

CHAPTER V

CLOSING

A. Conclusion

Based on the results of the research and discussion above, it can be concluded as follows:

1. The judicial procedure *in absentia* in Indonesia has been expressly regulated in the Criminal Code and strengthened by special provisions in the Corruption Law. This mechanism starts from the stage of summoning the defendant legally and properly, followed by the examination of evidence that remains subject to the standards of Article 183 of the Criminal Code, until the imposition of a verdict by the judge. The defendant's absence does not remove the judge's obligation to establish a conviction based on at least two valid evidence, but only eliminates the defendant's right to defend himself directly. Thus, *in absentia* is a valid exception procedure according to Indonesian criminal procedure law and serves to prevent the obstruction of the judicial process due to the defendant's absence.
2. The judge's consideration in imposing a verdict *in absentia* in a corruption case is still considered inappropriate. Although referring to the Criminal Code and the Corruption Law, the choice not to use Article 2 of the Corruption Law on the grounds that the *elements are unlawful* has not been proven to raise doubts, because the existing evidence is actually sufficient. The use of Article 3 of the Corruption Law is indeed

legal, but it results in a lighter crime and reduces the deterrent effect. Therefore, the judge's consideration should be criticized because it emphasizes formality rather than the courage to uphold substantive justice in the spirit of eradicating corruption.

B. Suggestion

Based on the results of the research and discussion that the author has described in Chapter IV, the author gives suggestions, as follows:

1. To lawmakers and the Supreme Court, it is recommended to reaffirm the regulation of judicial procedures *in absentia* through more comprehensive and detailed regulations. This is necessary so that the mechanism for summoning the defendant, the procedure for examining evidence, and the obligation of judges in maintaining evidentiary standards have stronger legal certainty and do not give rise to different interpretations at the practice level. With the strengthening of these norms, the principle of the presence of the defendant is still respected, but without sacrificing the smooth judicial process in the eradication of corruption.
2. To the judges of the corruption court, it is recommended that in imposing a verdict *in absentia* , not only adhere to the formality of the article, but also pay attention to substantive justice. The selection of the indictment article should thoroughly consider the strength of the existing evidence, so that articles with more severe criminal threats can still be applied if the elements have been met. Thus, the verdict handed down is not only

formally valid, but also provides a deterrent effect that is in line with the spirit of corruption eradication.

