Therefore, the public prosecutor filed criminal charges/requisition: Declare the defendant h. Muhammad Arif Bin 9. Puna proven guilty of Corruption together as set forth and threatened criminal in article 2 of law No. 31 2 1999 regarding the eradication of criminal acts of Corruption Jo. Act No. 20 of 2001 Jo Article 55, paragraph (1) of the Criminal Code.
 2. Drop the criminal against defendants h. Muhammad Arif Bin h. Puna with imprisonment for 4 2 command of the defendant was arrested.
 3. Drop the criminal fine of Rp. 5,000,000 (five million rupiah) subsidair 3 (three) months of confinement. 2
 4. assign the defendant pay a substitute to the State amounting to Rp. 350.000.000- (three hundr5 and fifty million rupiah) and if not paying the defendant's wealth was confiscated5 and auctioned off to cover the replacement of money and if the defendant does not have sufficient possessions to pay for a replacement then are convicted with imprisonment for 2 (two) months.
 5. Declaring the attached evidence in the file.

6. Establish that defendant charged fees of Rp. 5,000 (five thousand rupiah).

Against criminal charges/requisition the public prosecutor, the accused filed a defense/pleadings through the legal counsel on the point:

1. That whoever is not proven legally and convincingly from acts referred to in article this is a criminal act and the acts committed by the defendant's Act of civil litigation that is selling.
2. That against the law is not proven legally and convincingly because of acts committed by the defendant's civil works and selling already carried out in accordance with the procedures and provisions of law.
3. that enrich themselves, other people or corporations and financial elements can harm the country or economy of the country is not legally and convincingly proven for the accused to have the rest of the Bill to the Local Government of Rp. 741.160.000 Bulukumba,-
4. That the Act of the accused in this case is in the area of the civil code, based on the jurisprudence of the permanent Supreme Court RI No. 39 K/Pid/1984 on 28-8-1984 the defendant must be disconnected from all lawsuits.

That based on the reasons that counsel for the defendant please do Tribunal judges to disconnect:

1. The defendant h. Muchammad Arif Bin h. Puna freed from all lawsuits or at least removed from all lawsuits.
2. Rehabilitation a good name the defendant h. Muhammad Arif Bin h. Puna
3. Charge the fees to the State.

2. Legal Considerations

The public prosecutor asked the defendant to the Court with the claim in the form of charges subsidair (subsidaire ten laste leggings). In an assertion subsidair assertion some criminal acts in layered the heaviest charges start to claim the lightest. In fact in charge subsidair only one criminal act will be assertion to the defendant. Of proof, the consequences are examined in advance by the judge's indictment primair and otherwise proven then moved to other charges (Lamintang, 1990: 329).

The assertion is primair article 2 paragraph (1) of Act No. 31 of 1999 Jo Act No. 20 of 2001 about the change of Act No. 32 of 1999 Jo Article 55, paragraph (1) 1 the elements:

Based on the facts revealed in court associated with the charges, the primair outlines considerations:

1. Any person, Items per person; The Tribunal held that the intended person is person per Diver or included corporations. The Tribunal based on the theory of law that is the subject of legal rights and obligations of persons who may be subject to legal liability for his actions. Based on the examination of witnesses and information based on information the defendant, all of which confirmed the identity of criminal as referred to in the indictment the Prosecutor so that the defendants did not happen against the existence of the subject person/legal error (error in persona), in this case being the subject of law is the defendant h. Muhammad Arif, SE Bin h. Puna. Therefore, the defendant has demonstrated the ability to charge and not found any reason to release the defendant from responsibility of legal persons as subjects of rights and obligations, then the element has been proven legally and convincingly.
2. As against the law do enrich yourself or any other person or Corporation., Elements are against the law do enrich themselves or others or a corporation.; The Tribunal

holds that it is against the law in terms of such ² article is against the law in the sense of material and hence formal though such a feat is not regulated in legislation, but when the deed is considered reprehensible because it does not correspond to the sense of Justice or the norms of social life in the community, then the deeds are convicted while the meaning can enrich is committed to make richer by deed through means of/against the law. Based on the fact that came to light in the trial, the accused pointed Bulukumba Regent (Director of the image of the world Panrita Lopi) to carry out market and terminal development plan which was originally the designation Tanete orally and then after approval leadership of Bulukumba Regency Legislative No. 07/RS-III/2003/Provincial Governor issued a subpoena for PT.Citra Buana Panrita Lopi and ordered the defendant to undertake concrete steps to materialize the development market and terminal Tanete. The defendant then made a purchase of land belonging to residents. The Assembly considers article 6 Issued Number 55 of 1993 determines that the provision of land for the public interest is done with the help of the Committee the procurement of Land formed by the Governor of every district or city. During the process of land acquisition made by the defendant, not formed land procurement Committee (Committee of nine) Nine newly formed Committee after the land was purchased by the defendant finished and the accused have also received a Grant disbursement that is allocated for the acquisition of new land was then held from the defendant's waiver to Bulukumba District, so that the process does not comply with the provisions of article 6 been issued no. 55 in 1993. Based on the audit investigation data representative of South Sulawesi, The Provincial Financial Examiner price paid the defendant the landlord including crop damages, notaries deed and taxes amounting to Rp. 462.331.225, whereas the defendant received a Grant County funds amounting to Rp. 550.000.000 Bulukumba,-so the difference of Rp. 87.668.775,-the difference is never returned to the local Government of Bulukumba made the defendant's gain. According to the Tribunal that are against the law do enrich yourself or any other person or Corporation has proven to be. ⁶

3. Financial that can harm the country or economy of the country, Elements Can hurt the finances of the State or the economy of the country. According to the Assembly that the funds were derived from a Grant is the finances of the State, so the difference between the funds received by the defendant with the funds listed in the news event waiver by the defendant to the government, as found by the Provincial Financial Examiner Rp. 87.668.775 crossovers. Thus elements can be detrimental to the country has been proven.
4. Those who do, who had done and were doing., Elements of those that do, have done and were doing. Against this, the Tribunal is not further taking in the account because is not an element of a criminal offence in its own right, but it is complements that accompanies the main elements in the public prosecutor's claim. Based on the overall consideration ² the legal description, the Tribunal considers the elements in the primary claim has been proven legally and convincingly. It's just the legal base the construction works of the defendant's conduct from the public land acquisition is contract between the defendant and the Local Government of Bulukumba. The Tribunal judges to see that in fact the defendant as Director of PT. Citra Buana Panrita Lopi is appointed by the Governor upon approval of the Bulukumba Regency Legislators as partners for development of market and Terminal. The defendants have been willing to accept the offer after seeing the location of the designated land as well

as the allocation of funds provided in the Grant Budget. Thus the Tribunal has seen the word agreed between the two sides.

The Tribunal held that the fact that the accused had committed the liberation of land and has been receiving payments from Local Government gradually according to the size of the funds allocated and has also relinquished rights to the land to the Local Government of Bulukumba, thus legal actions based on these contracts have been completed as agreed, so according to the Tribunal, if there is a difference in the calculation of Local Government with the defendant as Director of PT Citra Buana Panrita Lopi is supposed to be resolved by civil litigation also, considering that the defendant has done works whose value far exceeds the difference in question i.e. Rp. 87.668.775,-

Upon consideration of the law finally convinced judges and the Tribunal held that the defendant's actions have although filled all the elements in the indictment the Prosecutor but the defendant's Act is not a criminal offence, therefore the defendant h. Muhammad Arif, SE Bin h. Puna had to be removed from all lawsuits (onslaagvan alle rechtvervolging). The opinion of the Tribunal judges were poured in Decision No. 34/PID.B/2006/PN/Bulukumba.

3. Legal Analysis

Consideration of the law a verdict the judge asserted in article 197, paragraph (1) letter d of the CRIMINAL CODE that the verdict of the judges must load the considerations drawn up in summary of the facts and circumstances along with a proof of inspection on the siding that is the basis of determining the defendant's fault. The legal consequences of a ruling that does not contain consideration under article 197, paragraph (2) of the Code of Criminal Procedure was annulled by law.

Legal considerations in the decision of judges should be based on the fact that in the Court of Session as a basis for determining guilt or whether the defendant. Judges must carefully and actively seek and find truth materially by assessing objectively the legitimate instruments of evidence presented by the prosecution.

The existence of a legal consideration in any award judges play an important role for solving criminal cases, so that judges are required to have knowledge and understanding of the science of law. According to Sudikno Mertokusumo (1993: 45-46), the role of the understanding of the science of law for a judge can be the motivation for the judges to make law in the consideration of an award. The work of judges unless the practical nature of the routine nature of scientific, also bringing his cause should usually steeped in the science of law to establish the legal considerations as the basis of an award.

Understanding the science of the law firm, will be useful in assessing and interpret what is being dealt with, because the judge is a pillar of Justice. Including understanding the structure of a sociological and jurists award as a reflection of the manifestation of the independence of judges. A fair verdict can increase the credibility of the judiciary which, in turn, will motivate citizens to increase the legal awareness (Marwan Mas, 2005: 28).

In the popular consultations were criminal cases, ruling on behalf of DRS. H. as Muh. Arif Bin h. Puna have been loading considerations of law drawn up in summary of the facts and circumstances along with a proof of inspection at the court hearing. The Tribunal judge has compiled the deliberations related to the facts and elements of the crime are assertion in charges primer. Tribunal judges have been appropriately compiled a consideration which attests that all elements in the indictment primer public prosecutor has been proven legally and convincingly.

Elements of each person by the Tribunal judges have been proven because the defendant on behalf of DRS. H. as Muh. Arif Bin h. Puna became Director of PT. Citra Buana Panrita Lopi during the examination of witnesses and the defendant's own

description, all of which confirmed the identity of defendant as referred to in the indictment the Prosecutor General. The elements are also against the law do enrich themselves or others or a corporation according to the Assembly has been proven. It is based on the fact that the defendant did the release of land from landowners before formed the Committee of nine. In the case under article 6 Issued Number 55 in 1993 about the procurement of land for Public Purposes is done with the help of the Committee of land procurement by the Governor created in each district/city. Similarly, the actions of the defendant who received funding (cash advance) of the Department of Revenue and County Market area of Bulukumba March 11, 2003 amounting to Rp. 250.000.000 on it Budgets in 2003 has not been endorsed/set. This is not in accordance with article 25 the Government Regulation No. 105 2005 governing actions that result in expenditure over a load of a Grant cannot be made before the regulations set out in the area of Budgets and set in the piece.

The Tribunal held that the elements can be detrimental to the finances of the State or a State economy that is proven. It is based on the actions of the defendant did not return the difference between the funds that have been received by the defendant with the funds listed in the news event waiver by the defendant to the Government, as found by the Evidence Of The Owner Of A Motor Vehicle of Rp. 87.668.775. While the elements of those that do, have done and do not further considered by Tribunal judges because the elements of a criminal offence is not established or send it, but it is complements that accompanies the main elements in the public prosecutor's claim.

1. An issue which gave rise to the forms is a legal construction built by the Tribunal that ultimately argues that the Act of the accused is proven, but the Act is not a criminal act. There are three main things that reference the Tribunal relied upon are: in the event of procurement news release land/land rights turned out to be the defendant's position as owner of the land bought from the villagers and sell land to the Local Government of (selling).
2. The difference between the funds received from the defendant's Local Government with the purchase price of the land by the defendant from the public as the findings BPPK Rp. 87.668.775,-it should be resolved in civil proceedings where the defendant has made a work whose value far exceeds the value of the difference in question.
3. Error procedures in the grant disbursement has not yet passed the Representatives Area and errors in land acquisition procedures without a Committee of nine cannot be charged to the accused because of the accused's capacity as employers, not the Government as a decisive policy.

The third basis of reference of the Tribunal judges is so contrary to the legal considerations that in assessing the primer claim elements. The Tribunal judge has compiled a consideration of conflicting with each other. Very hard earned common sense if the legal act between the defendants with the Local Government of Bulukumba is referred to as civil actions. The appointment of PT Citra Buana Panrita Lopi where defendant as its Director established by the Regents and approved by a parliament that is born of the Act public law, and the funds in question are government funds poured in Bulukumba budgets in 2003. Regarding the difference of Rp. 87.668.775,-that is the proper finished for civil liability is also a false opinion. Should the Assembly better understand that it's not worth the money quantity/b^{ase} of the question in the case of corruption, but the main ones are satisfy the elements of a criminal offence of corruption elements as outlined in the indictment primer public prosecutor?

While the disbursement procedures of budgets and errors in the process of land acquisition which, according to the Tribunal could not be charged to the accused also very wrong. Error in grant disbursement and the process of land acquisition is in tort. Erroneous view of the judge that the defendant that a businessman could not be vested with the responsibility of the procedure because an error occurred. The crime occurred not only involves the defendant but also the Local Government apparatus namely Bulukumba head of Department Revenues examinations market area and separated in a separate indictment. The Tribunal should understand the causal (Causalities) that the criminal act is generally not caused by one fact alone but also there are other facts that are intertwined and inseparable from each other. According to Rumelin factors that deserve to be called as the cause of an event that happened it was the circumstances known to the person at the time the offender the offender performs his deeds, that he will be able to pose a certain result (Lamintang, 1984: 217).

Consideration of judge who looked at that Act of the defendant is proven, but it is not a criminal offence made the defendant is released from any lawsuits. This is in accordance with article 191 paragraph (2) of the Criminal Code which specifies that if the Court held that the Act assertion to the defendant is proven, but the action did not constitute a criminal offence, the defendant terminated from all lawsuits.

The verdict of all lawsuits against the judge to the defendant in this matter can be categorized as progressive verdicts when associated with corruption eradication efforts.

According RM Jackson (Lopa, 2002:143) that *The Ordinary meaning of the effectiveness of sentences is the extent to which person who have been convicted and sentenced do subsequently go straight or commit fur the offences.* Essence statement RM Jackson according to Lopa (2002: 143-144) that the purpose of punishment is not simply give a bad taste to the perpetrators of criminal acts as a retaliation of his deeds (theory of retaliation). But the punishment meted out to law system during her criminal fixed their ways through the means of persuasive and educative until he realized, that the acts committed or made bad and hurt the victim as deplorable actions, so in his heart promise will not do any more reprehensible deeds. He then (2002: 149) States society assessment is usually closer to the objective sense of fairness that needs to be dealt. Very handy, when the Prosecutor or judge at the time would demand or break a case asking his heart each if I won't be asking members of the public had already justice claim or award that I will drop it. It is important to make demands or verdicts be dropped not too different with the objective sense of Justice or sense of Justice in society. For this reason, successful law enforcement is not marked as the number of criminal cases filed to the court, but is determined by the answers to the demands of the beats or the verdict against the things that generally have been completed so far.

III. Conclusion

Based on the results of the study, it was concluded the following things:

1. The law of criminal procedure has not been applied correctly in this case, because it occurred on the legal considerations inconsistency the Tribunal judges, which States the primary public prosecutor's accusation has been proven legally and convincingly then devised legal construction which directs the actions of the defendant as a civil deed/buy and sell.
2. The Tribunal judges mistakenly interpret the legal position of the defendant as an entrepreneur does not have the capacity to affect a decision/policy. The Tribunal has already found that the crime was a criminal act committed by the accused and other examination are separated.

3. Assembly of judges in an award that releases the defendant from all lawsuits could not be classified as a progressive and a verdicts even in contrast does not support Indonesia's corruption eradication efforts in General and especially in South Sulawesi. Such a decision is clearly not the deterrent effect and can even encourage rampant crime to corruption

IV. Suggestions

1. Should the examining magistrate is a corruption case, the judge who has been educated specifically about corruption cases in order to manifest the Justice of the verdict in accordance with the community's sense of fairness.
2. So that every decision the judge containing the release or escape of any lawsuits and open dissemination of periodically to avoid repeated rulings "strange" that hurt society's sense of Justice.

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