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IMPRISONMENT AS A SUBSIDIARY OF ADDITIONAL PENALTY OF MONEY SUBSTITUTE FOR CORRUPTION CRIME: A UTILITY PERSPECTIVE

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ABSTRACT

This normative legal research is conducted with the aim of analyzing the rules of imprisonment as a subsidiarity of additional compensation payments in the Corruption Crime Law which reflects the purpose of law as legal expediency. The research method used with several approaches, namely: legislative approach, conceptual approach and case approach. The results of this study found a number of problems regarding the provisions of imprisonment as a substitute for payment of restitution both at the level of the norm itself and in the implementation stage of the norm. In addition, the regulation of imprisonment as a substitute for restitution does not provide benefits as in Bentham's utilitarianism view. For the researchers, the regulation of imprisonment as a substitute payment does not pay attention to two important principles of the legislative process, namely the principle of proportionality and the principle of subsidiarity. The use of imprisonment as a substitute for additional payment of restitution is not effective in restoring state financial losses as expected by the legislator. This condition causes the legal provision to deviate from the purpose of law as legal benefit.

Keywords: imprisonment, subsidiarity, legal benefit, corruption

INTRODUCTION

The crime of corruption is a problem for the world, a problem for all countries in the world including Indonesia. Kukun Wahyu mentions that from an international perspective, corruption is basically one of the crimes in the classification of "white collar crime" and has complex consequences and is a concern of the international community (Syukur, 2015). There is no country in the world that is completely free from corruption problems, the difference lies only in the level of corruption that occurs in countries in the world. The better a countrys system in controlling corruption, the lower the percentage will be compared to countries that do not control it well (Wiriadinata, 2016).

The real evidence of the issue of corruption crimes as an international problem is the issuance of several international legal instruments regarding corruption in the form of United Nations Conventions, namely the United Nations Convention Against Corruption (UNCAC) 2003, which was ratified by the Government of Indonesia through Law No. 7 of 2006 and the United Nations Convention Against Transnational Organized Crime, 2000, which was ratified by the Government of Indonesia through Law No. 5 of 2009. Indonesia has always been rated poorly on corruption crime rates compared to most countries in the world. Compared to other countries, Indonesia has a very high corruption index. In 2010, Indonesia ranked 110 out of 178 countries. Indonesia's perception index value stagnated at 2.8, the same as the perception index value in 2009. The figure in 2008 was 2.6. So the increase in Indonesia's perception index from 2008 to 2009 and 2010 was not significant and even stagnated in 2010 at 2.8 (Faharuddin and Jefferson Hakim, 2023).

Transparency International released the results of its 25th Corruption Perception Index (CPI) survey for the 2020 measurement year. Indonesia's CPI in 2020 was scored 37/100 and ranked 102 out of 180 countries surveyed. This score is down 3 points from 2019 which was at a score of 40/100. This score is the highest achievement in Indonesia's CPI acquisition in the last 25 years. At the launch of the CPI for 2019, Transparency International had "reminded" Indonesia to be more vigilant and continue to be committed to the fight against corruption (Suyatmiko, 2021).

Based on data compiled by Mungki Hadipratikto, the arrears of restitution in corruption crimes in the Attorney General's Office throughout Indonesia reached Rp5 trillion (Lukas, 2010). Based on an audit by the Audit Agency (BPK) in the first semester of 2009, uncollected restitution payments from corruption convicts amounted to Rp8.15 trillion. Attorney General's Office of the Republic of Indonesia has not taken any action to collect the arrears of restitution payments (Hamamah and Bachtiar, 2019). Ade Paul Lukas and Barlingmascakeb in the conclusion of their research concluded, First, when viewed from the effectiveness of the success in the implementation of the imposition of restitution in criminal offenses in Purwokerto District Court, it can be said that it has not been effective because of the decisions that impose restitution payment, the convicts who pay restitution are only 2 (two) people; Second, in the decision to impose additional punishment in the form of payment of restitution, the convict is unable to pay, does not have property to cover the payment of restitution, there is a statement letter explaining the inability to pay restitution from the convict, and will undergo a subsidiary punishment; and Third, the Purwokerto Court Decision in corruption cases in 2004, 2005, 2006, 2007 and 2008, in these decisions not all convicts were sentenced to additional punishment in the form of payment of restitution, but there were decisions to impose punishment without restitution and acquittal (Jasmine, 2014).

Data obtained by researchers from the NTT High Prosecutor's Office shows that there are arrears in payment of restitution in almost all State Attorney's Office in NTT in 2021 with a total of IDR 328,351,141 (three hundred twenty-eight million three hundred fifty-one thousand one hundred forty-one rupiah), which increased in 2022 by IDR 607,855,560.00 (six hundred seven million eight hundred fifty-five thousand five hundred sixty rupiah) (Hikmawati, 2019). The regulation of imprisonment as a subsidiary to the additional penalty of payment of compensation is a lex specialis in the law on corruption crimes that deviates from the general provisions regulated in Book I of the Criminal Code. The deviations related to the special regulation of imprisonment as a subsidiary to the additional penalty of payment of compensation are, first, the Criminal Code does not regulate payment of compensation as a type of additional penalty, while the Corruption Law regulates it. Second, the form of subsidiary regulated in the Criminal Code is only in the form of imprisonment as in Article 30, Article 31 and Article 41 of the Criminal

Code. The Criminal Code does not recognize the concept of imprisonment as a subsidiary to the additional penalty of payment of compensation, while the Corruption Law regulates it (Sinaga, 2017).

There are a number of problems inherent in the provisions of imprisonment as a subsidiary to the additional penalty of payment of compensation in Article 18 of the Corruption Law. FIRST. The strict implementation of imprisonment as a subsidiary substitute sentence based on the norm of Article 18 paragraph (4) of the Corruption Crime Law can result in exceeding the limit of 20 (twenty) years imprisonment in Article 12 paragraph (4) of the Criminal Code as a result of the accumulation of the number of imprisonment sentences in the main sentence plus the number of imprisonment sentences as a subsidiary substitute for compensation. This regulation is contrary to the sentencing system in Indonesian criminal law (Mahmud, 2023). The problems as mentioned above have attracted the interest of the Researcher to conduct a deeper research on various aspects of juridical problems arising from the implications of the regulation and application of the provision of imprisonment as a substitute for the additional penalty of restitution to further become the basis and material in the effort to reconstruct the regulation as the purpose of this research (Flora, 2016).

METHODS

The research conducted is a normative legal research that places more emphasis on the theoretical aspects as an effort to or reorganize the regulation of imprisonment sanctions as a substitute money penalty in corruption crimes in Indonesia so that it is in line with the purpose of law as a benefit (Muhaimin, 2020). The problem approach used in a study will use several approaches, namely: statute approach, conceptual approach and case approach. The statute approach is carried out by examining all laws and regulations related to the legal issue being studied, the case approach is an approach that is carried out to analyze, examine and use as a guideline for legal problems to resolve legal cases and the concept approach is an approach that is carried out based on the views and patterns of doctrine or the thoughts of experts that have developed in legal science (Rosidi et al., 2024). This research is supported by primary legal

materials, which consist of legislation, official records or minutes in making legislation and judges' decisions, among others: Criminal Code (KUHP), Law No. 31 of 1999 on the Eradication of Corruption as amended by Law No. 20 of 2001 on the Eradication of Corruption and Corruption Court Decisions (Efendi and Ibrahim, 2020).

RESULTS AND DISCUSSION

Gustaf Radbruch mentioned that expediency is one of the ideas embodied in law that other jurists articulated as one of the purposes of law. When identifying legal expediency in relation to justice, which requires equal treatment and therefore generalization, Radbruch said expediency requires inequality, because expediency can only be enjoyed individually (Manullang, 2022). Therefore, in expediency, what happens is individualization, as opposed to generalization . Benefit, which is defined as the purpose of the law, must be aimed at something that is useful or has benefits. Law essentially aims to produce pleasure or happiness for many people (Putri, 2024).

Thinking that tends to the aspect of expediency as a legal goal is developing in the current period as a criticism of the practice of law enforcement that always focuses on aspects of legal certainty and justice that override its usefulness. Romli Atmasasmita based on theoretical studies and empirical studies argues that fundamental changes are needed to the operation of the principles of criminal law (criminal procedure law) in the justice system in Indonesia by proposing the application of the "principle of no punishment without guilt, no fault without expediency" (Njoto, 2024).

The principle initiated by Prof. Romli Atmasasmita stems from the following premise: "Criminal justice is not only based on guilt as a measure of success (output), but must also be oriented towards its impact (outcome), namely mutual benefits between offenders, victims, and society. (Sukedi and Nuarta, 2024)" The principle of no punishment without fault, complemented by no fault without benefit initiated is a contemplation of the operation of the Indonesian Criminal Law which has entered the age of forty-seven years since its enactment throughout Indonesia in 1973. The principle of no fault without benefit is a complement to the principle of no

punishment without fault (Intan Nuraini, 2024). The two principles have fundamental differences, namely the principle of no fault without benefit as the second principle stems from the character of Indonesian society which is based on the philosophy of Pancasila, namely deliberation and consensus where members of the community with each other are a large family that has diversity (Suhartono, 2019).

Adherents of this Utilitarian school consider that the purpose of law is solely to provide maximum benefit or happiness for as many citizens as possible. The handling is based on the social philosophy that every citizen seeks happiness and the law is one of the tools. These Utilitarian scholars are mainly Jeremy Bentham who is known as the father of legal utilititianism. Besides Bentham, there are James Mill and John Stuart Mill, but Jeremy Bentham is the most radical of the Utilitarians (Noorsanti and Yudhanti, 2023).

Jeremy Bentham (1748-1832) explained the Utilitarian principle in his book "Introduction to the Principles of Morals and Legislation" with his famous formulation "the greatest happiness of the greatest number". According to Bentham, this principle should underlie political life and legislation. According to Bentham, the nature of human life is subject to two rulers, namely pleasure/ happiness (pleasure) and pain/ distress (pain). In space and time, humans always want to achieve happiness and curb distress. This happiness can be in the form of sensory pleasure, wealth, the pleasure of overcoming difficulties, dignity, reputation, power, piety, good deeds, knowledge, friendship and fellowship. Distress is its opposite (Pratiwi et al., 2022).

Regarding the law, Bentham said the law must serve all individuals in society. For Bentham, the ultimate goal of law is the greatest happiness. The purpose of legislation according to Bentham is to produce happiness for society, for which legislation must strive to achieve four goals, namely (Nurwidya Kusma Wardhani, 2024):

a. **To provide subsistence**
b. To provide abundance of food (to provide abundance)
c. To provide security; and
d. To achieve equality.

In providing an assessment of the expediency aspect of the regulation of imprisonment as a punishment in lieu of payment of restitution, the researcher bases it on 4 (four) aspects of the

exclusion of the application of punishment according to Bentham which actually reflects criminal acts and criminal responsibility not only individual criminal acts and individual responsibility, but also other non-legal factors are considered. Bentham's view shows that punishment is not a special sanction, but an ordinary sanction that is not immune to exceptions due to the four factors or 4T (unreasonable/basic, ineffective, unfavorable, and unnecessary) (Darmataufik et al., 2024).

Bentham's four bases regarding the exception of the imposition of punishment can be applied in measuring the expediency of the regulation of imprisonment as a substitute punishment for payment of restitution, namely by providing answers to questions, namely (i) does the regulation have a reason or basis for preventing damage? (ii) is the regulation effective in preventing and dealing with the damage caused? (iii) does the regulation not have implications for the high costs incurred rather than the outcomes obtained? and (iv) is the regulation really needed to or deal with the regulated problem without any other cheaper alternatives?

Imprisonment as a substitute for additional punishment in the Corruption Law is a form of legislative policy with the intention of further streamlining efforts to prevent and eradicate corruption (Atmoko and Syauket, 2022). The policy of imprisonment as a substitute for additional punishment is a new thing in the history of legislation in Indonesia, so it becomes valid to examine its effectiveness in relation to expediency as stated by Bentham, namely how far the legal institution produces happiness for the community by providing a living, providing abundant food, providing protection and achieving equality.

The application of imprisonment as a punishment is motivated by the need for a criminal instrument that will force convicts to pay compensation for state financial losses. The instrument of imprisonment as a substitute punishment stipulated in Law 3 of 1971 is considered ineffective as well as legal instruments through civil lawsuits are also considered ineffective so that imprisonment as a more cruel form of punishment is imposed as a substitute punishment.

An indicator that determines the ineffectiveness of the Corruption Crime Law in regulating the recovery of state financial losses is the existence of many arrears of restitution payments in corruption cases under Law No. 31 of 1999. This is indicated in the "weighing" part of the consideration of the Regulation of the Attorney General of the Republic of Indonesia No. 19 of

2020 concerning the Settlement of Court-ordered Restitution under Law No. 3 of 1971 concerning the Eradication of the Crime of Corruption which states:

"Part of the consideration, that the handling of corruption cases based on Law No. 3 of 1971 concerning the Eradication of the Crime of Corruption has permanent legal force, but the settlement of restitution to be paid by convicts or has not been resolved, this is because the settlement of restitution based on Law No. 3 of 1971 concerning the Eradication of the Crime of Corruption does not regulate sanctions for convicts or ex-convicts who do not pay restitution and is not subsidiary or substitute;"

The psychological threat that lies behind the regulation of imprisonment is expected to maximize the return of the proceeds of corruption enjoyed by the convicted person so that it can be managed again for the state in order to improve the welfare of the community through providing a living, fulfilling needs in the form of food and others, providing protection and achieving equality.

The reality shows that the existence of the prison instrument as a substitute for restitution does not change the situation as it happened in Law No. 3 of 1971. The arrears of restitution remain a problem in efforts to eradicate corruption. The facts show that the imposition of imprisonment as a substitute for convicts who do not pay restitution in Law No. 31 of 1999 is equally ineffective for the purpose of recovering state financial losses.

Various studies have proven that efforts to save state financial losses through the instrument of imprisonment as a subsidary to the additional punishment of restitution payments as in Article 18 of the Corruption Crime Law are not effective in restoring state financial losses a result of corruption. Mungki Hadipratikto's research shows that the arrears of restitution in corruption crimes in the Attorney General's Office throughout Indonesia reached IDR 5 trillion (Mustofa, 2021). The audit results of the Supreme Audit Agency (BPK) for the first semester of 2009 found that the uncollected restitution payments from corruption convicts amounted to IDR 8.15 trillion. The Attorney General's Office of the Republic of Indonesia has not taken any action to collect the arrears of compensation payments. Indonesia Corruption Watch (ICW) said that the compensation money returned to the state for losses in corruption cases in 2020 only amounted to IDR 8.9 trillion. In fact, according to ICW data, the total state

losses due to corruption reached IDR 56.7 trillion. Based on this data, it means that only around 12-13 percent of the total state money returned from the total losses due to corruption crimes (Himawan et al., 2022).

Ade Paul Lukas and Barlingmascakeb's research concluded three things related to the payment of restitution, namely:

a. When viewed from the effectiveness of the success in the implementation of the imposition of restitution in criminal offenses in Purwokerto District Court, it can be said that it has not been effective because of the decisions that impose restitution payment penalty, the convicts who paid restitution were only 2 (two) people.
b. In the decision to impose additional punishment for the payment of restitution, the convict is unable to pay, does not have assets to cover the payment of restitution, there is a statement letter explaining the inability to pay restitution from the convict, and will serve the punishment.
c. Decisions of Purwokerto Court in corruption cases in 2004, 2005, 2006, 2007 and 2008, in these decisions the convicts were sentenced to additional punishment in the form of payment of restitution. In these verdicts, it turned out that not all convicts were sentenced to additional restitution payments, but there were verdicts imposing punishment without restitution and acquittals (Yusuf, 2021).

Research conducted by researchers found that from 2021 to 2023 there were arrears of arrears of restitution payments that were not resolved by prosecutors at the State Attorney's Office throughout East Nusa Tenggara. In 2021, arrears of restitution payments amounted to IDR 169,654,367,434 (one hundred sixty-nine billion six hundred fifty-four million three hundred sixty-seven thousand four hundred thirty-four rupiah), then in 2022 arrears amounted to IDR 177,930,638.495 (one hundred seventy-seven billion nine hundred thirty million six hundred thirty-eight thousand four hundred ninety- five rupiah) and in 2023 as of March arrears in payment of compensation amounting to Rp197,503,551,162 (one hundred ninety-seven billion five hundred three million five hundred fifty-one thousand one hundred sixty-two rupiah) (Rauzi and Sukarno, 2023).

The arrears in payment of restitution as occurred in all State Attorney's Office in NTT shows

that convicts prefer imprisonment as a subsidiary rather than paying restitution for state financial losses. These data also show that prosecutors do not effectively carry out confiscation and auction efforts against the convict's property after one month of the verdict being legally binding. Imprisonment as a subsidiary punishment, which was originally designed as a means to pressure convicts to pay restitution, has turned into an end in itself.

It is inversely proportional to the purpose of imprisonment as a substitution as an effort to recover state financial losses. The application of imprisonment as a substitute for restitution actually creates a burden for the state to incur expensive costs for food and drink, health costs, and other costs for the convict while the convict is serving imprisonment as a substitute for restitution.

The cost of food and drink per day for a convict funded by the state 2021, 2022 and 2023 is IDR 23,000 (twenty-three thousand rupiah). This cost does not include other costs such as health costs for convicts. If a person convicted corruption does not pay restitution and chooses to serve imprisonment as a substitute, the state will at least bear the living expenses for the convict for a year of IDR 23,000 x 365 days= IDR 8,395,000 (eight million three hundred ninety-five thousand rupiah). If he has to undergo additional punishment for 10 (ten) years as undertaken by Stephen Sulayman then the state must spend Rp83,950,000 (eighty-three million nine hundred fifty thousand rupiah), this calculation is based on the standard cost of food and drink in 2023 which of course will continue to increase based on the development of time.

Data compiled by researchers shows that in 2021 there were 84 eighty- four) corruption convicts who were convicted by the court and as many as 80 (eighty) convicts were serving prison sentences in lieu of state financial losses with varying lengths of time between 6 (six) months to 10 (ten) years. If it is averaged that each person is serving a substitute prison sentence for 2 (two) years, the state must incur considerable food and drink costs that should not be necessary, namely Rp23,000 x 2 (years) x 365 (days) x 80 (people) = Rp1,343,200,000 one billion three hundred forty-three million two hundred thousand rupiah).

The simulation shows that the state has to spend on food and drink for corruption convicts in the NTT region on average per year amounting to Rp1,343,200,000: 2= Rp671,600,000 (six hundred seventy-one million six hundred thousand rupiah), which if this situation continues then

specifically in the NTT region alone the state must incur costs that are not small which should not occur if there are other cheaper alternatives. The concept of economics requires us to conclude that the state suffers losses and not gains from the legal instruments it creates.

The calculation of profit and loss in applying criminal law and criminal sanctions has been voiced by Modderman in the Netherlands, but at that time Modderman explained that the imposition of punishment should not be prioritized, but is the last resort (ultimum remedium). Modderman also reminded that punishment should not aggravate the "disease" that has been suffered a person.

In economic language, Modderman's opinion can be explained that the criminal law and its sanctions should function as an efficient and effective legal tool. In line with the profit and loss calculation of punitive sanctions, John Gardner has warned in the foreword of Hart's book by arguing: "What good comes of criminal punishment? How does it help to make the world a better place? Criminal punishment, and more generally the criminal justice system that makes it possible, requires a huge investment of money, time, and energy. It has high costs and many casualties. If the system is to be justified, there must be compensating benefits (Wirajaya, 2013)."

It means that "What is the point of criminal punishment? How does it help make the world a better place? Criminal punishment, and more generally the criminal justice system that enables it, requires a huge investment of money, time and energy. It has high costs and many victims. If this system is to be justified, there must be compensatory benefits." The results of the research as described show that the regulation of imprisonment as a substitute for restitution does not provide benefits as in Bentham's utilitarianism view. For researchers, the regulation of imprisonment as a substitute payment does not pay attention to two important principles of the legislative process as stated by Remmelink, namely the principle of proportionality and the principle of subsidiarity, which in German law is called fundamental normen des rechtstaat (basic norms of law). This provision does not reflect the principle of proportionality, which requires a balance between means and ends, and the principle of subsidiarity, which requires that if there is a difficult problem that gives rise to several alternative solutions, the solution that causes the least harm must be chosen (Akmalia and Aldyan, 2023).

CONCLUSION

The regulation of imprisonment sanction as a substitute for additional payment of compensation for state financial losses needs to be reconstructed with the consideration or reason that the regulation creates several problems or problematics both at the theoretical, normative and practical levels. legal problems inherent in the regulation of imprisonment as a substitute for restitution both at the theoretical, normative and practical levels cause the legal provisions to deviate from the idea or purpose of law as conveyed by Gustav Radbruch, namely as the benefit of law. In the interest of criminal law renewal that provides a principle of judicial law were proposed by the government and congress to implement a revision or change to act no. 20 in 2001 on a move to act no. 31 in 1999 on the elimination of corruption in order to abolish criminal corruption as a subsider of replacement money payments and reformulate the proposed formula or model.

REFERENCES

Akmalia A, Aldyan A. Analisis Penggunaan Dakwaan Alternatif Subsidair Oleh Penuntut Umum Dalam Perkara Perlindungan Anak. Verstek 2023;11:488. https://doi.org/10.20961/jv.v11i3.73335.

Atmoko D, Syauket A. Penegakan Hukum Terhadap Tindak Pidana Korupsi Ditinjau dari Perspektif Dampak Serta Upaya Pemberantasan. Binamulia Huk 2022;11:177–91. https://doi.org/10.37893/jbh.v11i2.732.

Darmataufik A, Wahyuni F, Gunawan H, Syekh IN, Hasan A, Padangsidimpuan AA. Analisis Sejarah Dan Perkembangan Teori Utilitarianisme Terhadap Hukum Indonesia. J Huk Ekon 2024;10:88–102.

Efendi J, Ibrahim J. Metode penelitian hukum normatif dan empiris. cetakan ke. Jakarta: Kencana; 2020.

Faharuddin R, Jefferson Hakim. Restorative Justice for Corruption Cases the Settlement of Corruption Cases: is it Possible? Yuridika 2023;38:73–94.

https://doi.org/10.20473/ydk.v38i1.42511.

Flora HS. Fungsi Rekonstruksi Di Tempat Kejadian Perkara Dalam Rangka Pengungkapan Tindak Pidana. J Law Pro Justitia 2016;2:35–51.

Hamamah F, Bachtiar HH. Pembayaran Uang Pengganti Dalam Tindak Pidana Korupsi Dihubungkan Dengan Undang-Undang Tentang Pemberantasan Tindak Pidana Korupsi. CENDEKIA Jaya 2019;1:73–98. https://doi.org/10.47685/cendekia-jaya.v1i2.36.

Hikmawati P. Pengembalian Kerugian Keuangan Negara dari Pembayaran Uang Pengganti Tindak Pidana Korupsi, Dapatkah Optimal? (Return of State Financial Losses from The Payment of Substitute Money Corruption Criminal Act, Can It Be Optimal?). Negara Huk Membangun Huk Untuk Keadilan Dan Kesejaht 2019;10:89–107. https://doi.org/10.22212/jnh.v10i1.1217.

Himawan H, Kristiawanto K, Ismed M. Peranan Jaksa Sebagai Dominus Liitis Dalam Menuntut Uang Pengganti Akibat Tindak Pidana Korupsi Yang Bersinggungan Dengan Tindak Pidana Perpajakan. SALAM J Sos Dan Budaya Syar-I 2022;9:1421–32. https://doi.org/10.15408/sjsbs.v9i5.27506.

Intan Nuraini. Hak Dan Kewajiban Warga Negara. PENDIS (Jurnal Pendidik Ilmu Sos 2024;3:840–4. https://doi.org/10.61721/pendis.v3i2.390.

Jasmine K. Implementasi Uang Pengganti Dalam Tindak Pidana Korupsi (Studi Kejaksaan Negeri Donggala). J ILMU Huk TOPOSANTARO 2014;1.

Lukas AP. Efektivitas Pidana Pembayaran Uang Pengganti Dalam Tindak Pidana Korupsi. J Din Huk 2010;10:81–92.

Mahmud A. DINAMIKA DISPARITAS PIDANA UANG PENGGANTI DENGAN PIDANA SUBSIDER DAN IMPLIKASINYA TERHADAP PENGEMBALIAN KERUGIAN KEUANGAN NEGARA AKIBAT TINDAK PIDANA KORUPSI. Pamulang Law Rev 2023;6:22–38.

Manullang EFM. Misinterpretasi Ide Gustav Radbruch mengenai Doktrin Filosofis tentang Validitas dalam Pembentukan Undang-Undang. Undang J Huk 2022;5:453–80. https://doi.org/10.22437/ujh.5.2.453-480.

Muhaimin M. Metode Penelitian Hukum. 1st ed. Mataram: Mataram University Press; 2020.

Mustofa W. Peran Jaksa Dalam Eksekusi Pembayaran Uang Pengganti Pada Perkara Tindak Pidana Korupsi Di Kejaksaan Negeri Kuantan Singingi. J Gagasan Huk 2021;6:7.

Njoto DLB. Rekonstruksi Asas Actus Non Facit Reum Nisi Mens Rea dalam Tindak Pidana. JIIP - J Ilm Ilmu Pendidik 2024;7:3344–55. https://doi.org/10.54371/jiip.v7i3.3735.

Noorsanti IA, Yudhanti R. Kemanfaatan Hukum Jeremy Bentham Relevansinya dengan Kebijakan Pemerintah melalui Bantuan Langsung Tunai Dana Desa. Sultan Jurisprud J Ris Imu Huk 2023;3:183–93.

Nurwidya Kusma Wardhani TMLGTS. Penerapan Konsep Teori Utilitarianisme Dalam Penegakan Hukum Di Indonesia. J Relasi Publik 2024;2:215–22.

Pratiwi E, Negoro T, Haykal H. Teori Utilitarianisme Jeremy Bentham: Tujuan Hukum Atau Metode Pengujian Produk Hukum? J Konstitusi 2022;19:268. https://doi.org/10.31078/jk1922.

Putri SBS. Analisis teori tujuan hukum gustav radbruch dalam kedudukan majelis penyelesaian perselisihan medis dalam undang - undang nomor 17 tahun 2023 tentang kesehatan. Sangaji J Pemikir Syariah Dan Huk 2024;08:315–26.

Rauzi F, Sukarno. Problematika Pembebanan Uang Pengganti dalam Tindak Pidana Korupsi. Al Daulah J Huk Pidana Dan Ketatanegaraan 2023:32–43. https://doi.org/10.24252/ad.vi.36759.

Rosidi A, Zainuddin M, Arifiana I. Metode Dalam Penelitian Hukum Normatif Dan Sosiologis (Field Research). J Law Gov 2024;2:46–58.

Sinaga CJ. Kajian Terhadap Pidana Penjara Sebagai Subsidair Pidana Tambahan Pembayaran Uang Pengganti Dalam Tindak Pidana Korupsi. J Wawasan Yuridika 2017;1:191. https://doi.org/10.25072/jwy.v1i2.134.

Suhartono S. Implementasi Nilai Musyawarah pada Pancasila Melalui Metode Diskusi Kelas dalam Pembelajaran PPKn Kelas IX di SMP Negeri 3 Krian Sidoarjo. Didakt J Pendidik Dan Ilmu Pengetah 2019;19:263–9. https://doi.org/10.30651/didaktis.v19i3.4487.

Sukedi M, Nuarta IN. Keadilan Restoratif Sebagai Upaya Penyelesaian Tindak Pidana Dalam Sistem Hukum di Indonesia. J Prefer Huk 2024;5:222–30. https://doi.org/10.22225/jph.5.2.10415.222-230.

Suyatmiko WH. Memaknai Turunnya Skor Indeks Persepsi Korupsi Indonesia Tahun 2020. Integritas J Antikorupsi 2021;7:161–78. https://doi.org/10.32697/integritas.v7i1.717.

Syukur KA. Pembuktian Unsur Niat Dikaitkan Dengan Unsur Mens Rea Dalam Tindak Pidana Korupsi. J Ilm Galuh Justisi 2015;3:218. https://doi.org/10.25157/jigj.v3i2.420.

Wirajaya A. N. Asas Tiada Pidana Tanpa Kesalahan (Asas Kesalahan) Dalam Hubungannya Dengan Pertanggungjawaban Pidana Korporasi. Univ Udayana 2013:1–5.

Wiriadinata W. Korupsi dan Pembalikan Beban Pembuktian. J Konstitusi 2016;9:313. https://doi.org/10.31078/jk924.

Yusuf MD. Pelaksanaan Eksekusi Uang Pengganti Terpidana Tindak Pidana Korupsi oleh Kejaksaan Negeri Pekanbaru. Daeng, M Yusuf 2021;6:218–32.