PARADIGM OF PUNISHMENT AMOUNT OF STATE FINANCIAL LOSSES IN CORRUPTION CRIMES: A RESTORATIVE JUSTICE APPROACH

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Abstract *- According to Jeremy Bentham, punishment should not be employed or inflicted if it is unjustified, unnecessary, unprofitable, or ineffectual. In the writing of this essay, this idea—which is connected to the paradigm of criminalizing state financial losses from corruption activities under $50 million by employing a restorative justice approach—will be explored in greater detail. A restorative justice method is more readily applicable to criminal acts of corruption with relatively small amounts of state losses, especially in light of the enactment of Law No. 1 of 2023 about the Criminal Code (New Criminal Code). This article employs normative legal research methodologies, including statutory, conceptual, and case approaches. The study's findings indicate that there has been a movement in the sentencing paradigm, formerly in the Wetboek van Strafrecht (Old Criminal Code), which was more geared towards the theory of retribution and relative theory, towards a more restorative character. Punishment is more concentrated in this restorative approach, with the goal of recouping state financial losses. As a result, the core principle that has been integrated into the New Criminal Code about the goal of punishment can be a place for law enforcers to design a model or plan for settling corruption offenses that number less than 50 million using a restorative justice approach.*

Keywords: *Corruption Crime; Criminal Paradigm; Restorative Justice; State Financial Losses*

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INTRODUCTION

When it comes to law enforcement, one of the issues that is never out of date is criminal corruption. Because law enforcement of criminal acts of corruption has so far yielded negative outcomes.[1] In reality, the amount of governmental financial damages experienced in corruption instances is significantly more than the punishment for corruptors (state loss recovery).[2] Although there have been many initiatives,

[1] These unfavorable results can be seen from two things: the increasing number of cases and the large amount of state financial losses. According to data from Indonesia Corruption Watch (ICW), the Attorney General's Office handled 371 corruption cases throughout 2021 with 814 suspects. The number of cases and suspects is the highest in the last five years. This number is the largest compared to other institutions, such as the Corruption Eradication Commission (KPK) and the National Police. Meanwhile, the amount of state financial losses due to corruption throughout 2022 as stated by the Attorney General's Office is more than IDR 144 trillion. This amount is far greater than the previous year, for example in 2021 state losses due to corruption cases will reach IDR 62.93 trillion, and in 2020 it will be IDR 56.74 trillion. See Monavia Ayu Rizaty, "Kejaksaan Agung Tangani 371 Kasus Korupsi Sepanjang 2021," Data Indonesia.id, 2021, https://dataindonesia.id/ragam/detail/kejaksaan-agung-tangani-371-kasus-korupsi-sepanjang-2021; Dimas Bayu, "Kerugian Negara akibat Korupsi Capai Rp62,93 Triliun pada 2021," Data Indonesia.id, 2021, https://dataindonesia.id/ragam/detail/kerugian-negara-akibat-korupsi-capai-rp6293-triliun-pada-2021.

[2] Based on the records of the Corruption Eradication Commission, in the 2001-2012 range, explicit losses due to corruption by 1,842 corruptors reached IDR 168 trillion. Meanwhile, the final punishment for corruptors only resulted in a total demand of IDR 15 trillion. The difference of IDR 153 trillion is borne by the state using tax money from the people. So indirectly the people bear the loss. Not to mention the losses that will occur later, such as expenses that must be borne by the state when the corruptor

particularly in improving the recovery of state losses, such as introducing the idea of Non-Conviction Based Asset Recovery originating from crimes such as corruption and money laundering through the Asset Confiscation Bill (RUU PA).[3] However, the PA Bill is currently being debated in Parliament.[4]

Regarding the aforementioned issues, one of the reasons for the sluggish elimination of corruption is a lack of legal efficiency. In terms of law enforcement expenditures, for example, one case can cost up to $200 million to resolve.[5] With the relatively huge sum of fees for conducting cases, this undoubtedly becomes a quandary when faced with corruption charges whose sums are considerably less, for example, under 100 million or 50 million. It is because the idea of off-law economic analysis explains that an effective law enforcement procedure must examine the logic of determining the processing costs of a crime. Thus, the state does not suffer an increase in the amount of money lost owing to corrupt activities perpetrated by criminals.

The off-law economic analysis theory is consistent with the idea of restorative justice, particularly when it comes to implementing a straightforward, quick, and affordable judicial system. Law enforcement for corruption in the current day is aimed at a more progressive paradigm, for example by opening up options for resolving criminal acts of corruption through a restorative justice approach, especially with the enactment of Law Number 1 of 2023 about the Criminal Code. In order to provide small-scale, for instance, under 50 million, criminal crimes of corruption the chance to be adjudicated using a restorative justice strategy. Since there have been less than 50 million incidences of corruption up to this point, corruption in village money is just one example.

The following are the number of village fund corruption cases that entangled Village Heads and/or Village Officials in various areas in 2021:

Table 1. Rows of Village Fund Corruption Cases that Ensnare Village Heads and/or Village Officials Scattered in Various Regions in 2021

No.	List of Regency	Case Amount
1	Musi Banyuasin Regency	3
2	Toba Samosir Regency	1
3	Sidoarjo Regency	1
4	Ogan Komering Ulu Regency	1
5	Kepulauan Selayar Regency	3
6	Luwu Timur Regency	2
7	Gowa Regency	4
8	Bone Regency	1
9	Soppeng Regency	1
10	Sinjai Regency	1
11	Gowa Regency	1
12	Luwu Utara Regency	1
13	Maros Regency	1

is in prison. See Admin, "Apakah Hukuman Koruptor Setimpal dengan Kerugian Negara?," Pusat Edukasi Anti Korupsi, 2022, https://aclc.kpk.go.id/aksi-informasi/Eksplorasi/20220523-apakah-hukuman-koruptor-setimpal-dengan-kerugian-negara.

[3] Fathul Hamdani, "Urgensi Penerapan Konsep Non-Conviction Bassed dalam Praktik Asset Recovery TPPU di Indonesia," in *Hukum Sebagai Penggerak Pembangunan Berkelanjutan di Indonesia*, ed. by Idul Rishan, Aroma Elmina Martha, and Dodik Setiawan (Yogyakarta: FH UII Press, 2021), p. 212.

[4] Admin, "RUU tentang Perampasan Aset Tindak Pidana," Sekretariat Jenderal DPR RI, 2019, https://www.dpr.go.id/uu/detail/id/72.

[5] The details of the fees allocated in each law enforcement agency are different. At the Attorney General's Office, for example, the total cost of one corruption case to completion is 200 million rupiah. In detail, 25 million stages of investigation; 50 million stages of investigation; 100 million stages of prosecution. The remaining 25 million will be used for the cost of executing the verdict. Within the police, the costs of investigating and investigating corruption cases are also not much different, totaling Rp. 208 million per case. Meanwhile, the KPK uses a ceiling system. The budget ceiling for the investigation phase is 11 billion rupiah for a projected 90 cases. The investigation phase has a budget ceiling of 12 billion for a projected 85 cases. Then, for the prosecution and execution stages, 14.329 billion was allocated for 85 cases. In addition, there are still costs used for the execution of corporate crimes in the amount of 45 billion rupiah. See Hukum Online, "Mau Tahu Biaya Penanganan Perkara Korupsi? Simak Angka dan Masalahnya," Hukum Online, 2016, https://www.hukumonline.com/berita/a/mau-tahu-biaya-penanganan-perkara-korupsi-simak-angka-dan-masalahnya-lt5733f0ea01aea.

14	Bantaeng Regency	1
15	Wajo Regency	1
16	Barru Regency	1
17	Pandeglang Regency	1
18	Maluku Tengah Regency	3
19	Bengkulu Utara Regency	1
20	Balangan Regency	1
21	Natuna Regency	1
22	Cianjur Regency	1
23	Murung Raya Regency	1
24	Labuhanbatu Utara Regency	1
25	Kudus Regency	2
26	Simeulue Regency	1
27	Kota Sungai Penuh Regency	1
28	Pidie Regency	1
29	Bojonegoro Regency	1
30	Kolaka Utara Regency	1

Source: Aminuddin Kasim, "Pendekatan Restorative Justice dalam Proses Peradilan Kasus Tindak Pidana Korupsi Dana Desa," Papers were presented at seminars/webinar which entitled: "Penerapan Restorative Justice Dalam Penegakan Hukum Yang Adil, Pasti, dan Mendukung Pemulihan Ekonomi". Seminar in commemoration of the 62nd Adhyaksa Bhakti Day. Held in collaboration with the Central Sulawesi High Prosecutor's Office and the Law Faculty Prosecutor's Research Center, Tadulako University, Palu, Wednesday, July 20th 2022. (Created by Author).

According to the statistics above, the number of village fund corruption cases is fairly large, thus it is so urged to establish the correct framework for handling them, one of which is through a restorative justice method. The main premise behind using a restorative justice strategy to solve corruption offences is to repay state losses. According to Howard Zehr, there are five elements that must be followed in order to successfully execute restorative justice, notably:[6] a) concentrating on losses and the needs of the consequent parties, namely victims, but also society and perpetrators; b) addressing the liability resulting from the loss, both of the offender but also of the family, community, and society; c) using an inclusive collaborative process; d) including those who have a legitimate interest in the situation, such as victims, perpetrators, families, community members, and society; and e) making an effort to correct mistakes.

In the framework of criminal acts of corruption, the victim in this case is the state, hence the emphasis is on the losses sustained as a result of this wrongdoing. This paradigm is then to be established, so that corruption, which amounts to less than 50 million people, may be remedied using a restorative justice method.[7] This attempts to lower the expense of law enforcement processes and to develop a simple, quick, and low-cost justice system.[8]

[6] Howard Zehr, *The Little Book of Restorative Justice*, 2 ed. (New York: Good Books, 2015), p. 98.

[7] According to data submitted by the Attorney General's Legal Information Center, there are still many corruption cases, even under 1 million, which are still in the legal process. Apart from that, there are not a few cases of village funds with a low value ranging from 5-15 million that have been brought to court, which has been found guilty for many years. In this condition, state spending does not end with the legal process, but continues when the convict in question is in a correctional institution, for example related to training costs, food costs, even the problem is also related to over capacity. Lihat Kejati Jatim, "Siaran Pers Nomor: PR – 136/136/K.3/Kph.3/01/2022 tentang Tanggapan Kejaksaan Agung Terkait Pemberitaan Korupsi di Bawah 50 Juta Cukup Kembalikan Kerugian Negara," 2022, https://kejati-jatim.go.id/siaran-pers-nomor-pr-136-136-k-3-kph-3-01-2022-tentang-tanggapan-kejaksaan-agung-terkait-pemberitaan-korupsi-di-bawah-50-juta-cukup-kembalikan-kerugian-negara/.

[8] The idea of solving corruption crimes through a restorative justice approach, which amounts to under 50 million, is also in line with what was stated by Attorney General ST Burhanuddin. He gave an example related to the condition of corruption cases in Eastern Indonesia or the archipelago where the trial process must be taken by land, sea and air to get to the provincial capital of case trial cases. For example, if the case occurred on Nias Island it must be tried in Medan, or if the corruption case occurred in the Natuna Islands it must be tried in the Riau Islands. So this would be very much at odds with the goal of a simple, speedy, and low-cost justice system. See Yulida Medistiara, "Jaksa Agung Ingin Korupsi di Bawah Rp 50 Juta Tak Dipidana, Ini Alasannya," Detik News, 2022, https://news.detik.com/berita/d-5973554/jaksa-agung-ingin-korupsi-di-bawah-rp-50-juta-tak-dipidana-ini-alasannya.

As a result of the above, this essay intends to present a deeper analysis and a new viewpoint (paradigm) on the settlement of corruption charges under IDR 50 million by emphasizing the concept of benefit and repayment of state financial losses.

METHOD

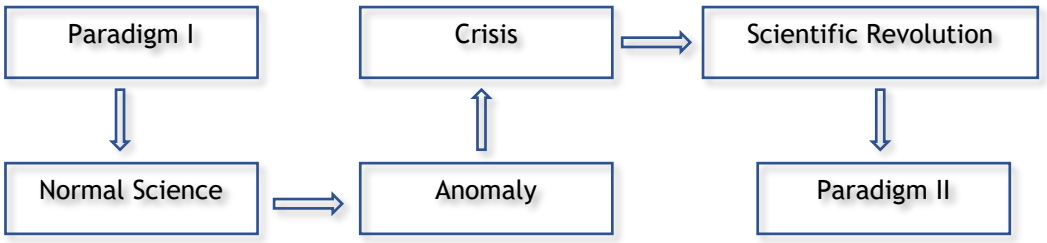
This article was written using the normative legal research or doctrinal legal research approach, which is a process of identifying a rule of law, legal principles, or legal doctrines to address the legal challenges at hand.[9] The approaches used are statutory, conceptual, and case approaches. The statutory approach is intended to make it easier for writers to dissect existing legal issues at the normative juridical level, by reviewing the sentencing provisions in *Wetboek van Strafrecht* (Old Criminal Code), Law Number 1 of 2023 concerning the Criminal Code (New Criminal Code), and Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes (Corruption Law). Then the conceptual approach, the author uses concepts in criminal law such as the concept of economic analysis of law, to the concept of punishment that applies and develops in Indonesia. While in the case approach, the author describes several examples of corruption cases that are relevant to the legal issues to be studied.

1. Criminalization Paradigm Amount of State Financial Losses as a Result of Corruption Crimes

The abolition of illegal acts of corruption in many nations is fundamentally founded on the need to return state financial losses, although via differing techniques. To attain this purpose, the anti-corruption law must be structured in such a way that it facilitates efforts to remove corruption efficiently.

According to what was previously said, the adoption of Legislation Number 1 of 2023 about the Criminal Code has created new opportunities and perspectives for the enforcement of the law against corruption. Thomas S. Kuhn refers to this viewpoint as a paradigm.[10] Kuhn's perspectives on the preceding paradigm are more thoroughly articulated in the scientific revolution scheme below:

Chart 1: Thomas S. Kuhn Schematic of the Scientific Revolution



Source: Akhyar Yusuf Lubis, *Filsafat Ilmu Klasik Hingga Kontemporer* (Jakarta: Rajawali Press, 2014), created by Author.

The theory of punishment in the *Wetboek van Strafrecht* (Old Criminal Code) is first given in order to grasp the system above, particularly in the context of criminal law, meaning the implementation of the law on corruption. The theory of punishment employed in *Wetboek van Strafrecht* is more of a blended approach (*de verenigings theory*), namely between the absolute theory of retribution (*de vergelding theory*) and the relative theory of aims *(de relative theory)*. Thus, punishment is based on revenge and the aim of the crime itself, according to the combined view. As a result, in order to accomplish justice and community satisfaction, there must be a balance between vengeance and the goal of imposing punishment on someone who commits a crime. While in Law Number 1 of 2023 concerning the Criminal Code, the sentencing theory used has a more restorative face, this is reflected in Article 54 that:

(1) Pemidanaan bertujuan:

a. Mencegah dilakukannya tindak pidana dengan menegakkan norma hukum demi pengayoman masyarakat;

[9] Amiruddin dan H. Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: PT. Raja Grafindo Persada, 2006), p118.
[10] Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 2 ed. (Chicago: University of Chicago Press, 1970), p. 32.

b. Memasyarakatkan terpidana dengan mengadakan pembinaan sehingga menjadi orang yang baik dan berguna;
c. Menyelesaikan konflik yang ditimbulkan oleh tindak pidana, memulihkan keseimbangan, dan mendatangkan rasa damai dalam masyarakat; dan
d. Membebaskan rasa bersalah pada terpidana

(2) Pemidanaan tidak dimaksudkan untuk menderitakan dan merendahkan martabat manusia.

The formulation of Article 54 of Law Number 1 of 2023 concerning the Criminal Code above demonstrates a similarity in purpose with the theory of restorative justice, in which the basic idea of restorative justice leads to a victim-oriented effort or process to assist perpetrators in correcting mistakes. or harm that has occurred.[11] In other terms, restorative justice is a system of rules for resolving conflicts with the goal of bringing order and peace to society by restoring or correcting mistakes made by offenders so that they don't commit the same crimes again.

Consider the Thomas S. Kuhn theory of the scientific revolution once again after learning the distinctions between the sentencing theory in *Wetboek van Strafrecht* and Law Number 1 of 2023 on the Criminal Code. In the context of criminal law, combination theory (de verenigings theory) is known as Paradigm I. This de verenigings theory has been regarded as an established viewpoint, or acknowledged as normal science, that is, a theory that is in agreement with the Indonesian criminal law system.

Similarly, while examining the Corruption Law's methodology,[12] it can be concluded that Indonesia's criminal law on corruption still believes that the faults or misdeeds of criminal actors can only be atoned for by suffering (a hallmark of retributive justice theory). Such a view of punishment in a philosophical setting is also referred to as the "*older philosophy of crime control*".[13]

However, as legal innovations and community demands (anomalies) evolved, so did sentencing ideas, resulting in the emergence of new theories such as the theory of restorative justice. The emergence of this new theory is a result of dissatisfaction with the old concept of punishment (crisis), in which the acknowledged de verenigings theory returns to the old paradigm and a scientific revolution occurs, producing a new paradigm, namely the theory of restorative justice (paradigm II).

The paradigm of criminal prosecution for corruption under IDR 50 million should be geared towards restoring state financial losses through this restorative justice method. Because the ratification of Law No. 1 of 2023 concerning the Criminal Code is part of an attempt to reform the legal system, which is connected to legal content in this case. As a result, these changes must be accompanied by an appropriate legal framework in every area, particularly in the fight against corruption. Furthermore, international law, as embodied in the United Nations Convention Against Corruption (UNCAC), has made it possible for each state party to resolve corruption cases through restorative justice, recouping state financial damages as a result of criminal acts of corruption.

2. The Ideal Framework for Criminalizing Corruption Offenders in the Perspective of Restorative Justice

In the 3rd Seminar on Criminology in 1976 it was determined that criminal law should be maintained as a means of "Social Defense". Even this choice of the concept of community protection has consequences for a rational approach, as stated by J. Andenaes, as follows:[14]

> "If individuals build criminal law on the notion of societal defense, the next step is to logically develop it. Maximum achievements must be obtained at the lowest possible societal and individual expense. In such a work, one must depend on the findings of scientific study into the causes of crime and the efficacy of various punishments."

[11] Katherine Van Wormer, "Restorative Justice: A Bridge Between East and West," in *Restorative Justice Across the East and the West*, ed. oleh Katherine Van Wormer (United Kingdom: Casa Verde Publishing, 2008), p.3.

[12] Article 4 of Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, confirms that the recovery of state financial losses or the state economy does not eliminate the punishment of perpetrators of criminal acts as referred to in Articles 2 and Article 3 of the law.

[13] Gene Kassebaum, *Delinquency and Social Policy* (London: Prentice Hall, 1974), p 93.

[14] Muladi dan Barda Nawawi Arief, *Teori-teori dan Kebijakan Pidana*, Ed. Revisi (Bandung: Alumni, 2018), p.164.

The consequences that arise when criminal law is maintained as a means of "Social Defense", the concept of restorative justice in convicting perpetrators of corruption in Indonesia does not completely eliminate criminal sanctions, but rather prioritizes the provision of sanctions that emphasize efforts to recover the consequences of crime through mechanisms the most efficient solution possible. Because as stated by Jeremy Bentham that punishment should not be imposed/used if it is groundless, needless, unprofitable or inefficacious.[15]

Likewise Ted Honderich's opinion, he said that a crime can be called an economic deterrent if the following conditions are met:[16]

a. the punishment actually prevents;
b. the punishment does not cause a situation that is more dangerous or detrimental than what would have happened if the punishment had not been imposed;
c. there is no other crime that can prevent effectively with less harm or loss.

Therefore, through the views that have been described, along with the ideal framework for criminalizing perpetrators of corruption whose number is below 50 million from a restorative justice perspective.

a. **Settlement of Cases Without Going Through Courts**

As noted in the background, many corruption cases are still undergoing judicial processes, such as one example of a corruption case in Pontianak City involving extortion or extortion with a value of Rp. 2.2 million. If these minor amounts of corruption are nevertheless prosecuted, as Ted Honderich indicated above, criminal law really creates a scenario that is more harmful or destructive to the state since the expense of settling cases is considerably higher.

The restorative justice concept allows the state, as the victim, to resolve problems without going through a lengthy legal procedure, which saves money and time. Such a philosophy would be more advantageous not just to the state as a victim, but also to the offenders. Because some of the negative consequences of the retributive method include dehumanization, incarceration, and stigmatization.[17]

Settlement of issues outside of the court system is also consistent with Herbert L. Packer's belief that the employment of criminal punishment is not the only tool available. Because the employment of criminal penalties indiscriminately and coercively will result in the criminal institution being a primary danger. This indicates that in this setting, not all incidents of corruption must be settled through the legal system. So that corruption cases involving less than 50 million people can be addressed using a restorative justice method.

The restorative justice strategy can be implemented through mediation, both criminal and non-penal, specifically by presenting perpetrators and victims (state) through relevant agencies. As a result, the state may concentrate its efforts on recouping state financial losses. The framework for resolving corruption cases worth less than $50 million through a restorative justice approach should be further regulated through corruption criminal act laws or criminal procedural law (formal), specifically by making sanctions for returning state financial losses a principal crime, no longer a crime addition.

b. Imposition of Social Sanctions

In classical criminal law, the philosophy of punishment that is built is more retaliatory and creates fear. Meanwhile, in modern punishment, punishment has shifted towards social reintegration and must be in accordance with the objectives of the punishment to be achieved. This philosophy also underlies the emergence of a two-track system in the concept of punishment in Indonesia.

As a proponent of the dual track system, Indonesia should have established two forms of sanctions on an equal footing (alternative-cumulative), namely criminal sanctions and action sanctions. Criminal sanctions stem from the fundamental concept of why punishment is imposed, whereas action sanctions stem from the concept of what punishment is imposed.

[15] Barda Nawawi Arief, *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana* (Bandung: Citra Aditya Bakti, 1998), p.48.
[16] Barda Nawawi Arief, *Kebijakan Legislatif Dengan Pidana Penjara* (Semarang: Badan Penerbit UNDIP, 1996), p.39.
[17] Muladi dan Arief, *Teori-teori dan Kebijakan Pidana,* p.77-78.

According to Charles Zastrow, one form of penalty is similar to social work sanctions.[18] Social work is a professional or action that assists individuals or groups of people in achieving their goals. Because of the nature of the crime, the criminal must carry out this duty without being imprisoned or getting remuneration (work as a penalty).

It is thought that if this is accomplished, offenders will be more useful in serving their terms. The implementation of this notion will allow for greater flexibility in the administration of sanctions and is an alternative to criminal punishments, which cannot entirely ensure sentence success.

As a result, the legislation against corruption can govern the idea of social punishment for corruption cases involving less than 50 million people. Even if the a quo rule only accepts the notion of fines and penalties, the use of criminal and sentencing instruments must be done carefully so as not to contravene the detainee overcrowding policy.[19]

Furthermore, the execution of punishments must be structured to reduce the gains acquired by corrupt criminals. Most people make the most of what they have or maximize their earnings when performing a certain task. Recovering state financial losses should be done in accordance with the legislation on corruption. It's only that in criminal law, the process of recovering state financial damages is primarily focused on applying punishments by judges during the trial process.

The computation of state losses through the law enforcement process should include overall losses, such as net losses, law enforcement expenses, and interest, as well as direct losses. In other words, the management of corruption under Rp. 50 million might employ the treatment of action sanctions (social work) as an alternative approach of settling criminal problems and optimizing state finances, taking into account all expenses of losses sustained (through penalties) in the law enforcement process criminal.

c. Restorative Justice Provisions Must Be Regulated by Law or the Criminal Procedure Code

The urgency for restorative justice arrangements at the level of the law or included in the Criminal Procedure Code is because until now the mechanism for implementing the restorative justice approach is still scattered in several related institutional regulations, such as the Prosecutor's Office Regulation of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice and Regulations Kapolri Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice.

As a result, there is a requirement for rule consistency so that there are no disparities in interpretation between institutions. The framework for implementing the restorative justice method must be set by legislation, for example, by inserting restorative justice provisions into the Criminal Procedure Code Law Number 1 of 2023, or expressly by modifying the Corruption Law. Furthermore, the Corruption Law must rigorously control the category of criminal acts of corruption that can be handled through restorative justice processes.

CONCLUSION

1. As the law and the requirements of society evolved, so did conceptions of punishment, and new theories emerged, such as the theory of restorative justice. The paradigm of criminal prosecution for corruption under IDR 50 million should be geared towards restoring state financial losses through this restorative justice method. Furthermore, international law, as embodied in the United Nations Convention Against Corruption (UNCAC), has made it possible for each state party to resolve corruption cases through restorative justice, recouping state financial damages as a result of criminal acts of corruption.
2. The restorative justice method to settling corruption cases under $50 million is consistent with the philosophy of economic analysis of law and what Jeremy Bentham imparted, that a crime should not be imposed/used if it is groundless, unnecessary, unprofitable, or ineffectual (unprofitable or

[18] Charles Zastrow, *The Practice of Social Work* (California: Brooks/Cole Publishing Company, 1995), p. 88.

[19] According to data from the Ministry of Law and Human Rights, the capacity to accommodate prisons and detention centers throughout Indonesia is only around 130 thousand people. In fact, the prison is filled with around 271 thousand people or over capacity of up to 104%. Excess prison capacity is almost a problem in every country, overcapacity also occurs in Italy (serious crimes) 20%, Iran 53%, Bolivia 263%, even the Philippines reaches 363%. See Viva Budy Kusnandar, "Hampir Semua Lapas di Indonesia Kelebihan Kapasitas," databoks, 2021, https://databoks.katadata.co.id/datapublish/2021/09/13/hampir-semua-lapas-di-indonesia-kelebihan-kapasitas.

ineffective). Corruption charges might be settled using this restorative justice strategy without going through a lengthy and expensive legal process. So that the resolution of corruption cases is adequate through criminal or non-penal mediation, with an emphasis on imposing sanctions on recovering state financial losses and social punishments The provisions related to the mechanism for resolving criminal acts with a restorative justice approach must be regulated through regulations at the level of the law or through the Criminal Procedure Code.

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