



## Analysis of Corruption Committed Jointly in Decision No. 163 PK / PID.SUS/2019

Mhd. Nasir Sitompul<sup>1\*</sup> Aisyah<sup>2</sup>

<sup>1</sup>Faculty of Law, Universitas Muhammadiyah Sumatera Utara, Indonesia

<sup>2</sup>Faculty of Law, Universitas Prima Indonesia, Indonesia

: [mhd.nasir@umsu.ac.id](mailto:mhd.nasir@umsu.ac.id)

Corresponding Author\*

### ARTICLE INFO

#### Keywords:

Corruption,  
Criminal Disparity,  
Inclusion.

Date received : 08 Januari 2026

Revision date : 20 Februari 2026

Date published : 31 Maret 2026

### ABSTRACT

This study analyzes the application of the concept of inclusion (medeplegen) in corruption based on the Supreme Court Decision No. 163 PK/Pid.Sus/2019 which involves criminal disparities between actors who commit acts jointly. Using normative juridical methods with a qualitative approach, this study examines primary legal materials in the form of legislation and court decisions, as well as secondary legal materials from scientific journals and legal literature. The results showed that the criminal disparity was caused by differences in the qualification of the charges, the judge's perception of the role of the perpetrator, and the timing of the verdict. The Supreme Court granted judicial review by equalizing the crimes of the two perpetrators to bring about substantive justice based on the principle of gelyikwaardigheid. The juridical implications of this ruling create a precedent for the importance of consistency of judges in imposing criminal penalties on inclusion perpetrators, provide a signal to law enforcement to be careful in qualifying actions, and strengthen public confidence in the justice system in combating corruption.

## INTRODUCTION

Corruption is one of the extraordinary crimes that threaten economic stability, damage the joints of government, and damage the country's finances massively. In Indonesia, the eradication of corruption has become a national priority as stipulated in Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the eradication of corruption. The problem of corruption becomes more complex when done together (medeplegen) involving several parties with different roles, so it requires a comprehensive legal approach. Supreme Court decision number 163 PK/Pid.Sus/2019 is an interesting object of study because it describes the dynamics of law enforcement of corruption crimes carried out jointly in the context of the appointment of candidates for civil servants (CPNS) in the city of Pagar Alam. This case involves Drs. Muhammad Herison bin Komri Abas, who was found guilty of corruption together with other parties, caused state losses of Rp439, 097, 700.00. What is interesting is that there is a significant criminal disparity between the convict Muhammad Herison with another defendant, namely Rusmala Dewi bint H. The two of them are shown to have done the same thing but received different verdicts.

Studies that specifically analyze aspects of inclusion (deelneming) in corruption crimes with a focus on the disparity of decisions against actors who commit acts together is still limited. Previous studies have tended to examine corruption from the perspective of state financial losses, but have not explored in depth the application of the concept of inclusion in Article 55 paragraph (1) 1 of the Criminal Code combined with corruption offenses. The Novelty of this study lies in the critical analysis of the judicial review decision that granted the application of the convict with the argument of the existence of the judge's oversight and criminal disparity. This study will examine the ratio decidendi Supreme Court in overturning the Cassation decision and impose a lesser criminal. Based on this background, the formulation of the problem in this study is: first, how the application of the concept of inclusion (medeplegen) in corruption based on Decision number 163 PK/Pid.Sus/2019; second, what are the factors that cause criminal disparities between actors who commit corruption crimes together; and Third, how the implications of decision disparities on law enforcement and Prevention of corruption in Indonesia.

## METHOD

This study uses normative juridical methods with a qualitative approach that focuses on the analysis of primary and secondary legal materials related to corruption crimes committed jointly. Primary legal materials include Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the eradication of corruption, the Criminal Code, especially Article 55 paragraph (1) to-1 on inclusion, as well as the Supreme Court Decision No. 163 PK/Pid.Sus/2019 as the main object of study. Secondary legal materials obtained from scientific journals, legal articles, and literature that discuss the concept of medeplegen in corruption. Data collection techniques are carried out through library studies (library research) by conducting an inventory, identification, and classification of all legal materials relevant to research problems (Maswandi, 2024). Data analysis using descriptive-analytical method with a systematic interpretation approach to assess the consistency of the application of law and find juridical arguments related to the disparity of decisions in corruption cases conducted jointly (Ariman Sitompul, 2022).

## RESULTS AND DISCUSSION

The concept of inclusion in Indonesian criminal law is regulated in Article 55 paragraph (1) of the Criminal Code which distinguishes several forms of participation of legal subjects in committing criminal acts. In the context of corruption, the application of the concept of medeplegen is an important instrument to ensnare actors who jointly design and carry out unlawful acts that harm state finances (Prasetiono, Yogi, 2020). Supreme Court decision number 163 PK/Pid.Sus/2019 shows the application of this concept to Drs. Muhammad Herison bin Komri Abas proven together with Rusmala Dewi bint H. Napsin committed corruption in the appointment of CPNS Pagar Alam City. The Supreme Court affirms that the element of "jointly" is fulfilled when there is awareness and close cooperation between the perpetrators in the realization of the criminal act, in which each one makes an essential contribution to the implementation of the criminal act (Putri, Dwina Elfika, 2023). The juridical construction of medeplegen requires the existence of a common will that is realized through joint implementation, so that each perpetrator can be held fully accountable for all acts committed. In this case, Muhammad Herison as the official in charge of proposing the appointment of CPNS in collaboration with Rusmala Dewi who received a sum of money from CPNS candidates to facilitate the appointment process that was not in

accordance with the procedure, causing state financial losses of Rp439, 097, 700.00.

The application of the provisions of Article 2 Paragraph (1) in conjunction with Article 18 of Law No. 31 of 1999 as amended by Law No. 20 of 2001 in the primair indictment and Article 3 in the subsidiary indictment combined with Article 55 paragraph (1) to-1 of the criminal code shows the complexity of proving the elements of corruption committed jointly. Evidence of corruption crimes committed collectively requires agreement or cooperation between actors, evidence of State losses, and intentional elements of each individual involved (Sanib, Safril Sofwan, 2025). Judex facti in the First Instance acquitted the defendant of the primair charge and released from any legal claim for the subsidiary charge on the basis that the defendant's actions did not constitute a criminal offense. However, the Supreme Court through its Cassation decision overturned the decision and stated that the defendants were legally proven to have committed corruption crimes together (Puput Lutfiah,, 2025). The change in the decision from the primary charge to the subsidiary charge at the level of judicial review indicates that the Supreme Court places more emphasis on the element of abuse of authority as stipulated in Article 3 than the element of enriching oneself or others in Article 2.

Criminal disparity in decision number 163 PK / Pid.Sus/2019 became the central issue underlying the granting of a judicial review application from convict Muhammad Herison (Saraswati, Kintan, 2022). In the Cassation verdict, the convict was sentenced to imprisonment for 5 years and 6 months and a fine of Rp200, 000, 000.00 subsidair 6 months of confinement, while Rusmala Dewi who committed the same act was only sentenced to 1 year imprisonment and a fine of Rp50, 000, 000.00 subsidair 1 month of confinement. This very significant difference is the basis for the argument of the applicant for judicial review that there has been an oversight of the judge and injustice in the imposition of a crime (Sari, Nani Widya, 2024). The Supreme Court's judgment held that such a large disparity was a manifest error and a violation of the principle of Justice (Ariman Sitompul, 2023). The first factor that causes disparity is the difference in the qualifications of the accused. The second factor is the difference in the judge's perception of the role and contribution of each perpetrator (Siregar, Pangeran, 2025). Muhammad Herison's position as a structural official is considered to have a more dominant role than Rusmala Dewi who only acts as an intermediary (Ivans Januarydy, 2026). But in the concept of medeplegen there should be no distinction because

all actors are considered equal based on the principle of gelyikwaardigheid. The third factor was the different timing of the examination, where the verdict against Rusmala Dewi had fixed legal force in advance thus creating a precedent (Warih Anjari, 2023).

The Supreme Court finally granted the application for reconsideration and imposed the same punishment as the verdict against Rusmala Dewi, namely 1 year imprisonment and a fine of Rp50, 000, 000.00 subsidair 3 months imprisonment. The juridical implications of the disparity in verdicts in this case are far-reaching for the Indonesian criminal justice system. First, this ruling creates a precedent that judges in passing a criminal sentence against the perpetrators of a criminal offense must jointly take into account the principles of equality and Justice (Iin Hot Prinauli Purba, 2025). This is in line with the principle of equality before the law which ensures that everyone who commits the same act must receive the same legal treatment without discrimination. Second, this ruling gives a signal to law enforcers to be more careful and consistent in qualifying acts and applying criminal provisions (Oktafianto, Wahyu Dwi, 2025). Inconsistencies can result in invalidating decisions through judicial review efforts that actually weaken the effectiveness of combating corruption (Christo Hasudungan, 2021). Third, from the perspective of Corruption Prevention, the disparity of decisions that are too large can lead to negative perceptions in the community that the law can be played with, thereby lowering public confidence in the justice system and weakening the deterrent power of criminal law in preventing corruption (Lintang, Khrisna, 2021).

## CONCLUSION

Application of the concept of inclusion (medeplegen) in the Supreme Court Decision No. 163 PK/Pid.Sus/2019 indicates that each perpetrator who participates in committing corruption crimes together must be held equally accountable based on the principle of gelyikwaardigheid. The criminal disparity that occurred between Muhammad Herison and Rusmala Dewi was caused by differences in the qualification of the charges, the judge's perception of the role of the perpetrator, and the different timing of the verdict. The Supreme Court granted judicial review by equating the crimes of the two perpetrators to realize substantive justice. The juridical implications of this ruling create a precedent that judges must be consistent in imposing criminal penalties on perpetrators of inclusion, provide a signal to law enforcement to be careful in qualifying

actions, and strengthen public confidence in the judicial system in combating corruption.

## REFERENCES

- Anjari, Warih. "Penerapan Pemberatan Pidana Dalam Tindak Pidana Korupsi Kajian Putusan Nomor 10/Pid.Tpk/2021/Pt.Dki" 15, no. 2 (2023): 263–81. <https://doi.org/10.29123/jy.v15i2.507>.
- Hasudungan, Christo, Tofik Yanuar, and Candra Mohammad. "Pertanggung Jawaban Pidana Pelaku Turut Serta (Medeplegen) Tindak Pidana Korupsi Di" 22, no. 15 (2021).
- Iin Hot Prinauli Purba. "Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Penggelapan Yang Dilakukan Secara Bersama Sama" VI (2025): 186–99.
- Januardy, Ivans, and Rizki Setyobowo Sangalang. "Pertanggungjawaban Pidana Korporasi Dalam Tindak Pidana Korupsi Di Indonesia: Analisis Yuridis Dan Kriminologis Berdasarkan KUHP." *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 1 (2026): 3938–55.
- Lintang, Khrisna, and Satrio Nugroho. "Criminal Law Policy of Justice Collaborator in Corruption Crime Case" 17, no. 1 (2021): 24–35.
- Lutfiah, Puput. "Tindak Pidana Obstructionofjustice Dalam Penanganan Tindak Pidana Korupsi (Studi Putusan Nomor 30/Pid.Sus-Tpk/2023/Pn Bdg)" 1, no. 1 (2025): 1–32.
- Maswandi, A. S. (2024). *Metode Penelitian Hukum Normatif (Mekanisme Dalam Penulisan Ilmiah)*, Mazda Media, Malang.
- Nomor, Putusan, Pid Sus, and T P K Pt. "Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Korupsi Yang Dilakukan Oleh Banyak Orang Pada Kasus" 6, no. 1 (2023): 3092–3106.
- Oktafianto, Wahyu Dwi. "Pertanggungjawaban Pidana Pelaku Turut Serta Dalam Tindak Pidana Korupsi Penerimaan Suap Oleh Hakim" 2, no. 2 (2025): 274–86.
- Prasetiono, Yogi, Zaenal Arifin, and Kukuh Sudarmanto. "Implementasi Pemidanaan Pelaku Penyertaan ( Deelneming ) Tindak Pidana Korupsi" 5, no. 2 (2020): 647–62.
- Putri, Dwina Elfika, Madiasa Ablisar, and Mahmud Mulyadi. "Pengurangan Hukuman Terdakwa Tindak Pidana Korupsi Oleh Mahkamah Agung Dalam Putusan Nomor 3681 K / Pid . Sus / 2019" 2, no. 6 (2023): 467–85.
- "Putusan Nomor 163 PK/Pid.Sus/2019," 2019.
- Sanib, Safril Sofwan, Oheo Kaimuddin Haris, Sitti Aisah Abdullah, La Ode, and Muhamad Sulihin. "Pertanggungjawaban Pidana Tindak Pidana Penyertaan Dalam Hukum Pinjam Perusahaan Yang Berimplikasi Tindak Pidana Korupsi Criminal Liability for Participation in the Crime of Company Borrowing Law with Implications for Corruption Crimes" 7, no. 1 (2025): 152–66.
- Saraswati, Kintan. "Tinjauan Yuridis Terhadap Penerapan Pidana Tambahan Pada Kasus Korupsi (Studi Kasus Putusan Nomor 30/Pid.Sus-TPK/2021/PN Smr)" 4 (2022)
- Sari, Nani Widya, Nandang Sambas, and Yoyon M Darusman. "Legal Certainty of Criminal Responsibility For Corruption Crime to Its Perpetrators with the Strictest Imposition of Sentences," no. 2 (2024): 98–107.
- Satar, A., Surnada, S., & Sitompul, A. (2024). Comparison Of Criminal Sanctions Against Sexual Harassers In Indonesia And Malaysia. *Legalpreneur Journal*, 2(2), 181-187.
- Sirait, M., Kusbianto, K., & Sitompul, A. (2024). The Role Of Investigators In The Application Of Restorative Justice And Rehabilitation To Victims Of Drug Abuse In The Belawan Port Police. *Legalpreneur Journal*, 3(1), 243-259.
- Siregar, Pangeran. "Analisis Yuridis Terhadap Sanksi Hukum Tindak Pidana Korupsi Yang Dilakukan Secara Bersama-Sama Di SMK 1 Pencawaan Medan ( Studi Kasus Putusan Nomor : 5 / Pid . Sus-Tpk / 2024 / Pt . Mdn )" 5 (2025): 4684–95.
- Sitompul, A. (2022). *Metode Penelitian Hukum Normatif (Strategi Praktis Penulisan Skripsi, Tesis, Disertasi)*.
- Sitompul, A. (2023). *Eradication Of Corruption By Tracing Money Laundering As An Integral Legal System That Can Not Be Separated. International Asia Of Law and Money Laundering (IAML)*, 2 (3), 111–118.
- Sitompul, A. (2023). Kebijakan Kriminal Dalam Sistem Peradilan Serta Penanggulangan Kejahatan di Indonesia.
- Sitompul, A., & Aisyah, A. (2024). Fair Law in Money Laundering with the Origin of

---

Corruption with the Concept of Asset Seizure.  
*International Asia Of Law and Money Laundering (IAML)*, 3(3), 156-162.

Sitompul, A. (2024). The Role Of The State In Conducting Civil Suits In The Results Of Corruption Controlled By The Heirs Of The Perpetrators Of Corruption. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 23(002), 1614-1623.

Sitompul, A., & Sipayung, I. M. (2025). The Development of the Death Penalty for Corruption Committed by Judges in Indonesia. *Pakistan Journal of Criminology*, 17(02), 95-109.

---

**Copyright holder :**

Mhd. Nasir Sitompul, Aisyah

**First publication right :**

*International Asia Of Law and Money Laundering*

**This article is licensed under:**

