

CRIMINAL ACT OF CORRUPTION IN THE CONSTRUCTION OF THE WALEMPING RIVER BRIDGE, BARRU REGENCY

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Abstract

This study aims to determine and analyze the application of the elements of the criminal act of corruption to the legal facts revealed in the trial of the Walemping River Bridge construction case based on Decision Number 42 / Pid.Sus-TPK / 2025 / PN Mks and to determine and analyze the legal basis for the judge's considerations in assessing state financial losses and determining the amount of punishment for the Defendant. This study uses a normative legal research type, with a case study approach to the Legal Analysis of the Corruption Crime in the Construction of the Walemping River Bridge in Barru Regency. The types and sources of legal materials use primary legal materials, secondary legal materials and tertiary legal materials. Data analysis is examined from a qualitative perspective. The results of the study show: 1) That the application of the elements of the criminal act of corruption to the legal facts revealed in the trial of the Walemping River Bridge construction case based on Decision Number 42 / Pid.Sus-TPK / 2025 / PN Mks has been effective. 2) That the basis for the judge's considerations in assessing state financial losses and determining the amount of punishment for the Defendant is by using the judge's legal logic, where in this decision it shifts from formal positivism (looking at what is written in the contract) to pragmatic/material positivism (looking at the facts of where the money flows and what the results are in the field).

Keywords: *Corruption, Construction, The Walemping River Bridge, Barru Regency*

INTRODUCTION

Corruption is an act that is very detrimental to state finances, therefore corruption must be eradicated and processed legally (Wijaya, 2021). Every action or violation that is detrimental to the interests of the state and society must be processed fairly in accordance with the Pancasila and the 1945 Constitution of the Republic of Indonesia. According to Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, corruption not only harms state finances, but also violates the social and economic rights of society at large. In Indonesia, corruption cases are visibly public consumption that can be obtained through various mass media, both print and electronic (Toule, 2013). Almost no day goes by without news about corruption cases. Corruption is closely related to the abuse of authority or influence that exists in one's position as an official that deviates from legal provisions so that such actions are considered detrimental to state finances (Gultom, 2006).

The causes of someone committing corruption are usually influenced by weak religious, moral, and ethical education; The absence of harsh sanctions against perpetrators of corruption and a transparent government system (*good governance*) (Aminah, 2026); poor economics and management with ineffective and inefficient supervision; and modernization that causes a shift in the values of life that develop in society (Syamsuddin, 2016). The crime of corruption is a symptom of misuse and mismanagement of power, for personal gain, mismanagement of state wealth sources by using formal authority and power (Arief, 2015). Andi Hamzah said there are four factors that cause the growth of corruption in Indonesia, namely the lack of salaries for Civil Servants (PNS) when compared to the increasing daily needs, then the Indonesian cultural culture which is a source of widespread corruption, then poor management and ineffective and inefficient communication, and the modernization of life that is taking place today (Hamzah, 2007).

Corruption is currently prevalent in almost all levels of government, from the central government to regional governments. One of the current areas of focus in regional government is the high number of corruption cases involving funds sourced from the Regional Revenue and Expenditure Budget (APBD). The APBD is the regional government's annual financial plan, jointly approved by the regional government and the Regional People's Representative Council (DPRD), and stipulated in regional regulations (Melki, 2018). The APBD serves as a guideline for managing regional revenue and expenditure within a fiscal year and is used to finance routine activities and development in the region (Alfiani et al., 2024).

One example of a corruption case in Barru Regency, South Sulawesi Province, concerns the construction of the Walemping River Bridge. This project is a vital project funded by the Regional Budget (APBD). This project is suspected of violating acts of abuse of authority, which significantly harmed state finances and hampered the public interest. The case has been tried according to Decision Number 42/Pid.Sus-TPK/2025/PN.Mks. Corruption crimes related to abuse of authority are regulated in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption. This decision led us to review the legal construction used by the judge in deciding the case. How the judge was able to prove the elements of unlawful acts and state losses arising from the misuse of funds for the infrastructure project. Based on this, we are interested and consider it important to know the legal analysis of the perpetrator's actions in the criminal act of corruption in the construction of the Walemping River bridge in Barru Regency as stated in Decision Number 42/Pid.Sus-TPK/2025/PN.Mks, and to find out the legal considerations by the judge in Decision Number 42/Pid.Sus-TPK/2025/PN.Mk which imposed criminal sanctions and imposed compensation for state losses in the criminal act of corruption in the construction of the Walemping River bridge in Barru Regency.

LITERATURE REVIEW

1. Criminal Acts of Corruption

The term corruption comes from the Latin *Corruptio* or *Corruptus*. Furthermore, it is stated that *Corruptio* comes from the word *Corrupore* (Latin), the term *Corruptio* has been passed down to many European languages, such as *Corruption* (English), *Corrupt* (French) and *Corruptie* (Dutch) (Rasyidi, 2014). The literal meaning of the word *Corrupt* is rotteness, ugliness, depravity, dishonesty, bribery, immorality, deviation from holiness, insulting or slanderous words or utterances (Malik, et al., 2024). Corruption is a specific area of criminal law. It also has specific characteristics that differ from general criminal law. Corruption involves deviations from procedural law (Ifrani, 2018), and when examined from the material regulated, it is directly or indirectly intended to minimize leakage and irregularities in state finances and the economy.

Based on Law Number 31 of 1999, the crime of corruption is any person who unlawfully carries out an act of enriching himself or another person or a corporation which can harm state finances or the state economy, in addition to that, any person who intentionally benefits himself or another person or a corporation, by abusing the authority, opportunity or means available to him because of his position or position which can harm state finances or the state economy. Referring to the definition of each article, the elements of the Criminal Act of Corruption can be described, namely: every person (including civil servants), people who receive salaries or wages from state or regional finances; people who receive salaries or wages from a corporation that receives assistance from state or regional finances, people who receive salaries or wages from other corporations that use capital or facilities from the state or society. In addition to the definition as mentioned, this also includes individuals, including corporations. Acting unlawfully (Musa, 2025) or not in accordance with the provisions, both formally and materially - even though the act is not regulated in regulations or legislation, including actions that violate procedures and provisions in an agency, company that has been determined by the competent authority in the organization. Then, carrying out acts as regulated in Article 15 of Law Number 31 of 1999, in the form of attempted attempts, assistance, or conspiracy to commit criminal acts of corruption. And finally, it can harm state finances in accordance with the placement of the word "can" before the words "harm state finances or the state economy" which shows that the crime of corruption is a formal crime, namely that the existence of a crime of corruption is sufficient with the existence of elements of the act that have been formulated, not with the emergence of consequences from an act, in this case state losses.

2. Misuse of Budget

Budget misuse in Corruption is the act of using public funds (state/regional finances) not in accordance with the designated allocation, regulations, or objectives, carried out by officials or parties with authority, resulting in state losses (Mubarak & Trisna, 2021). This budget misuse is most often charged with violating Article 3 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of

Corruption. The Key Elements in Article 3 specifically regulate actions that focus on the abuse of authority held by the perpetrator, namely any person who, with the aim of benefiting himself or another person or a corporation, abuses the authority, opportunity, or means available to him because of a position or position that can harm state finances or the state economy. Budget misuse is classified into three main forms based on Article 3, which are interrelated, namely the abuse of authority (*misbruik van gezag*) by carrying out actions that are beyond the limits of legitimate formal authority. This can be in the form of exceeding authority (acting outside what is permitted), mixing authority (using authority for other purposes), or acting arbitrarily (making decisions without legal basis) such as the Regional Financial Management Officer (PPKD) disbursing project funds without complete verification, or the Commitment Making Officer (PPK) directly appointing goods/services providers without going through an auction, even though the auction requirements must be met and then committing abuse of authority (*misbruik van gezag*) by taking advantage of certain opportunities or conditions obtained solely because of status or position for personal gain, such as a head of department knowing that there is excess funds remaining from a project auction (opportunity) and then ordering the disbursement of these funds for personal gain, even though these funds should be returned to the state treasury.

Misuse of facilities can be in the form of using facilities, equipment, or supporting instruments provided by the state/agency for purposes outside of official duties or for personal gain such as using fictitious official travel budget funds (means in the form of budget documents) to finance personal vacations (Sina, 2008). Budget misuse often occurs at the project implementation stage through several common *modus operandi*, namely the existence of price *mark-ups* (*overpricing*) by inflating the value or price of goods/services held above the fair market price. This price difference is what becomes personal gain and state loss. Fictitious work or work that does not comply with project specifications or work that is only partially done, or using material quality/quantity that is much lower than that stated in the budget contract (technical specifications), as well as gratuities/bribes (Jumardin, 2026) with the authority they have used to win certain parties in procurement.

3. State Financial Losses

State financial losses are an essential element in Article 2 and Article 3 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption. State financial losses are defined as a real and definite shortage of money, securities, and goods, resulting from unlawful acts, whether intentional or unintentional (Isnain, 2023). In cases of corruption, the calculation of state financial losses is based on the State Financial Loss Calculation Report (LHPKKN) prepared by the Supreme Audit Agency (BPK). The BPK is a state institution authorized to conduct investigative audits to calculate state losses (Boboy, et al., 2021).

LHPKKN is categorized as written evidence or expert testimony (if the auditor is presented as an expert). The judge is not fully bound by LHPKKN, but LHPKKN functions as a vital instrument to fulfill the element of "real and certain" state losses. In the trial, the Public Prosecutor (JPU) is obliged to prove the existence of an inseparable causal relationship between the Unlawful Act (Article 2) or Abuse of Authority (Article 3) committed by the defendant by proving that the actions of the Commitment Making Officer (PPK) who abused their authority (for example, approving material quality below specifications) were the direct cause of the overpayment of the budget which was calculated as a state loss with the concept of losses in infrastructure projects.

The initial indication of state losses is usually the difference between the budget paid and the physical value/quality of work received by the state and this often occurs due to price *mark-ups* (*overpricing*), fictitious work, or construction quality that does not meet contract specifications and even if the perpetrator returns some or all of the money that was embezzled, this does not erase the criminal act of corruption that has occurred, but only becomes a factor that mitigates the punishment, or reduces the obligation to pay compensation so that state financial losses are not just numbers, but are legal consequences that must be proven concretely and measurably to punish the perpetrator of corruption.

METHOD

The type of research used in this study is normative legal research. The research is intended to analyze the applicable legal rules in the application of corruption criminal law. (Marzuki, 2010). The research approach used is a statutory approach by examining all laws and regulations that are interconnected with the legal issues being handled. In addition, a case approach is also used which is useful for analyzing the corruption case of the construction of the Walemping River bridge located in Barru Regency, South Sulawesi (Decision Number 42/Pid.Sus-

TPK/2025/PN.Mks) . The case approach is based on the existence of deviations in the implementation of physical projects (procurement of goods/services) which resulted in state financial losses.

RESULTS AND DISCUSSION

1. Legal Analysis

The Decision Case Number 42/Pid.Sus-TPK/2025/PN.Mks is known to have been carried out with the modus of the Provider transferring work that is not in accordance with applicable regulations, while the Implementer does not have the qualifications as a Provider, even the personnel and equipment in the contract do not match the personnel and equipment in the field. The bank guarantee in the form of a down payment guarantee and a fake implementation guarantee and the PPK did not carry out contract control as in the signed contract, resulting in state financial losses or the state economy from the project value according to the budget ceiling of Rp. 7,328,000,000,-. Based on Decision Number 42/Pid.Sus-TPK/2025/PN.Mks , the actions of the perpetrator Muh. Ruslan J. alias Ciko bin Jafir Ansari as the Attorney for the Director of CV Lajae Putra (an Abdul Gaffar) who holds full control (*de facto*) over project operations and financial management (term disbursement) not only dragged himself but also his corporation (CV Lajae Putra). Abdul Gaffar as Director of CV Lajae Putra along with 129 other companies were declared to have passed the initial stage of qualification along with 16 other companies on June 15, 2022. Of the 129 company names, CV Lajae Putra was determined as the winner of the auction for the Walemping River bridge work package with a contract value of Rp. 5,862,353,032,-. On July 18, 2022, Abdul Gaffar made a Director's Power of Attorney Deed to Muh. Ruslan J.

CV Lajae Putra through Muh. Ruslan J. then requested for the disbursement of the down payment with the disbursement amounting to Rp. 1,589,492,571,- with a specimen of his signature in the contract document without a contract addendum with or without the knowledge of the Commitment Making Officer (PPK). The work package was finally carried out by CV Lajae Putra based on Contract Number: 602.1/970/DISPU and TR-BM/VII/2022 dated July 18, 2022. In its implementation, irregularities were found involving Muh. Ruslan J. who collaborated with Abdul Gaffar and the PPK at the Public Works and Spatial Planning Office of South Sulawesi Province. Legal issues began to arise when the project was not completed on time despite three warning letters and a *show cause meeting* . Finally, the government terminated the contract on December 28, 2022, and did not renew the work contract because based on the progress report in December 2022 from the Supervisory Consultant, it was considered to have only reached 1.208% with the results of the PKKN audit by the BPKP calculating state financial losses of Rp. 1,492,929,888.

Then on the date December 30, 2022, PPK wrote to Bank Mandiri as the Guarantee Bank regarding the disbursement of Down Payment Guarantee from No. MBG774024111522N and Implementation Guarantee No. MBG774024108122N. On January 9, 2023, Bank Mandiri sent a reply letter to the South Sulawesi Provincial Government with No. JRB.R10.Br.MKN/043/2023, regarding confirmation regarding the Bank Guarantee guarantee claim by informing that the Down Payment Guarantee data No. MBG774024111522N and Implementation Guarantee No. MBG774024108122N were not recorded in the Bank Mandiri administration system. It turned out that during the transaction, Muh. Ruslan J. together with Abdul Gaffar assisted by Muh. Rahud prepared the down payment guarantee. Then Muh. Rahud asked Yedi for help in preparing a down payment guarantee from Bank Mandiri, but the down payment guarantee was never recorded in Bank Mandiri's administrative system or could be considered fake.

In line with the doctrine of identification, where the actions of the administrator/authority who has evil intentions (*mens rea*) are attributed as a criminal act. Analysis of the Element of "against the law" (Article 2 Paragraph 1 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption). In this case, the element of unlawfulness is not only formal (violating administrative rules), but also material, namely the misuse of contract instruments that disburse a down payment of 30% (Rp1.75 billion). The existence of unlawful acts in this case is because at the time the funds were not allocated for the physical progress of the project. The fact of negative deviation, namely physical progress which only reached 1.208% also shows an imbalance between the rights received from the state and the obligations given to the state. The Public Prosecutor's indictment was prepared in a subsidiary manner, namely the Primary Indictment: Article 2 Paragraph (1) in conjunction with Article 18 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 55 Paragraph (1) point 1 of the old Criminal Code. Meanwhile, the Subsidiary Indictment: Article 3 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption .

The Legal Analysis of the Defendant's Actions is focused on fulfilling the elements in Article 2 Paragraph (1) of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption based on the trial facts, namely the element of "every person" namely Muh. Ruslan J. as a legal subject who is competent and able to be responsible has fulfilled this element. Meanwhile, the element of "against the law" where the defendant as the field implementer committed an act that was contrary to legal obligations in the implementation of the Walemping River bridge construction contract. There were deviations in the use of project down payment funds that were not in accordance with their intended use, which is an element of "enriching oneself, others, or corporations". The perpetrator's actions were deemed to enrich himself or others/corporations (CV Lajae Putra) through the disbursement of funds that were not followed by appropriate work performance. The perpetrator was also suspected of enjoying or managing project funds that resulted in losses and the element of "harming state finances".

Based on the prosecutor's demands, the Defendant's actions resulted in state financial losses amounting to Rp. 1,472,929,888. This loss arose from the implementation of the project which experienced *default* and contract termination. The transformation of *default* into a criminal act of corruption is a crucial point in this legal analysis, namely the debate whether this case is purely a *default* (Civil) or corruption (Criminal). Proof of state financial losses in this decision is based on the actual loss method, namely the calculation method (total money disbursed) - (real value of work in the field) which resulted in a difference of Rp. 1,472,929,888. The case for this loss is very strong because it is based on technical and physical audits in the field which show that the value of the bridge built is much smaller than the capital that has been spent by the state. Analysis of Participation (*Deelneming*) - Article 55 paragraph (1) 1 of the Criminal Code also involves the PPK (Sumartini Machmud) and the Director of CV Lajae Putra (Abd. Gaffar). Cooperation where there is an understanding between the service provider and the commitment-making official in processing the disbursement administration even though the technical requirements in the field are not adequately fulfilled (Bank Guarantee in the form of a fake down payment guarantee).

In detail, Decision Number 42/Pid.Sus-TPK/2025/PN.Mks, the actions of Muh. Ruslan J. are classified as a criminal act of corruption because based on the legal basis of the indictment, the Primary Indictment proves that the person concerned violated Article 2 Paragraph (1) in conjunction with Article 18 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, in conjunction with Article 55 Paragraph (1) ke1 of the old Criminal Code. In addition, the capacity of the perpetrator who acted as the Director's Attorney which was carried out together with Abd. Gaffar and Sumartini Machmud, which based on the trial documents, this act of corruption was indicated through Misuse of Payments, starting from the management of the down payment of the project amounting to 30% or Rp. 1,758,705,909,-. Then, the work was not carried out according to the contract so that a statement of *default was issued* and the contract was terminated on December 28, 2022. There was a failure of the guarantee from the related bank which claimed it never existed in their system. Decision Number 42/Pid.Sus-TPK/2025/PN.Mks confirms that in infrastructure projects, contractual failure accompanied by the diversion of project funds for personal gain constitutes a criminal act of corruption. The position of "Author of Director" does not exempt an individual from the clutches of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption as long as he or she has control over the finances and implementation of the project sourced from the Regional Budget/State Budget.

2. Judge's Legal Considerations

Legal considerations by the judge in Decision Number 42/Pid.Sus-TPK/2025/PN.Mks, provided legal considerations in imposing sanctions on Muh. Ruslan J. by taking into account several aspects, in which the person concerned was proven legally and convincingly guilty of committing a criminal act of corruption as regulated in Article 2 Paragraph (1) in conjunction with Article 18 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 55 Paragraph (1) point 1 of the old Criminal Code. The main criminal sanction demanded by the Public Prosecutor is a prison sentence of 8 (eight) years and a fine of Rp. 300,000,000,- (three hundred million rupiah) subsidiary to 3 (three) months imprisonment. Matters that are considered mitigating in the case of Decision Number 42/Pid.Sus-TPK/2025/PN.Mks by the judge who decided the case are that the person concerned in his personal defense, expressed regret, acknowledged his actions as a valuable lesson, and asked for leniency so that he could be reunited with his family. Regarding the imposition of replacement money, the considerations that emerged in the trial include: Amount of Replacement Money, the perpetrator is required to pay replacement money of Rp. 1,472,929,888,- with an execution mechanism, if the replacement money is not paid within 1 (one) month after the decision has permanent legal force, then his assets will be confiscated and auctioned. Subsidiary imprisonment if the assets are insufficient, and is subject

to a substitute (subsidiary) imprisonment of 4 (four) years. Proof of the elements of an unlawful act by the judge who assessed the unlawful act through his role as the Director of CV Lajae Putra's Attorney in the 2022 Walemping River Bridge construction project in the form of abuse of authority/procedures. As the field implementer involved in the contract process and implementation that did not comply with the provisions, the implementation of the work was found to have *defaults* and delays that resulted in the termination of the contract by the Public Works and Spatial Planning Agency of South Sulawesi Province on December 28, 2022.

Proof of the State Loss Element in this case is proven through the Disbursement of the down payment budget (30%) amounting to IDR 1,758,705,909,- which was disbursed to CV Lajae Putra in September 2022, Project Realization that is Not Comparable to the Loss arises because the work progress does not match the money that has been received from the state, which is strengthened by the existence of a bank guarantee that cannot cover losses when default occurs and Total Loss Based on the demands, the amount of state losses charged to the Defendant through replacement money is IDR 1,472,929,888,-.

Legal Facts found by the judge are the part that contains a summary of events and evidence that are considered valid and proven to be true during the trial which then becomes the basis for legal considerations. Identity of the Perpetrator and Charges by identifying who the defendant is (official, contractor, or other party) and which articles are used by the Public Prosecutor (JPU) in the indictment then valid evidence, namely detailing the evidence that is accepted and has legal force, of which there must be at least two valid pieces of evidence. Legal considerations by the judge (*ratio decidendi*) are the core of the decision analysis in the form of legal reasons used by the panel of judges to arrive at the decision (verdict).

CONCLUSION

Based on the results of the research and discussion that has been carried out, the following conclusions can be drawn: First, the actions of the Defendant Muh. Ruslan J. have fulfilled the elements of the crime of corruption as regulated in Article 2 paragraph (1) in conjunction with Article 18 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption. Legal facts show that the Defendant as the Director's Attorney has unlawfully misused the disbursement of 30% of the down payment which was not allocated for project interests, resulting in extreme physical deviation (progress only 1.208%) and causing state financial losses of Rp. 1,472,929,888. The judge's considerations in deciding this case emphasized the distinction between *breach of contract* and criminal corruption. The judge argued that the termination of a civil contract does not eliminate the unlawful nature of the crime if malicious intent (*mens rea*) is found from the outset to divert state funds for personal gain. The Defendant's position as "Authorized Director" (the actual field implementer) makes him a legal subject who bears full criminal responsibility for the losses incurred. The panel of judges used a systematic legal logic to draw the act from the civil realm (contract) to the criminal realm (corruption).

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