

Analysis of Replacement Payments in Corruption Crimes Based on Justice

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Abstract. *The purpose of this research is to find out and analyze the current regulations on payment of compensation in corruption crimes, to find out and analyze the implementation of payment of compensation in corruption crimes based on the value of Justice. This legal research uses an empirical legal research approach. This study discusses additional criminal penalties in the form of payment of replacement money in corruption crimes as an important instrument to recover state losses due to corrupt acts. Replacement criminal penalties aim not only to return misused funds to the state treasury, but also to provide a deterrent effect on perpetrators of corruption. The implementation of this criminal penalty is based on the Corruption Eradication Law, with a direct payment mechanism by the convict or through the auction of confiscated assets. However, its implementation is faced with challenges, such as a long legal process, identification of state losses, and the tendency of convicts to choose light subsidiary prison sentences rather than paying replacement money. This study emphasizes the importance of synergy between prosecutors, related agencies, and a transparent judicial process to overcome these obstacles. Evaluation of policies and regulations is needed, including tightening the provisions of subsidiary criminal penalties, to increase the effectiveness of recovering state losses and encouraging justice and preventing corruption. These findings are expected to be a reference for improving the legal system in dealing with corruption.*

Keywords: *Corruption; Justice; Money; Replacement.*

1. Introduction

The Republic of Indonesia is a state based on law (Rechtsstaats), not a state based on mere power (Machtsstaat), which is expressly regulated in the body, namely in Article 1 paragraph (3) of the 1945 Constitution. In the concept of a state based on

law, it is idealized that the law must be the commander in all dynamics of state life.¹

Thus, if there are state administrators or members of society who commit acts that violate the law or commit acts against the law, they will receive a punishment or sanction for their actions. Especially in the current era of globalization, which is marked by the development of science and technology, which on the one hand provides benefits to humans, not only in terms of communication but also makes it easier for humans to carry out work, even their daily activities, but on the other hand the development of science and technology also has a negative impact if misused, such as to commit crimes or criminal acts, and even criminal acts are increasingly occurring not only by adults but also by children.²

In addition, criminal acts are not only committed by ordinary people, but also officials who abuse their power with various modes of operation, which not only harm state finances but also all the people. This proves that there is an adage that states that the poorer a nation is, the higher the level of conventional crime, such as theft, robbery, fraud, murder, and so on.³ not entirely true. The negative impact of the development of science and technology has made the types of crimes or criminal acts increasingly diverse with increasingly sophisticated modus operandi, for example corruption, money laundering, narcotics crimes, cyber crime, and so on. These crimes are included in extraordinary crimes (extra ordinary crimes) or crimes that are inhumane and violate human rights. A criminal act is an act that is prohibited by law and is punishable by law, where the definition of an act here is not only an active act (doing something that is actually prohibited by law), but also a passive act (not doing something that is actually required by law).⁴As mentioned, one of the criminal acts included in extraordinary crimes is the crime of corruption.

Corruption is a violation of the law involving the abuse of authority by individuals in power to gain illicit personal gain. Corruption can take many forms, including bribery, extortion, misappropriation, and gratification. This crime damages the integrity of the government system and public institutions, hinders economic development, and harms society as a whole. Corruption also often creates social injustice and increases the gap between those in society who have access to power and those who do not. Therefore, efforts to eradicate corruption require strict law

¹Laurensius Arliman, *Realizing Good Law Enforcement to Realize Indonesia as a Legal State*, *Al Qadau Journal*, Vol 8 No 1, 2021, pp 509-534

²Beni Kurnia Illahi, *Optimizing the Competence of the State Administrative Court in Resolving Cases of Government Unlawful Acts (Onrechtmatige Overheidsdaad)*, *Jurnal Hukum Peratun*, Vol 6 Number 1 February 2023, pp. 35-56

³Edi Setiadi and Kristian, *Integrated Criminal Justice System and Law Enforcement System in Indonesia*, First Edition, Kencana Prenada Media, Jakarta, 2017, p.

⁴Teguh Prasetyo, *Criminal Law*, Rajawali Press, Jakarta, 2010, p. 48

enforcement, transparency, and active participation from all levels of society to create a clean and accountable government.⁵

This process involves identifying, monitoring, and seizing assets related to corruption, which typically include cash, property, vehicles, and investments. Asset confiscation is not useful for punishing the perpetrator to the state or the community that is harmed. In addition, asset confiscation serves as a preventive measure to prevent corruptors from utilizing the proceeds of their crimes and avoiding punishment. This step reflects a commitment to law enforcement and justice in the effort to eradicate corruption as a whole.⁶

Law Number 7 of 2006 on the Ratification of the United Nations Convention Against Corruption (UNCAC) is a movement to eradicate corruption. This convention, adopted in 2003, provides a comprehensive framework for preventing various acts. Through the ratification of this Law, Indonesia is committed to implementing international standards in corruption prevention, law enforcement, and international cooperation. UNCAC covers various aspects, including preventing corruption in the public and private sectors, effective law enforcement, returning corrupted assets, and supporting reporting mechanisms and witness protection. By adopting UNCAC, Indonesia seeks to strengthen the domestic legal system and improve integrity and transparency across public and private institutions, in order to create an environment that is cleaner from corrupt practices.⁷

Recovery of state finances is currently the main focus in addition to prevention and eradication of corruption, which is then bridged by the inclusion of provisions on replacement money as regulated in Article 18 of Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 concerning the Eradication of Corruption. However, through its release, ICW stated that the verdict for corruption cases in 2021, from state losses reaching IDR 62,930,000,000,000.00 (sixty-two trillion nine hundred and thirty billion rupiah) based on the court decision, the amount of replacement money decided was only IDR 1,400,000,000,000.00 (one trillion four hundred billion rupiah), meaning that it seems that recovery of state losses due to corruption is impossible.

Abuse of power and misappropriation of funds have become entrenched in various aspects of national life. The impacts are very broad, ranging from undermining public trust in government institutions to hampering social and economic development. To overcome this problem, comprehensive reforms are needed that include consistent law enforcement, transparency in resource management, and

⁵Lola Yustrisia, Legal Protection for Whistle Blowers in the Framework of Combating Corruption in Indonesia, *Menara Ilmu*, IX Volume 1 No. 75, 2017, p. 95.

⁶Astuti Nur Fadilla, et al., Asset Recovery in Corruption Crimes in Maluku Through Replacement Money, *Jurnal Litigasi*, 24, 2023, p. 265.

⁷Evans Emanuel Sinulingga, Return of Assets from Corruption Crimes Through Civil Lawsuit Mechanisms, *Lex Administratum*, Vol. V, No. 4, 2017, p. 117.

preventive and educational efforts to change long-standing mindsets and practices.

Through PERMA No. 5 of 2014 concerning Additional Criminal Penalties in the Form of Replacement Money in Corruption Crimes, the state is committed to eradicating corruption and ensuring that what has been taken will be returned to its original place, a process known as "asset recovery." This regulation regulates the application of additional criminal penalties in the form of an obligation to replace what has been taken, with the aim of recovering lost assets and restoring state finances. With this PERMA, it is hoped that the process of recovering corruption assets can run more effectively and support efforts to eradicate corruption as a whole.

2. Research methods

This legal research uses an empirical legal research approach method. Empirical legal research is legal research using legal principles and principles in reviewing, viewing, and analyzing problems in research, in addition to reviewing the implementation of law in practice.⁸ Empirical research method is a combination of doctrinal legal research method and empirical legal research method, so what is done by the researcher is a document study accompanied by a field study. Document study in this study is a literature using laws and regulations. Data analysis used in this study is Qualitative analysis, namely data that has been obtained from field studies and literature studies will be collected and grouped systematically according to the facts and characteristics of the objects studied precisely and then analyzed qualitatively with the aim of obtaining a conclusion from the research problem.⁹

3. Results and Discussion

3.1. Current Regulations on Payment of Replacement Money in Corruption Crimes

Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, through Article 18 paragraph (2), does indeed stipulate a short time period, namely 1 (one) month for convicts to pay off the replacement money. Still in the same paragraph, Law Number 20 of 2001 concerning Criminal Acts of Corruption also provides for a criminal reserve in the form of confiscation of the convict's assets which will then be auctioned to meet the replacement money.

In the following verse, the maximum length of substitute imprisonment from substitute money that can be imposed must not exceed the main criminal threat for the article that has been proven. This is because substitute imprisonment from substitute money is an additional punishment, so in principle it aims to add punishment other than the main punishment that has been imposed on the

⁸Ronny Hanitijo Soemitro, *Legal Research Methodology and Jurimetrics*, Ghalia Indonesia, Jakarta, 1990, p. 33.

⁹Sudarwan Denim, *Becoming a Qualitative Researcher*, Pustaka Setia, Bandung, 2012, p. 62.

defendant. Thus, the maximum criminal threat is not calculated by accumulating the main criminal threat with the additional punishment. The main criminal threat is only used as a benchmark in determining the maximum length of substitute imprisonment that can be imposed.

Regarding criminal sanctions in the form of additional penalties, namely payment of replacement money, there are regulations in the form of Regulation of the Supreme Court of the Republic of Indonesia Number 5 of 2014 concerning Additional Criminal Compensation in Corruption Crimes which are contained in Chapter IV concerning Execution of Replacement Money Article 9.

That based on the regulation, the confiscation of assets in additional criminal penalties of replacement money can be carried out if the Convict does not pay the replacement money within a maximum period of one month after the court decision that has obtained legal force. Then the Prosecutor can confiscate the Convict's assets and then auction the assets to cover the replacement money. Therefore, replacement money has an imperative nature in the implementation of its execution. This is what distinguishes replacement money from fines which have an alternative nature with a substitute imprisonment.

Corruption in Indonesia is a very serious problem, which is not easy to eliminate because it is deeply rooted in our nation Indonesia. A special court institution is needed to be able to resolve the problem of corruption and also to be able to return state assets that have been lost due to corruption.¹⁰Therefore, in order to be able to return or restore the financial or economic losses of the state due to corruption, it is necessary to provide additional punishment in the form of payment of compensation accompanied by confiscation of the defendant's assets which are proven to be obtained from the proceeds of corruption. According to Eli Laila Kholis, corruption crimes result in losses to the state and the people directly or indirectly.¹¹

Compensation for criminal damage is one of the legal instruments used in the case of state losses caused by corruption as stipulated in Article 18 of Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Corruption. The law is a legal instrument, where the law determines what must be done and what may be done and what is prohibited. The legal targets to be targeted are not only people who actually act against the law but also legal acts that may occur and state apparatus to act according to the law in organizing various development sectors which have not only had a positive impact in the form of national development and progress in society in general but also have negative impacts, especially those that are criminal acts and phenomenal crimes, namely

¹⁰Efi Lalila Kholis, *Payment of Compensation in Corruption Cases*, Jakarta: Solusi Publishing, (2010), p.5.

¹¹Artidjo Alkostar, *State Financial Losses in the Perspective of Corruption Crimes*, Varia Peradilan, Indonesian Judges Association (IKAHI), Year XXIII No. 275, October 2008

corruption. This criminal act is not only detrimental to state finances but also to the social and economic rights of the community.¹²

The calculation of state losses carried out by the BPK goes through several stages: (1) Identifying deviations that occur, by determining the type of deviation, reviewing the legal basis of the audited activity, examining whether the audited case falls into the state finance category, determining the cause of the loss and identifying the time and location of the deviation and/or unlawful act. (2) Identifying transactions, including identifying the type of transaction and type of loss. (3) Identifying, collecting, verifying and analyzing evidence related to matters related to the calculation of financial losses for the audited case. (4) Calculating the amount of state financial losses, based on evidence that has been identified, collected, verified and analyzed, then calculating the amount of state financial losses that occur.

As explained above, these steps will result in a calculation of state financial losses caused by corruption, and become a reference for prosecutors in executing a substitute money penalty against convicts, so that the process of implementing this substitute money penalty, whether in the form of confiscation, payment by the convict or confiscation of the convict's property based on the provisions in Article 18 paragraph (1) and (2) of the Corruption Eradication Law can be carried out in accordance with the amount of loss caused by the convict's actions so that it can create legal certainty in terms of the amount of substitute money that must be paid. However, this is influenced by the facts in the trial, where evidence in the trial is very important for the application of the substitute money payment criminal sanction in the court decision, because the substitute money payment criminal sanction can be applied if it is proven that the defendant personally enjoyed the property resulting from the corruption crime he committed.¹³

Referring to Article 18 Paragraph (2) of the Corruption Crime Law, the execution of the replacement money penalty must be carried out immediately because within a period of 1 month the amount of state losses as stated in the court decision which has permanent legal force must have been paid in full, in order to achieve the objective of the replacement money penalty, namely as a form of return or restoration of state losses due to corruption crimes.¹⁴

The implementation of criminal compensation is part of the execution of a court decision that has obtained permanent legal force, the amount and subsidiary penalties of which are stated in the verdict, the implementation of which is carried out by the prosecutor's office, the authority of the executor is based on Article 1

¹²Evi Hartanti, *Corruption Crimes*, Jakarta, sinar Grafika, 2008, p. 1. Ridwan, *Efforts to Prevent Corruption Crimes through Community Participation*, *Kanun Journal of Legal Studies*, Vol. 16, No. 3, 2014, pp. 385-399.

¹³Caroline Kasemetan, *Implementation of Criminal Sanctions for Payment of Replacement Money in Corruption Cases*, Atmajaya University, 2014, p. 7

¹⁴Adami Chazawi. *Material and Formal Criminal Law of Corruption in Indonesia*. Malang, Bayu Media Publishing, 2005, p. 354.

point 6 letters a and b of the Criminal Procedure Code, Article 6 and Article 30 letter b of Law Number 11 of 2021 concerning the Indonesian District Attorney's Office.

In addition, cooperation with related agencies is also needed because in carrying out confiscation, it must be against property that is used or produced from a criminal act of corruption, this is in accordance with the provisions of Article 18 paragraph (1) letter a which states that the confiscation of tangible or intangible movable property or immovable property used for or obtained from a criminal act of corruption, including companies owned by convicts where the criminal act of corruption was committed, as well as the price of goods that replace the goods. Therefore, in carrying out confiscation, certainty is needed regarding the connection between the convict's property and the criminal act of corruption that he has committed, only then can confiscation be carried out which will also help pay off the burden of replacement money.

3.2. Implementation of Compensation Payments in Corruption Crimes Based on Justice Values

The criminal penalty of payment of replacement money is a consequence of the consequences of corruption that can harm state finances or the state economy, so that to restore the loss, legal means are needed, namely in the form of payment of replacement money. Replacement money is a form of additional punishment (criminal) in corruption cases.

In essence, both legally and doctrinally, judges are not required to always impose additional penalties. However, specifically for corruption cases, this needs to be considered. This is because corruption is an act that is contrary to the law that is detrimental or can be detrimental to state finances. In this case, the state's losses must be recovered. One way that can be used to recover the state's losses is to require defendants who are proven and convincingly convicted of committing a criminal act of corruption to return the proceeds of their corruption to the state in the form of replacement money. Thus, even though replacement money is only an additional penalty, it is very unwise to allow defendants not to pay replacement money as a way to recover state losses. Defendants in corruption cases who have been proven and convincingly convicted of committing a criminal act of corruption are free from the obligation to pay replacement money if the replacement money can be compensated with the defendant's assets that are declared confiscated for the state or the defendant does not enjoy the money at all, or there are other defendants who have been sentenced to pay replacement money, or state losses can still be collected from other parties.

The Public Prosecutor almost all of his charges and demands include a monetary penalty for state losses. A monetary penalty is one of the additional criminal penalties in a Corruption Crime case that must be paid by the convict to the state

in an amount that is at most equal to the assets obtained from the corruption crime.¹⁵

The law places special emphasis on the amount of the replacement money, which is as much as possible equal to the assets obtained from the criminal act of corruption. Legally, this must be interpreted as a loss that can be charged to the convict is a state loss that is charged to the convict is a state loss that is real and certain in amount as a result of unlawful acts, whether intentional or negligent, committed by the convict. Thus, what plays an important role in this matter is the technical discovery of state financial losses, namely it must be found based on the findings of the authorized agency or appointed public accountant through the correct audit procedures.

Efforts to eradicate corruption through law by consistently enforcing Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption and various related provisions in a repressive manner, namely by implementing criminalization efforts against perpetrators of corruption by sentencing convicts to imprisonment and fines, and imposing sanctions in the form of payment of compensation as an additional penalty in corruption cases to restore losses to state finances. Unlike fines, the payment of compensation is an additional penalty while the fine is the main penalty as regulated by the provisions of Article 10 of the Criminal Code.

The process of returning state financial losses through the imposition of a penalty of payment of replacement money in the criminal act of corruption, the convict is demanded an additional penalty of replacement money in the amount of which is as much as the property obtained from the proceeds of the criminal act of corruption and not merely the amount of the state financial loss caused. In the event that the judge imposes an additional penalty in the form of payment of replacement money, the convict is given a grace period of 1 (one) month to pay it off after the court decision has permanent legal force (*inkracht*), where after the payment has been made in full by the Convict, the Prosecutor will deposit the proceeds of the payment to the State Treasury to pay the convict's replacement money, then send a copy of the minutes of the payment of replacement money signed by the Prosecutor and the Convict to the District Court that is trying the case. In terms of determining the amount of replacement money payment in the criminal act of corruption, it is as much as the property obtained from the criminal act of corruption and not merely the amount of the state financial loss caused. Then the property from corruption that has previously been confiscated by the investigator will be taken into account in determining the amount of replacement money that must be paid by the convict.

¹⁵Letter of the Attorney General of the Republic of Indonesia Number: B012/A/Cu.2/01/2013 dated 18 January 2013 concerning Accounting Policy and Guidelines for Settlement of Replacement Money Receivables of the Attorney General of the Republic of Indonesia 1

Payment of replacement money in corruption crimes is carried out after the court decision has permanent legal force (*inkracht*), the convict is given a grace period of 1 (one) month to pay off the additional penalty in the form of payment of replacement money, where after payment has been made, the Prosecutor will deposit the payment proceeds to the State Treasury and send a copy of the minutes of payment of replacement money signed by the Prosecutor and the convict to the District Court that is trying the case.

That if the payment cannot be made at once by the convict, it is more directed towards a non-litigation settlement carried out through negotiation. That the convict can pay in installments according to the agreement until the replacement money is fully paid. Meanwhile, cases decided by the new Corruption Crime Law, there is already a payment time limit of one month, if the replacement money is not paid, the property can be confiscated by the Prosecutor and the confiscated property can be auctioned to cover the replacement money in an amount according to the court verdict that has permanent legal force. Then if the convict does not have sufficient property to pay the replacement money, the convict is punished with imprisonment which is served by the convict for a period not exceeding his principal sentence.

Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption through Article 18 paragraph (2), indeed stipulates a very short time period, namely 1 (one) month for convicts to pay off the replacement money. Still in the same paragraph, Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption also provides an alternative punishment in the form of confiscation of the convict's assets which will then be auctioned to meet the replacement money. In the next paragraph, the convict is even threatened with imprisonment for a period not exceeding the maximum threat of the principal sentence. So, the convict will actually not escape even if he claims that there is a civil lawsuit being processed.

Subsidiary criminal penalties or substitute imprisonment are highly avoided in order to replace substitute monetary penalties for Defendants in corruption cases who have been proven and convincingly committed corruption. Because basically defendants who are proven to have committed corruption are required to return the money from corruption as a way to recover state losses. Subsidiary imprisonment can close the opportunity for the State to recover losses due to corruption. The Supreme Court (MA) for example, in many decisions only imposes substitute monetary penalties without subsidiary imprisonment as a way to force the defendant to return state money.

The dominance of subsidiary punishment compared to substitute punishment, if we look at it from a different perspective, it is as if the existence of subsidiary punishment for corruption convicts who do not pay or do not fully pay substitute punishment as an alternative to being given additional criminal punishment in the form of imprisonment will weaken this law in terms of achieving the return of state

finances in a short time, or the level of subsidiary punishment that must be increased.

Additional criminal penalties in the form of compensation in corruption cases based on the value of justice aim to fulfill two main targets, namely restoration and prevention, within the framework of criminal law. In corruption cases, where public funds or assets are misappropriated or misused, compensation serves as a mechanism to restore losses suffered by the state. However, in order to comply with the principle of justice, the calculation, determination, and implementation of compensation must consider proportionality, equality, and justice.

4. Conclusion

Compensation in corruption crimes is an important instrument to recover state losses due to corrupt acts. Its implementation is based on the Corruption Eradication Law and related regulations, with an emphasis on returning state funds through direct payments by convicts or the proceeds of auctions of confiscated assets. Although the concept and regulations are clear, its implementation faces challenges in the form of a long legal process, identification of state losses, and the linkage of assets to corruption crimes. Therefore, synergy is needed between prosecutors, related agencies, and a transparent judicial process to ensure legal certainty, justice, and the achievement of the goal of recovering state losses effectively and efficiently. Additional penalties in the form of payment of compensation in corruption crimes aim to recover state losses and provide a deterrent effect on perpetrators. However, its implementation still faces challenges, including the dominant use of subsidiary imprisonment by convicts who avoid paying compensation, so that state financial recovery is slow. Payment mechanisms, either in cash or in installments, as well as cooperation between agencies are important to ensure the effectiveness of the implementation of this penalty. The existence of subsidiary penalties that are too light also has the potential to weaken efforts to recover state losses quickly and optimally. Therefore, it is necessary to adjust policies and evaluate regulations to ensure that substitute monetary penalties can achieve their goals, namely justice, recovery of state losses, and effective prevention of corruption.

5. References

- Adami Chazawi. *Material and Formal Criminal Law of Corruption in Indonesia*. Malang, Bayu Media Publishing, 2005, p. 354.
- Artidjo Alkostar, *State Financial Losses in the Perspective of Corruption Crimes*, *Varia Peradilan*, Indonesian Judges Association (IKAHI), Year XXIII No. 275, October 2008
- Astuti Nur Fadilla, et al., *Asset Recovery in Corruption Crimes in Maluku Through Replacement Money*, *Jurnal Litigasi*, 24, 2023, p. 265.

- Caroline Kasemetan, *Implementation of Criminal Sanctions for Payment of Replacement Money in Corruption Cases*, Atmajaya University, 2014, p. 7
- Edi Setiadi and Kristian, *Integrated Criminal Justice System and Law Enforcement System in Indonesia*, First Edition, Kencana Prenada Media, Jakarta, 2017, p.
- Efi Lalila Kholis, *Payment of Compensation in Corruption Cases*, Jakarta: Solusi Publishing, (2010), p.5.
- eni Kurnia Illahi, *Optimizing the Competence of the State Administrative Court in Resolving Cases of Government Unlawful Acts (Onrechtmatige Overheidsdaad)*, *Jurnal Hukum Peratun*, Vol 6 Number 1 February 2023, p. 35-56
- Evans Emanuel Sinulingga, *Return of Assets Proceedings of Corruption Through Civil Lawsuit Mechanism*, *Lex Administratum*, Vol. V, No. 4, 2017, p. 117.
- Evi Hartanti, *Corruption Crimes*, Jakarta, sinar Grafika, 2008, p. 1. Ridwan, *Efforts to Prevent Corruption Crimes through Community Participation*, *Kanun Journal of Legal Studies*, Vol. 16, No. 3, 2014, p. 385-399.
- Laurensius Arliman, *Realizing Good Law Enforcement to Realize Indonesia as a Legal State*, *Al Qadau Journal*, Vol 8 No 1, 2021, p. 509-534
- Letter of the Attorney General of the Republic of Indonesia Number: B012/A/Cu.2/01/2013 dated 18 January 2013 concerning Accounting Policy and Guidelines for Settlement of Replacement Money Receivables of the Attorney General of the Republic of Indonesia 1
- Lola Yustrisia, *Legal Protection for Whistle Blowers in the Framework of Combating Corruption in Indonesia*, *Menara Ilmu*, IX Volume 1 No. 75, 2017, p. 95.
- Ronny Hanitijo Soemitro, *Legal Research Methodology and Jurimetrics*, Ghalia Indonesia, Jakarta, 1990, p. 33.
- Sudarwan Denim, *Becoming a Qualitative Researcher*, Pustaka Setia, Bandung, 2012, p. 62.
- Teguh Prasetyo, *Criminal Law*, Rajawali Press, Jakarta, 2010, p. 48