

## **Judge's Considerations in Imposing Replacement Prison Sentences in Corruption Crime Cases**

**Ruth Novaulina Sidebang, Benget Hasudungan Simatupang  
Sudirman Sitepu**

**Faculty of Law of Bengkulu University**

**E-mail: [bengethasudungansimatupang@gmail.com](mailto:bengethasudungansimatupang@gmail.com)**

### **ABSTRACT**

Corruption causes financial losses to the state which results in crises in various fields. In order to suppress the growth of corruption in Indonesia, various efforts to prevent corruption are carried out. One of them is by providing an additional penalty in the form of payment of replacement money. In terms of convict does not have sufficient assets to pay replacement money, he will be punished with substitute prison whose length does not exceed a main penalty. The absence of guidelines regarding the length of substitute prison based on replacement money results in frequent disparities. This research uses empirical research methods with a non-doctrinal approach in the form of empirical studies to find theories regarding the process of occurrence and operation of law in society. The formulation of the problem in this research is how judges consider when imposing a prison sentence as a substitute for replacement money in cases of criminal acts of corruption and what policies can prevent disparity in decisions in imposing prison sentences as a substitute for Additional Crime of Substitute Money in Corruption Crime. Based on the research results, it is known that there are no standard guidelines regarding determining the length of substitute imprisonment, while Article 8 of Perma Number 5 of 2014 concerning Additional Crime of Substitute Money in Corruption Crime only determines that the maximum imprisonment is 20 (twenty) years. So, in addition to imposing a decision, the judge must consider the juridical, philosophical and sociological aspects and be based on the judge's beliefs obtained from the beginning to the end of a case that occurred. Because there are no restrictions on the provision of imprisonment as a substitute for Additional Crime of Substitute Money, several policies are needed to reduce existing disparities.

**Keywords: Judge's Consideration, Substitute Imprisonment, Corruption Crime.**

### **INTRODUCTION**

Efforts to prevent and eradicate corruption that continue to be carried out in Indonesia are not a new issue since the establishment of Law Number 31 of 1999 on the Eradication of Corruption Crimes which was accompanied by the formation of the Corruption Eradication Commission (KPK) through Law Number 30 of 2002

on the Commission for the Eradication of Crimes which shows that corruption is a special concern for the state.<sup>1</sup> In addition, the government is also a part of United Nations Convention Against Corruption (UNCAC) and signed the convention on 18 December 2003, followed by the establishment of Law Number 7 of 2006 on 18 April 2006 as a follow-up to the UNCAC agreement to create a country free from corruption (Considerans of the United Nations Convention Against Corruption UNCAC, 2003).

Efforts to restore state losses are by providing additional punishment in the form of payment of replacement money. This has provided results in the form of income into the state treasury <sup>2</sup> from the payment of replacement money from convicts. Replacement money as an additional penalty in corruption cases must be understood as part of efforts to punish perpetrators of criminal acts of corruption.<sup>3</sup> The payment of replacement money is contained in Article 18 paragraph (1) letter b of Law Number 31 of 1999, namely the payment of replacement money in an amount equal as much as possible to the assets obtained from criminal acts of corruption.

In determining and proving the amount of property obtained by a convict from a criminal act of corruption, it is not only measured from the property still controlled by the convict at the time of the court decision, but also the property resulting from corruption at the time for reading the verdict has been transferred by the defendant to another party. In practice, criminal decisions for paying replacement money vary in amount which can be caused by several factors, including the judge having his own calculations, the proceeds of corruption having been returned or the criminal act of corruption being committed by more than one person so paying replacement money is charged jointly.<sup>4</sup>

In terms of convict does not have sufficient assets to pay replacement money, he will be punished with substitute prison whose length does not exceed a main penalty in accordance with the provisions of the law and the length of the

<sup>1</sup>The Corruption Eradication Commission is an institution that is independent and free from the influence of any power. The aim of its formation is to increase the efficiency and effectiveness of efforts to eradicate criminal acts of corruption, with the principles of legal certainty, openness, accountability, public interest and proportionality. Evi Hartanti, *Tindak Pidana Korupsi*, (Semarang : Sinar Grafika, 2005), hlm. 31.

<sup>2</sup>State finances are all state rights and obligations that can be valued in money, as well as everything, whether in the form of money or in the form of goods that can be made into state property related to the implementation of these rights and obligations. Agus Kasiyanto, *Teori dan Praktik Sistem Peradilan Tipikor Terpadu di Indonesia*, (Jakarta : Prenadamedia Group, 2018), hlm . 69.

<sup>3</sup>Efi Laila Kholis, *Pembayaran Uang Penggantu Dalam Perkara Korupsi*, (Depok: Solusi Publishing, 2010), hlm. 5.

<sup>4</sup>*Ibid.*, hlm. 15.

sentence has been determined in the court decision.<sup>5</sup> In fact, judges are given the freedom to determine legal decisions after looking at the existing facts.<sup>6</sup> Because of this, in cases of criminal acts of corruption there are inequalities in terms of decisions. Where differences often arise in the length of replacement prison if the replacement money cannot be paid, even though the amount of replacement money which is imposed in the decision is almost close to the same nominal amount, some even have the same nominal amount, giving disparity in decisions regarding determining the length of the replacement prison sentence. Disparity can give injustice in society.<sup>7</sup>

Research conducted by Indonesia Corruption Watch (ICW) in 2014 found that corruption cases were sentenced to pay compensation of IDR. 50,000,000.00 (fifty million rupiah) with imprisonment for 12 (twelve) months. Meanwhile, in another case, the panel of judges decided that the amount of replacement money was IDR. 378,011,000,000 billion (three hundred seventy eight billion eleven million rupiah) with a substitute imprisonment for 12 (twelve) months.<sup>8</sup>

In Decision No.7/Pid.sus/TPK/2021/PT BGL with replacement money of IDR 450,000,000 (four hundred and fifty million rupiah) where the substitute prison sentence is 3 (three) years, while at the Bengkulu District Court level in Decision No.3/Pid.sus/TPK/2021/PN BGL imposed the amount of replacement money IDR 10,102,859,130.91 (ten billion one hundred two million eight hundred fifty nine thousand one hundred thirty rupiah ninety one cents) with substitute imprisonment for 5 (five) years.

In Decision No.2/Pid.sus/TPK.2021/PT BGL with replacement money of IDR 4,750,000,000.00 (four billion seven hundred and fifty million rupiah) where the

<sup>5</sup>D. Novrian Syahputra, "Pembayaran Uang Pengganti Terhadap Tindak Pidana Korupsi," *Keadilan Progresif* Volume 6 Nomor 2 (September 2015):109.

<sup>6</sup>A judge is a state judicial official who is authorized by law to adjudicate a case, namely a series of actions by a judge to receive, examine and decide on a criminal case based on the principles of freedom, honesty and impartiality at a court hearing in terms and according to the method regulated in Criminal Procedure Code. For corruption trials, the panel of judges consists of career judges and ad hoc judges. Agus Kasiyanto, *Op. Cit*, hlm . 55.

<sup>7</sup>Disparity in punishment can be justified for sentences for rather serious offenses, but this disparity in punishment must be accompanied by clear justification reasons. Disparity in punishment can be justified if it is reasonable or reasonable. That the negative influence of criminal disparity cannot be overcome by making the punishment uniform in the same case, but the decision should be based on reasons or rational grounds.. Nanang Farid Syam, (et al), *Studi Disparitas Putusan Tindak Pidana Korupsi, Rekam Jejak Persidangan Kasus Korupsi Dari Banda Aceh Sampai Jayapura* (Jakarta:Direktorat Pembinaan Jaringan Kerja Antar Komisi dan Instansi Komisi Pemberantasan Korupsi, 2018),49.

<sup>8</sup>Tama S. Langkun.,(et al), *Studi atas Disparitas Putusan Pemidanaan Perkara Tindak Pidana Korupsi* (Jakarta: Indonesia Corruption Watch,2014), hlm.11.

substitute prison sentence is 3 (three) years, while at Bengkulu District Court level in Decision No. 25/Pid.sus/TPK/2020/PN BGL imposed the amount of replacement money Rp. 4,750,000,000.00 (four billion seven hundred and fifty million rupiah) with a substitute imprisonment for 1 (one) year.

From the data above, it is known that in determining the length of the replacement prison sentence which is linked to the amount of replacement money, there are differences or disparities in the imposition in the court decisions formulated by the panel of judges at the court. So it is very interesting to carry out research to find out in depth what matters are taken into consideration by judges in determining the length of imprisonment as a subsidiary of payment of replacement money if it is not paid and to formulate an idea or policy that can be developed to avoid significant disparities in determining the length of substitute imprisonment by the judge in imposing a decision.

## **RESEARCH METHODS**

This type of research is empirical research with a non-doctrinal approach that was researched in the form of empirical studies to find theories regarding the process of occurrence and the process of how law works in society or what is often called *socio legal research*. This research describes the legal provisions that should apply in imposing a prison sentence as a substitute for Additional Crime of Substitute Money and discusses in depth the judge's considerations in determining the length of the substitute prison sentence in formulating the decision. So that policy formulations or ideas can be found to anticipate disparities in decisions regarding determining the length of imprisonment if the convict does not pay compensation in accordance with the verdict.

## **RESULTS AND DISCUSSION**

### **A. Judge's Considerations in Imposing Length of Prison Sentence as a Substitute for Additional Crime of Substitute Money in Corruption Crime Cases**

The judge's considerations in imposing replacement money penalty in cases of criminal acts of corruption, are more likely to be based on juridical reasons because the judge can impose a replacement money penalty if the defendant has been legally proven to have committed a criminal act of corruption which is detrimental to the state's finances so that the main aim of imposing a replacement money penalty is hopefully to restore the state's finances. Meanwhile, sociological

reasons only influence criminal penalties subsidiary from payment of replacement money.

Based on Article 18 paragraph (2) of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, it is stated that if within 1 (one) month the convict cannot pay the replacement money, then the convict's assets can be confiscated by the Prosecutor and auctioned off to cover the replacement money. Then in paragraph 3 (three) it is explained that if the proceeds from the auction of the convict's assets are insufficient then it will be replaced with a prison sentence which will later be determined by the judge which does not exceed the main penalty.<sup>9</sup>

Although Law Number 31 of 1999 concerning the Eradication of Corruption Crimes has included a period for payment of replacement money and legal consequences if the convict does not pay with sufficient assets to pay replacement money. However, the law only provides a simple formula regarding the amount of replacement money, as much as possible is the same as the property obtained from corruption, so it can be interpreted that the amount of replacement money can be calculated based on the value of the defendant's assets obtained from the criminal act of corruption in which he was accused.

Several problems related to replacement money that have not been answered in Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, these problems involve several things, that are:

1. Parameters for calculating the amount of replacement money;
2. The relationship between the additional punishment of seizure of goods and replacement money;
3. Procedures for execution of replacement money, declaration, auction, and implementation of replacement prison.

Based on the above matters, the Supreme Court issued Supreme Court Regulation (PERMA) Number 5 of 2014 about Additional Crime of Substitute Money. This regulation explains the provisions of Article 18 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes.<sup>10</sup> When a judge imposes an additional penalty of paying replacement money for a convict, the judge must also include imprisonment as a subsidiary punishment. The purpose of this to deter the convict and remain responsible for the actions he has committed even though the convict cannot fulfill his obligation to pay replacement money.

<sup>9</sup> *Ibid.* hlm. 197.

<sup>10</sup> *Ibid.*

In relation to the length of substitute imprisonment as regulated in Article 8 of Perma Number 5 of 2014 concerning Additional Penalty Replacement Money in Corruption Crimes, it states that the length of substitute imprisonment which can be imposed is the highest of the principal criminal threat for the article which is declared proven and in the event of a threat The principal penalty for the article which is declared proven is life imprisonment, i.e. the maximum alternative imprisonment is 20 (twenty) years.<sup>11</sup>

Specifically, regarding the determination of the length of imprisonment as a subsidiary of the penalty for payment of replacement money, where in several decisions there are differences in the length of imprisonment as a substitute for the penalty for payment of replacement money. Even though the nominal amount of the payment of replacement money is almost the same or even the same. This is caused by the regulation of the length of substitute imprisonment only state the maximum length of substitute imprisonment.

Regarding the judge's consideration in imposing a prison sentence as the substitution of additional prison replacement money, Sunarso stated that substitute imprisonment is the last alternative to be used if the defendant's assets cannot cover the additional penalty.<sup>12</sup> Regarding the length of the substitute prison sentence, Sunarso explained that there are no guidelines or patterns in determining the prison sentence as a substitute for the additional penalty of paying replacement money. The parameters used in determining the length of imprisonment, subsidiary to additional crime of substitute money, are based on the judge's beliefs.<sup>13</sup>

The judge's confidence was built because of the facts in the trial. For example, the ability and intention of the convict to recover state financial losses. If the defendant recovers state financial losses, his punishment can be reduced.<sup>14</sup> A judge's decision must contain a totality based on legal justice, social justice and moral justice which are one unit. The measure in providing a judge's beliefs certainly cannot be equated with a mathematical measure which has a standard value. Therefore, the judge must make direct observations during the conference. The judge's beliefs must be based on the judge's code of ethics as accountability.<sup>15</sup>

<sup>11</sup>Penjelasan Peraturan Mahkamah Agung Nomor 5 Tahun 2014 tentang Pidana Tambahan Uang Pengganti Dalam Tindak Pidana Korupsi.

<sup>12</sup>Interview with Judge Sunarso at the Bengkulu High Court, July 4 2022..

<sup>13</sup>*Ibid.*

<sup>14</sup>*Ibid.*

<sup>15</sup> Pengawasan dan Kode Etik Hakim, <https://www.pn-gunungsitoli.go.id/pengawasankodeetikhakim>. Diakses tanggal 14 Januari 2023.



According to Arini, the crime of paying replacement money is imposed on the defendant if the defendant is proven to have enjoyed state money that he corrupted. Based on Supreme Court Regulation Number 5 of 2014 on Additional Crime of substitute Money in Corruption Crime, it only determines the maximum length of replacement prison sentence. There are no rules or patterns regarding the length of the substitute prison sentence based on the nominal amount of the additional Additional Crime of substitute Money.<sup>16</sup>

The juridical aspect of additional crime of substitute money is still very lacking. There is no specific regulation regarding the nominal amount of additional crime of substitute money. There are no clear rules regarding the standard length of substitute imprisonment if the defendant does not pay additional crime of substitute money. Corruption criminal cases must be pursued so that the defendant can pay substitute money. This is because the aim of resolving corruption cases is to recover state losses. If the defendant is unable to pay additional crime of substitute money but he underwent a substitute prison sentence, the goal of resolving the criminal corruption case cannot be achieved.<sup>17</sup>

According to Bambang Angkoso as the Ad Hoc Judge for Corruption Crimes, there is no further clarity regarding imprisonment as a substitute for additional crime of substitute money. So the judge has the right to determine how long the prison sentence will be as a substitute for additional crime of substitute money as long as it does not exceed the maximum limit.<sup>18</sup> Judges in determining the length of subsidiary imprisonment must be based on considerations based on juridical aspects, philosophical aspects and sociological aspects and also based on several other parameters in accordance with Article 5 of Perma Number 1 of 2020 on Sentencing Guidelines Article 2 and Article 3 of the Crime Eradication Law Corruption Crimes, and the judge also looks at the good faith of the defendant, the amount of state financial losses that are returned will affect the substitute prison sentence.<sup>19</sup>

In a decision, always pay attention to mitigating and aggravating factors. The good intentions referred to are things that can mitigate this. Where this good faith is in accordance with Perma Number 1 of 2020 on Sentencing Guidelines Article 2 and Article 3 of the Corruption Eradication Law, that is, what is meant by good faith is returning state financial losses.<sup>20</sup>

<sup>16</sup>Interview with Judge Arini at the Bengkulu High Court, November 16 2022.

<sup>17</sup>*Ibid.*

<sup>18</sup> Interview with Judge Bambang Angkoso at the Bengkulu High Court, July 5 2022.

<sup>19</sup>*Ibid.*

<sup>20</sup>*Ibid*

In determining the length of imprisonment as a substitute for payment of replacement money, it can be seen that the judge does not have a pattern in determining the length of substitute imprisonment based on the nominal size of the replacement money. Therefore, judges only use the juridical, philosophical and sociological side by looking at the legal facts of each case.

## **B. Policies to Prevent Disparities**

The judge passing a decision must uphold parity, namely equal punishment for similar crimes. Judges must uphold parity based on the principle of proportionality which imposes sentences on criminals commensurate with the crimes committed.<sup>21</sup> The judge is not bound by the previous judge's decision. This is because judges in Indonesia do not adhere to the principle of the binding force of precedent, meaning that judges are not obliged to follow previous judges' decisions in similar cases, so it is possible that the case is the same but the outcome of the decision is different.<sup>22</sup>

Policies that can prevent disparity in decisions in imposing prison terms as a substitute for additional monetary compensation in cases of criminal acts of corruption, namely:

1. Forming sentencing guidelines for additional monetary compensation.

Sentencing guidelines are guidelines for the imposition or application of sentences for judges.<sup>23</sup> It is intended to be a basis for guidance or guidance for judges in examining and adjudicating a case they are handling. In particular, for criminal acts of corruption, guidelines must be made regarding the punishment of additional criminal compensation if the additional criminal compensation is not paid by the defendant. Even though there is Supreme Court Regulation (PERMA) Number 5 of 2014 concerning additional criminal penalties for criminal acts of corruption, it only determines the maximum length of substitute imprisonment, namely 20 years.

<sup>21</sup>Irfan Ardiansyah, "Pengaruh Disparitas Pemidanaan Terhadap Penanggulangan Tindak Pidana Korupsi di Indonesia", jurnal *Hukum Respublica* (2017) : 78-79.

<sup>22</sup>Sandy Doyoba Alexsander dan Yeni Widowaty, "Faktor Penyebab Timbulnya Disparitas dalam Putusan Hakim Terhadap Anak Pelaku Tindak Pidana Pencurian dengan Pemberatan", *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, Vol.1, No.1, Juli 2020, hlm.74.

<sup>23</sup>Puslitbang Hukum Dan Peradilan Mahkamah Agung RI, *Kedudukan Dan Relevansi Yurisprudendi Untuk Mengurangi Disparitas Putusan Pengadilan*, (Megamendung : Mahkamah Agung RI, 2010), hlm.190.



The absence of sentencing guidelines for additional monetary compensation means that judges have the freedom to determine the type of punishment, high or low punishment. It can occur in the same offense or the dangerous nature is the same but the crime is not the same. However, this freedom does not mean that judges can impose sentences of their own accord. With the existence of sentencing guidelines, judges, in terms of implementing regulations as applicable policies, can impose sentences that are fairer, more humane and have juridical, philosophical and sociological guidelines. With the existence of sentencing guidelines for additional monetary compensation, it is hoped that we will be able to get closer to justice that reflects the values that exist in society. However, in reality in Indonesia there are no standard sentencing guidelines for imposing a prison sentence as a substitute for additional monetary compensation in Corruption Crime cases which can be a basis for judges to examine and try a case they are handling.<sup>24</sup>

There is a need for guidelines that can be used as a pattern of punishment for additional monetary compensation. Where the contents regulate the conversion of the amount of additional criminal punishment as replacement money into imprisonment as a substitute if the defendant is unable to pay the additional criminal penalty as replacement money and regulates the length of time for the prison sentence as a substitute based on the nominal additional criminal punishment which has been paid or which has not been paid by the defendant. This follows the pattern in Supreme Court Regulation (PERMA) Number 1 of 2020 concerning sentencing guidelines in Article 2 and Article 3 of the Corruption Eradication Law so that it is hoped that it can reduce existing disparities.

2. The Supreme Court provides deeper guidance to judges regarding additional criminal cases regarding compensation money.

This is so that judges can be fair and impartial in handling a case and can also uphold justice and truth.<sup>25</sup> Apart from that, judges who are more experienced can coordinate with other judges. This can be done informally by exchanging opinions because judges have independence and cannot influence or interfere with each other. Then you can also have broad insight and have a sense of responsibility for the decisions it produces.

<sup>24</sup>Amrun, "Faktor-Faktor Penyebab Timbulnya Disparitas Pemidanaan", *Jurnal Menara Ilmu*, Vol.XII, No. 79, Januari 2018, hlm.8.

<sup>25</sup>Kelly, "Upaya Yuridis Memperkecil Disparitas Putusan", *Jurnal Hukum Adigama*, Vol. 3, No.2, 2020, hlm.133.

On the one hand, this guidance to judges aims to ensure that judges have the same basis in understanding and handling additional monetary compensation in cases of criminal acts of corruption. Training of judges can be more intensive so that judges are careful and objective in examining cases. As mandated in the Circular Letter of the Supreme Court of the Republic of Indonesia (SE) Number 14 of 2009 concerning the Development of Judge Personnel.<sup>26</sup>

3. Supervise the behavior of organizations that have duties and authority in eradicating criminal acts of corruption.

Supervise the behavior of organizations that have duties and authority in eradicating criminal acts of corruption, such as the Corruption Eradication Committee, the Police, the Prosecutor's Office and the Courts. This means that whether an organization's behavior is good or not is based on the behavior of the people who run the organization.

By monitoring the organization's behavior, it is hoped that the organization can be firm and straightforward in resolving existing cases so as not to cause harm to the litigants and obtain the fairest possible decision based on justice. So that there is satisfaction obtained from the parties involved in the case and the case is decided based on statutory regulations.<sup>27</sup> Internally supervision of the organization's behavior is carried out by the Supreme Court supervisory body (BAWAS MA) and externally supervision is carried out by the Judicial Commission (KY).

Basically, the disparity in judges' decisions is not caused by a lack of clarity regarding the understanding and regulation regarding the criteria for the element of "enriching" and/or "benefiting" oneself or other people or even corporations, but due to a lack of progressive attitude of law enforcement officials, especially judges in the form of commitment, determination and courage to fight corruption which has harmed state finances.

In the interests of the state, every law enforcement officer, especially judges, must have an anti-corruption attitude. Thus, when the judge makes a decision, especially in imposing the length of prison sentence as a substitute for additional monetary compensation, it is always in accordance with the amount of state financial losses, so as to reduce disparities in decisions.

<sup>26</sup>Puslitbang Hukum Dan Peradilan Mahkamah Agung RI, *op.cit.*, p.43.

<sup>27</sup>Hikmah Cantika, Rodrigo Dan Altje, "Analisis Terjadinya Disparitas Putusan Antara Pn Dan Pt Atas Terpidana Pinangki Sirna Malasari (Nomor Perkara: 10/Pid.Sus-Tpk/2021/Pt Dki)", Artikel Skripsi, Fh Unsrat. p.9.

**CLOSING**

Based on the description of the discussion, it can be concluded that the length of imprisonment as a substitute for Additional Crime of Substitute Money is based on 3 (three) considerations which are juridical considerations, philosophical considerations and sociological considerations. In this case, several regulations are still needed regarding the imposition of prison sentences as a substitute for Additional Crime of Substitute Money in more specific cases of criminal acts of corruption. This is because the regulations only determine a maximum of 20 (twenty) years imprisonment as a substitute for Additional Crime of Substitute Money. Disparity is not to be eliminated, but to minimize differences in sentencing. In addition, the imposition of the main penalty, disparities occur regarding the additional punishment of payment of substitute money with varying amounts of substitute money and also quite varied amounts of substitute imprisonment imposed. Therefore, policies are needed to reduce existing disparities, such as: creating sentencing guidelines, conducting training for judges, utilizing jurisprudence, the need to re-impose minimum and maximum criminal punishment in the Corruption Law as well as payment of fines and substitute money with replacement prison amounts, Allows higher courts to review the size of sentences imposed by district courts and to monitor judicial behavior. Creating a guideline for administering sentences that provides the possibility for judges to take into account all stages of the incident, to decide the severity and lightness of the punishment for the perpetrator, such as the offense committed, the method of committing it, the condition of the perpetrator and the situation when the action was committed. Everything must be considered carefully, so that the results are truly decided in accordance with applicable legal provisions and the verdict that was imposed will fulfill a sense of legal certainty and justice.

**REFERENCES**

- Agus Kasiyanto, *Teori dan Praktik Sistem Peradilan Tipikor Terpadu di Indonesia*, Prenadamedia Group, Jakarta, 2018.
- Amrun, "Faktor-Faktor Penyebab Timbulnya Disparitas Pemidanaan", *Jurnal Menara Ilmu*, Januari 2018
- Anti-Corruption Clearing House. "Pemberantasan Tindak Pidana Korupsi". Makalah, <https://acch.kpk.go.id/id/jejak-pemberantasan/6-uu-31-tahun-1999/pemberantasan-tindak-pidana-korupsi>. Diakses tanggal 01 Maret 2022
- D. Novrian Syahputra, "Pembayaran Uang Pengganti Terhadap Tindak Pidana Korupsi," *Jurnal Keadilan Progresif*, 2015.

- Efi Laila Kholis, *Pembayaran Uang Pengganti Dalam Perkara Korupsi*, Solusi Publishing, Depok, 2010.
- Evi Hartanti, *Tindak Pidana Korupsi*, Sinar Grafika, Semarang, 2005.
- Hikmah Cantika ,Rodrigo Dan Altje, “Analisis Terjadinya Disparitas Putusan Antara Pn Dan Pt Atas Terpidana Pinangki Sirna Malasari (Nomor Perkara: 10/Pid.Sus-Tpk/2021/Pt Dki)”, Artikel Skripsi, Fh Unsrat.
- Irfan Ardiansyah, “Pengaruh Disparitas Pemidanaan Terhadap Penanggulangan Tindak Pidana Korupsi di Indonesia”, *jurnal Hukum Respublica* ,2017.
- Jur.Andi Hamzah, *Pemberantasan Korupsi Melalui Hukum Pidana Nasional Dan Internasional*, PT.Rajagrafindo Persada, Jakarta,2015.
- Kelly, “Upaya Yuridis Memperkecil Disparitas Putusan”,*Jurnal Hukum Adigama*, Vol. 3, No.2, 2020, p.133.
- MKRI PN Gunungsitoli. “Pengawasan dan kode etik hakim”. <https://www.pn-gunungsitoli.go.id/pengawasankodeetikhakim>. Diakses tanggal 14 Januari 2023.
- Nanang Farid Syam, (et al),*Studi Disparitas Putusan Tindak Pidana Korupsi, Rekam Jejak Persidangan Kasus Korupsi Dari Banda Aceh Sampai Jayapura.*, Direktorat Pembinaan Jaringan Kerja Antar Komisi dan Instansi Komisi Pemberantasan Korupsi, Jakarta, 2018.
- Puslitbang Hukum Dan Peradilan Mahkamah Agung RI, *Kedudukan Dan Relevansi Yurisprudendi Untuk Mengurangi Disparitas Putusan Pengadilan*, Megamendung : Mahkamah Agung RI, 2010.
- Sandy Doyoba Alexsander dan Yeni Widowaty, “Faktor Penyebab Timbulnya Disparitas dalam Putusan Hakim Terhadap Anak Pelaku Tindak Pidana Pencurian dengan Pemberatan”, *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, 2020
- Tama S. Langkun.,(et al), *Studi atas Disparitas Putusan Pemidanaan Perkara Tindak Pidana Korupsi .*, Indonesia Corruption Watch, Jakarta, 2014.