

# THE IN ABSENTIA TRIAL IN CORRUPTION CRIMES

(DECISION STUDY: 103/Pid.Sus-TPK/2023/PN Sby)

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## ABSTRACT

The application of *justice in absentia* in corruption cases is an exception to the principle of the presence of the defendant in the criminal procedure law. The absence of the defendant is often an obstacle in the judicial process, so arrangements regarding *in absentia* are needed to ensure the effectiveness of law enforcement and legal certainty for the community. This study aims to analyze judicial procedures with defendants *in absentia* in corruption crimes and examine the judge's legal considerations in imposing a verdict against defendants who are tried in *absentia* in Decision Number 103/Pid.Sus-TPK/2023/PN Sby. This type of research is a normative juridical research using a statutory *approach*, a *conceptual approach*, and a *case approach*, and is analyzed qualitatively. Based on the results of the research, the application of *justice in absentia* in cases of corruption crimes is in accordance with the provisions of Article 38 of Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption, although there are still weaknesses in the consideration of judges who are less progressive in applying the principle of substantive justice. The panel of judges emphasizes more on formal procedural aspects rather than law enforcement that is oriented towards a deterrent effect for perpetrators of corruption crimes.

Keywords: *Criminal Procedure Law; trial in absentia; Judge's Legal Considerations; Corruption Crimes.*

# ***THE IN ABSENTIA TRIAL IN CORRUPTION CRIMES***

***(A Study of Court Decision No. 103/Pid.Sus-TPK/2023/PN Sby)***

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## ***ABSTRACT***

*The implementation of in absentia trials in corruption crime cases is an exception to the principle of the defendant's presence in criminal procedural law. The absence of the defendant often becomes an obstacle in the judicial process, thus the in absentia mechanism is necessary to ensure the effectiveness of law enforcement and legal certainty for the public. This study aims to analyze the procedure of criminal trials conducted in absentia in corruption cases and to examine the judges' legal considerations in rendering decisions against defendants tried in absentia, based on Court Decision No. 103/Pid.Sus-TPK/2023/PN Sby. This research employs a normative juridical method with statutory, conceptual, and case approaches, analyzed qualitatively. The results indicate that the application of in absentia trials in corruption cases complies with Article 38 of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption Crimes. However, the judges' legal reasoning remains less progressive as it prioritizes formal procedural aspects rather than substantive justice. The court's consideration has not yet reflected a strong deterrent effect toward corruption offenders.*

***Keywords:*** Criminal Procedure Law; In Absentia Trial; Judge's Legal Consideration; Corruption Crime.