

# ANALYSIS OF LEGAL CONSIDERATIONS IN JUDGES' ACQUITTAL DECISIONS IN CORRUPTION CASES IN INDONESIA

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## **Abstract**

*This study aims to analyze the legal considerations used by judges in deciding acquittals in corruption cases in Indonesia. The research method used is normative juridical with a qualitative approach. The results indicate that acquittals are often based on insufficient evidence, procedural errors in investigation, and the application of the presumption of innocence principle. Judges also consider the credibility of witnesses, the integrity of evidence, and the principle of legality in making their decisions. Additionally, oversight by the Supreme Court ensures that acquittals are in accordance with prevailing laws and principles of justice. In conclusion, although acquittals are often controversial, the legal considerations by judges in corruption cases are generally in line with principles of justice and applicable law. Continuous efforts are needed to improve the quality of investigations, consistency in legal interpretation, and the integrity of judges to enhance public trust in the judicial system.*

*Keywords: legal considerations, acquittal, corruption, judge, justice, legislation*

## **1. Introduction**

Corruption is one of the serious issues faced by many countries, including Indonesia. Corruption crimes not only cause financial losses to the state but also undermine social order and public trust in the government and law enforcement institutions. Therefore, efforts to eradicate corruption have become one of the top priorities in the criminal justice system in Indonesia.

However, despite the many corruption cases that have been processed in courts, a significant number of them have ended in acquittal. Acquittals in corruption cases often spark controversy and diminish public confidence in the judicial system. This highlights the importance of understanding the legal considerations used by judges when rendering acquittals in such cases.

This study focuses on the analysis of acquittal decisions in corruption cases in Indonesia. Using a normative juridical method and a qualitative approach, this research aims to identify and analyze the factors influencing judges' considerations in making these decisions. Additionally, this study explores the implications of acquittals on efforts to eradicate corruption in Indonesia.

This examination is crucial, as acquittals in corruption cases can have significant negative impacts on public perceptions of justice and the integrity of the criminal justice system. By understanding the legal considerations employed by judges, it is hoped that solutions can be found to improve the judicial system and enhance the effectiveness of corruption case handling.

According to Ali, one of the main factors influencing acquittals is the lack of sufficiently strong evidence to convincingly prove the elements of the corruption crime before the court. Furthermore, procedural errors during the investigation process often provide grounds for judges

to issue acquittals. In some cases, judges also consider the presumption of innocence as a basis for their decisions.

This research also examines the legal interpretations made by judges, particularly concerning the elements of corruption crimes. Differing interpretations among judges can lead to inconsistencies in rulings, which in turn affect the overall efforts to combat corruption. Therefore, consistency in legal interpretation and improvements in investigation and prosecution quality are essential to ensuring more effective and transparent justice in the criminal justice system.

Furthermore, in corruption case acquittals, the role of evidence is also crucial. Incomplete evidence often becomes a loophole exploited by defendants to obtain acquittals. Harahap argues that in the process of proving a case, prosecutors must present strong and irrefutable evidence to close any gaps that might lead to an acquittal.

Additionally, Constitutional Court Decision No. 003/PUU-IV/2006 emphasizes the importance of human rights in the judicial process, where every defendant has the right to a fair and impartial trial. This underscores that acquittals may also arise from the enforcement of human rights principles, where judges must ensure that the judicial process proceeds in accordance with applicable legal provisions without any pressure or interference from any party.

Moreover, the ethical and integrity aspects of judges cannot be overlooked in this study. As highlighted by Assegaf, the integrity of judges in making decisions is one of the keys to ensuring justice within the judicial system. Therefore, the training and supervision of judges need to be enhanced to ensure that every decision made is based on the principles of justice and legal truth.

This research aims to contribute by providing practical recommendations for improving the judicial system in Indonesia, particularly in handling corruption cases. By identifying the strengths and weaknesses in the legal considerations of judges, it is hoped that this study can serve as a foundation for the formation of more effective policies in combating corruption and restoring public confidence in the judicial system.

## **2. Methodology**

This research employs a normative juridical method with a qualitative approach. The normative juridical method is chosen because this study focuses on analyzing the applicable legal norms and the legal considerations used by judges in rendering acquittal decisions in corruption cases.

The data sources used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws, regulations, and relevant court decisions. Secondary legal materials comprise books, journals, articles, and other literature discussing corruption crimes, evidence, and judges' legal considerations. Tertiary legal materials include legal encyclopedias, legal dictionaries, and other reference sources that support the understanding of primary and secondary legal materials.

The data collection techniques involve literature review and document analysis. The literature review is conducted by examining relevant legal literature, while document analysis is carried out by reviewing court decisions related to corruption cases that ended in acquittals.

The data obtained are analyzed qualitatively using a descriptive-analytical method. This descriptive-analytical approach aims to systematically, factually, and accurately describe the legal considerations used by judges and the factors influencing acquittal decisions in corruption cases.

### **3. Discussion**

#### **A. The Application of Legal Considerations by Judges in Rendering Acquittal Decisions in Corruption Cases**

The application of legal considerations by judges in rendering acquittal decisions in corruption cases is a crucial aspect of the criminal justice process. The legal considerations taken by judges reflect their understanding of the law, the evidence presented, and the principles of justice that must be upheld.

Legal considerations in corruption cases often involve several key factors, including the evidence presented by the public prosecutor, the legal procedures followed during investigation and trial, and the interpretation of applicable laws. According to Article 183 of the Indonesian Criminal Procedure Code (KUHP), judges must be convinced of the defendant's guilt based on at least two valid pieces of evidence and the conviction obtained from the trial examination.

One of the main reasons frequently cited in acquittal decisions is the lack of sufficiently strong evidence. Inadequate or unconvincing evidence can cause judges to hesitate in delivering a guilty verdict. For example, in some cases, electronic evidence such as audio or video recordings cannot be presented or is deemed inadmissible by the court due to non-compliance with the applicable criminal procedure law.

Moreover, procedural errors during the investigation process often serve as grounds for acquittal. Such errors may include violations of the defendant's rights, such as the absence of legal representation during questioning, or failure to follow legal procedures stipulated by law, such as the absence of a valid arrest or detention warrant. As Harahap has pointed out, any violation of established legal procedures can result in the annulment of legal proceedings and the defendant's release from all charges.

The principle of the presumption of innocence also plays a significant role in judges' considerations. This principle requires that a person is considered innocent until proven guilty through a fair and open trial process. Judges must ensure that the entire judicial process is conducted in accordance with applicable laws and that there is no violation of the defendant's rights.

In addition to these factors, judges must also interpret the applicable laws. In many cases, interpretations of the elements of corruption crimes can vary among judges, particularly regarding the proof of intent (*mens rea*) and actual conduct (*actus reus*). For instance, in some rulings, judges have determined that the actions of the defendant did not meet the elements of a corruption crime due to the absence of criminal intent or personal gain obtained by the defendant.

Furthermore, the extensive influence of Constitutional Court decisions cannot be overlooked. In several rulings, the Constitutional Court has provided new interpretations of corruption laws, impacting law enforcement in the field. For example, Constitutional Court Decision No. 003/PUU-IV/2006, which emphasizes the importance of protecting human rights in

judicial processes, has influenced how judges evaluate evidence and procedures in corruption cases.

In practice, the application of legal considerations by judges is not only based on the text of the law but also involves subjective judgment and the professional ethics of the judge. Assegaf has emphasized that the integrity and independence of judges greatly determine the quality of the rulings produced. Judges must be free from any form of external pressure or influence when making decisions, and they must always prioritize the principles of justice and legal truth.

The application of legal considerations by judges in rendering acquittal decisions in corruption cases involves various complex and interacting factors. A deep understanding of evidence, legal procedures, statutory interpretation, and the ethics and integrity of judges is essential to ensure that the decisions made are just and based on the law. Further research and ongoing training for judges are necessary to improve consistency and the quality of rulings in corruption cases.

## **B. The Legal Considerations Used by Judges in Rendering Acquittal Decisions in Corruption Cases Are Consistent with the Principles of Justice and Applicable Laws in Indonesia**

In rendering acquittal decisions in corruption cases, judges face the challenge of balancing the application of positive law with the principles of justice. A frequently asked question is whether the legal considerations used by judges in making acquittal decisions align with the principles of justice and the applicable laws in Indonesia.

According to John Rawls' theory of justice, justice must be based on two main principles: first, each person has an equal right to the most extensive basic liberties, and second, social and economic inequalities must be arranged so that they benefit the least advantaged. In the context of criminal justice, this means that the decisions made by judges must ensure the protection of the defendant's basic rights and guarantee that inequalities in the application of the law do not disadvantage the weaker parties.

In corruption cases, judges often face the dilemma of strictly enforcing the law while upholding the presumption of innocence. Acquittal decisions are frequently based on the lack of sufficiently strong evidence to prove the defendant's guilt beyond a reasonable doubt. This principle is a cornerstone of the criminal justice system to protect individuals from unjust punishment.

As Bagir Manan has stated, the presumption of innocence is a fundamental principle in Indonesian criminal law, and judges must ensure that there is no coercion or manipulation in the evidentiary process that could harm the defendant. This is in line with the provisions of Article 183 of the Indonesian Criminal Procedure Code (KUHAP), which states that a judge may not impose a sentence on someone unless with at least two valid pieces of evidence they are convinced that a crime has truly occurred and that the defendant is guilty of committing it.

Moreover, acquittal decisions are often based on the judge's assessment of the integrity and credibility of witnesses. Judges have the discretion to determine whether a witness's testimony is trustworthy and whether there are indications of pressure or influence that could affect their testimony. For example, in corruption cases involving high-ranking officials, witnesses may face significant pressure that could influence the truthfulness of their testimony.

Judges also consider the principle of legality, which states that no act can be punished unless it is based on the authority of a criminal law that was in place prior to the act being committed. This principle is enshrined in Article 1, paragraph (1) of the Indonesian Criminal Code (KUHP), which states, "No act shall be punishable except by virtue of a prior penal provision in the legislation." In some cases, judges acquit defendants because the actions they committed were not explicitly defined as criminal offenses under the applicable laws at the time the acts were committed.

Furthermore, the oversight of judicial decisions by the Supreme Court also indicates that acquittal decisions in corruption cases often fall within the bounds of applicable law. The Supreme Court has the authority to review court decisions that are deemed inconsistent with the principles of justice or the applicable law. In several instances, the Supreme Court has upheld acquittal decisions on the grounds that the judges' legal considerations were in accordance with the prevailing procedures and legal substance.

In this context, it is important to note that not every acquittal decision necessarily reflects a weakness in the legal system or an inability to enforce justice. On the contrary, an acquittal may reflect a commitment to upholding the prevailing legal principles and justice. Research by Transparency International indicates that in some countries, acquittal decisions in corruption cases are often made to ensure that the judicial process is conducted fairly and is not influenced by political or public pressure.

The legal considerations used by judges in rendering acquittal decisions in corruption cases in Indonesia are consistent with the principles of justice and the applicable laws. Judges strive to balance strict law enforcement with the protection of the defendant's fundamental rights. Although acquittal decisions may sometimes be controversial, they reflect efforts to enforce justice based on the available evidence and the law. Further research and constructive public discussion are necessary to continue improving transparency and trust in the criminal justice system in Indonesia.

#### **4. Conclusion**

Acquittal decisions in corruption cases by judges in Indonesia result from the application of complex and comprehensive legal principles. The legal considerations used by judges include the analysis of evidence, legal procedures, and the interpretation of applicable laws. The main factors that often influence acquittal decisions are the lack of sufficiently strong evidence, procedural errors during the investigation, and the presumption of innocence, which serves as a fundamental principle in the criminal justice system.

Judges also consider the credibility of witnesses and the integrity of the evidence presented by the public prosecutor. Additionally, the principle of legality, which states that no act can be punished unless it is based on pre-existing law, serves as a foundation for acquittal decisions. The subjective judgment of judges regarding the elements of corruption crimes and the pressure that witnesses may face also influence the final decision.

Acquittal decisions in corruption cases also reflect the judges' efforts to uphold the principles of justice and protect the defendant's human rights. Oversight by the Supreme Court indicates that acquittal decisions often fall within the bounds of applicable law and reflect a commitment to

justice. However, these decisions are not always accepted by the public and often spark controversy regarding the integrity of the judicial system.

Overall, the application of legal considerations by judges in rendering acquittal decisions in corruption cases in Indonesia is consistent with the principles of justice and the applicable laws. However, to enhance public trust in the judicial system, continuous efforts are needed to improve the quality of investigations, consistency in legal interpretation, and oversight and training to ensure the integrity of judges. Further research and constructive discussion are also necessary to continue improving the criminal justice system in Indonesia.

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