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Legal Study of The Differences in The Application of Article 2 and Article 3 of The Correspondence Law in Market Development Corruption Cases

(Case Study of Decision Number 33/PID.SUS-TPK/2025/PT SMG)

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ABSTRACT

Introduction: Corruption is an extraordinary crime that disrupts legal stability, the economy, and public trust in the government. Because it comprises distinct elements, namely unlawful acts and abuse of authority, Articles 2 and 3 of the Corruption Eradication Law are often interpreted differently in Indonesia's law enforcement system. **Method:** In this normative legal research, a case approach is used which is derived from secondary data such as court decisions, laws and regulations, books and scientific journals collected through literature review and descriptive analysis. **Novelty:** This research differs from previous research, namely, examining the judge's considerations in the market development corruption case with an emphasis on the differences in how Article 2 and Article 3 of the Corruption Law are applied. **Objective:** This study aims to see how judges consider Article 2 and Article 3 of the Corruption Law, as well as the legal consequences of the differences in the application of the two articles in the corruption case of the construction of the Kedungwuni Market, Block F, Pekalongan Regency, which was decided under Number 33/PID.SUS-TPK/2025/PT SMG. **Results:** Research shows that the panel of judges applied Article 3 of the Corruption Eradication Law because the defendant's actions more closely resembled abuse of authority in carrying out his duties as a project supervisor, resulting in state financial losses. The legal interpretation of the differences in the application of the two articles relates to differences in the elements of proof, the type of criminal liability, and the potential penalties imposed on the perpetrator. **Conclusion:** Therefore, consistency is needed in the interpretation and application of these two articles in order to create legal certainty and fair law enforcement in criminal acts of corruption.

Keywords: corruption, Article 2 of the Corruption Law, Article 3 of the Corruption Law, judge's considerations, legal implications.

INTRODUCTION

Transformations in lifestyle and behavior, driven by emerging social norms, significantly shape prevailing societal standards (1). In the Indonesian context, the phenomenon of corruption is summarized by the acronym "KKN" which indicates the interconnected practices of corruption, collusion, and nepotism. (2). Corruption damages the state and destroys norms and public trust in the government, so integrated efforts between the public and law enforcement are needed to eradicate it.

From a legal perspective, corruption weakens the state's fiscal capacity and betrays the state's principles. Poor legal substance, such as unfair regulations, unclear formulations, overlapping regulations, and unequal sanctions, can be exploited by individuals to commit criminal acts of corruption (3). Article 1 paragraph 3 of the 1945 Constitution states that Indonesia is a state of law. Laws are created to create public order in society, not just to prosecute individuals.

From a social perspective, corruption undermines public trust and creates apathy toward the government. To understand corruption more comprehensively, applying a cultural approach or system to assess corruption is crucial (4). Therefore, it must be avoided in social life.

From a political aspect, corruption can be explained as the use of public power for individual interests (5). Corruption destroys the principle of good governance, eroding transparency and accountability, and opening up opportunities for oligarchy. Politics is based on self-interest to achieve a goal by overriding formal legality.

From an economic perspective, corruption can harm the country's economy, hinder progress, and tarnish Indonesia's image in the eyes of the world (6). In places where administrative oversight systems are weak or ineffective, the risk of corruption increases (7). In addition, corruption hinders the allocation of resources because economic decisions are based on personal interests rather than the public interest.

By establishing corruption as a specific crime, Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 marked a paradigm shift in Indonesian criminal law. This regulation demonstrates the state's commitment to safeguarding the public interest and building a responsive and flexible legal system against corruption crimes to safeguard national progress and democracy. Monetary deficits incurred by the state, acts of bribery, misuse of public funds, extortion practices, fraudulent activities, conflicts of interest in procurement processes, and illegal gratuities are various categories of corrupt practices. (8)

Practices such as budget mark-ups, abuse of authority, and violations in the procurement of goods and services are the main sources of corruption in market development. Officials, contractors, and private parties exploit the complexity of projects and the lack of oversight to gain personal gain at the expense of the state. Because the markets built often do not meet standards, do not function properly and hinder trade and economic access for the community, the impact is not only financial losses, but also social and economic losses. As a result, corruption in market development is not only a legal problem, but also reflects social injustice and endangers the general welfare. Effective corruption prevention tools are needed considering the fact that many bribery practices occur in the public service sector. (9)

The main objective of Law Number 31 of 1999, in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, is to provide a strong and effective legal framework that facilitates firm law enforcement against corrupt officials (10). Article 3 addresses abuse of power and Article 2 addresses violations of the law. However, practices often overlap in their application, so legal clarity requires legal research. There are many cases of corruption, especially those committed by state officials, causing the public to have negative stereotypes or views (11). One example is the case of corruption in the construction of the Kedungwuni Market, Block F, Pekalongan Regency (Decision Number 33/PID.SUS-TPK/2025/PT SMG), which emphasizes the importance of consistent law enforcement in accordance with the Corruption Law.

In Decision Number 33/PID.SUS-TPK/2025/PT SMG, the panel of judges considered that Defendant Imam Supriyono as the supervisor of the Kedungwuni Market Block F construction project had been negligent in carrying out his supervisory duties, resulting in deviations from work specifications and causing state losses of Rp1.24 billion. However, the Defendant was only responsible for losses of Rp89 million and had returned it to the state. The judge considered that the Defendant's actions were due to negligence, not an intention to enrich himself, and that the results of the construction were still beneficial to the community. Based on Article 3 of the Corruption Law in conjunction with Article 55 of the old Criminal Code and Perma No. 1 of 2020, the judge considered the previous sentence too severe, so a lighter sentence was imposed by emphasizing the return of replacement money as a form of good faith and recovery of state losses.

In light of the foregoing discussion, it is crucial for the author to gain a comprehensive understanding of the basic principles guiding judicial considerations in the application of Articles 2 and 3 of the special law on corruption-related offenses in market development, as illustrated by Decree No. 33/PID SUS-TPK/2025/PT SMG. Furthermore, the researcher also needs to critically examine the legal implications of the differences in the application of Article 2 and Article 3 of the Corruption Law on the enforcement of corruption crimes, particularly in the case of market development in the region. It is hoped that this research will improve criminal law research, particularly in terms of understanding how Articles 2 and 3 of the Corruption Law are applied differently. In addition, this research is expected to answer the issues discussed and help promote legal certainty in the correct and consistent application of Articles 2 and 3 of the Corruption Law.

The gap in this research is the absence of a study that specifically analyzes the application of Article 2 and Article 3 of the Corruption Law in a concrete case of market construction corruption, especially in seeing how judges interpret and differentiate the elements of "against the law" and "abuse of authority" in practice. And the novelty of this research lies in the applicative approach that examines the judge's legal considerations in a market construction corruption decision, with a focus on the direct application of the elements of the offense of Articles 2 and 3 in judicial practice to clarify the limits of their use and support legal certainty.

METHOD

The research method consists of a number of steps taken to ensure the validity of the research. It begins with considerations that result in the formulation of a problem that leads to an initial hypothesis. With the help of previous research, this method is used to process and analyze the research results. Legal research is a type of scientific research that focuses on specific principles, methodologies, and systematization with the aim of investigating and studying one or more specific legal phenomena. After that, the legal aspects are thoroughly evaluated, and the related problems are resolved. (12)

The case approach method is an effort to conduct a study of cases that are related to the issue being faced and decisions that have final and binding legal force.(13).This study uses a case approach method because it is relevant to what is faced in the study regarding the case of differences in the application of Article 2 and Article 3 of the Corruption Law in the market construction corruption case (Case Study of Decision Number 33/PID.SUS-TPK/2025/PT SMG).

This study uses a normative research method, meaning that it only examines library materials and secondary documents. This means that each relevant topic must be explained in detail regarding theoretical, philosophical, comparative, structural, or compositional elements.(14) This research does not examine empirical facts, but rather relies on an analysis of written legal sources. Normative juridical analysis is used in this study because it aligns with the research objective, namely the differences in the application of Articles 2 and 3 of the Corruption Law in the market construction corruption case (Case Study of Decision Number 33/PID.SUS-TPK/2025/PT SMG).

The data sources and categories used in this study include secondary data related to variances in the implementation of Article 2 and Article 3 of the Corruption Law in corruption cases related to market developments. Secondary data consists of primary legal materials in the form of the 1945 Constitution and the Criminal Code as well as related court decisions. Even if this study requires primary data, it will be collected in the form of comments from people who know what is actually included in the secondary data being studied, not empirical data such as certain behaviors or legal situations. (15)

The data collection technique in this study was carried out by evaluating secondary or library data. The data obtained was supported by literature research, books, documents, the internet, and laws and regulations, as well as other sources collected by the author.(16).Data collection techniques using primary, secondary and tertiary legal materials are collected for secondary data through literature collection studies.

In this study, the author used qualitative research method analysis. In qualitative research, data analysis is generally similar to descriptive analysis: data is collected and then interpreted to explain each aspect and its relationship to each other (17). The author used secondary data, especially documents, opinions, and concepts. Therefore, the author used qualitative data analysis as an analysis technique without using numbers or mathematical statistical formulas.

RESULTS AND DISCUSSION

Judges' Considerations in Applying Article 2 and Article 3 of the Corruption Eradication Law

Decision Number 33/PID.SUS-TPK/2025/PT SMG is a corruption case related to the Kedungwuni Market Block F development project in Pekalongan Regency in the 2017 Fiscal Year. This case involves the defendant Imam Supriyono as Director of CV. Trias Hutama who acted as a supervisory consultant in the implementation of the market development project. This market development project is part of the people's market revitalization program funded through assistance funds from the Ministry of Trade of the Republic of Indonesia with a total budget of IDR 6,000,000,000 sourced from the State Budget.

The market revitalization program began with a proposal submitted by the Pekalongan Regency Government to the Ministry of Trade in 2016. After an evaluation process, Pekalongan Regency was declared eligible for assistance to build a traditional market. The Ministry of Trade then provided a prototype market design, including a Detailed Engineering Design (DED) and a Budget Plan (RAB) to guide the construction process, which was then adapted to local conditions.

In order to implement these activities, the Regent of Pekalongan appointed officials responsible for project management, including the appointment of a Commitment Making Officer (PPK) and the formation of a Work Result Receipt Committee (PPHP) responsible for evaluating and accepting the work results related to the construction. The procurement process for goods and services was carried out through an electronic auction mechanism by the Pekalongan Regency Procurement Services Unit (ULP). Of the several companies that registered, PT. Kartikasari Manunggal Putra was appointed as the executor of the construction work, while CV. Trias Hutama, owned by the defendant Imam Supriyono, was appointed as the auction winner for the project supervision work.

On August 31, 2017, a contract was signed between the PPK and CV. Trias Hutama for project supervision services with a contract value of IDR 89,721,500. In the contract, the defendant is obliged to carry out technical supervision of all stages of construction, ensure the work complies with technical specifications, and conduct inspections of the quality of work and the volume of work as stated in the contract document.

As the construction project progressed, the Work Result Receipt Committee conducted several inspections of the work progress. During the first inspection on November 22, 2017, the work progress was recorded at only around 46.90%, so the PPHP team recommended that the service provider add labor and materials to expedite the work. The next inspection on December 5, 2017, showed the work progress reached 75.39%, but several unfinished tasks were still found, such as the installation of door frames, flooring, and mechanical and electrical installations.

Subsequently, during an inspection on December 21, 2017, work progress was recorded at 96.81%, but several deficiencies remained, such as incomplete cable tray installation, untidy paving, and incomplete aluminum frame work. The PPHP team then requested that all deficiencies be immediately corrected before the handover of the work.

Despite a number of deficiencies in the work, a final inspection was conducted on December 29, 2017, declaring the work 100% complete. A Work Handover Report was then prepared as the basis for disbursement of the project budget. However, during the process, it was revealed that the signing of the report was done on the orders of the Commitment Making Officer (PPK) because that date was the deadline for budget disbursement. The PPHP team initially hesitated to sign the document because the concrete quality test document, which was one of the inspection requirements, had not been shown to them.

The trial evidence shows that the concrete quality control documents were never submitted to the inspection team until the project was completed. Furthermore, the defendant, as the supervising consultant, failed to conduct a comprehensive technical quality assessment of the work, but instead conducted only a visual inspection at the project site. Despite this, the PPK still submitted a payment request and issued a Payment Order, which subsequently served as the basis for disbursing project funds to the contractor and supervising consultant.

In the subsequent investigation, a technical inspection was conducted by a team of experts from the Faculty of Engineering, Semarang State University, in 2024. The inspection results revealed discrepancies between the work specifications outlined in the contract documents and the actual work conditions on site. Several construction components, such as the concrete structure, reinforcement, and roof construction, had smaller volumes than those outlined in the planning documents. Furthermore, testing results indicated that the concrete quality in several parts of the building fell below the required compressive strength standards.

Due to the non-conformity of the work specifications and the reduction in work volume, the Kedungwuni Market Block F construction project resulted in a state financial loss of IDR 1,241,495,910.21 based on the findings of the state loss calculation audit conducted by the Central Java High Prosecutor's Office auditor. The loss occurred due to the use of substandard materials, the reduction in work volume, and the failure to carry out optimal project supervision by the supervising consultant.

Based on these facts, the defendant is deemed to have committed acts that are contrary to his professional obligations as a project supervisory consultant, thus allowing deviations to occur in the implementation of the work which resulted in state financial losses in the market development project.

The provisions of Article 2 paragraph (1) of the Corruption Eradication Law stipulate that any act committed unlawfully and aimed at enriching oneself, another person or a corporation is included in the crime of corruption. This act must cause losses to state finances or the state economy. This means that the main focus of this article lies in the existence of unlawful acts without having to be related to a particular position. Thus, the main elements in this article include unlawful acts, the aim of enrichment, and the existence of state losses.

Every use of authority involves accountability that is determined by the process of taking and exercising authority. (18) Article 3 of the Corruption Eradication Law stipulates that anyone who seeks to benefit themselves, another person, or a corporation can be punished if their actions harm the state's finances or economy. These actions are committed through the abuse of authority, opportunity, or means afforded by their position or position. This means that perpetrators under this article are generally those holding a specific position or authority within a particular office. Therefore, the main elements of this article lie in the abuse of authority and the resulting loss to the state.

According to Fendi and Poernomo, abuse of authority occurs when organizations or government officials use their authority for purposes that deviate from or differ from the purposes for which they were granted (19). In this case, the defendant served as the supervisor of the market construction project. His duty was to ensure that the work was carried out in accordance with the technical specifications stipulated in the contract. However, the defendant did not carry out his supervisory duties properly, resulting in errors that caused state losses. The panel of judges decided that the defendant's actions were more appropriately categorized as abuse of authority related to his position. Therefore, the components of Article 3 of the Corruption Law were deemed more fulfilled than the components of Article 2 of the Corruption Law.

Judges are the pivot around which the wheels of justice turn (20). In this case, the judges ruled that the defendant had repaid some of the state's losses and that the market development still provided benefits to the community. They also ruled that the defendant's actions were more negligent than actively aimed at enriching himself.

Therefore, the panel of judges may have applied Article 3 in an attempt to align the defendant's culpability with applicable legal regulations. However, in this case, there remains room for debate regarding the defendant's level of culpability and responsibility.

According to Rusli Muhammad, there are two categories of judicial considerations: legal and sociological. Court decisions must be based on trial facts, valid evidence, and applicable regulations. In addition, parts of the law that form the basis of the decision are included in the legal considerations (21). The judge has the authority to interpret the law and determine which article is most appropriate for the defendant's actions. The panel of judges in this case assessed the elements of the crime charged and the level of guilt of the defendant. The judge not only considered the state's losses but also the form of the defendant's fault, namely negligence in carrying out his duties.

However, critically, it can be seen that the judge's considerations also show a tendency to place greater emphasis on proportional sentencing when considering mitigating circumstances, such as restitution of state losses and the project's benefits to the community. This method demonstrates that the judge focuses not only on proving the elements of the crime but also on the objectives of sentencing, which consider justice and benefit.

In Decision Number 33/PID.SUS-TPK/2025/PT SMG, the panel of judges considered various legal aspects to determine the appropriate article to be applied to the defendant in the corruption case of the construction of Kedungwuni Market Block F, Pekalongan Regency. The public prosecutor initially filed charges related to violations of the law resulting in the loss of state funds. However, based on an analysis of the trial evidence, the panel of judges concluded that the defendant's actions were more appropriately considered an abuse of authority in the implementation of his office or position which fulfills the elements of Article 3 of the Corruption Eradication Law.

The judge's considerations were based on legal facts showing that the defendant Imam Supriyono as Director of CV. Trias Hutama acted as a supervisory consultant in the Kedungwuni Market Block F construction project for the 2017 Fiscal Year. In this position, the defendant had an obligation to supervise the implementation of construction work to ensure it complies with technical specifications, work volume, and contract provisions. However, in its implementation, the defendant did not carry out maximum supervision and did not conduct an inspection of the work quality test documents, but only conducted a visual inspection at the project site.

Due to negligence and abuse of authority, the market construction work did not comply with the established technical specifications, including the use of substandard concrete, the use of reinforced concrete that did not comply with the Indonesian National Standard (SNI), and a reduction in the volume of work that did not comply with the Cost Budget Plan (RAB). In addition, the defendant and other parties also made a work progress report that did not correspond to the actual conditions by stating that the work had been 100% completed, thus allowing the disbursement of the project budget.

Based on these facts, the panel of judges decided that the requirement of "abusing the authority, opportunity or means available to him due to his position or position" was in accordance with Article 3 of the Corruption Law. The defendant was deemed to have used his position as a supervisory consultant to approve a work progress report that did not correspond to the actual situation, thereby causing state financial losses. Therefore, the panel of judges agreed with the decision of the first instance court which stated that the defendant was legally and convincingly proven to have committed a criminal act of corruption as a subsidiary charge of Article 3 of the Corruption Law.

In its appeal brief, the public prosecutor argued that the defendant's actions should also be classified as "unlawful" under Article 2 of the Corruption Law. However, the panel of appellate judges rejected this argument and upheld the application of Article 3 as the basis for sentencing. The judges ruled that the defendant's actions were more appropriately understood as an abuse of authority in carrying out project supervision duties rather than as a general unlawful act, as stipulated in Article 2 of the Corruption Law.

In addition to considering the elements of the crime, the panel of judges also considered the sentencing guidelines stipulated in Supreme Court Regulation Number 1 of 2020 concerning the Sentencing Guidelines for Articles 2 and 3 of the Corruption Law. In this case, the state financial losses resulting from the market construction project reached IDR 1,241,495,910.21, which falls within the moderate category under these guidelines.

The judge then assessed the defendant's level of culpability, the impact of the act, and the profits obtained by the defendant. The panel of judges stated that the defendant's level of culpability was moderate because the defendant was responsible for the corruption but did not act as the primary perpetrator. The impact was also categorized as low because the market building could still be used by the public for trading activities. Furthermore, the defendant's profits were relatively small compared to the total state losses, and the defendant had also repaid the state losses for which he was responsible.

After reviewing Decision Number 33/PID.SUS-TPK/2025/PT SMG, the panel of judges concluded that Article 3 of the Corruption Law was applied because the defendant's actions were more related to abuse of authority or negligence in carrying out his responsibilities as a market development project supervisor. In this case, the element of self-enrichment as stipulated in Article 2 of the Corruption Law was not proven.

However, the significant differences between Articles 2 and 3 in this case indicate that the judge's assessment relied heavily on the perpetrator's interpretation of the elements of guilt, particularly those related to the intention to enrich oneself. Therefore, Article 3 in this case demonstrates the judge's attempt to align the defendant's actions with the most relevant legal provisions while considering aspects of justice and proportionality.

Legal Implications of the Differences in the Application of Article 2 and Article 3 of the Corruption Eradication Law

"Corruption" comes from the Latin word *corruptio*, which means "damage" or "embezzlement." This term refers to actions that violate laws and ethics. Corruption is the abuse of power, authority, or position for personal gain at the expense of the public interest. In general, corruption involves illegal activities such as embezzlement, bribery, nepotism, extortion, or manipulation of policies, which disrupt the transparency, honesty, or efficiency of a government system or organization. Therefore, changing and developing laws is one way to prevent corruption (22).

Since corruption is a modern term that has no exact analogy in Islamic law or fiqh, it seems difficult to provide a precise definition of corruption as it is known today. As a religion perfected by Allah through His most noble servant, the Prophet Muhammad, Islam provides a perspective on the crime of corruption because this type of crime did occur during the time of the Prophet Muhammad. However, this religion always provides a solution to every problem. In other words, takzir punishment is the same as punishment based on the judge's discretion, taking into account the benefit of society (23).

Articles 2 and 3 of the Corruption Eradication Law regulate acts of corruption that cause financial or economic losses to the state. However, there are significant conceptual differences between the two, particularly regarding the main elements of the act. Article 2 addresses the "unlawful" nature, while Article 3 addresses the "abuse of authority, opportunity, or means due to office or position." These differences extend beyond wording to the structure of the offense, the scope of the legal subject, and the methods of proof in court.

The element of “unlawful” as outlined in Article 2 of the Corruption Law encompasses a comprehensive interpretation, incorporating both formal and material violations of the law. Actions that explicitly contradict the relevant legal framework are characterized as unlawful in formalistic terms. Conversely, material unlawfulness relates to actions that violate decency, a sense of justice, social norms, and the overarching principles of effective governance (AUPB). This encompasses actions not expressly prohibited by legislative statutes. Consequently, the notion of unlawfulness articulated in Article 2 is inherently adaptable and does not rely exclusively on violations of codified regulations.

According to Article 3 of the Corruption Eradication Law, abuse of authority means the use of formally legitimate authority, but carried out in a manner inconsistent with the purpose of granting it, exceeding the limits of authority, or used for personal or particular party interests in a manner that deviates from proper provisions. In state administrative law, this abuse of authority is associated with violations of the principle of legality and general principles of good governance (AUPB).

According to this article, the perpetrator is a party who holds legitimate authority due to their position, but then abuses that authority. Proof of the intent to benefit themselves, others, or a corporation must also be provided. Article 3 focuses on abuses of power rather than violations of the law as a whole. As a result, this article is more specific and addresses the concept of abuses of power.

The difference in application of the two articles also has implications for determining the level of criminal responsibility of the perpetrator. Criminal responsibility is alternatively denoted in various foreign languages as *teorekenbaardheid* or criminal responsibility, which relates to the evaluation of whether a defendant or suspect is responsible for committing a crime. (24).

Basically, criminal responsibility is a system created by criminal law to handle violations of agreements to reject certain actions (25). Roeslan Saleh argues that because of the continuing reproach of criminal acts, criminal responsibility subjectively fulfills the requirements to be punished for criminal acts (26).

Article 36 paragraph (1) of the Criminal Code stipulates that a person can only be held criminally responsible if they commit a crime intentionally or through negligence. This indicates that the element of fault is the primary basis for determining whether or not a person can be punished. Criminal responsibility is also related to public rejection or condemnation of the perpetrator's actions. Through the state, this condemnation is manifested in the form of criminal threats for actions prohibited or required by law.

The objectives of the formulation of Article 2 and Article 3 of the Corruption Eradication Law are the same: to return state financial losses and provide a deterrent effect (27). However, the difference between the two articles determines the level of criminal responsibility of the perpetrator. Article 2 usually ensnares perpetrators who actively commit corruption with the aim of enriching themselves or others, while Article 3 usually ensnares perpetrators who misuse the authority of their position.

This distinction is crucial in the context of regional market development projects, as many corruption cases involve officials or project supervisors who do not directly gain personal gain but who are negligent or abuse their authority, resulting in state losses. Therefore, Article 3 allows law enforcement to prosecute perpetrators who cause state losses, regardless of the possibility of unproven self-enrichment.

To determine whether an act is considered an unlawful act, the following elements must be present: the act is unlawful, the perpetrator must have committed a mistake, and the perpetrator must have suffered a loss (28). Another legal consequence is the difference between Article 2 and Article 3 of the Corruption Law regarding criminal penalties. Article 2 offers a more severe criminal penalty than Article 3, indicating that the law views the act of unlawful enrichment as a more serious form of corruption than abuse of authority.

In reality, the application of Article 3 often results in lighter sentences being imposed on defendants compared to the application of Article 2. This can impact public perception of the effectiveness of corruption law enforcement, especially in cases related to development projects that consume large amounts of state funds. Legal certainty in handling corruption cases is also affected by the differences in the application of Article 2 and Article 3. In some situations, law enforcement often differs in interpreting which article is most appropriate to apply. This can lead to differences in law enforcement.

Critically, it can be argued that the differences in how Articles 2 and 3 are applied demonstrate the difficulty of addressing corruption, particularly in relation to regional development projects. Many regional corruption cases do not necessarily demonstrate personal gain for the perpetrators, but rather involve irregularities in the exercise of official authority that result in state losses. Therefore, judges often choose to adapt the perpetrator's culpability to the available legal provisions. However, if Article 3 is applied excessively without considering the likelihood that the elements of Article 2 will be met, it can create the impression that perpetrators of corruption will receive lighter sentences.

CLOSING

1. Conclusion

After studying Decision Number 33/PID.SUS-TPK/2025/PT SMG, it can be concluded that the Defendant Imam Supriyono Bin Mujiyanto, Director of CV. Trias Hutama as the Work Supervisor together with witness Heri Pancasilardi Bin Rais as the Commitment Making Officer (PPKom) and witness Didiek Yulianto Bin Mawarto, Director of PT. Kartikasari Manunggal Putra as the Work Implementer, each of whom was submitted in a separate case file. Furthermore, the panel of judges applied Article 3 of the Corruption Law because the defendant's actions showed elements of abuse of authority while carrying out his duties as a project supervisor which resulted in state financial losses. In enforcing corruption law, the difference in the application of the two articles has legal consequences, especially related to differences in the elements of proof, types of criminal liability, and criminal threats given to the perpetrator. In addition, as shown by the application of Article 3 which usually results in lighter criminal penalties, the judge's assessment is highly dependent on the interpretation of the elements of guilt and the position of the perpetrator in his position. Therefore, law enforcement against criminal acts of corruption must be carried out consistently with the interpretation and implementation of Article 2 and Article 3 of the Corruption Law to ensure legal certainty, a sense of justice, and an optimal deterrent effect.

2. Recommendations

1). Law enforcement officials, both prosecutors and judges, are expected to be more careful and consistent in interpreting and applying Articles 2 and 3 of the Corruption Law. The application of these articles must be based on a thorough analysis of the elements of the unlawful act, abuse of authority, and the type of offense committed by the perpetrator to ensure justice and legal certainty in the enforcement of corruption laws.

2) Regional governments and parties involved in development projects using state funds must improve their monitoring and accountability systems for project implementation. Stricter oversight can prevent errors that could harm the state.

3). Future researchers are expected to conduct more in-depth research by comparing how Articles 2 and 3 of the Corruption Law are applied in different court decisions. This will provide a more comprehensive picture of how the two articles are applied in Indonesian judicial practice.

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