RLJ Ratio Legis Journal
ISSN 2830-4624
published by
Master of Law, Faculty of Law
Universitas Islam Sultan Agung
Volume 4 No. 2, June 2025

Analysis of Handling of Corruption Cases with Small Losses Based on Restorative Justice (Research Study at the Bone District Prosecutor's Office)

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Abstract. *The current application of the retributive justice concept is unable to restore state losses therefore the idea arose to apply the concept of restorative justice in criminal acts of corruption, especially corruption that harms state finances with small losses. The purpose of this study is to examine and analyze the handling of corruption cases with small losses based on restorative justice, reviewing and analyzing obstacles and solutions in handling corruption cases with small losses based on restorative justice at the Bone District Attorney's Office. This research is categorized as empirical legal research. Empirical legal research or empirical juridical research is another word that is a type of sociological hulum research and can be mentioned as field research, which examines the applicable legal provisions and those that have occurred in the life of society. Settlement of corruption cases with small losses through a restorative justice approach is considered more humane, efficient, and focused on recovery compared to law enforcement that is purely repressive. This approach emerged because the justice system is often unbalanced, where the cost of handling is greater than the value of state losses. In practice, the perpetrator is required to return the state losses in full and show good faith so that the legal process can be stopped. However, at the Bone District Attorney's Office, its implementation is still hampered by aspects of substance, structure, and legal culture. The unclear regulations in the Corruption Law, weak coordination between institutions, and a legal culture that still demands prison sentences are the main obstacles. Legal reform, prosecutor training, and public education are needed to encourage acceptance of restorative justice. If implemented with transparency and good supervision, this approach can be an effective solution to resolving petty corruption fairly and efficiently.*

Keywords: *Corruption; Justice; Prosecutor's; Restorative.*

1. Introduction

The law has a function as a protector of human interests, so that human interests are protected, the law must be implemented professionally. The implementation of the law can take place normally, peacefully, and orderly. Legal protection is very important and has an impact on justice for all citizens of Indonesia. Based on the provisions of the 1945 Constitution of the Republic of Indonesia, article 1 paragraph 3, "The State of Indonesia is a state of law". Therefore, all state life is always based on law.[1]

Corruption is closely related to unlawful acts or abuse of authority, position or existing facilities and causes state financial losses. The definition of corruption according to Law Number 20 of 2001 concerning the Eradication of Corruption is anyone who unlawfully commits an act of enriching themselves or others or a corporation that can harm state finances or the state economy.[2]

Corruption is categorized as an extraordinary crime because it has an extraordinary impact, corruption can not only harm state finances, disrupt the stability and security of society, but also weaken democratic values and legal certainty. "Therefore, Corruption, which is an extraordinary crime, must be handled in an extraordinary way. Eradication of Corruption in Indonesia is an effort to return state losses carried out by the state through law enforcement officers.[3]

Corruption is a complicated crime to uncover along with the increasing development of technology and the increasingly sophisticated modus operandi, so that law enforcers, including the Prosecutor's Office, often encounter obstacles in efforts to uncover and eradicate corruption that occurs. These obstacles make it increasingly difficult to uncover corruption cases, so that it takes a long time and special methods in handling them.[4]

The paradigm of law enforcement has shifted from retributive justice in the form of retribution to restorative justice. Restorative justice provides balance in the criminal justice process. Therefore, justice will emerge when peace and harmony in society and perpetrators of crimes can be accepted by society.

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[1]Hadibah Zachra Wadjo and Judy Marria Saimima, "Legal Protection for Victims of Sexual Violence in the Framework of Realizing Restorative Justice," Jurnal Belo Vol. 6, No. 1 (2020): pp. 48–59,

[2]Rudi Iskandar, The Authority of the Prosecutor's Office in Resolving Corruption Crimes Based on the Restorative Principle Approach, Matrix of Social and Science Journal, Vol. 3, No. 1, July 2021, pp. 27-36

[3]Wendy and Andi Najemi, "Regulation of Replacement Money as Additional Criminal Punishment in Corruption Crimes". PAMPAS: Journal of Criminal Law, Vol 1, No 1 Year 2020. Pg. 26

[4]*Ibid*

The principles of retributive justice that prioritize the physical punishment of the perpetrator of corruption rather than focusing on the recovery of the consequences of the crime, are seen in the norms of corruption eradication in Indonesia which state that the return of state financial losses does not eliminate the punishment for someone as the perpetrator of the crime of corruption. Article 4 of Law No. 31/1999 as amended by Law No. 20/2001 concerning the Eradication of Corruption emphasizes that the return of state financial losses or the state economy does not eliminate the punishment of the perpetrator of the crime as referred to in Article 2 and Article 3 of the law. This shows that the law on corruption in Indonesia still views the mistakes or sins of the perpetrator of the crime as being redeemable only by undergoing suffering.

In fact, international law has opened up opportunities for each state party to resolve corruption cases through restorative justice in asset recovery as an effort to restore state financial losses due to corruption. Through the United Nations Convention Against Corruption (UNCAC) signed by 133 countries, the UN urges its member states to respond as soon as possible to the presence of this convention, especially in the context of asset recovery.[5]

In response to this question, the Attorney General of the Republic of Indonesia at a Working Meeting with the Indonesian House of Representatives on January 27, 2022 explained that for Village Fund cases where the losses are not too large and the acts are not carried out continuously (keep going), it is recommended to resolve them administratively by returning the state financial losses and the perpetrators are given guidance through the inspectorate so that they do not repeat their actions. The Attorney General of the Republic of Indonesia also appealed to his staff for corruption crimes with state financial losses below IDR 50,000,000 (fifty million rupiah) to be resolved by returning state financial losses as an effort to implement the legal process quickly, simply and at low cost. In addition, law enforcement for corruption crimes must prioritize the value of justice in addition to legal benefits and legal certainty.[6]

2. Research Methods

Methodis the process, principles and procedures for solving a problem, while research is a careful, diligent and thorough examination of a phenomenon to increase human knowledge, so the research method can be interpreted as the process of principles and procedures for solving problems faced in carrying out research.[7] Referring to the background and focus of the research taken, this

[5]Budi Suharianto, Restorative Justice in Criminalizing Corrupt Corporations to Optimize the Return of State Financial Losses, Jakarta, Kemenkumham, Vol 5, No 3, December 2016, p. 423

6 Live Streaming of the DPR RI Commission III Working Meeting with the Attorney General, accessed viahttps://www.youtube.com/c/DPRRIOfficialJanuary 27, 2022.

[7]Soerjono Soekanto, Introduction to Legal Research, (Jakarta: UI-Press, 1985), p. 6

research is categorized as empirical legal research.[8] Empirical legal research or empirical juridical research is another word that is a type of sociological upstream research and can be mentioned as field research, which examines the applicable legal provisions and those that have occurred in the life of society. Or in other words, it is a research conducted on the actual situation or real conditions that have occurred in society with the intention of knowing and finding the facts and data needed.[9] Soerjono Soekanto is of the opinion that in sociological or empirical legal research, the data studied first is secondary data which is followed by research on primary data in the field or on the community. In this research, it was conducted withprioritizing the interaction between researchers and what is studied through sources and informants, and paying attention to the context that forms the input, process and results of the research, as well as its meanings. This study also uses qualitative data when necessary to support the validity of qualitative data.[10]

3. Results and Discussion

3.1. Handling of corruption cases with small losses based on restorative justice

According to John Rawls, law enforcement is an effort to realize three main elements, namely justice, certainty and legal benefits. This is also explained by Gustav Radbruch, that law enforcement is an effort to realize justice based on conscience.[11]Criminal law enforcement is a form of state service in the legal field implemented by law enforcement institutions to ensure the functioning of criminal law norms in real terms as a guideline for behavior between legal subjects in social and state life. According to Lawrence M. Friedman, there are three indicators that determine the success or failure of law enforcement in society, namely: legal substance, legal structure, and legal culture. Legal substance is a legal rule that is not only limited to written rules but also laws that live in society. Legal structure is law enforcement institutions such as: police, prosecutors, courts and correctional institutions. While legal culture is the attitude and behavior of humans towards the law that determines how the law is implemented.[12]

[8]Soejono and Abdurrahman, Research Methods; A Thought and Application, (Jakarta: Rineka Cipta, 2005), 2nd edition, p. 56
[9]Cholid Narbuko and Abu Achmadi, "Research Methodology" (2003; PT. Bumi Aksara, Jakarta), p. 1
[10]Ronny Hanitijo Soemitro, Legal Research Methods and Jurimetrics, Jakarta: Ghalia Indonesia, 2015, p. 39.
[11]Ana Aniza Karunia, "Law Enforcement of Corruption Crimes in Indonesia in the Perspective of Lawrence M. Friedman's Theory," Journal of Law and Economic Development 10, no. 1 (2022): 123,
[12]Herianto Yudhistiro Wibowo and Soeryo Putro Bharoto, "The Role of the Team to Guard and Secure the Government and Regional Development in Efforts to Prevent Corruption in Cilacap

The ideal criminal law enforcement does not seem to be reflected in the perpetrators of corruption. The reality is that corruption crimes in Indonesia are increasing, this shows that law enforcement carried out by law enforcement institutions against corruption perpetrators is not optimal. The stages of the law enforcement process for corruption are actually no different from other crimes which begin with the investigation, inquiry, prosecution, trial and execution of court decisions. The Criminal Procedure Code has regulated the duties of each law enforcement institution in enforcing corruption criminal law. Article 26 of Law No. 31 of 1999 states that "Investigation, prosecution, and examination in court of corruption crimes are carried out based on the applicable criminal procedure law, unless otherwise specified in this law." The applicable criminal procedure law referred to in Article 26 of Law No. 31 of 1999 are the provisions in Law No. 8 of 1981 concerning Criminal Procedure Law which are applied to suspects of corruption crimes who have the status of civil society and the provisions in Law No. 31 of 1997 concerning Military Justice which is applied to suspects of corruption crimes who have the status of military members.

Meanwhile, the meaning of "unless otherwise specified in this law" based on the provisions of Article 26 of Law No. 31 of 1999 is that the legal basis for conducting investigations, inquiries, prosecutions, examinations in court and the implementation of decisions of the Corruption Court are the provisions governing investigations, inquiries, prosecutions and trials in the Corruption Court contained in Law No. 30 of 2002 and the provisions governing investigations, inquiries, prosecutions and trials in court in corruption cases contained in Law No. 31 of 1999 as amended by Law No. 20 of 2001. The following stages of implementing criminal law enforcement against perpetrators of corruption are grouped into several stages of main activities, namely investigation and inquiry activities, prosecution, examination in court and implementation of court decisions.

Investigations and inquiries into alleged corruption cases can be conducted by law enforcement institutions, namely the police, the prosecutor's office, or the Corruption Eradication Commission (KPK). The police have the authority to conduct investigations and inquiries for every crime as regulated in Article 4 and Article 6 of the Criminal Procedure Code. The prosecutor's office has the authority to conduct investigations as stated in Article 30 of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. Meanwhile, the KPK has the authority to conduct investigations, inquiries and prosecutions of corruption cases as regulated in Article 6 letter C of Law Number 30 of 2002 concerning the Corruption Eradication Commission. The KPK's authority to conduct investigations and inquiries into corruption cases based on the provisions of Article 11 of Law Number 30 of 2002 is carried out in cases of

Regency (Study on the Effectiveness of the Decree of the Attorney General of the Republic of Indonesia Number: Kep152/A/JA/10/2015)," Jurnal Idea Hukum 5, no. 1 (March 4, 2019), p. 108

corruption involving law enforcement officers, state administrators, attracting public attention and the value of state financial losses is at least 1 (one) billion. The KPK has the authority to take over investigation activities carried out by the police or investigation and prosecution activities carried out by the Prosecutor's Office. The takeover of the authority to investigate and prosecute is carried out if: the corruption crime is not followed up; the handling process is protracted; the handling of the corruption crime is intended to protect the perpetrator; there is an element of corruption in the handling of corruption cases; and there is interference from the executive, legislative, and judiciary. Investigations are carried out by investigators to find and discover an event that is suspected of being a criminal act to determine whether or not an investigation can be carried out.

Prosecution of corruption cases is carried out by public prosecutors at the prosecutor's office or by the Corruption Eradication Committee (KPK). Prosecution is carried out by the public prosecutor after the issuance of a letter of appointment of a public prosecutor to follow the development of the criminal case or what is called P-16 by the prosecutor's office. If the case file has been declared complete, the head of the prosecutor's office issues P-16A, namely a letter of appointment of a public prosecutor to resolve the criminal case.[13]Prosecution is carried out by the public prosecutor by referring the case to the court that has the authority to try it. Prosecution in the prosecutor's office is divided into two areas, namely pre-prosecution and prosecution.

The types of punishment applied to perpetrators of corruption are listed in Article 10 of the Criminal Code, which distinguishes between principal and additional punishments. The types of principal punishments are the death penalty, imprisonment, detention, fines, and closure. While additional punishments are the revocation of certain rights, confiscation of certain goods, and announcement of the judge's decision. Meanwhile, criminal sanctions in the Corruption Eradication Law include additional punishments as stipulated in Article 18 of Law No. 31 of 1999 concerning the Eradication of Corruption in the form of confiscation of goods obtained from corruption, closure of all or part of the company for a maximum of 1 (one) year, and revocation of all or part of certain rights or elimination of all or part of certain benefits, which have been or may be given by the government to the convict.

One of the efforts made to recover state financial losses due to corruption is by implementing a substitute monetary penalty, where the payment of the substitute monetary penalty is set at the maximum amount equal to the assets obtained from the proceeds of corruption. 19 The purpose of the substitute monetary penalty is intended to return state funds lost due to corruption. 20

[13]Ragil Listyaningrum, "The Right of Public Prosecutor to Freedom and the Plan of Demands in Criminal Law Enforcement," Verstek Journal of Procedural Law 10, no. 3 (2023): 525,

Furthermore, the implementation of the verdict on corruption cases that have permanent legal force is carried out by the Prosecutor based on Article 270 of the Criminal Procedure Code. Based on these provisions, it can be concluded that the enforcement of criminal law for perpetrators of corruption in Indonesia is absolutely carried out through an investigation process until a court decision, meaning that every act of corruption, whether the amount of state financial losses is large or relatively small, must still go through a trial process that ends with the imposition of a prison sentence, the implementation of this legal process is based on Article 4 of Law No. 31 of 1999 that the return of state financial losses or the state economy does not eliminate the criminal punishment of the perpetrator of the corruption crime.

The historical aspect of the formation of the Corruption Eradication Law, the main target is to return state financial losses. To realize this target, corruption crimes with small losses are not appropriate to be resolved with a retributive justice approach considering that the financial burden incurred by the state is greater than the value of the losses arising from corruption. For this reason, law enforcement officers are expected to be able to identify certain corruption cases that are considered detrimental to state finances so that they can be resolved through a form of case settlement outside the court (out of court settlement), by calculating the comparison of the value of operational funds for handling the case with the value of state financial losses. Settlement of cases outside the court (out of court settlement) is a concept of restorative justice. The application of restorative justice to corruption crimes is not the same as restorative justice carried out on general crimes whose settlement involves the victim, perpetrator and community, for corruption cases focusing on returning state losses. The issue of implementing restorative justice in resolving corruption cases emerged as a reaction to the failure of retributive justice as the legal basis for eradicating corruption cases and the punishment of corruption perpetrators that is not in accordance with the main objective of the Corruption Eradication Law in Indonesia. So far, the return of state financial losses has only been an additional punishment, the implementation of which can also be replaced with imprisonment. So that the main target of returning state losses cannot be implemented optimally.

There are several reasons for the failure of retributive justice in Corruption in Indonesia. First, efforts to combat crime by using criminal law institutions and physical punishment are classical methods in criminal law. Second, many negative aspects have emerged, such as dehumanization, prisonization and stigmatization.[14]Third, the energy of law enforcers and the state budget are exhausted to focus on efforts to physically punish perpetrators of crimes rather than focusing on rehabilitating the consequences of the crimes committed. In

[14]Muladi and Barda Nawawi Arief, Criminal Theories and Policies (Bandung: Alumni, 1984) 77-78.

the context of criminal acts of corruption, the legal interest to be protected is state finances.[15] In addition, the perpetrators of corruption are often not individuals but corporations. In this context, the criminalization of perpetrators of corruption committed by corporations in the retributive justice paradigm is clearly irrelevant. In fact, there are a number of obstacles that arise in efforts to protect state finances that are corrupted by corporations. The criminalization of corporations as perpetrators of corruption, both in terms of substance, structure and legal culture, is no longer appropriate using the retributive justice concept approach. The application of restorative justice in resolving criminal cases, specifically in corruption, has actually been implemented with a Circular Letter in several law enforcement agencies, namely the Letter of the Chief of Police No. Pol. B/3022/XII/2009 concerning the concept of Alternative Dispute Resolution (ADR) and the Circular Letter of the Deputy Attorney General for Special Crimes Number: B113/F/Fd.1/05/2010 dated May 18, 2010.

Based on the rules and policies above, according to this research, in cases of corruption that result in small state losses, the resolution can be attempted through a restorative justice approach because the goal of restorative justice is to restore the losses caused by the perpetrator to the state as the victim by replacing the losses experienced by the state as the victim.

The restorative approach is actually appropriate to be implemented against corruption crimes that cause small losses, this is to save the state budget quite a lot because we know that the implementation of law enforcement for corruption crimes from the investigation stage to the court decision takes a long time, so it is clear that the settlement of corruption crimes costs a lot of money. The implementation of restorative justice, the state will not be burdened with finances to process and feed the perpetrators of corruption who are detained or convicted. In the context of law enforcement, both law enforcement for perpetrators of corruption crimes that result in large or small state financial losses, there is no difference in terms of financing, the costs used to handle corruption crimes with small losses are the same as the costs used to handle corruption crimes with large losses.

The Attorney General said that law enforcement must be proportional and professional as the meaning of the scale symbol which is a symbol of justice. Furthermore, the Attorney General said that for corruption crimes that are not related to state financial losses or related to state financial losses with a relatively small nominal loss, for example under fifty million rupiah, it is appropriate to be a topic of joint discourse. Should the case be subject to imprisonment or can other sanctioning mechanisms be used? Handling corruption cases from the investigation process to execution is not cheap. The

[15]Agus Rusianto, Criminal Acts & Criminal Responsibility: A Critical Review Through Consistency between Principles, Theories, and Their Applications (Jakarta: Kencana, 2015) 252.

state bears costs of up to hundreds of millions of rupiah to complete a corruption case. This is certainly not comparable between operational costs and the results of corruption committed by the perpetrator, as the proverb says "the peg is bigger than the pole." "Although the rampant extortion crime itself has certainly been very disturbing to the community and in a long series often has an impact on the emergence of high economic costs in the industrial sector or production sector, however, its eradication should also, as far as possible, not cause a financial burden on state finances.[16]

An example of a case that occurred in the jurisdiction of the Bone District Attorney's Office is a criminal act of corruption in the construction work of the BKP road rehabilitation package 01 for the 2021/2022 budget year in Ulaweng/Tellu Siattingnge District, Bone Regency, where there was a deviation that resulted in a state financial loss of IDR 107,640,272.25 (one hundred and seven million six hundred and forty thousand two hundred and seventy two point twenty five rupiah) as presented in the Expose Minutes between the South Sulawesi BPKP Representative and the Bone District Attorney's Office on May 4, 2023.

Based on the Investigation Order of the Head of the Bone District Attorney's Office Number: Print-02/P.4.14/Fd.1/10/2022 dated October 25, 2022 and Based on the Results of the LHKA from the BPKP of South Sulawesi Number: PE.03.03/LKA-847/PW21/5/2023 dated December 11, 2023 Regarding the Report on the Results of the Provision of Expert Statements Before Investigators on Alleged Criminal Acts of Corruption in the Construction Work of the BKP Road Rehabilitation Package 01 for the 2021/2022 Budget Year in Ulaweng/T.Siattinge Taccipi-Tokaseng District, Bone Regency and the Expose Case Title has been carried out on December 7, 2023, it is concluded as follows:

1) The indication of state losses of IDR 107,640,272.25 is considered insignificant or 0.997% of the contract value of IDR 10,800,193,702.00;

2) There has been no evidence found regarding the element of intent in the state's financial losses;

3) That the state financial loss of IDR 107,640,272.25 must be returned to the Regional Treasury based on the LHAK from the South Sulawesi BPKP.

Based on these matters, the Investigators at the Bone District Attorney's Office concluded to stop the investigation into the activity, then submitted the LHKA to the Bone Regency Regional Inspectorate as APIP for Follow-up on Indications of State Losses.

[16] Bantul District Attorney's Office Admin, Public Discussion: "Restorative Justice, Should Corruption of 50 Million Be Imprisoned?"https://kejari-bantul.go.id/diskusi-publik-keadilan-restoratif-apakah-korupsi-50-juta-dipenjara/accessed 20 May 2025

Based on an interview with Manasar Panjaitan, Auditor of BPKP Makassar[17]that the cost of settlement, the Prosecutor's Office from the Investigation, Investigation and Prosecution Worth approximately IDR 400 million, the audit costs consist of: 1) Round trip transportation from the place of origin to the destination 2) Lodging costs at the destination which average IDR 450,000 to IDR 500,000. per night and are accounted for according to the hotel bill. 3) Daily money for the assigned auditor of IDR 430,000 per day, 4) the average audit team is between 4-5 people depending on the size of the problem or the complexity of the audit. 5) For PPKN, the average is between 7 - 10 days. 6) For investigative audits, approximately 15 days.

Handling of corruption cases with small state losses, such as state losses of IDR 107,640,272.25 is considered disproportionate to the cost of handling the corruption case, based on interviews requiring a much larger case handling budget that can even reach IDR 400 million for investigation, prosecution, and trial costs. This disparity shows that the criminal justice system is inefficient in handling small corruption, because the state's cost of prosecuting the act actually exceeds the value of the losses incurred.

The spirit contained in the current corruption eradication regime is the optimal recovery or rescue of state finances. Another provision that needs to be considered is the application of the principle of simple, fast, and low-cost justice where every examination and resolution of cases must be carried out efficiently and effectively. It can be imagined, corruption cases that occur especially in the eastern part of Indonesia, especially the archipelago where the examination and trial process must be carried out by land, sea, and air. as well as to go to the provincial capital to try corruption cases that are only relatively small in scale, so that the operational costs incurred by the state are not comparable with the state losses to be saved. In this case, I am of the view that handling corruption cases that have a relatively small loss value is a form of state loss that is carried out legally.

The handling of small-scale corruption cases is also not an achievement to be proud of and sometimes tends to be unacceptable to the public. The Attorney General said that public trust in law enforcement could actually decrease because the quality of case handling carried out was only at the "small fry level" and law enforcement officers were considered incapable of fighting corruptors on a big fish scale. In addition, another thing that needs to be understood is equating a corruption case of fifty million rupiah with theft of five million rupiah.[18]

[17]Interview conducted with Manasar Panjaitan, Auditor of BPKP Makassar, April 20, 2025
[18] Aulia, Aulia, Muhammad Nur, and Sulaiman Sulaiman. "Termination of Investigation of Corruption Cases by the Prosecutor's Office Regarding the Return of State Financial Losses." Suloh: Journal of the Faculty of Law, Malikussaleh University 13, no. 1 (2025): 41-66.

These two cases are not the same or not apple to apple. Corruption cases are special crimes that have more complex mechanisms and require high costs, and the party that is harmed is the state. Basically, the state as a victim has the capacity to punish the perpetrators, namely by using other mechanisms or instruments outside of prison sanctions, of course an instrument that has the principle of justice, but is economical because the state actually loses more if it has to punish the perpetrators to go to prison. If this is still forced, society will indirectly become secondary victims because state money that should be channeled for the welfare of society, can be drained only for corruption cases at the "anchovy" level.

The Attorney General said that for the theft of five million rupiah, which is a common crime, the victims are individuals. The money could be a lot of money for many people. Losing the money can make the victim unable to meet the needs of his family and even unable to buy food. The sense of loss and pain felt by the victim can be captured and felt by the state, so that the state can punish the perpetrators of theft with severe and appropriate punishment, as long as the victim does not forgive the perpetrator's actions. "I realize that the eradication of corruption must be carried out in all lines and levels of society. However, what needs to be noted is that there are many ways to eradicate it. Perpetrators of corruption whose actions are not related to state financial losses or those related to state financial losses, but with a small nominal loss, we will still give appropriate punishment.[19]

The Attorney General said that the imposition of criminal sanctions, especially imprisonment, is not an attempt at revenge, but rather a process of community education and deterrence aimed at making the perpetrators realize the error of their actions, so that the imposition of criminal penalties is the last resort. The application of the ultimum remedium principle in several cases or certain crimes is still very relevant in efforts to eradicate corruption. Criminal sanctions do not always have to be in the form of imprisonment. There are several other sanctions that can be applied to perpetrators of "small fry" corruption, for example with appropriate criminal sanctions in the form of fines, revocation of certain rights, or confiscation of goods. We can also provide recommendations to relevant stakeholders to provide administrative sanctions for personnel, for example, postponement of rank to dismissal. "In addition, for the private sector, they can be frozen, dissolved, or blacklisted so that they can no longer participate in the procurement of state-owned goods and services. As law enforcement officers,

[19]Ibid

they must act carefully in determining each type of case and be precise in providing the weight of the punishment.[20]

The implementation of restorative justice in corruption crimes with small state financial losses, especially under Rp50 million, has begun to receive the attention of the Prosecutor's Office as a form of a more humanistic, proportional, and efficient legal approach. The Prosecutor's Office as dominus litis has full authority in determining the direction of case resolution, including by choosing a settlement outside the judicial system if certain conditions are met. The main objective of this approach is to quickly return state financial losses without sacrificing a sense of justice, as well as reducing the burden of criminal cases piling up in court.

One concrete form of the application of restorative justice in this case of petty corruption is to provide an opportunity for the perpetrator to return all state losses voluntarily before the prosecution process is continued. If the return is made in full and accompanied by good faith, the Prosecutor's Office can consider stopping the investigation or prosecution process based on the principle of opportunity and in the interests of justice. This is also based on the principle of efficiency in law enforcement, considering that the cost of handling petty corruption cases is often greater than the value of the loss itself.

However, the application of restorative justice in corruption cases is not done carelessly. The prosecutor's office sets a number of strict criteria, such as no losses that have not been returned, no serious malicious intent, the perpetrator is not a recidivist, and the case does not cause social unrest or disrupt the government's strategic programs. In addition, the perpetrator is required to apologize openly and show remorse. The prosecutor's office also continues to involve internal supervisory agencies and reporting parties in the deliberation process to agree on a case resolution through a restorative approach.

This kind of practice has begun to be tested in several areas of the District Attorney's Office, such as in West Sumatra and East Java, where perpetrators of corruption of village funds or school activity treasurers who have caused state losses in small amounts are resolved through a recovery mechanism. The Attorney's Office continues to supervise the return of the state money and ensures that there is a commitment from the perpetrators not to repeat their actions. The implementation of this model is considered capable of providing a sufficient deterrent effect, without having to increase prison density or waste the state budget for cases that are relatively minor.

[20] Budiman, Maman. "Implementation of the Restorative Justice Principle in the Termination of Prosecution of Corruption Cases by the Attorney General's Office of the Republic of Indonesia." Journal of Syntax Literate 7, no. 3 (2022). Pg. 211

By continuing to prioritize the principles of justice, transparency, and accountability, the implementation of restorative justice for minor corruption cases can be an alternative solution for effective law enforcement in the future. The prosecutor's office is required to be careful in implementing this policy so that it is not misused by perpetrators of corruption as a loophole to avoid criminal responsibility. Therefore, internal supervision, community involvement, and clearer regulatory updates are needed to ensure that the implementation of restorative justice runs in accordance with the spirit of eradicating corruption that remains firm but fair.[21]

3.2. Obstacles and solutions in handling corruption cases with small losses based on restorative justice at the Bone District Attorney's Office

The application of restorative justice in corruption cases with small losses at the Bone District Attorney's Office faces a number of complex obstacles in terms of substance, structure, and legal culture. In terms of substance, existing laws and regulations do not explicitly provide space for the termination of corruption cases based on a restorative justice approach. Article 4 of Law Number 31 of 1999 concerning the Eradication of Corruption states that the return of state losses does not eliminate criminal penalties for perpetrators, thus closing the possibility of settlement through peaceful or non-litigation means.

The absence of specific regulations regarding restorative justice in corruption cases often causes prosecutors to hesitate in taking unconventional alternative actions. Although the Attorney General's Office has issued guidelines for general criminal cases, there are no guidelines of the same level for special criminal cases such as corruption. This creates a vacuum of norms and legal uncertainty that limits the room for law enforcement at the regional level. As a result, the Bone District Attorney's Office continues to use a repressive approach even though the value of state losses in the case is very small.

Another aspect of the substantive obstacle is the absence of a clear nominal limit that can be categorized as a "small loss" in the context of restorative justice. The absence of this parameter makes each prosecutor's office have a different assessment of the amount of loss that is worthy of being processed restoratively. This non-uniformity risks causing injustice in law enforcement and opens up opportunities for abuse of authority or intervention by certain interests.

In terms of legal structure, the Bone District Attorney's Office faces challenges in the form of a lack of human resources who truly understand the concept and practice of restorative justice. Law enforcement officers in the regions tend to adhere to repressive work patterns that have so far been the standard norm in

[21] Budianto, Azis, K. Johnson Rajagukguk, Veranika Santiani Fani, and Popy Rakhmawaty. "Recovery of State Financial Losses as a Strategy to Eradicate Criminal Acts of Corruption." Retentum Journal 7, no. 1 (2025): 562-571.

handling corruption cases. The lack of training or technical guidance on the application of restorative justice in special criminal cases makes implementation difficult even with good intentions.

The public often rejects a non-litigation approach to corruption, even though state losses have been returned. This is triggered by public distrust of the integrity of law enforcement officers and concerns that a restorative approach will be a loophole to "get away" with corruption. This resistance from the public is a serious challenge in building social acceptance of more progressive legal policies.

The internal culture in the prosecutor's office also does not fully support legal innovations such as restorative justice. A bureaucratic, hierarchical, and procedural mindset-based work culture means that new initiatives are often rejected or considered to deviate from national policy. Innovation is considered a risk, not a solution, whereas in the context of petty corruption, an alternative approach is actually needed.

From a structural aspect, it is necessary to strengthen the capacity of the prosecutor's office through intensive training on the concept and practice of restorative justice, especially in the context of special crimes. This training must be designed systematically and based on concrete case studies so that prosecutors can understand the application of restorative justice comprehensively.

Based on that, the Indonesian legal system needs to start designing specific legal provisions in the Corruption Law or internal guidelines of the Prosecutor's Office that accommodate alternative resolution of small corruption cases, such as termination of prosecution based on the return of state losses and restoration of public trust. The principle of restorative justice can be applied in a limited way to cases that do not involve strategic positions, are not systemic, and where the perpetrators show good faith. This approach will not only save on law enforcement costs, but also prevent overcriminalization and the backlog of cases in court.

In addition, it is important for Indonesia to strengthen the transparency and accountability mechanisms in resolving petty corruption cases so as not to create a public perception that the perpetrators of corruption are “freed”. The settlement process must be open, measurable, and accompanied by strict supervision from institutions such as the BPK, KPK, or other independent institutions. With these steps, Indonesia can build a fairer, more efficient, and recovery-oriented law enforcement system, as has been successfully implemented in practice in Malaysia and the Netherlands.

4. Conclusion

Settlement of corruption cases with small losses through the restorative justice approach or return of state finances is a form of law enforcement that is more humane, efficient, and oriented towards recovery. This approach emerged as a response to the inefficiency of the justice system in handling "small corruption" cases, where the handling costs can be much greater than the value of the losses incurred. In this case, the perpetrator is required to return all state losses and show good faith, so that the legal process can be stopped. Restorative justice emphasizes the restoration of the impact of corruption on the state, not just punishment, and is still carried out with strict conditions, such as no serious malicious intent, not a recidivist, and not causing social unrest. Although not yet explicitly regulated in the Corruption Law, this model has been tested in several regional prosecutors' offices and has proven to be able to resolve cases quickly, avoid stigmatization, and prevent waste of state funds. For this reason, in the future a clearer legal basis and strict monitoring mechanism are needed so that this approach is not misused, but becomes a fair and useful law enforcement tool.

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