

Criminal Responsibility in the Corruption Case of Bumdes Lentong Village, Baharu District, Aceh Singkil Regency

(Analysis of Decision Number 5662 K/Pid.Sus/2022)

Eunike Enintha Pandia¹, Tata Reiforman Waruwu², Agus Armaini^{3*},
Rodiatun Adawiyah⁴
Universitas Prima Indonesia

*Corresponding author: agusarmaini@unprimdn.ac.id

Abstract

Every act must have the courage to carry out responsibility, the defendant who commits a criminal act of corruption must be given a prison sentence based on Article 2 of Law Number 20 of 2001 concerning Corruption Crimes. Decision Number 5662 K/Pid.Sus/2022, concerning the Corruption case committed by 2 (two) village officials from Lentong Village, Baharu District, Aceh Singkil Regency who committed corruption against BUMDes amounting to IDR 332,400,000 (three hundred and thirtytwo million four hundred thousand rupiah). This thesis is entitled: Criminal Responsibility in the Bumdes Corruption Case in Lentong Village, Baharu District, Aceh Singkil Regency (Analysis of Decision Number 5662 K/Pid.Sus/2022). The formulation of the problem is how the law protects defendants of criminal acts of corruption and how the Supreme Court Judge considers it in the case of Decision Number 5662 K/Pid.Sus/2022.

Keywords: accountability; corruption crime; BUMDes

Introduction

Corruption is one of the crimes that has recently become a topic of discussion among both the government and the Indonesian people. We often see corruption committed by state officials or those working in government offices, the people who give their trust to get welfare, on the contrary, get disappointment and even harm the people of Indonesia for their actions. (Soeponyono 2020)

Corruption is viewed more than other crimes around the world because it has a negative impact on many countries and societies. Corruption is a very serious problem because corruption can endanger the stability and security of society, socio-economic development, and democracy and morality. This is because corruption continues to occur even after sitting in government and is considered a culture. (Evi Hartati, 2019).

Indonesia has also been able to carry out efforts to eradicate corruption in various ways, however, in various agencies and private companies, there are still many who carry out corruption. various ways or tricks. Corruption will certainly cause many dangers, namely dangers for society and individuals, young people, politics, national economy, and bureaucracy. There are several obstacles encountered when eradicating corruption, including structural, cultural,



instrumental, and administrative obstacles, therefore, a way must be taken to overcome these problems (Setyorini, 2023). Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, in Article 3 explains that corruption is interpreted as harming state finances, bribery, embezzlement in office, extortion, fraudulent acts, conflicts in procurement, gratification. In order to eradicate corruption, it is necessary to implement integrated enforcement, international cooperation and harmonious regulations.

The Corruption Eradication Commission (KPK) is an institution created by the Government to eradicate perpetrators of corruption. Corruption itself comes from individuals with a higher educational background, good positions, especially those monitored or highlighted by the Corruption Eradication Commission (KPK) working in the government sector such as officials, Ministers, Governors, Regents, Mayors, Judges, Prosecutors, officials, Civil Servants (PNS), lower levels, etc. There is a relationship to the level of welfare, whether it is good from education and also family, on average they (the families of the perpetrators of corruption) are from high-class families (middle and above). Corruption is carried out with the opportunity and also orientation for personal interests or in groups (Nur Kholis, 2020).

In Law Number 6 of 2014 concerning Villages, the Government has submitted village funds originating from the APBD since 2019 that one of the sources of village income is from the State Revenue and Expenditure Budget Allocation (APBN). The State Revenue and Expenditure Budget Allocation (APBN) is a budget used for villages, which will be transferred from the Regency or City Regional Revenue and Expenditure Budget (APBD) which will be used to finance government administration, development and community empowerment (Herman Handrawan, 2023).

Issued by the Village Fund Allocation (ADD) by the government are funds that will be used to build and facilitate village infrastructure, but the representative to receive the funds, namely the village head, has actually misused or corrupted the village funds. Village funds that are handed over by the central government to all villages are indeed very vulnerable to corruption committed by village office officials themselves, either from the village head himself or a group (his members). So with this we often see news of many village heads carrying out criminal acts of corruption so that they are given criminal sanctions in prison. The scope of the category of criminal acts of corruption is the acceptance of bribes or facilitating a matter, gravity, embezzlement, etc. (Rantika Safitri, 2022).

The author's reason for choosing a case for corruption with Decision Number 5662/K/pid.Sus/2022, is because the author wants to know in more detail the defendants who have corrupted village funds were given criminal sanctions, then for Defendant I (K Alm) who died before the trial how to be held accountable for his crimes and the village funds that have been corrupted by Defendant II and how the public prosecutor's actions against the assets of Defendant II. Therefore, the author is interested in examining it in more depth/detail, because in our country there are too many officials committing corruption with a wall face without shame and guilt by consuming public and state money. In fact, officials and ASN (State Civil Apparatus) or PNS (Civil Servants), who commit corruption become corruptors, eliminating public trust in



politics because in the end they will commit corruption or enrich themselves after being above the clouds and breaking all their promises).

Based on the background explained above, the author wants to create a scientific paper entitled: "Criminal Liability in the BUMDes Corruption Case of Lentong Village, Baharu District, Aceh Singkil Regency (Analysis of Decision Number 5662/Kpid.Sus/2022)".

Based on the background explanation, the author wishes to discuss the following problem formulation of this issue:

1. How is the Legal Protection for Defendants in Corruption Crimes?
2. What are the Considerations of the Supreme Court Judges in Decision Case Number 5662 K/Pid.Sus/2022?

Method

This study uses a juridical-normative research method. The research data sources used are secondary data sources, consisting of primary, secondary and tertiary legal materials. The data collection technique used in this study is a literature study, namely inventorying, reading and analyzing legal materials, both primary legal materials and secondary legal materials (Syarif Saddam Rivanie, 2020). The research approach is carried out through a literature approach and a conceptual approach. The method used in analyzing the collected data is qualitative analysis. The method used is intended to provide an overview of existing problems based on a normative juridical approach..

Legal Protection for Defendants in Corruption Crimes

Legal protection remains available for both defendants and convicts (Gabriela K. Kaawoan, 2017). A person with the status of a defendant will still have several rights that have been guaranteed by the Government, including one of which is legal protection. Legal protection for the defendant is included in the rights of the defendant and in the principles of criminal law. The Republic of Indonesia has regulated the existence of legal protection for witnesses, victims and defendants because every human being has Human Rights (HAM). Human Rights are rights owned by a person when he is born and given by the State or anyone else, therefore human life (a person) must be free from injustice, arbitrariness and suffering through the enforcement of these human rights.

In Law No. 39 of 1999 concerning Human Rights in Part Four "The Right to Obtain Justice" Article 17 everyone without discrimination has the right to obtain justice by submitting an application, complaint and lawsuit either in criminal, civil or administrative cases and also being tried through a free and impartial trial process, which is in accordance with the procedural law that has guaranteed a very objective examination by an honest and fair Judge in order to obtain a fair and correct decision. (Adawiyah Rodiatun 2022).

Based on Article 28 letter I paragraph (5) of the 1945 Constitution which states that in order to uphold and protect human rights in accordance with the principles of a democratic state of law, therefore the implementation of human rights has been guaranteed, regulated and stated



in the Laws and Regulations. What is meant by a democratic state of law is that the Indonesian state of law has combined the concept of *rechtstaat* with the concept of rule of law.

There are rights of the accused by providing clear and firm regulations such as providing legal certainty, guarantees, and protection of Human Rights as regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code, namely as follows:

1. Article 50 paragraph (3) states that the accused has the right to be tried immediately in court.
2. Article 51 letter b states that the accused has the right to be clearly informed in a language he can understand about what he is accused of.
3. Article 52 states that during examination at the investigation and trial levels, the accused has the right to provide information freely to the investigator or judge.
4. Article 54 states that in the interests of defending the accused, the accused has the right to obtain legal assistance, either from a person or legal counsel during the examination stage, in accordance with the procedures stipulated in the Law.
5. Article 58: A defendant who is being detained has the right to contact or receive visits from a personal doctor for the purpose of safety and health, while the case is still in process.
6. Article 64 The accused has the right to be tried in a trial that is open to the public.
7. Article 65 states that the accused has the right to present and submit witnesses to provide information that will be beneficial to him (OC, Kaligis, 2016).

There are several legal protections for defendants that are included in the principles of criminal law, namely as follows:

1. The principle of presumption of innocence [Article 8 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power].
2. The principle of open court hearings for the public [Article 153 paragraph (3) of the Criminal Procedure Code and Article 195 of the Criminal Procedure Code].
3. The principle that everyone is treated equally before the judge [Article 4 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power].
4. The principle of justice carried out by a judge is due to his position and remains
5. The principle that suspects or defendants have the right to obtain legal assistance [Articles 69 to 74 of the Criminal Procedure Code].
6. Principle of accuser and incisor Principle of direct and oral examination by the Judge. (Online Legal Team, 2023).

Considerations of the Supreme Court Judge in Case Decision Number 5662 K/Pid.Sus/2022

Position Case

In the corruption case carried out by 2 (two) defendants with the initials defendant I (K Alm) and defendant II (SA), the TKP (scene of the crime) in Lentong Village, Kota Baharu District, Aceh Singkil Regency on September 28, 2021 has been detained at the State Detention Center (RUTAN). Defendant I (K Alm) on November 2, 2018, made changes to the village government revenue and expenditure budget documents in Lentong Village, Kota Baharu



District, Aceh Singkil Regency. There was a withdrawal of village funds carried out by Defendant I (K Alm) through Mandiri Syariah Bank under the name BUMK Sejahtera Kampung Lentong, the account number is 7119398619, with an amount of Rp. 332. 400,000.00 (three hundred thirty three two million four hundred thousand rupiah on December 27, 2018. That there was a receipt for the receipt of the money from the defendant (SA) as the head of the BUMK Lentong Village, Kota Baharu District, Aceh Singkil Regency, for the payment of BUMK Funds in 2018 to the defendant I (K Alm) dated December 27, 2018.

Public Prosecutor's Indictment

The defendants have been brought before the court in a corruption case at the Banda Aceh District Court because they were charged with subsidiary charges, namely:

1. Primary: The actions of the defendants as regulated in Article 2 paragraph (1) in conjunction with Article 18 of Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 55 paragraph (1) 1 of the Criminal Code.
2. Subsidiary: The actions of the defendants as regulated and threatened with criminal penalties in Article 3 in conjunction with Article 18 of Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 55 paragraph (1) Ke-1 of the Criminal Code.

Public Prosecutor's Demands

As for the demands of the public prosecutor from the Aceh Singkil District Attorney's Office, the author will explain them as follows:

1. Declaring that Defendant I (K Alm) together with Defendant II (SA) have been proven legally and convincingly guilty of committing a criminal act of corruption together as regulated and threatened with criminal penalties in Article 2 paragraph (1) in conjunction with Article 18 of Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law No. 20 of 2001 concerning amendments to Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 55 paragraph (1) to 1 of the Criminal Code or as stated in the Public Prosecutor's Primary Indictment.
2. Sentencing the defendant (K Alm) to a prison sentence of 6 (six) years and 8 (eight) months and defendant II (SA) to a prison sentence of 5 (five) years minus the time the defendant was detained with an order that the defendant remain in detention and a fine of Rp. 200,000,000 (two hundred million rupiah) each with the provision that if the fine is not replaced, a prison sentence of 4 (four) months
3. Imposing additional punishment on Defendant I in the form of replacement money of Rp. 332,400,000 (three hundred thirty two million four hundred thousand rupiah) and if the convict cannot pay the replacement money within a maximum period of 1 (one) month after



the Court's Decision has permanent legal force, then his assets can be confiscated by the prosecutor and auctioned to cover the replacement money and in the event that the convict does not have sufficient assets to pay the replacement money, then the punishment is imprisonment for 3 (three) years 4 (four) months.

4. Stating the existence of evidence, namely:
 - Document on Changes to the Village Government's Village Revenue and Expenditure Budget 2018 dated November 2, 2018
 - Bank statement from BSM Mudharabah savings from May 31, 2018 to January 31, 2019
 - Sample signature card (suggestion specimen) in the name of BUMK Sejahtera Lentong Village with account number 7119398619 dated May 31, 2018
 - Evidence of withdrawal from Bank Mandiri Syariah under the name of BUMK Sejahtera Desa Lentong from account number 7119398619 with a total of Rp. 332,400,000 (three hundred thirty two million four hundred thousand rupiah) for payment of BUMK Funds in 2018 to defendant II dated December 27, 2018
 - Decree from the Head of Lentong Village Number: 03/256/2018 regarding the Appointment of a Village-Owned Enterprise (BUMK) in Lentong Village, District. Kota Baharu, Aceh Singkil District on January 2 2018.
 - Receipt of Receipt of Money from Defendant II as Chairman of BUMK Kampung Lentong, Kota Baharu District, Aceh Singkil Regency with the amount of Rp.332,400,000 (three hundred thirty two million four hundred thousand rupiah) for the purpose of payment of BUMK Funds in 2018 to Defendant I dated December 27, 2018
 - Village/Village Revenue and Expenditure Budget Accountability Report (APBKam) Lentong Village sub-district. Kota Baharu, district. Aceh Singkil in 2018 dated 31 December 2018
 - Document for the Disbursement of Funds Order (SP2D) for Lentong Village, Kota Baharu District, Aceh Singkil Regency 2018 remains attached to the case file
 - Document of letter of recipient of disbursement of funds (SP2D) in Lentong village, sub-district. Kota Baharu, district. Aceh Singkil in 2018 was returned to the DPKK of Aceh Singkil Regency.
5. Ordering the defendant to pay court costs of Rp. 2,500 (two thousand five hundred rupiah).

Decision Number 50/Pid.Sus-TPK/2021/PN Bna

The contents of the Banda Aceh District Court Decision with Case Number 50/Pid.Sus-TPK/2021/PN Bna dated February 3, 2022, are as follows:

- 1) Declaring that Defendant I (K Alm) and Defendant II (SA) have been proven legally and convincingly guilty of committing the same criminal act of corruption as stated in the Public Prosecutor's Primary Indictment.
- 2) Imposing a criminal sentence on Defendant I (K Alm) therefore with a prison sentence of 7 (seven) years and Defendant II (SA) therefore with a prison sentence of 4 (four) years and a fine of Rp. 200,000,000 (two hundred million rupiah) each. hundred million rupiah) with the provision that if the fine is not paid, it will be replaced with imprisonment for 2 (two) months.



- 3) Determining that the current detention period of Defendant II (SA) will be deducted in full from the Judge's decision.
- 4) Sentenced Defendant I (K Alm) to pay compensation in the amount of Rp. 332,400,000 (three hundred thirty two million four hundred thousand rupiah) and if the convict is unable to pay compensation within a maximum of 1 (one) month after the Court's Decision has permanent legal force, then his assets can be confiscated by the Prosecutor and auctioned to cover the compensation and also in the event that the convict does not have sufficient assets to pay compensation, he will be punished with imprisonment for 4 (four) months.
- 5) Determined that defendant II (SA) remains in detention.
- 6) Determine the barbut, namely:
 - Document for Changes to the Village Government's Village Revenue and Expenditure Budget in 2018 dated November 2, 2018
 - BSM Mudharabah savings account statement for the period from May 31, 2018 to January 31, 2019
 - Sample signature card (suggestion specimen) in the name of BUMK Sejahtera Kampung Lentong with account number 7119398619 dated May 31, 2018
 - Evidence of a withdrawal at Bank Mandiri Syariah under the name of BUMK Sejahtera Kampung/Desa Lentong with account number 7119398619 amounting to Rp. 332,400,000 (three hundred thirty two million four hundred thousand rupiah) for the purpose of paying BUMK funds in 2018 to defendant II dated December 27, 2018
 - Lentong Village Head Decree Number: 03/256/2018 concerning the Appointment of a Village-Owned Enterprise (BUMK) in Lentong Village, District. Kota Baharu, Aceh Singkil District on January 2 2018.
 - Receipt of Receipt of Money from Defendant II as Chairman of BUMK Kampung Lentong, Kota Baharu District, Aceh Singkil Regency with a total of Rp.332,400,000 (three hundred thirty two million four hundred thousand rupiah) for payment of BUMK Funds in 2018 to Defendant I dated December 27, 2018
 - Village/Village Revenue and Expenditure Budget Accountability Report (APBKam) for Lentong Village, sub-district. Kota Baharu, district. Aceh Singkil in 2018 dated 31 December 2018
 - Fund Disbursement Order Document (SP2D) for Lentong Village, subdistrict. Kota Baharu, district. Aceh Singkil 2018, Remains attached to the case file
 - Letter of recipient of funds disbursement (SP2D) Esa Lentong kec. Kota Baharu, district. Aceh Singkil 2018 was returned to the DPKK of Aceh Singkil Regency.
- 7) Charge the defendant to pay court costs for each party amounting to Rp. 2,500 (two thousand five hundred rupiah).

Decision Number 3/Pid.Sus/TIPIKOR/2022/PT BNA

The Banda Aceh High Court's decision read out the verdict, Decision Number 3/Pid.Sus/TIPIKOR/2022/PT BNA on March 29, 2022.



- 1) Declaring that the above-mentioned defendant II (SA) has not been proven legally and convincingly guilty of committing the crime of corruption in the Primary indictment or the Subsidiary indictment of the Public Prosecutor.
- 2) To acquit the above-mentioned defendant II (SA) from all of the Public Prosecutor's charges.
- 3) Ordering that defendant II (SA) be quickly released from prison.
- 4) Restore the rights of the accused in terms of the accused's ability, position and dignity and honor.

Establishing evidence, namely, as follows:

- Document for Changes to the Village Government Revenue and Expenditure Budget 2018 dated November 2, 2018
- BSM Mudharabah savings account statement for the period from May 31, 2018 to January 31, 2019
- Sample signature card (suggestion specimen) in the name of BUMK Sejahtera Kampung/Desa Lentong with account number 7119398619 dated May 31, 2018
- Proof of withdrawal from Bank Mandiri Syariah under the name of BUMK Sejahtera Kampung/Desa Lentong with account number 7119398619 with the amount of Rp. 332,400,000 (three hundred thirty two million four hundred thousand rupiah) for the purpose of paying BUMK Funds in 2018 to Defendant II dated December 27, 2018
- Lentong Village Head Decree Number: 03/256/2018 concerning the Appointment of a Village-Owned Enterprise (BUMK) in Lentong Village, District. Kota Baharu, Aceh Singkil District dated 02 January 2018.
- Receipt of Receipt of Money from Defendant II as Chairman of BUMK Kampung Lentong, Kota Baharu District, Aceh Singkil Regency with a total of Rp.332,400,000 (three hundred thirty two million four hundred thousand rupiah) for payment of BUMK Funds 2018 to Defendant I dated December 27, 2018
- Village/Village Revenue and Expenditure Budget Accountability Report (APBKam) Lentong Village sub-district. Kota Baharu, district. Aceh Singkil 2018 dated 31 December 2018
- The Document of Fund Disbursement Order (SP2D) of Lentong Village, Kota Baharu District, Aceh Singkil Regency in 2018 remains attached in the case file.
- Charge the defendant with paying in full in this case an amount of Rp. 2,500 (two thousand five hundred rupiah).

Supreme Court Decision Number 5662 K/Pid.Sus/2022

The contents of the Supreme Court Decision Number 5662 K/Pid.Sus/2022 are as follows:

1. Declaring that Defendant II (SA) was not proven legally and convincingly guilty of committing a crime as charged in the Primary Indictment.
2. Freeing the second defendant because of the primary charge
3. Declaring that Defendant II has been proven legally and convincingly guilty of committing a criminal act of corruption together with



4. Therefore, to sentence Defendant II to 2 (two) years imprisonment and a fine of Rp. 200,000,000 (two hundred million rupiah), with the provision that if the fine is not paid, it must be replaced with imprisonment for 3 (three) months.
5. Determining that the detention period served by Defendant II be reduced in full from the sentence imposed.
6. Establishing evidence, namely as follows:
 - Village Government Village Revenue and Expenditure Budget Change Document 2018 dated November 2, 2018
 - BSM Mudharabah savings account statement for the period from May 31, 2018 to January 31, 2019
 - Signature specimen card (suggestion specimen) in the name of BUMK Sejahtera Kampung/Desa Lentong with account number 7119398619 dated May 31, 2018
 - Evidence of withdrawal of Mandiri Syariah in the name of BUMK Sejahtera Kampung/Desa Lentong with account number 7119398619 with the amount of Rp. 332,400,000 (three hundred thirty two million four hundred thousand rupiah) for payment of BUMK Funds in 2018 to defendant II on December 27, 2018.
 - Lentong Village Head Decree Number: 03/256/2018 concerning the Appointment of a Village-Owned Enterprise (BUMK) in Lentong Village, District. Kota Baharu, Aceh Singkil District on January 2 2018
 - Receipt of Receipt of Money from Defendant II as Chairman of BUMK Kampung Lentong, Kota Baharu District, Aceh Singkil Regency with a total of Rp.332,400,000 (three hundred thirty two million four hundred thousand rupiah) for payment of BUMK Funds in 2018 to Defendant I dated December 27, 2018
 - Village/Village Revenue and Expenditure Budget Accountability Report (APBKam) Lentong Village sub-district. Kota Baharu, district. Aceh Singkil in 2018 on December 31 2018
 - Document of Fund Disbursement Order (SP2D) for Lentong Village, Kota Baharu District, Aceh Singkil Regency in 2018 remains attached to the case file
7. Charge the defendant to pay court costs for each party amounting to Rp. 2,500 (two thousand five hundred rupiah).

Considering that Article 244 of Law No. 8 of 1981 concerning Criminal Procedure Law has determined that with regard to criminal case decisions that have been rendered at the final level by another Court, other than the Supreme Court, the defendant or public prosecutor may submit a request for cassation to the Supreme Court without exception against a decision of acquittal.

Considering the reasons for the cassation that have been submitted by the Applicant for Cassation from the public prosecutor, the Supreme Court is of the following opinion:

- That based on the legal facts that have been revealed during the trial, the public prosecutor's cassation objection against Defendant II (SA) as Head of BUMK Lentong Village can be justified, that the *judex facti* that acquitted the defendant was wrong in applying the law, that Defendant II was responsible for the disbursement of BUMK Lentong Village funds and then



the village funds were given to Defendant I, that Defendant II as Head of BUMK Lentong Village had abused his authority together with Defendant I and it turned out that the funds were used personally by Defendant I, not in accordance with the allocation of the village funds, namely the purchase of Lentong village assets in the form of plantation land.

- That the second defendant must legally know the duties, functions, authorities and obligations as the Head of the Village BUMK by acting so that the 2018 Lentong BUMK funds are used as determined.
- That by handing over the Lentong village funds to Defendant I, amounting to Rp. 332,400,000 (three hundred thirty two million four hundred thousand rupiah), Defendant I has suffered losses and benefited.
- That until now the Lentong BUMK funds have not been accounted for in the financial accountability report of the Lentong Village BUMK.

Considering that based on the above considerations, the defendant's behavior is sufficient to meet the elements of a crime based on Article 3 in conjunction with Article 18 of Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, which was amended by Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 55 paragraph (1) Ke-1 of the Criminal Code, which has been charged in the subsidiary indictment, then the defendant has been proven guilty and given a criminal sanction.

Considering that there are sufficient reasons to grant the cassation request from the cassation applicant, namely the public prosecutor at the Aceh Singkil District Attorney's Office and to cancel the Corruption Crime Court Decision at the Banda Aceh High Court with Number 3/Pid.Sus/TIPIKOR/2022/PT BNA dated March 29, 2022, which cancels the Corruption Crime Court Decision at the Banda Aceh District Court Number 50/Pid.Sus-TPK/2021/PN Bna dated February 3, 2022.

In the case of Decision Number 5662 K/Pid.Sus/2022 concerning the crime of corruption, it was carried out by individuals from the village or hamlet apparatus. Before the Judge issues a Decision, the Judge must first consider the defendant's crime/actions.

Here the author will present and explain the considerations of the Supreme Court Judge in case Number 5662 K/Pid.Sus/2022.

That based on the legal facts revealed in the trial, the Supreme Court Judge objected to the cassation from the Public Prosecutor against Defendant II that the *judex facti* that acquitted Defendant II was a misapplication of the law. Defendant II is responsible for the disbursement of BUMK Funds. Lentong Village, Kota Baharu District, Aceh Singkil Regency, then the funds were handed over to Defendant I.

Defendant II as the Head of BUMK Lentong Village, Kota Baharu District, Aceh Singkil Regency has committed abuse of his authority or position based on Article 17 of Law No. 30 of 2014 concerning Government Administration, together with Defendant I because he handed over funds from BUMK Lentong Village, Kota Baharu District, Aceh Singkil Regency to Defendant I. It turned out that the funds received by Defendant I were used personally and were not used properly, such as purchasing Assets of Lentong Village, Kota Baharu District, Aceh Singkil



Regency in the form of plantation land. Meanwhile, based on Article 19 paragraph (1) of Law No. 60 of 2014 concerning Village Funds Sourced from the State Revenue and Expenditure Budget, it explains that all village finances are allocated or used to carry out government activities, to build villages, and empower the community.

Defendant II as the Head of BUMK Lentong Village, Kota Baharu District, Aceh Singkil Regency, by law must know his duties, functions, authorities and also his obligations to act for the BUMK Lentong funds in 2018, to be used appropriately. Defendant II was also cooperative by attending the trial, providing clear information.

Conclusion

Based on the end of this study, the problem that can be drawn with the conclusion, namely that the defendant of corruption crime still gets legal protection from the government, based on the Law. Law No. 8 of 1981 concerning the Criminal Procedure Code in Articles 50 to 68, explains that there are rights for the defendants such as obtaining legal counsel, getting justice, and being equal before the law. Including obtaining the principles of criminal law such as the presumption of innocence, and being treated equally before the Judge. That the judge's consideration of Defendant II based on the open legal facts during the trial, the Supreme Court Judge objected to the Cassation from the Public Prosecutor against Defendant II, so that the defendant was declared not guilty because Defendant II provided BUMK Funds to Defendant I on the orders of Defendant I.

The suggestion put forward by the author as a response to the results of the research that has been conducted is that the Village/Sub-District government should provide support to the Village-Owned Enterprise Sejahtera Lentong Village, both material and non-material, so that it can help by maximizing the performance of the Village-Owned Enterprise Sejahtera Lentong Village. For this reason, the surrounding community should participate in carrying out the management and use of the Village Prosperity funds. Corruption or corruptors should be given severe punishment because they have had a negative impact by causing great losses to the community and the state.

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