

**THE INFLUENCE OF OLIGARCHS ON REDUCING  
CONVICTIONS IN CORRUPTION CASES  
(STUDY OF CASE DECISION NO-14/PID. SUS-TPK/2021/PT  
DKI)**

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### **INTRODUCTION**

Laws and laws are formed or made in the form of normative prescriptions, with the hope that they will be able to function properly as a reference for human behavior in their society, which then allows the realization of an orderly order of community life in the life of the nation and state, originally the law was formed or made by a legislature with material extracted from real community life to be positive as written rules for the sake of the preservation of certainty. Nowadays cases of Corruption always get more attention compared to other crimes. This phenomenon is natural considering the negative impact caused by corruption that touches various aspects of people's lives. Corruption is included in extraordinary crimes (extra ordinary crime) because the losses incurred from corruption not only have an impact on state finances but are also detrimental to overall national development. <sup>1</sup>

The criminal act of corruption is an act that seizes assets, which is a state right so that the state loses the ability to carry out its responsibility for the welfare of society. As a result, people lose their basic rights to live a prosperous life. Baharuddin Lopa quoted David M. Chalmers as describing the meaning of the term corruption in various fields, namely those concerning bribery issues, those related to manipulation in the economic field, and those concerning the field of public interest. This conclusion is drawn from the definition put forward, among others: "manipulation and decisions regarding finances that endanger the economy are often categorized as acts of corruption". He went on to explain: "this term is often also used against misdeeds by officials concerning the economy" and he also said: Disguised payments in the form of gifts, administrative costs, services, gifts to relatives, influence of social position, or any relationship that harms public interests and welfare, with or without payment of money, are usually considered acts of corruption. Therefore, law enforcement on corruption is a serious problem considering the resulting impact of such crimes. In order to seek justice in terms of corruption cases, the criminal procedural law aims to seek material truth, in contrast to civil procedural law which is sufficient with formal truth.<sup>234</sup>

One of the corruption cases that attracted public attention was the corruption case committed by the defendant Joko Soegiarto Tjandra. Jakarta High Court Appeal

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<sup>1</sup> Soetandyo wingiosoebroto, the law that never stands; What's wrong with the work of law enforcement in this country. In *Dialectics of Indonesian Legal System Reform*, (Jakarta: Secretary General of the Judicial Commission of the Republic of Indonesia, 2012), p. 5.

<sup>2</sup> M.A. Moegni Djojodirjo, *Acts Against the Law*, First Printing (Jakarta: Pradnya Paramita, 1979), p. 11.

<sup>3</sup> Eve Hartanti, *Criminal Acts of Corruption*, (Jakarta: Sinar Grafika, 2007), p. 9.

<sup>4</sup> Andi Hamzah, *Indonesian Criminal Procedure Law*, (Jakarta: Sinar Grafika, 2008), p. 249

Decision Number 14/Pid.SusTPK/2021/PT. DKI reducing the verdict in the first instance became a polemic. The judgment of the Jakarta High Court Judge, namely the mitigating circumstances of the defendant, is that the defendant has been convicted based on the Supreme Court decision dated February 20, 2012 Number 100 / PK / Pid.Sus / 2009 Juncto Supreme Court Decision dated June 11, 2009 Number 12 PK / Pid.Sus / 2009 and has returned the money from the corruption crime. The case raises questions about how to reduce the legal sentences against the convicted corrupt. The criminal act of corruption itself cannot be separated from the interests of power and the economy. Corruption has a close relationship with power, because corruption can occur if someone has power. On the contrary, corruption can be a great means of gaining power. The connection between corruption, power and politics today has become unavoidable. Corruption in various forms can include extortion, bribery and gratification which basically has occurred for a long time and is carried out by state officials to the lowest employees. Corruption essentially starts from an unconscious habit, from the habit of receiving tribute, gifts, bribes and various certain facilities and others which eventually become real seeds of corruption.<sup>56</sup>

### MITHHOD

In conducting research on the influence of oligarchs on reducing convictions in cases of corruption, the research methods used are Verdict Analysis and literature study. Literature study is a research method carried out by collecting data from written sources such as journals, books, reports, and articles. This research is carried out by analyzing the data that has been collected, and applying a theoretical approach to solve the problem at hand. In conducting a literature study, researchers will search for literature related to the research topic they want to research. This literature search can be done through online databases such as Google Scholar, JSTOR, and ScienceDirect. After that, the researcher will read and select literature that is relevant to the research topic at hand. Once the relevant literature has been collected, the researcher will conduct an analysis of the data that has been collected. This analysis is carried out using theoretical approaches and other research methods that have been developed previously. During the analysis, the researcher will look for patterns and relationships between predetermined variables, and make conclusions based on the results of the analysis.

### DISCUSSION

Laws and laws are formed or made in the form of normative prescriptions, with the hope that they will be able to function properly as a reference for human behavior in their society, which then allows the realization of an orderly order of community life in the life of the nation and state, originally the law was formed or made by a legislative body with material extracted from life. Real society to be positive as written rules for the sake of maintaining certainty.<sup>7</sup>

Nowadays cases of Corruption always get more attention compared to other crimes. This phenomenon is natural considering the negative impact caused by corruption

<sup>5</sup> Virus Pink, "The Link between Power and Corruption", <https://fuzinoviyanti.wordpress.com/2013/09/23/linkage-power-and-corruption/>, link accessed January 2, 2022 at 2:12 PM.

<sup>6</sup>Muchlisin Riadi, "Definition, Models, Forms and Types of Corruption", <https://www.kajianpustaka.com/2013/08/pengetahuan-model-forms-types-of-corruption.html>, link accessed on January 2, 2022 at 14.22

<sup>7</sup> Soetandyo wingjosoebroto, the law that never stands; What's wrong with the work of law enforcement in this country. In *Dialectics of Indonesian Legal System Reform*, (Jakarta: Secretary General of the Judicial Commission of the Republic of Indonesia, 2012), p. 5.

that touches various aspects of people's lives. Corruption is included in extraordinary crimes (*extra ordinary crime*) because the losses incurred from corruption not only have an impact on state finances but are also detrimental to overall national development.

The criminal act of corruption is an act that seizes assets, which is a state right so that the state loses the ability to carry out its responsibility for the welfare of society. As a result, people lose their basic rights to live a prosperous life.<sup>8</sup>

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He further explained: "this term is often also used against erroneous decrees by officials concerning economic midwives" and he also said: Disguised payments in the form of gifts, administrative costs, services, gifts to relatives, influence of social position, or any relationship that harms public interests and welfare, with or without payment of money, usually considered an act of corruption.

Therefore, law enforcement on corruption is a serious problem considering the resulting impact of such crimes. In order to seek justice in terms of corruption cases, the criminal procedural law aims to seek material truth, in contrast to civil procedural law which is sufficient with formal truth.<sup>10</sup>

One of the corruption cases that attracted public attention was the corruption case committed by the defendant Joko Soegiarto Tjandra. Decision on Appeal of the Jakarta High Court Number 14/Pid.Sus-TPK/2021/PT. DKI yang reduced the verdict in the first instance to polemic. The judgment of the Jakarta High Court Judge, namely the mitigating circumstances of the defendant, is that the defendant has been convicted based on the Supreme Court decision dated February 20, 2012 Number 100 / PK / Pid.Sus / 2009 Junct o Supreme Court Decision dated June 11, 2009 Number 12 PK / Pid.Sus / 2009 and has returned the money from the corruption crime. The case raises questions about how to reduce the legal sentences against the convicted corrupt. Corruption has a close relationship with power, because corruption can occur if someone has power. On the contrary, corruption can be a great means of gaining power. The connection between corruption, power and politics today has become unavoidable.

Corruption in various forms can include extortion, bribery and gratification which basically has occurred for a long time and is carried out by state officials to the lowest employees. Corruption essentially starts from an unconscious habit, from the habit of receiving tribute, gifts, bribes and various certain facilities and others which eventually become real seeds of corruption.

The threat of oligarchy to law enforcement in solving corruption cases

The practices of oligarchy are completely contrary to human rights principles. The threat of oligarchy when entering into the political process is to deprive citizens of the right of participation. The political rights of citizens will be limited because of certain powers that control the political system. Not only that, the entry of oligarchs into the political process threatens the level of public welfare in the future. This is because access to political and economic power is controlled by oligarchical actors in political

<sup>8</sup> M.A. Moegni Djojodirjo, *Act Oppose Law* First Print (Jakarta: Pradnya Paramita, 1979), Pp. 11

<sup>9</sup> Evy Hartanti, *Criminal Acts of Corruption*, (Jakarta: Sinar Grafika, 2007), p. 9.

<sup>10</sup> Andi Hamzah, *Indonesian Criminal Procedure Law*, (Jakarta: Sinar Grafika, 2008), p. 249.

implementation. Politics is closely related to law, because the essence of law is basically a political statement from the government that is poured into a norm.

That is, legal politics can be interpreted as legal policy that will or has been implemented nationally in the form of making and updating legal materials so that they can be adjusted to needs. Etymologically, the term political law is a Indonesian translation of the Dutch term *rechtpolitiek* which is a formation of two words, namely, *recht* and *politiek*. Terminologically, legal politics is defined as the activity of choosing and the means to be used to achieve a certain social and legal goal in society.<sup>11</sup>

Mahfud M. D explained that legal products formed by legislators are not clean from the political interests of their makers. Laws formed by a country through the legislative process made by legislators whose contents are inseparable from interests or politics. Politics is a series of actions or activities planned in the field of law to achieve a desired goal or objective. Politics in Indonesia cannot be separated from policies based on law or from law enforcement because Indonesia is a state of law which means that all actions and policies of a country must be based on law, and the power or politics carried out by the state is limited by law. Politics and power are interrelated, because the concept of politics cannot be separated from maintaining power.

According to W.A Robson, politics is a science that studies power in society, namely the nature of nature, basis, processes, scope and results. As explained above, that law is a product of politics. When oligarchs enter into political activities directed at maintaining power, the defense of the power of the few will be stronger and cut off the human rights of the rest of society. The existence of oligarchs in the law enforcement system poses a threat to law enforcement itself. Not only affecting the democratic system in Indonesia, political power dominated by oligarchs will also threaten the law enforcement process. Law enforcement against corruption is very different from other crimes, including because of the many institutions authorized to carry out judicial proceedings against corruption crimes. Such conditions are a logical consequence of the predicate placed on the crime as an extra ordinary crime. As a criminal act categorized as an extraordinary crime, corruption has tremendous destructive power and damages the joints of life of a nation and state. The impact of corruption can be seen from the occurrence of various kinds of environmental damage, both in physical and moral terms. Nyoman Sarikat Putra Jaya said that the negative consequences of corruption are very damaging to the nation's life order, even corruption is a deprivation of economic rights and social rights of the Indonesian people.<sup>12</sup>

### Causes and Effects of Oligarchs on Law Enforcement in the Settlement of Corruption Crimes

The concentration of power or possession of authority is a factor in the formation of oligarchy. In this context, hoarding is one of the supporting factors of oligarchy, where wealth and power reinforce each other. Wealth can maintain power and power can accumulate wealth. Oligarchy is created based on the resources of material power which then defines a person as the perpetrator of the oligarchy. An important factor in oligarchy is the accumulation of wealth up to thousands of times the wealth of ordinary people (social stratification). Social stratification is the classification of members of society into classes based on economic dimensions (seen from property, capital and wealth owned), status (educational background, lifestyle and privileges) and politics (power and authority). The inequality caused by social stratification not only affects the control of natural resources, but also affects the many policies that can be held by

<sup>11</sup> Hanafi Amrani, *The Politics of Criminal Law Reform*, (Yogyakarta: UII Pres Yogyakarta, 2019), p. 1

<sup>12</sup> Nyoman Sarikat Putra Jaya, *Some Thoughts Towards Criminal Law Development*, (Jakarta: Citra Aditya Bakti, 2008), p. 69

oligarchic actors. Article 28 D paragraph (1) of the 1945 Constitution states, that: Everyone has the right to recognition, guarantees of protection and fair legal certainty and equal treatment before the law.

One social problem that always gets more attention than other criminal acts in today's society is corruption. Apart from several legal products produced to combat the problem of corruption, in reality today corruption still exists and continues to grow in various layers of aspects of people's lives. The cause of the current outbreak of corruption in Indonesia is the factor of law enforcement that is still weak as well as low public awareness. This public awareness is evidenced by the public view that the public still considers that those who are harmed from corruption by perpetrators of corruption crimes are the state (harming state finances), even though the community is also harmed.

Looking further into the beginning of corruption in Asian societies, Syed Husein Alatas said that the initial cause of corruption in Asian societies was created by the second world war. The Japanese occupation of Asia led to a sudden swell of corruption. The scarcity of goods and foodstuffs, along with the inflation craze caused by weak government oversight that makes corruption a powerful means of covering up the lack of income.

Many cases of law enforcement do not work properly, the irregularities that occur in law enforcement are caused by the ease with which someone who has power both in the form of wealth and other powers of attorney gets legal handling that is different from criminal cases committed by small communities. The main problem of law enforcement in developing countries, especially Indonesia, is not the legal system itself, but the quality of people who carry out law enforcement laws. Thus, the role of humans who carry out the law is that law enforcement occupies a strategic position. The issue of law enforcement transparency is closely related to the accountability of the performance of law enforcement agencies. These principles have a purpose, namely as a guideline for state administrators to be able to realize organizers who are able to carry out their functions and duties seriously and responsibly.

One of the triggers of public distrust in the performance of law enforcement officials in enforcing the law is due to the fact that law enforcement is considered to injure the sense of justice, both justice according to the juridical view and adversity according to the community. If viewed from the perspective of legal sociology, there are 2 (two) factors that are most prominent in influencing law enforcement officials in law enforcement, namely internal factors and external factors. Internal factors come from law enforcement itself, one example is the tendency of law enforcement officials in enforcing the law guided by the law alone so as to override the values that develop in society. The external factors come from outside the law enforcement, for example when a legal event occurs, there is a tendency for the community to solve it in their own way. Law enforcers are role models in society who should be able to communicate and gain understanding from the community in accordance with the aspirations of the community, not to certain groups or a handful of people with power privileges. The main problem of legal pawning actually lies in the factors that might influence it. These factors have a neutral meaning, so that the positive impact and negative impact lie in the content of these factors.

Broadly speaking, the losses incurred by corruption crimes result in slow state economic growth, decreased investment, increased poverty and increased income inequality. Looking at the law and judiciary, oligarchic actors can make the implementation of the law blunt against them with the influence of their power. Besides the economic, social and moral losses caused by corruption, the harm to health and life is no less important. As a result of unwise application and enforcement of the

law by law enforcers, public trust in the law as the basis for maintaining community life will slowly disappear.

The reflection of the implementation of criminal law in Indonesia has a very big impact on the community, until in the end the community says that the application of law in Indonesia, especially in the scope of law enforcement against perpetrators of criminal acts, is called sharply downward blunt upwards. One of the community's statements is due to the factors of the law enforcement process described above

#### Weaknesses and Advantages of Oligarchs Against Law Enforcement in Resolving Corruption Crimes

The reality that is happening today cannot be found without some form of ruler. Power interference in legal cases in Indonesia can hinder law enforcement and the legal settlement process. For example, in the case of corruption. It is commonplace to find because corruption cases today involve the politics of state rulers. Laws and regulations that favor the interests of the ruler rather than the interests of the people show a real form of injustice. Such injustice is the result of disregard for the law, disrespect for the law and distrust of the law and abuse of the law.

In this study, researchers consider the influence of oligarchic power in criminal settlement in case No. 14/PID. SUS-TPK / 2020 / PT DKI which decides appeal-level cases with a reduction in crimes that have been decided by the Corruption Court, Central Jakarta District Court with Number 50 / Pid.Sus-TPK / 2020 / PN.Jkt.Pst. Supposedly, the sentencing of criminal offenders must look at the mistakes they commit, this is based on the principle of guilt (liability base on fault) or known as the principle of no crime without Error (geen straf zonder schuld) which is a principle of human value and is based on the principle of legality which states that there are tools (laws) that can be used as the basis for legislation to determine a criminal act. Not looking at the influence of position, authority or economic aspects that are tools for solving the law enforcement process. Oligarchy supported by a strong legal system does not occur in Indonesia, and it is an opportunity for oligarchic actors to exploit this weakness in an effort to protect and develop their profits and wealth. The oligarchy is too lawful to be immune to the law.

The oligarchy as an influential minority power has only differences with other forms of elites by nature. Oligarchic theory focuses on actors who disperse material resources politically with important impacts on the economy. In democracies, political power formally spreads based on rights, procedures and levels of popular participation. This contrasts with oligarchs whose concentration of material power is based on the strength of claims. Today we see how wide and large the network of roles of various professions involved in the power defense industry, such as Legal Experts, Lawyers, Tax Mafia, Environmental Mafia, Case Brokers, Management Consultants, Accountants, State Officials, Legal Institutions, all of them are tasked not to enforce the law, but to bend the law to side with and protect the interests of oligarchs.

Referring to the theory put forward by Winters earlier, it has been discussed in the history of the existence of oligarchy, that the development of oligarchy from the New Order, namely the sultanate oligarchy has metamorphosed post-reform into a decentralized oligarchy and spread in a democratic political system. The oligarchs are no longer centralized as in the sultanate oligarchy but have become civil oligarchs who control law and power jointly with other oligarchs through alliance models or what Katz and Mair call political cartels. The above, as a whole, explains the weaknesses and advantages of the oligarchy itself. Broadly speaking, oligarchic actors control the political order system that is the advantage of the oligarchy.

The ability to regulate legal products can be aligned with the goals of oligarchic actors in order to achieve their goals. Therefore, the influence of power on oligarchs is a

distinct advantage because it is able to carry out law enforcement according to its interests. The weakness of oligarchy is the order of power that is concentrated under the control of the elite in a very small number (minority) so that oligarchy is vulnerable to threats. Threats to oligarchs can come from outside the members or outside of the oligarchy itself. In terms of exclusive wealth defense, it can also make oligarchs vulnerable to threats from both the state and other actors.

Corruption that occurs in people's lives is mainly carried out by certain groups that harm the state, resulting in chaotic community life and damage to the prevailing social system. The perpetrators of oligarchy who commit corruption will only think about their own benefits and will not think about the existence of a mutually friendly life in society. Corruption leads to sharp differences between social groups and certain individuals in terms of income, power and others. Corruption committed by the general public in various walks of life alone is very harmful to the moral and intellectual standards of society, increasing the danger when corruption is carried out by elites who occupy certain powers both in the economy and government positions, especially by law enforcers or state administrators.

### **The Substance of Weaknesses and Advantages of Oligarchs Against the Verdict of Corruption Cases**

According to Binsar Pamopo Pakpahan, the material aspect in achieving justice in a judge's decision is carried out by the judge himself using intellectual considerations and personal instincts as a judge. The substance of the weaknesses and advantages of oligarchs cannot be separated from the influence possessed by oligarchic actors, especially in terms of law enforcement. Case Decision Case Number 14/PID. SUS/TPK/2021/PT DKI, which is the object of research in this writing, proves that oligarchic power is able to paralyze the law and kill efforts to eradicate corruption in Indonesia. In Indonesia, the reality of oligarchic power does not only occur in office politics, but the power of these oligarchic actors has touched the realm of law enforcement. The defendant's escape to re-enter Indonesia and despite the DPO's Wanted List (DPO) proves the weakness of the administrative and legal system in Indonesia, the revocation of the red notice by NCB Interpol and the efforts made by the defendant contained in the legal facts, charges and charges in this judgment prove the power possessed by the defendant.<sup>13</sup>

In this case, according to the author, the defendant is not trying to fight law enforcement officials, but against the law itself and considers that the law can be conquered by his power along with his law enforcers. As previously written, the sentencing of criminal offenders should look at the mistakes they have committed, this is based on the principle of liability (liability base on fault) or known as the principle of no crime without fault (geen straf zonder schuld) which is a principle of human value and is based on the principle of legality which states that there are tools (laws) that can be used as a basis for legislation to determine a criminal act.

But in the democratic system in Indonesia, it is not the law and sovereignty of the people who rule, but political and economic power in material terms. The oligarchy and its influence play a very free role in law enforcement in this country, but the small people who only work as laborers and others experience various difficulties from law enforcers when committing a criminal act. It states that there is no longer a principle of equality in the eyes of the law, only certain in the eyes of law enforcers.

Criminal action and its enforcement in the case that is the object of this research contain the influence of the power of oligarchic actors which the author then states, namely the defendant in this research case who is a businessman with high economic power is a distinct advantage because he is able to run law enforcement to use the law

<sup>13</sup> Binsar Pamopo Pakpahan, Loc., Cit.

in accordance with the interests of his oligarchic actors. The weakness of influence in this case is the power order that is concentrated under the control of a very small number of elites (minorities), in this case there are still a handful of law enforcement officials who have the responsibility of strength to fight the minority oligarchy so that the oligarchy is vulnerable to threats. In this study, the author will provide several examples of verdict cases similar to the verdict cases that were used as objects in this study, namely cases that outline the mitigation and reduction of crimes for defendants. Obstacles and Efforts to Resolve Overcoming the Influence of Oligarchs in Corruption In accordance with the principles of simple, fast and low-cost trials, the Corruption Eradication Law applied to the settlement of corruption cases must take precedence over other cases for immediate resolution. Corruption cases are processed based on the applicable criminal procedure law starting from investigation, prosecution and examination in court, unless otherwise stipulated by the Corruption Law. Obstacles to solving in overcoming corruption can be:

Obstacles both stemming from state and government administration practices that make the handling of corruption crimes not work because of the lack of effective functioning of the supervisory function and weak coordination between supervisory officials and law enforcement officials;

Obstacles to solving in overcoming corruption can also stem from negative habits that develop in society and the lack of supporting instruments in the form of laws and regulations that make the handling of corruption crimes not run as it should, such as there are still overlapping laws and regulations, namely regulations that formulate articles. The reason is ambivalent and multi-interpretation and the absence of strict sanctions (multi-interpretation) against violators of laws and regulations and leads to corruptive actions in the form of inflating funds within government agencies;

There are obstacles stemming from the non-application of high principles or commitments that are reviewed in a fair, transparent and accountable manner that make the handling of corruption crimes not work properly, such as lack of government commitment in following up on the results of supervision, weak coordination between supervisory officials and law enforcement officials and loss of awareness of law enforcers so as to take advantage of opportunities for their power to commit corruption.

Efforts to eradicate corruption have been carried out for a long time using various methods, one of which is the sanction of aggravated perpetrators. Seeing the increasing number of perpetrators of corruption crimes, this has proven to be not an easy effort to do. Corruption is very dangerous for human life, both in aspects of social, political, economic and individual life. Efforts that can be made to overcome criminal acts of corruption, especially those accompanied by the influence of oligarchic power include:

Done by strengthening transparency, supervision and sanctions on activities related to economy, government and human resources. It aims to increase government accountability in the management of state and human resources and provide access to the wider community to participate. This can be done by improving the country's financial and security management system;

It is necessary to think about how to make the perpetrators of criminal acts, especially in this study, corruption crimes feel ashamed and think long about committing these criminal acts. One of the ways this can be done with the provision to announce verdicts that have obtained permanent legal force for corruption cases through the mass media. This is done to provide information to the public transparently and also as a moral sanction to perpetrators of criminal acts. Law enforcement in the context of

eradicating corruption must be carried out in an integrated and integrated manner with one goal, namely to eradicate corruption;

The above obstacles are obstacles found in general in the practice of solving corruption crimes. In its journey, oligarchic activities give a frightening impression because the perpetrators have power over something in the form of authority or position and other material power. This is what makes corruption very close and easy to find against oligarchs. Therefore, efforts are needed in the form of affirmation and strengthening based on the law to minimize oligarchic actors in abusing the authority, position and means available to them, especially in committing criminal acts of corruption that are very close to that power.

## CONCLUSION

Based on what has been described previously and the main problems that have been raised, the researcher conveys several things as follows:

Corruption can be committed by various levels of society, especially by groups who have power and authority, because they have access to commit corruption by abusing the authority, opportunity or means available to them. The possession of power aspects in a perpetrator of corruption crimes makes him have control over his criminal settlement based on the authority and means he has. Oligarchy in practice cannot be separated from a group that holds the reins of power. Oligarchs or oligarchs who commit corruption crimes will not think of a maternity life in society, but benefits that can facilitate themselves. The oligarch needs another person or other group to achieve its goal of using the power possessed by the oligarchy, which in this study is case number 14 / PID. SUS-TPK/2021/PT DKI, the defendant is an elite businessman (individual from high economic circles) who makes efforts to solve criminal acts through "the means he has" by utilizing assistance from civil servants or state administrators. The defendant in this research case had the intent of his power to conquer the law and its law enforcers. Oligarchy supported by a strong legal system does not occur in Indonesia, and it is an opportunity for oligarchic actors to exploit these weaknesses in an effort to protect and develop their profits and wealth. The power of the oligarchy is able to paralyze the law and kill efforts to eradicate corruption in Indonesia, the reality of oligarchic power does not only occur in office politics, but has touched the realm of law enforcement.

Based on the decision that became the object of this study, the main object of research was the leniency of the High Court decision against the District Court decision, but in the author's interview study with the DKI Jakarta High Court Judge as a resource person in this study, according to him based on the qualifications of the District Court decision and the qualification of the High Court decision contained in decision Number 14 / PID. SUS-TPK / 2020 / PT DKI which decides appeal-level cases with a reduction in crimes that have been decided by the Corruption Court, Central Jakarta District Court with Number 50 / Pid.Sus- 197 TPK / 2020 / PN.Jkt.Pst. only the mention of qualifications is different / the term for the mention of criminal acts is different, not with the criminal threat, so that the interview study conducted concluded that the difference in sentences decided by the District Court and the High Court in case No. 14/PID. SUS-TPK/2020/PT DKI is due to differences in aspects of the sense of justice that each judge absolutely has.

The researcher's view, the influence of oligarchic power in criminal settlement in the case of the case that is the object of this study, should be the sentencing of criminal offenders should look at the mistakes they commit, namely the principle of mistakes of human value and based on the principle of legality which states that there are tools (laws) that can be used as a basis for legislation to determine a criminal act, Not

looking at the influence of position, authority or economic aspects that are a means of resolution in the law enforcement process. Although the eradication of corruption faces various kinds of obstacles, efforts to eradicate corruption must continue to be carried out with changes and improvements by looking at its conditions and developments, especially the increasing number of perpetrators of corruption crimes who have powers, authorities and positions. These improvements and changes are among others related to supervisory and law enforcement officials who need to be improved. Although this does not guarantee corruption in a broad sense (committed by anyone) to be reduced, it is necessary to think about making comprehensive updates to the Law on Combating Corruption.

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