

# Knowledge Management: Guidelines for Criminalization based on Analysis of Disparities in the Results of Corruption Criminal Decisions

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**Abstract:** The disparity in punishment results of the corruption criminal decision has become a hot topic among academics, observers and law practitioners in Indonesia. Many people think that the disparities in punishment results of corruption criminal will be contradiction to the efforts of eradicate corruption which is currently being carried out by the Government. In particular, the disparity in the conviction of the results of this decision is often discussed in a more specific context and is considered reasonable because the difference in decisions between one, two or more cases that have the same characteristics is the domain of Judge discretion. The concept of criminal disparity nowadays doesn't have a main guideline that can be used as a joint guideline in determining whether disparity in criminality is in accordance with or not with the Circular of the Attorney General Number 3 of 2010 concerning Guidelines for Criminal Lawsuits in Corruption. In practice, there are still many disparities that occur in the results of corruption convictions throughout Indonesia in the range of 2011-2015. To make it easier for Judges to determine a decision by considering the Attorney General Number 3 of 2010 approach and also the results of a conviction for corruption which has been legal force within the range of 2011-2015 requires a kind of Knowledge Management Application on the Disparity Study of Corruption Criminal Decision Results. Besides making it easier to classify according to the level of State Losses and State Losses Return, this Knowledge Management in the future can be used as a Supporting Guide for Judges and Prosecutors to be able to see the results of decisions in previous years.

## 1 INTRODUCTION

Efforts to eradicate corruption in Indonesia have become less than optimal with the disparity in criminal conviction in the case of corruption, it should be by implementing guidelines for criminal prosecution of corruption such as the Circular of the Attorney General Number: 003 of 2010, can be more effective in minimizing the occurrence of disparities in prosecutors conveying large demands and judges can provide decisions for criminal sanctions cases of corruption. However, this has not been realized until now because there are still many criminal disparities in corruption cases (Anugerah Rizki Akbari, 2018).

Verdict of Corruption cases through a court decision, should be able to minimize disparity in criminal sanctions and not ease criminal sanctions for corruptors. This is due to the existing criminal code guidelines, which have not been able to reduce the subjectivity of judges in deciding cases of corruption and the potential for judges to make judicial discretion in the

form of disparity in crimes which cannot be justified. So we need a Knowledge Management as a guideline for criminal law enforcement in Indonesia for Judge and Prosecutor.

Corruption criminal is an extraordinary crime, because it not only damages the economy but also violates the human rights inherent in each individual. To eradicate Corruption is countered by extra ordinary acts (Rukmini, 2006), the disparity of Corruption Court decisions that cannot be accounted well can cause public distrust in the law enforcement of Corruption and cause inconsistencies in the judicial environment.

At present to overcome the disparity in prosecution of corruption cases, there are Guidelines for Prosecution related to Corruption, which must be used as a reference by the Public Prosecutor in determining criminal charges against perpetrators of corruption. These guidelines are listed in the Attorney General's Circular Letter Number: 003 of 2010. In the guidelines of the circular letter is given a guide to

make criminal charges against convicted corruption with clause 2 paragraph 1 and clause 3 which are the focus of the crime of corruption.

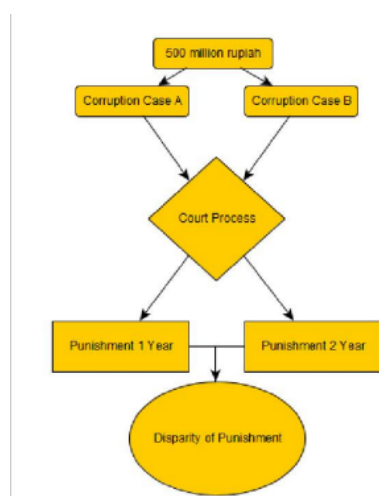


Figure 1: General Description of Disparity

This research will develop a Knowledge Management System to resolve the problem of disparity the results of lawsuits in corruption cases based on Decision Results data for the period of 2011 to 2015. The data consists of 31 fields and 713 records of data on corruption decisions that enter the realm of the Attorney General’s Office and also the Corruption Eradication Commission (KPK) that has been legal force as a database of this Knowledge Management application.

Knowledge Management System is something that must be built and developed in order to follow the development of technology and knowledge. The Knowledge Management function will be able to assist the organization or institution in providing employees with proper understanding and knowledge, both directly and indirectly. This Knowledge Management (KM) can be generally useful as internal e-learning for employees and is particularly useful as a source of knowledge in organizations or institutions (Kusuma, 2013).

There are some researchers who have developed knowledge management such as java applications, mobile application and web services or e-learning application that aim as a tool to clarify or provide valid information to be presented to end user. There is a research with entitled ”The Study of the Application of SECI-based Knowledge Management System in E-Mobile format: Case Study of Indraprasta University PGRI” (Yudha, 2015). In this research, the concept and design of an e-mobilebased Knowledge Management System was made as an alternative in handling learning for students and lecturers who were just teaching Java courses. In this system, the appli-

cation of e-mobile-based Knowledge Management is built using the SECI Model approach.

And for Disparity and Law Decision for corruption cases was already research by Indonesian Judicial Monitoring Society Research Team - Faculty of Law, University of Indonesia (Anugerah Rizki Akbari, 2018) , with a research entitled ”Resume of Criminal Disparity Research in Corruption Cases”. This research provides information and some examples of cases of criminal disparities that occur in the realm of the Attorney General’s Office of the Republic of Indonesia. In their research also explained Disparities that could not be explained and also Disparities that could be explained in accordance with normal applicable law (Anugerah Rizki Akbari, 2018).

(Sijing, 2006) explains that ”Knowledge management is the process of acquiring and using knowledge and techniques in an organization”. (Tjakraatmadja and Lantu, 2006) explains that ”Knowledge Management can be explained as systematic steps to manage knowledge in organizations to create value and increase competitive advantage”. (Davenport and Prusak, 1998) state that generally a Knowledge Management project has one of the following three objectives:

1. There is a basic knowledge and role of that knowledge to the organization, mostly through a form of knowledge mapping.
2. Develop a knowledge-based culture by encouraging and supporting behaviour to share knowledge (Knowledge Sharing) and be proactive in seeking or providing new knowledge,
3. Building a knowledge infrastructure not only on a technical system, but also a form of network that connects humans with the availability of space, time, tools, and a passion for interaction and collaboration.

According to (Muladi and Arief, 1984), explaining that disparity in sentencing is a criminal application that is not the same against the same crime (same offence) or against a criminal offense whose nature of danger can be compared (offences of comparable seriousness) without basis clear justification. Judges decisions are an important aspect in the administration of the justice system. On one side of the judge’s decision determines the defendant’s fate, namely by providing legal certainty regarding the status of the defendant whether the defendant was found guilty or not along with legal remedies that can be submitted by the defendant, either through an appeal, verification, or cassation.

## 2 RESEARCH METHODOLOGY

This research uses a descriptive method by presenting a summary of the results of observations and analysis results from the Corruption Court Judgment Data of the Republic of Indonesia and the Corruption Eradication Commission of the Republic of Indonesia in the range of 2011-2015. A lawsuit in a corruption case that is not in accordance with the Attorney General's Circular Letter Number. 003 of 2010. Data collection methods used in this study through several steps carried out in several activities including:

1. Doing observations in order to obtain typologies related to disparities in criminal acts of corruption that occurred in the range of 2011-2015.
2. Doing processing data on the results of decisions from the Supreme Court decision directory.
3. Doing statistical conclusions from the results processed with Microsoft Excel.
4. And at the final stage of making conclusions in a statistical formative based on interviews that are not directly to Survey Respondents.
5. Make conclusions about the research being carried out and provide suggestions and submit them for the future.

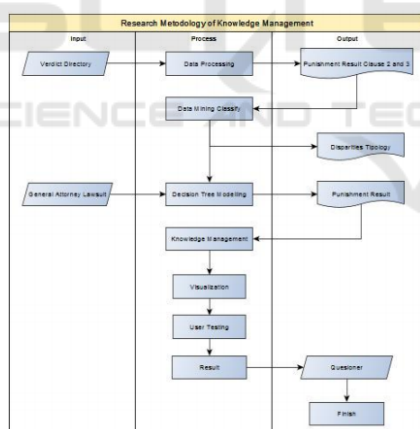


Figure 2: Research Methodology (Yudha, 2015)

The study was conducted through several structured stages with the aim of obtaining precise and accurate data through the activity steps outlined below. Stages of research is the development of the concept of thinking that is used as a reference in finding solutions to problems found. The process description of the stages of the research carried out is as follows:

### 2.1 Formulation of the Problem

This step doing an analysis of the problem that occurs, namely the existence of disparity in the prose-

cution and the results of the criminal conviction for corruption that occurred in the period of 2011-2015 in the realm of the Attorney General of the Republic of Indonesia. Disparity in prosecution is the difference between claims made by the Public Prosecutor and the existing Prosecution Guidelines, in this case SEJA Guideline Number: 003 of 2010. These differences are usually below the threshold that should be for the minimum demands. The disparity of the results of convictions is the difference in the results of criminal decisions from those prosecuted by the Public Prosecutor and it usually occurs if the State is at a loss but the criminal decision is different between defendant 1 and the other defendants

### 2.2 Supporting Theory

This step is search for theoretical guidance that is after the research problem is formulated, the next step is to look for theoretical guidance that can be used as a theoretical basis for conducting research. The theories include theories in criminal law, theories in data mining, software engineering theories and theories in the development of knowledge management.

### 2.3 Collecting Data

This step is collecting decision directory data on Supreme Court and MAPPI websites to formulate the decision disparity problem that will be formulated. In addition, observations, interviews and questionnaires were also carried out. The interview technique was carried out with a number of questions given to Survey Respondents consisting of KPK Prosecutors and Staff regarding current conditions related to disparities. This questionnaire technique is given to the population that is sampled in the form of questions with answers to two alternative choices. Observation technique by conducting discussions directly or indirectly with prosecutors and KPK employees who are experts in the field of Justice and Law to see each decision result until the other court proceedings until the decision becomes have legal force.

### 2.4 Data Analysis

This step to conduct data analysis that illustrates the current conditions of prosecution disparity and decision disparity results using the classification data mining method in the form of a decision tree. Based on the data that is processed and collected from the technique, it will produce a description of the typology of the conditions that exist at this time related to the existence of the disparity in the decision and not making

demands in accordance with SEJA Guideline Number:003 of 2010.

## 2.5 Implementation Knowledge Management System

This step is doing development of data to find and analysis gaps that occur then identify. Developing applications into Object Oriented Programming (OOP) based programs in the form of Knowledge Management Applications for Corruption Criminal Cases that can serve as a supporting tool in making decisions for Law Enforcement Officials in corruption criminal cases based on the disparity in the prosecution and conviction for criminal cases of corruption.

## 3 RESULT AND ANALYSIS

### 3.1 Data Process

Based on the decision data in the Decision Directory so far, it can be accessed together about Corruption Crimes as many as 3,931 decisions. Where each is divided into several criteria for corruption cases handled by the Attorney General of the Republic of Indonesia, and also the Corruption Eradication Commission with the following details:

No	Corruption Category	Verdict Total
1	Corruption - Conflict of Interest in Procurement	1
2	Corruption - Extortion	7
3	Corruption - Gratuity	20
4	Corruption - Darkness in Position	29
5	Corruption	3278
6	Corruption - State Financial Losses	575
7	Corruption - Bribery	21
Verdict Total of Corruption Cases		3931

Figure 3: Corruption Category.

Based on Figure 3, we can be seen that for 1 category of corruption the most is corruption which refers to Law No.31 of 1999 in conjunction with Law No.20 of 2001. For the other 6 categories it is adjusted to Criminal Article which is more specific and clearly clause. For more clear, the following is an appearance of the Supreme Court Verdict Directory website:



Figure 4: Verdict Directory of Supreme Court (<https://putusan.mahkamahagung.go.id/>)

From the sample data obtained by MaPPI, then the data is re-processed and built into a database of corruption criminal application consisting of 31 fields and 713 data records. The database was built using MySQL Server which can later be used for application development in the Corruption Criminal Knowledge Management System. The application was made to adjust with SEJA Number: 003 of 2010 to calculate the interval of claims that should have been made by the Public Prosecutor and also to be analysis. The following information is 31 fields that are used as a KM database:

No	Field Name	Description
1	No	Sequent number in database
2	Verdict Number	Verdict Number which registered in Verdict Directory
3	Defendant Name	Name of defendant
4	Occupation	With 2 category PNS or Not PNS
5	Verdict Year	Registered year of verdict
6	The Province	Province that criminal event occur
7	Country Loss	Country loss for the case
8	Minimum Demand	Minimum demand for defendant
9	Maximum Demand	Maximum demand for defendant
10	e Demand	Fines demand for defendant
11	Clause of Law	Clause of criminal for defendant
12	Criminal of Law	Criminal set for the defendant
13	Fines from Judge	Fines punishment by the Judge
14	Return loss	Sum of return loss from defendant
15	Loss from Institution	Country loss from Institution BPK
16	Claim Guidelines	Range of demand refer to Guidelines
17	Fines Guidelines	Range of Fines for defendant
18	Law Enforcer	Law enforcer case
19	Criminal Charges	Charges from prosecutor to the Judge
20	Demands refer SEJA	Comparison demands suitable or not with SEJA
21	Verdict refer SEJA	Comparison verdict suitable or not with SEJA
22	Category of SEJA	Classification of SEJA
23	Lightening Thing	Something lightening for defendant
24	Lightening Thing1	Something lightening for defendant1
25	Lightening Thing2	Something lightening for defendant2
26	Incriminary Thing	Something incriminary for defendant
27	Incriminary Thing1	Something incriminary for defendant1
28	Incriminary Thing2	Something incriminary for defendant2
29	Case Chronology	Case chronology for the problem
30	KM Analysis	For make comparison for data
31	Comment	For giving comment to data

Figure 5: Database Field.

In addition to the emergence for issues of criminal

sentences that are higher than charges, the problem that always arises every year in the trend of criminal convictions is the amount of disparity in decisions. Disparity in decisions is a serious problem because it involves the value of justice to be achieved from a conviction. With the emergence of criminal disparity, it implies that there is injustice in the decisions of the judges handed down to the defendant. Although disparity is not possible to be eliminated, gaps that arise from punishment can be reduced or minimized.

Processing results in this study found that there were disparities in criminal prosecution that were still under 18 months. For this category, a minimum of 3 month demands for corruption in Clause 3, following 3 typologies of disparity in the demands for Clause 3,

1. Disparity demand for 12 months,
2. Disparity demand for 14 and
3. Disparity demand for 15 months still occur in the demand from prosecutor to the defendant. The information can be show in Figure 4 until Figure 6 below :

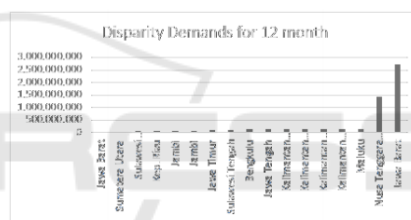


Figure 6: Disparity demand for 12 month

For Figure 6 we can see, there is so many province that has demands below 18 month. 18 month is the minimum or the lowest demands based on Attorney General’s Circular Number: 003 of 2010

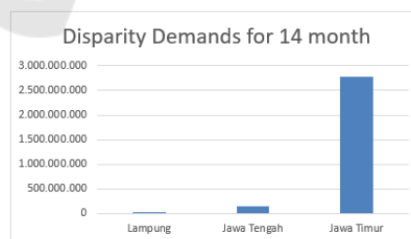


Figure 7: Disparity demand for 14 month

For Figure 7 just 3 province which still has demand below 18 month.

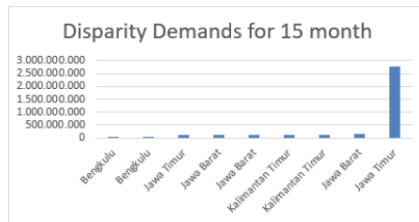


Figure 8: Disparity demand for 15 month

Then for Figure 8 there is so many the province still has demand below 18 months and refer to Attorney General’s Circular Letter Number. 003 of 2010 is not suitable. And for the detail about suitable or not suitable on Clause 3 we can see in attachment. Then after processing data for this study, we can build Knowledge Management Application for this case. Here’s the example disparity in the demands and the verdict of corruption cases :

Verdict Number	State Lossess	Demands	Verdict
133/PID.SUS/TPK/2015/PN.JKT.PST	Rp12,820,933,360	1 year 6 month	1 year
01/Pid.Sus-TPK/2016/PN.Kpg	Rp4,387,927	4 year	1 year
57/Pid.Sus/TPK/2016/PN.Sby	Rp19,388,656,900	9 year	1 year
10/PID.SUS--TPK/2016/PT.YYK	Rp25,387,830	1 year 6 month	1 year

Figure 9: Example Disparity Punishment.

From Figure 9, there’s differences in demands from prosecutor demand, but the Judge have their discretion to punish 4 of them with 1 year punishment. As we can see, it can build image in the society can be injustice because the case with corruption 19 billion rupiah and corruption 14 million rupiah had the same verdict punishment.

### 3.2 Application Design

The Design of Knowledge Management Application for Corruption Criminal Guidance is made based on the collection of data and information carried out to follow adjustments to the existing Attorney General Guideline Number: 003 of 2010 by incorporating 2 main components namely Country Losses and Country Losses Returns. This application consists of 6 Forms namely Main Menu Form, Form Compute Demand, KM Analysis Form, Compare Data Form, Graphic Form and finally Data Input Form.

The following menu structure in the KM application as follows:

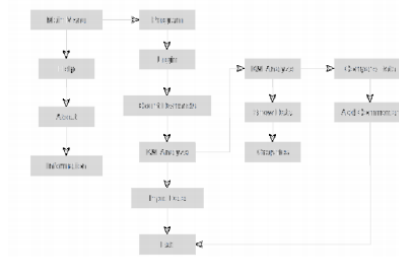


Figure 10: Application Structure

Based on Figure 8, application menu structure consists of 6 Main Forms that were built to help process data on the verdict results of corruption decisions that have a function as learning data from corruption cases in the period 2011 to 2015 for Clause 2 and Clause 3 only. With this Knowledge Management Systems it hoped that it can be a tool before determining criminal charges for corruption cases. Following is an explanation of each menu in the application:

#### 1. Main Menu

For the main menu contains 4 menu choices namely Program, Help, About and SEJA Information. Programs for logging in and exiting applications, Help for help information, About information about the makers of the KMS system and Information SEJA as a Basic Guide for the development of the KMS Criminal Corruption application.

#### 2. Calculate Demand

To count demands, it contains 6 buttons, namely Compute Demand, Clear, Update Data, KM Analysis, Show Data and Exit Program. Compute Demands to calculate the interval of demands that should be made based on Country Losses and Country Losses Returns. Clear to do the recalculation, Data Update to do an automatic classification of the status of the suit whether it is in suitable with SEJA or not. KM Analysis to conduct further analysis of the data, display data to display data from the database. And finally the button to exit the KMS Criminal Punishment application.

#### 3. Analysis of KM

For KM analysis contains 6 buttons namely Tabulation, Data Input, Graphics, Back, Compare Data and Exit Program. Tabulation to display the filtered data based on Country Losses and Returns, Input Data to process the new data input into the database. Graphic to display data in a chart, Return to return to the Calculate Demands menu. Compare Data to analysis 2 different data, and Exit Program to end the use of the program.

4. Compare Data  
Compare Data contains 2 buttons to Comment and Return. Give comments to comment on the comparison of 2 different data to be stored in the database. Return to return to the KM Analysis menu.
5. Graphics  
For graphics containing 2 buttons namely Show Data and Return, display data to view data in a visualization chart and return to return to the KM Application menu.
6. Data Input  
For Data Input contains 3 buttons, namely Save, Clear and Back. Save to save data to the database, Clear to do new input from reload data and return to return to the KM Analysis menu.

3. Analysis of KM Form

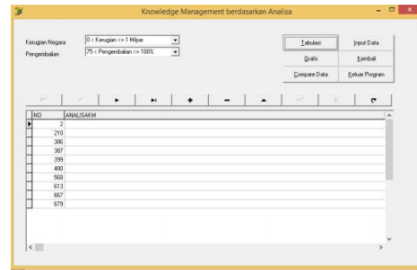


Figure 13: Analysis of KM Form

For Analysis Form we can use compare 1 punishment result with other result and make comment if there is disparity in that result.

3.3 Graphic User Interface of Application

The following are the results of the application of the Knowledge Management Criminal System which consists of 6 Forms as follows :

1. Main Menu Form



Figure 11: Main Menu Form

For Main Menu use as login Form to login to the application, after login we can use according to the needs.

2. Calculate Demand Form

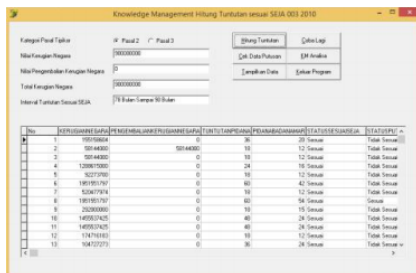


Figure 12: Calculate Demand Form

For Calculate demand form, we can check for Clause 2 or Clause 3 the best interval for punishment result for the Judge or Prosecutor can take based on General Attorney Guideline Number: 003 of 2010.

4. Compare Data Form

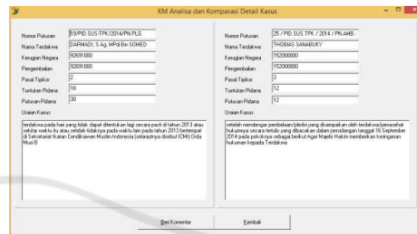


Figure 14: Compare Data Form

For Compare Data form we can check each detail for the case of corruption held in the range of 2011 until 2015.

5. Graphics Form

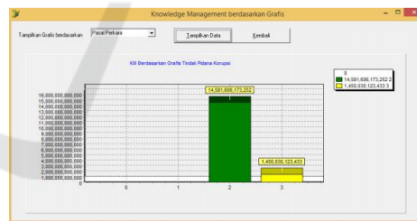


Figure 15: Graphics Form

For Graphics Form we can see the difference between Clause 2 and Clause 3 for the case of corruption based on State Loses.

6. Data Input Form

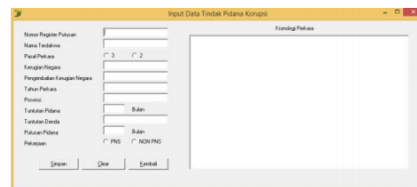


Figure 16: Data Input Form

For Data Input Form, we can input new cases of corruption to become one of our databases and

can be processed in the Knowledge Management Application. So if there is new case we can input to the application and can add into database.

#### 4 CONCLUSIONS

The present work contributes to the corruption case data of Clause 2 and Clause 3 and well-established knowledge management models are able to handle the new challenges to help Judge and Prosecutor to view criminal case especially in corruption case. With this application maybe will help Judge and Prosecutor to find the best demands to punish the corruption defendant based on guidelines.

Future works might build upon the Supreme Court and propose models that integrate with Punishment Directory in every area of Justice of Indonesia Attorney. And build an application based on website or mobile application which can be accessed anytime and anywhere for Judge or Prosecutor for their learning and working.

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