

ICW's Report on
Lifting the Lid “Judicial Mafia”



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Summary

As a place for people to earn justice, it should be that the court's verdict must be based on the legitimate law and the sense of justice. Nevertheless, corruption practices in the court that is known as the court mobsters make the court's verdict becomes distorted, because they not only put it on the base of the law and justice, but also on the base of money. As the result, trial process needs a long time, complicated and expensive. And in turn, the law institutions cannot give any guarantee of the assurance of law so that its image falls down to the lowest point.

From the research done, revealed that the court mobsters is a systematical corruption. The court mobsters include all subjects in the court of law. In criminal court, corruption involving police, clerk, lawyer, prosecutor, and judge and also officers in the jail institutions. In the citizen and commercial court, the court mobsters also involve the lawyer, clerk and judge.

The court mobsters are called a systematical corruption because not only involving entire elements, but also the court mobsters happen in every step of the trial. In the criminal court, starting from investigation and inquiry in the police department, inquiry in the judiciary and trial until the execution does the corruption. Similar situation also happens in the citizen and commercial trial. Corruption is done from the registration of the case, trial, and execution. No matter how small the authority had by one of the elements in the trial institution, it has a potential of becoming a corruption commodity. Even the parking man in the court can enjoy the advantages from the broad practice of the corruption in the court.

So why are the law institutions can be so severely injured by corruption? One of the most important things is that there is no surveillance. For several years the authority close their eyes on the practice of the corruption. Moreover in the New Order government the court has become the most important instrument of authority so that the corruption was ignored. As the result, slowly but surely corruption goes broad in entire side of court institutions. When the New Order fell and the press got their independence back, it is seemingly obvious how bad is the court institution. Even worse, although reformation has successfully broken down the authoritarian authority and court institutions to be independent, corruption in court has also become independent and uncontrollable. Next, it can be seen in the news media that corruption keeps going on. In addition, there is a resistance effort from inside the court to the attempts to eliminate the corruption.

It is not an easy matter to clean up the entire court from corruption. Remembering that corruption is already so systematic, it needs a very hard work to fight against corruption right from the top levels. And for that matter, the *political will* from the government is very much needed. Because without a strong *political will*, it will be very difficult to hope for the beginning of "cleaning up" movement in the court.

If so, then where is the society's role if what it needs is the government's *political will*? What is hoped from the society is a strong advice for the government to take a serious action to clean up the corruption, collusion, and nepotism, particularly corruption in the law institution, a place for the society to get justice.

Recommendation

To The Supreme Court

1. The widespread of court mobsters practices so they become systematic mainly as the result of no surveillance. That is why The Supreme Court should put the first priority on the function of surveillance. As the highest authority in the justice matter, it should have been that surveillance firstly done in The Supreme Court environment.
2. The need to maintain the law in all courts. That is why, if there is a judge or other court officers that found out to be carrying out corruption, he or she has to be taken to the court for trial. Not only he or she is given sanction such as mutation like happened for all these years. The maintaining of law is a preventive effort because it can cause an atoning affect in the officers' point of view so that they scare to do any corruption.
3. All verdicts are public information. That is why the public must get access as much as possible to get the copy of verdict that has been made by the judge. By this kind of action, all kinds of manipulation and corruption that is always run systematically can be easily become broken.
4. The registration of a case is the beginning of the corruption in the justice court. That is why, to reduce it, in every national court and high court there must be stated clearly how much are the official tariffs for registering the case.
5. One of the causes of corruption is the big amount of power in the hands of the judge. To reduce the happening of corruption can be done by reducing the power of the judge. By implementing the *expert-jury* system for several particular cases where the corruption potential is big, the decision is in the hands of the jury instead of the judge.
6. As for the affect of the corruption, the court decision cannot merely based on law and justice, but also money. So that the verdict declared by the judge cannot be predicted previously. To reduce inconsistence of the verdict, The Supreme Court can implement active system jurisprudent in every verdict. Active system jurisprudent requires judge to write down the previous judge's verdicts in similar cases.

To The Judiciary

1. The judiciary's work in maintaining the law today is really questioned. Various corruption cases are like evaporate in the hands of the prosecutor. That is why; The Judiciary must give a transparent report to the public about the amount of cases investigated and the amount of cases that have been sent to the court.
2. Same as the situation in the court, information access in the judiciary is very much limited. That is why, various kinds of public information such as prosecutor's indictment or the verdict in the court must be able to accessed by the public as a form of transparency and accountability of the judiciary.
3. Military culture and mechanism of planning to indict forbid honest and straight prosecutor's initiatives in maintaining the law. The supervisor can determine what case that is continued and what case that is stopped. For that reason, military culture and sequences must be eliminated from the judiciary institution.

To The Police Department

1. Surveillance to the police today cannot be implemented. Various kinds of Human Rights violation that is done by police added by corruption practices widespread in the police department make the image of the police exist at the lowest point. That is why surveillance to the police must be immediately done seriously.
2. The law must be surely maintained in the police society. Every police that does a crime must be processed in a transparent court. The seriousness of the police will only be seen by the society if police really strict to its members.

To The Advocate Profession Organization

1. The advocate profession organizations must immediately make ethical codes that are valid for all the profession organization. Ethical codes must also have law consequences, not just ethical sanctions only.
2. To increase the surveillance towards the members of advocate's profession organization. Maintaining ethical codes that has the law sanctions must also follow surveillance.
3. Advocate's profession organization must ask all its members to sign the pact anti bribery that tie up all advocates. By that, there is a commitment from the start from the advocates that not to continue bribery practices in the court.

To The Civil Society Organization Surveillance for Court

1. Civil society must take an active role to oppose court mobsters. Because only from the society that corruption in the court can be exposed and reduced. For that reason, it needs a surveillance and investigation training of court mobsters for Ornon and organization presenting surveillance to the court.
2. When a criminal sanction would not discourage the corruptor, then the society must give social sanctions. One of them is by making database of corrupting judges and court officers. In this way, if there is any mutation happened, the society could refuse new officer that had previously found out doing corruption.

I. Background

Just like mentioned by many of the media, corruption has contaminated our court. Almost all players in the court are involved. Starting from the judge, lawyer, prosecutor, police and clerk down to the parking officers in the court. Maybe, if compared with other institutions, the court is the champion of corruption. There is no corruption that is being done in a mass scale in entire bureaucratic levels like the court institutions. That is why; the label of court mobster is indeed exact and true.

If we trace back to the past, the corruption in the court is not a new matter. In the 70s there has been a criticism towards The Supreme Court. Even that time there has ever been done an abrasive operation to clean up the court from the corrupt judges.

Syed Husein Alatas, in his book “Corruption: Nature, Cause and Function”, also wrote about corruption in the Indonesian court. In 1981, Central Order Operation (Opstibpus) succeeded in set up a judge that ask the defendant an amount of fifty million rupiahs in a case regarding a pearl of three hundred million rupiahs.

In the year of 1996, Adi Andoyo revealed a collusion scandal in The Supreme Court, the highest judicature authority in Indonesia. In the case of Gandhi Memorial School (GMS), there was a strong indication that the Supreme Judge has done collusion in sentencing verdicts. If even in the highest institution happens corruption, it can be imagine, how bad the judicature situation that exist beneath it.

Even so, it seems that there is no serious attempt done by the New Order to clean up the judicature. Instead of cleaning, the government uses the judicature as one of its authority’s support. As a result, in many political cases that include government, it is almost certain that the government’ opposition will be defeated by the judge. If it is not in the first or second level court, the opposition will lose in the Supreme Court level.

The high rate of corruption in Indonesia’s court can also be seen from Daniel Kaufmann’s summary in the report *Bureaucratic and Judiciary Bribery* in the year of 1998¹. In that report, it is said that the corruption rate in Indonesia’s judicature is the highest among countries like Ukraine, Venezuela, Russia, Colombia, Egypt, Jordan, Turkey, Malaysia, Brunei, South Africa, Singapore, etc. Incidentally, corruption in the judicature is assumed to be a usual matter. Many lawyers who without any shame at all offer an amount of money to the judge and prosecutor. Moreover, in a different form, there is also a lawyer who “pays” a judge monthly. While at the same time, judge, prosecutor, police, and also clerk, without any shame too ask for money from the lawyer. It is like, if corruption was done quietly, it is now being done openly and very obvious. The court is no longer a place to earn justice instead it becomes a justice market. Anyone who can give much money, will get the justice he or she wants.

Although the condition is so much severe, there is no serious effort to clean up the justice and maintain the law. Megawati’s governance just like Gus Dur and Habibie’s governance still not shows serious effort to that direction. There is none of the officers of the court that has successfully grabbed to the jail. And the judicature is still wrapped by corruption implemented openly.

This situation is resulting in the vanishing trust of the society towards judicature, and the law in the bigger scale. As a result, people seem tend to find their own ways to solve the problem they are facing with. Attitude like self-judgment, that often times resulted in the death of the criminals caught in the act by the mass, can be recited as the

¹ See, *Position Paper LeIP and KRHN, Menuju Independensi Kekuasaan Kehakiman*, 1999, page. 4.

expressions of disbelief to the law and the judicature. How can society trust the law, if the big criminals and corruptors are never putted on trial? Even if it reaches to the court, the verdict sentenced often not fulfilling the sense of justice by society. From many of the list of corruptors, only Bob Hasan and Ricardo Gelael that can be put into prison. It is still with the punishment that does not differ significantly with the hen's thieves.

For that reason, the price that has to be paid as a consequence of the corruption in the court is not in the form of how much rupiahs has lost. More than it, the price that has to be paid is the lost of society's trust in whole. And it is not simple to bring back that trust again. That is why, for the price that has to be paid is not getting more expensive, the law must be immediately be maintained. The judicature must be immediately cleaned up from the corruption.

One of the important conditions in the abolishment of the corruption is the introduction to the corruption itself. By knowing it, corruption can be mapped and by that, the strategic efforts to abolish corruption can be formulated. To clean up the judicatures, the corruption in the judicatures must be recognized. How are these judicature's mobsters work, who are the people involved and by what means, all of them must be acknowledged. For that reason ICW has done research about corruption patterns in the court. The research is firstly done in Jakarta. Subsequently, the findings are compared with the corruption patterns in five other cities in Yogyakarta, Surabaya, Medan, Makasar and Samarinda. The research is limited at the general trial only, which is criminal, civil and commercial. But because the commercial trial that operates only in Jakarta, then the research about commercial trial is only done in Jakarta.

II. Corruption Patterns in The Criminal Court Investigation (Police)

The Asking for Service Payment

Police is made available by the government as a form of service to the society in facing criminal action matters. As a form of service prepared by the government, the citizens have paid it through the taxes. So that, the service given by the criminal trial should be for free. Or even if it needs money, the value is not too high because the government through collecting taxes is paying the payment for the service operator

But the practice is totally different. If there is a victim of a crime reporting to the police, it is not yet certain that his or her report will be carried out unless the police are given an amount of money.

The reason that the police always countered is the minimum operational cost that is budgeted. For a usual case, the operational fund is only 50.000 rupiahs. While for big cases exposed by the public, the operational budget is only about 500.000,00 rupiahs². But, quoting the remarks of the late Baharudin Lopa, although the salary is small and facilities are limited, still corruption should not be implemented.

Deceiving a Case

Deceiving a case is done by stop investigation and inquiry process of a case because there is not enough evidence. Instead, the case is actually has some criminal substances and fulfill the requirements to be immediately transferred to the court.

² Information earned from Adnan Pandu Praja, Executive Secretary of Indonesia Police Watch.

In the investigation stage done by the police, fraud happens to the suspect caught in the middle of the criminal act. Just like in drug cases, that is if there is a deal between the cop and the suspect not to continuing the case.

For deceiving cases, that is for cases that will never be continually be investigated, there has been known an idiom in the police of '86'. Surely for the case to be "86", there has to be a deal about the amount of money that the suspect has to give to the police.

Inquiry (Police)

Case Negotiation

The pattern of case negotiation has been done starting from the inquiry process in the police. In the making of Investigation Report (BAP), the investigator offers what article that can be charged to the suspect. The smaller the sentence then the more expensive the offer proposed by the investigator. This offer also implicated to the vagueness of the evidences. For instance, in a case of burglary, an evidence of butcher turns into a screwdriver. By that, a severe criminal case changed into a light criminal case. Besides that, in the making of Investigation Report, information from the witnesses can also be manipulated to alleviate the suspect.

Blackmailing by the Police

Many times had the mass media expose about torture done by the police to the suspect. Moreover, there was a suspect who died in the hands of other prisoner after being beaten by the cops. Behind this torture, there is actually another motif that is blackmailing. If there is no money, the police will do an abusive action along the investigation process.

Arrangement for the prison

Besides the investigation process, the prison in the police also becomes a media for bargaining. If the suspect does not show a cooperation, the suspect will inhabit the prison along with other big criminals, like robbery, murder, etc. that tend to act in an aggressive way. Moreover they are threatened to have an anal sex with other prisoners. But if they are willing to prepare some money, the suspect can choose a comfortable prison room, which is with the kids or other decent prisoners.

Inquiry (Prosecutor)

Blackmailing by the prosecutor

In the time of investigation, the prosecutor deliberately prolongs the inquiry process. This extend can be used to discuss how much the bribe money that has to be given by the suspect. Another form of extended investigation is to hold a suspect in the judiciary for several hours after investigation. Whereas in fact the investigation process merely needs one or two hours only.

Another form of blackmailing done by a prosecutor is through the "invitation letter". According to the rules, a summons of someone by the judiciary has to be in a capacity as a witness or a suspect. But often times the prosecutor does not mention in what capacity is someone invited. That is why, a prosecutor's invitation is well known as "invitation letter". The modus of the invitation letter is experienced by the suspect corruption cases. In the meeting with invited party, the prosecutor questions about ways done by the one who is involved in it so that one can get the advantage from the corruption practices. Even if only to ask, but actually the meeting is a mental terror for

the one who is invited³. In the end, the prosecutor will ask for money with threatening for status shifting to become a suspect.

Status Negotiation

In an inquiry process, the prosecutor has a right to change a status of witness into a suspect. But in the corruption pattern, status changes being done by the prosecutor to lightening the suspect. There are two status mentioned here, they are first the status embedded on someone like a witness, a suspect or a defendant. The second is prisoner status. Whether it is in prison, home prisoner, in city prisoner or not arrested at all.

The investigator, whether it is in the judiciary or in the police, has an authority to change a status of suspect into a witness. Moreover in the case of drugs, if the negotiation comes to success, the status of main suspect can be changed into a contributor suspect.

The same thing also happens in the prisoner status. Whether the suspect chooses to live in a jailhouse, or as a city prisoner or home prisoner, it can be arranged. Moreover, the argumentation behind the arrestment is usually to prevent the suspect to escape, to prevent one to eliminate the evidence and ease the inquiry process. If there is an assurance that the evidence will not be eliminated, the suspect will not run away and in practice the suspect show a cooperative attitude in the inquiry process, then isn't the arrestment becomes irrelevant anymore?

The Release of a Suspect

One of the most used modus in releasing a suspect is by stopping the inquiry process. For that matter, the prosecutor reports that in the inquiry process he did not find any violation so that the inquiry is stopped. Other mostly used argument by the prosecutor is inadequate former evidence.

The prosecutor often says that SP3 is usual and according to the procedures. But in several cases, it must be investigated more deeply about the background of the publishing of the SP3. In this pattern, the people involved are not only the prosecutor and the lawyer or the suspect. The High Judiciary and the Supreme Judiciary are involved in it because in the judiciary itself existed an internal coordination to inspect and sue. Rentut or the prosecution plan is the mechanism of coordination in the judiciary. An indictment made by a prosecutor, must have an agreement from the superior. In big cases, for instance corruption case, the prosecution is done under the coordination of the Supreme Judiciary. The coordination form is through the prosecution plan itself.

Another way to release a suspect is by making an obscure accusation (*obscuur libel*). By which, in the trial the defendant will be freed. Because of this kind of *obscuur libel*, some of the corruptors want to have a quick trial instead because someone cannot be trial twice for a same case. That is why; *obscuur libel* is one of the ways to escape formally and legally from the capture of the law.

Other forms of case embezzlement are often done by a prosecutor with modus of returning the bundles to the police. In the prosecutor and police society, it is known a term of P21 and P19. P21 is a term for a case that has been completed and ready to be carried on to the court. Whereas P19 is a term for case which bundles are still imperfect so that it has to be returned to the police to be completed. Or, like one police mentioned

³ Taken From Gaban, Farid, “ ‘Tikus’ Kejaksaan Agung dalam Labirin Korupsi”, Rubrik Investigasi Tempo, 18 Juli 1999.

to the investigator, on of the holes that can be used to embezzle the case is that in the time of transferring the case to the judiciary⁴. When it is transferred to the judiciary, police has acknowledge the judiciary staff that the case has been ‘taken care of’. Directly without writing it down in the registration, the administration staff writes P21. But in reality, the suspect, the evidence and the case papers are never made their ways to the judiciary.

In the trial of drug case, one of the techniques of collusion is *stuntman*. It means, the defendant that faced to the trial and sentenced in jail is not the real defendant, but in fact an envoy of the defendant. It can be happened because of the cooperation among the police, the prosecutor and the defendant party⁵.

Negotiating a case

Negotiating a case also done by the prosecutor who has an authority to prosecute in the trial. The prolonged inquiry process without clarity often becomes a signal for the lawyer or the defendant’s family to contact the prosecutor.

Negotiating a case in the judiciary is usually involving jockey. There are three kinds of case jockey that involved in the negotiation. First, from the judiciary or the officer itself; second, a son of an officer in the judiciary or other judicial institution; third is the lawyer. In the case of Bank Duta, Dicky Iskandar Di Nata confesses to be blackmailed to an amount of three billion rupiahs. One of the men who play the role is, according to Dicky, Ais Ananta Said, the son of Ali Said, The Chairman of The Supreme Court at that time⁶.

And for the third one comes from the lawyer society, that is the “lawyer of judiciary associate”. In this kind of modus, the prosecutor chooses the lawyer of the former defendant. This associate lawyer of course chosen from the lawyers that have already make a good relationships with the prosecutor. Next, as has been acknowledged by each other, there is nothing to talk about tariffs and satisfying services anymore.

Reducing of prosecution

In the inquiry process in the judiciary, the prosecutor is the one who authorizes to offer lighter prosecution if the suspect give him some money. This kind of pattern is usually involving the prosecutor and the defendant party that is the defendant or his relatives and the lawyer accompany him during the inquiry.

Another modus to reduce the demand is the leakage of Inquiry Notes (BAP). BAP is one of the important elements in the criminal court, because the statement that is stated by the defendant in the BAP can be used as a base for the prosecution. If the defendant party has found out the BAP already, absolutely the answer can be previously be prepared.

Except for the leakage, the substances in the BAP can also be traded. The inquirer will offer the suspect and his lawyer, which article that will be used. It also applies for the evidences. Just like in narcotics. There is a suspect caught in the act of taking 15 kilograms of cannabis, but in the inquiry the fact is changed. The suspect only carried 1

⁴ Interview with MK, a politician on April 20th, 2001.

⁵ Interview with S, a lawyer, March 15th, 2001. Similar information is also revealed by the journalist of Media Indonesia performing investigations toward some cases of drugs trial. See Media Indonesia Daily, January 25th, 2001.

⁶ See Gaban, Farid, dkk. “Tikus Kejaksaan Agung dalam Labirin Korupsi”. Rubrik Investigasi Tempo, Edisi 12-19 Juli 1999.

gram of cannabis. For that reason, the suspect status as a dealer (because carrying 15 kilograms of cannabis and impossibly taken all by himself) changes into a user because he only brings 1 gram of it. Automatically, the sentence carried out for him will be much less than before⁷.

Actually the reduction of punishment modus that is done by the prosecutor can be guessed if both the prosecutor and the defendant are not mind to the verdict of the judge.⁸ However there are many cases waiting in level of consideration or appeal.

The Trial

Choosing a Favorable Judge

In the finishing of the case in the court's trial, role of the board of judges is very important. Moreover Indonesia does not apply a jury system. As the result, the entire decision lies on the hands of the board of judges. That is why, if the board of judges that lead the trial is well known and cooperative or known as *favorable*, the result of the trial can be predicted. That is why, the process of determining the board of judges is very important.

In determining the board of judges there is actually some kind of "fixed rules". If the case is assumed to be "wet", it can be predicted that the trial will be led directly by the Head of The State Court. Even so, it not means that the composition of the board of judges cannot be arranged for a normal case. In the matter of deciding the board of judges, for the lawyer who has already had a good relationship with the judge's society, just ask the *favorable* judge to handle the case. But for the lawyer, who does not have any relations yet, usually needs the help of the clerk. The lawyer that does not have many relatives will ask for the clerk to call on the judge that can be cooperated with.

Negotiating Verdict

The verdict that will be imposed by the judge can also be arranged. For that reason, again, the negotiation must be done to decide how much money to be on the hands of the lawyer or the defendant. The modus are very various. Some are going through the General Judiciary Prosecutor (JPU), the clerk or directly to the judge.

If it is gone through the JPU, usually is the prosecutor that has a *channel* or a contact in the judge circles. The modus is, the judge offer the defendant a contact to the judge. If it is agreed, this kind of verdict arrangement can be applied since the making of the prosecution by the JPU. So, there has been a prior coordination among the lawyer, JPU and the judge.

In a small and unlikely to get a big publication case, the negotiation of a case is also done by the judge. If the case has reach the reading of the verdict, but it then cancelled without a clear argument by the board of judges, this is a signal that the judge wants to be contacted for the negotiation of the case. The modus is usually done with the help of the clerk. Next, the verdict that will be imposed depends on the result of the negotiation.

If the defendant's position is actually strong according to the law, and added by supporting evidences and witnesses, it is not automatically that he or she can earn the

⁷ Interview with JDD, a journalist in Medan, July 11th, 2001. Similar Information can also be collected from BFS, a lawyer in Medan (interview July 13th, 2001).

⁸ An interview made with Judge SS in Yogyakarta, July 13th, 2001.

justice for free. For this kind of case, the judge through the clerk or directly to the lawyer asks for “tip” as a reward for the advantage verdict for the defendant.

But there are sometimes the lawyer plays the role. Even though the lawyer knew that the case put to trial will be prevailed by the client, the lawyer sell the judge name. To his client, the lawyer told that the judge asks for a reward for the verdict imposed.

Though the case has been managed strictly, sometimes the trial carried out by the judge does not match The Book of Civil Law (KUHAP). As confessed by the ex-prisoner that experienced marathon trials, like the trial of traffic case or slight criminal act. Along with some people with the similar cases, the judge only calls for names, addresses, what articles to be applied, and the amount of sentences. Surely there are no evidences and witnesses presented. The hammer is directly knocked⁹.

Similar modus happened in The State Court in Medan was an “invisible trial”. It means that the trial was held at 08.00 in the morning when the court was still quiet. Then, all of the sudden the verdict was imposed and the judge, the prosecutor, the clerk and the lawyer were directly sign the trial news. Not only that it was held without the audiences. On this kind of trial, the defendant is sometimes not coming to the court also because all the matters have been entirely delegated to the lawyer.¹⁰

It is not just the verdict. Even if the approach to the judge come to succeed, the defendant does not have to present in the verdict reading. In the case involving two defendants dealing drugs, the first defendant was sentenced to three months in prison, while the other one was sentenced to six months probation. Moreover, the second one did not present in the court, whereas both of them did this action together.¹¹

Appeal

Same as what happens in the State Court, judges in the High Court also involved in this kind of corruption practices. Only that, because the appeal trial is done secretly and the judge only decides based on the summary of the previous trial in the State Court, the corruption pattern is not as complicated as it is in the State Court. Following are some of the corruption pattern in the High Court.

Negotiating The Verdict

In the trial in the High Court, the lawyer merely contacts the judge holding the case. Next, it comes directly to negotiation, regarding how long the sentence will be reduced.

Delay of an Execution

The implementation of the verdict can be delayed by paying an amount of money to the judiciary through the jockey case or the executioner. Not only just it is delayed. If there is a deal about the price, the verdict can be unrealized so that the defendant still remains free without a necessity to carry out the sentence in the prison (LP).

Execution (Prison)

⁹ Interview with ID, ex-prisoner, April 1st, 2001.

¹⁰ Interview with IBN *op cit.*; similar information can also be collected from interview with HRS, lecture and lawyer in Medan (August 25th, 2001).

¹¹ Interview with AFS, *op cit.* When interviewed, AFS admit to just previously present in the controversial trial in State Court in Medan that headed by The Head of Board of Judges Abdul Syarief, SH. But when asked by the journalists, the court refuses to admit the controversial trial.

Collecting money from the visitors

Inside the prison, from the observation done, there are actually “informal” collecting that looks like been standardized. For one time visit, the visitor that want to visit his or her relative in the prison is charged about Rp.10.000, 00 – Rp.50.000, 00. For the criminal himself, the prison guard often collects the money also, especially for them that have been found out of receiving an amount of money from his relatives. Not just the money, the food is also asked by the prison guard.

The Leave Money

Even though officially a prisoner loses his or her freedom, in the practice, with money freedom can be earned. The prisoner’s guard, not to be left behind by his associates in the previous trial, joins to trade his authority. It is why, as had been said by a well-known ex-prisoner, even though he was held in prison but still he can have children. Because with money, the prisoner claimed to be able to routinely go out to visiting his wife in their house¹².

Stuntman

If the negotiation from the inquiry process in the judiciary runs smoothly, the defendant will not only be absent from the trial. Moreover, his or her place in the prison can be replaced by other man or by the *stuntman*. Surely, the *stuntman* has changed his identity so that formally his identity is as the same as the defendant¹³.

Special Treatment

Who says living in the prison must be suffer? Tommy Suharto shows that prison is not identical with the suffering. His cell’s room has ceramics tiles, completed with air conditioner, a sofa and a meeting desk. A meeting desk? Yes, from inside the prison Tommy can still run his businesses. Even more for the persons next to Tommy, the visit time does not apply anymore. They can every time visit him without a complicated procedure. Surely without having to line up like the rest of the visitors¹⁴. By bribing the prison’s officers, any facilities can become available in the prison.

III. Patterns of Corruption in the Civil Court

Civil Court can be divided in two kind, they are *contentious (contentius jurisdictie)* and *volunteer (voluntaire jurisdictie)*. *Contentious* Jurisdiction is held to give the verdict for the rights that become a dispute. So, in the *Contentious* Jurisdiction there are at least two parties involved. As that for the *Volunteer* Jurisdiction, it is held to give a law ‘s assurance at one’s right. By that, in the *Volunteer* Jurisdiction, the duty of a judge is the administrative duty to give the decision for the inquirer¹⁵.

In this research, we found corruption both in the Contentious Jurisdiction and the Volunteer Jurisdiction. This kind of corruption practices is categorized into the following patterns:

¹² Interview with AM, ex-prisoner

¹³ See Liputan Investigasi Media Indonesia, 25 Januari 2001.

¹⁴ About story of extravagant facilities of Tommy in LP Cipinang see Tempo Edisi 25-31 Maret 2002 and Edisi 5-12 Mei 2002.

¹⁵ See Mertokusumo, Sudikno. “Hukum Acara Perdata Indonesia”. Liberty, Yogyakarta, 1988, page 4

Civil Contentious

Registering The Case

Extra Money for Registering the Case

To deal with a case is basically needs the parties involved to pay some money to the court¹⁶. This kind of cost includes the cost for stamping, clerk, cost for the invitation and the announcement to the parties involved. Besides the trial's cost, they also have to pay the cost for hiring the lawyer¹⁷.

But it is really different in practice. All the spies interviewed did not know exactly how much is the official cost that has to be paid. The clerk in charge only gave the details of all costs that have to be paid by the parties involved.

For an experienced lawyer, he usually trusted the administration arrangement directly to one clerk only. Without having to follow the complicated procedure, all of the administration business can be done in a short time.

Choosing A Favorable Judge

For the verdict imposed by the judge is really objective and able to give a protection toward the human rights, the board of judges is at least consisted of three judges¹⁸. And for deciding the composition of the board of judges is determined by an internal mechanism inside the State Court. The Chairman of the State Court has a wide authority to decide the composition of the board of judges. But the fact is, there are some lawyers that are able to choose which judge will handle his case. These lawyers just have to call the Chairman of The State Court or The Chairman of The High Court. By doing a trial under a familiar judge, the lawyer will have a guarantee that his or her client will win in the trial.

Besides through the Head of the Court, the election of the board of judges can be done through the help of a liaison. In this case, the liaison is usually the clerk or the employee of the court. The lawyer asks the clerk to be contacted with the Head of the State Court for negotiating to decide the board of judges that will handle his or her client's case.

The purpose of this form of corruption is for the case to be directed according to the will of the lawyer and the client. If the board of judges can be determined, the next process is only bargaining.

The Trial

"Thanksgiving Money" for the judge

On the first day of the civil case trial, if the parties involved have present, the judge will offer a reconciliation alternative as a starter. If this offering is agreed then the trial will be put to end immediately. If they disagree to reconcile, then the trial continues to have the verdict about which party is right.

Even if the trial cannot be continued because of agreement to reconcile, that is not meant that the matter is finished at once. In fact, the next problem await, which is how much money is for the judge. The reconciliation alternative offers by the judge is not a

¹⁶ See Section 4 verse (2), section 5 verse (2) Acts No. 14/1970, Section 121 verse 4, section 182, section 183 HIR, section 145 verse 4, section 192-194 Rbg.

¹⁷ See Mertokusumo, Sudikno. *op cit*, page. 14

¹⁸ See section 15 verse (1) Acts No. 14/1970

free of charge offer. For that reason, the judge will ask for some money to the parties involved as a sign of gratitude as the case finished.

If the reconciliation cannot be happened, then the case continues. On this stage there is a wide possibility of corruption. After the trial, the judge calls the parties to negotiate the case, usually done in the judge room.

For not inviting any suspicion, the negotiation usually takes place outside the court. It can be done in the hotel, restaurant, or even out of the country. Singapore is a favorite place for the negotiation between the judge and the lawyer if they want to negotiate outside the country. Surely the location depends on how big is the case. The bigger the case, the more expensive is the place for negotiation¹⁹.

For handling this kind of business, a big lawyer's office usually has a special division which task is to negotiate with the judge and other court officers. So, the judge will never have any direct contact with the lawyer. Moreover, there are several judges that would not wanted to meet the lawyer although willing to accept the money²⁰.

Reengineering of Evidences

Proving an event the existence of a law connection is a way to assure the judge about the truth of the axioms that becomes the basis for prosecution, or the axioms used to deny the truth of the axioms revealed by the opposition.²¹ Proving in a sense of jurisdiction is not more like giving an adequate basis to the judge inquiring the case concerned for giving an assurance about the truth of the event proposed. So, the judge primarily in the civil process must decide the event or the law connection and then treat or apply the law towards the event that has been determined before.²²

In deciding whether evidence is acceptable or unacceptable, the faith and independence of a judge is very big. Therefore one of the tricks used by the defendants or their lawyers is by making a deal that was made before the proving schedule. In this matter, the board of judges can accept or reject additional evidences depends on the party that has made the deal. Acceptable or unacceptable of the evidence also depends on the amount of money given by the parties.

The Refusal of An Accusation

If there is a deal between the accused and the judge, in the middle of the process the case can be sentenced to be NO (*niet ontvankelijk verklaard*) or refusal of an accusation, whereas the trial has gone to the discussion about the substances of the case.

Naturally, the NO verdict is the answer from the judge who decides that the trial does not have the right to judge the case proposed. By that means, the NO verdict must be imposed at the beginning of the trial, not in the middle of it²³.

Speed Up the Trial

To secure the independency of the judge, therefore the trial must be done in an open room. The trial is also free to be seen by the public because the judge's verdict will

¹⁹ Interview with TA, journalist in Jakarta, Mach 17th, 2001.

²⁰ *Ibid.*

²¹ See Retnowulan Sutantio, SH dan Iskandar Oeripkartawinata, SH., *Hukum Acara Perdata dalam teori dan praktek*, Mandar Maju, 1979, page. 59

²² See Sudikno Mertokusumo, *op cit*, page 106

²³ An interview made with MB, the party involved in Medan, August 28th, 2001.

in time be taken responsible to the public itself. But the practice happens in the State Court in Medan was different. The trial in the Civil Jurisdiction is often done in the judge's room²⁴. It is certain that only the parties, the lawyer, the clerk, and the judge attend the trial. The judge sometimes keep continuing the trial also even without the presence of one of the parties involved.

On this kind of situation, the judge always eliminates replik and duplik stages, whereas the replik and duplik are very important in a trial. In this event, the evidences and arguments will take turns to be revealed by the parties involved. How could possibly the judge sentenced the case fairly if not having a balance and weighted consideration through the replik/duplik?²⁵. As a result, the verdict imposed by the judge is no longer based on the law and the sense of justice. The verdict imposed by the judge based on the relation and money.

Verdict

Annoying the Evidence of One Party

An important thing in this trial is the examination of the evidences held by the parties involved. Formal evidences are very proposed in the settlement of the civil case, although other supporting evidences are still needed. Even so, the confidence of the judge is the one that will determine the end result of a case.

Unfortunately, the confidence of a judge often used as a reason to impose verdict controversially. It means that the verdict is merely based on the confidence of the judge, while legal evidences proposed were totally ignored. This often experienced by the lawyers. Although the evidences are empirically strong, but in the verdict they are not considered at all.

This kind of problem is the one that according to the lawyers indicates the presence of collusion in the settlement of the case. But on the other hand, it is uncertain that merely the judge who made it possible to happen, it could have been because of the contribution of the Clerk. Everything in the trial will be recorded through the clerk notes, starting from the run of the trial to the details revealed. Its role is very important because from the notes the judge will usually asks the matter of case he handles. For that reason, it is very dangerous for the clerk to write falsely or to have a pressure that will influence the verdict.

Selling and Buying The Verdict

All verdicts must cover reasons as the base for judging (The 23rd article of Rules (UU) No. 14/1970). The Reasons or arguments were meant as the judge's responsibility towards the society. For that reason, the judge's objectivity determines his verdict a lot. To be more able to be responsible for his verdict, then the support from the jurisprudence and science is very much needed.²⁶

But, from the research that has being done, not all verdicts were done based on jurisprudence, knowledge about the law or sense of justice. The verdict imposed by the judge is made as a corruption commodity. With compensation of some money, the judge will impose the verdict that benefits the money giver. Because of the importance of the verdict, the judge usually tries to contact the lawyer for preparing the money.

²⁴ An interview made with Irham Buana Nasution, The Director of LBH Medan, in July 9th, 2001.

²⁵ An interview made with BFS, a lawyer in Medan, July 13th, 2001.

²⁶ See Mertokusumo, Sudikno, *op cit*, page 13.

Just like in the civil trial, if the trial is cancelled repeatedly without any clear reason, it is the sign that the judge should be contacted.

More worse is if we meet a “two sides” judge. It means the judge who receives the money from both sides in dispute. So, the verdict imposed besides based on the law consideration, also determined by the amount of the bribery money. And this kind of judge not only exists in the State Court. In the High Court and The Supreme Court there are some similar type of judges.

As for the payment, usually it runs through the cash money. But due to the reformation, many press discuss about judge’s corruption practices, the transaction done carefully. Besides doing it out of town, the transaction is sometimes not in the form of cash money. Sometimes there happens to be a judge who receives a payment in the form of a house or a car with very cheap prices, far under the market price. Moreover, it can still be credited. Like a car of 300 million rupiahs only sold for about 100 million rupiahs. No wonder that many judges in Jakarta who own more than one houses, or have a house in the luxurious houses in Jakarta. And also not few of them who have luxurious cars although they still ride their state cars for the trial.

Another way used to pay the judge is by inviting the judge as the speaker in a law seminar. The seminar itself is usual. The wage is remarkable. There is a judge in Jakarta who received wage as a speaker of a seminar at about 300 million rupiahs!²⁷. As the mask, the seminar is usually held by a law firm or sometimes held by a Society’s Institution owed by the lawyer²⁸. Is not the gift of money as a speaker legal and correct?

Another technique to pay the judge is in the form of “charity” for the weeding of the judge’s children. In a case that worth billions of rupiahs, the lawyer can give about hundreds of millions of rupiahs to pay for the party. In the lawyer circle in Jakarta, it is also known some of the lawyers who stick to wage the judge. It means, the lawyers made relations with the judge by sending monthly payment. Sometime, when there is a case that he handled put into the trial, the judge paid by him will directly handle the case.

For the verdict imposed would not bring suspicion, some of the lawyers made close relations with the journalist circle. It is not the rookie journalist which journal is not clear, but journalists from the big public medias, either from the newspapers or the television. With the support of the broad media publication, the verdict from the judge who is actually corrupted will be legitimated publicly through the media’s coverage. Who would doubt the judge’s verdict if the mass media support the verdict? That is why, the media publication in the civil cases must be observed deeply. Is there any take sides to one side in the coverage? If so, it means that the journalist who wrote the news must be suspected. Like the example above, the media publication can be a legitimacy of the corruption practices done by the judge. Media publication can also shape the corrupt officers’ image into the contrary. Moreover the reward for the journalist is also not that small. Coming to the press conference that held by the lawyers mentioned above, could get the transport money up to 1 million rupiahs²⁹.

Seize Assurance

²⁷ An interview made with TA, *op. cit.*

²⁸ *Ibid.*

²⁹ *Ibid.* Similar information can also be obtained from IS, a staff of a law firm in Jakarta that is routinely give money to the journalists.

In a civil case, to avoid the case to be won by *ilusoir* (flawless victory), then the parties can ask for the Board of Judges to make a decision to seize assurance. This seize assurance is sometimes more predominantly than the case itself because the goods that will be seized are the core of the dispute. In the seize assurance, the competition among the parties dispute seems obvious. The opponent who insists to try hard fail to seize the bail. Surely the effort is meant to the judge as the verdict imposer. Then the judge would just have to wait for the initiatives of the parties involved to arrange and smoothen the seize bail. The indication of a corruption can be seen when a seize bail case is confirmed, but the next day, it was cancelled.

Appeal

Tip for the officer

Similar to the practices in the State Court, corruption influence almost all processes of trial in the State Court. But, because of the trial is done almost completely closed and involving only the judge and the parties involved, the corruption pattern is not as complex as it is in the State Court.

At the time of the proposing of the memorandum of appeal, if the lawyer did not give any tip to the courier in the State Court, the appeal memorandum will not be processed. According to the rules, if one party does not satisfy with the judge's verdict, in the time of 14 days after the verdict, he or she must propose for appeal. These bundles are called the memorandum of appeal. For the parties that live in the rural area, the deadline to propose of the memorandum of appeal is 30 days. The procedure is; the memorandum of appeal is given to the State Court, and then the officer of the State Court hands it on to the opponent. Then the opponent makes a contra memorandum. Both of the bundles, the memorandum and the contra then sent to the State Court to be processed immediately.

To the investigator, a lawyer in Jakarta said that for the memorandum to be processed immediately, the courier on duty must be given a tip. If not, like what he has experienced, until one and a half years the opponent was still not receive the memorandum of appeal³⁰. Because the lateness of the process in the State Court, now the lawyer who wants to have an appeal is straightly propose for a memorandum of appeal to the State Court. So, if there is any delay like one that mentioned above, the lawyer could directly handle it in the State Court.

In Yogyakarta, the extra cost for registering the case becomes an unofficial policy. For funding these non-budget activities, they find for non-budgeter funds through this unofficial collection. Such as activities by the Head of High Court Cup in Yogyakarta, that is the sport exhibition in the circle of courts in Yogyakarta, is taken from that extra fund³¹.

Choosing a Favorable Judge

In the High Court, the composition of the board of judges can also become the event of corruption. The lawyer wants his case to be handled by the judge he knows well, so that the negotiation process runs smoothly. For a new or unfamiliar judge, the lawyer must do some careful approach and it takes a long time. On the contrary, if the judge seems familiar and used to cooperate, the lawyer has known the "service" that the judge

³⁰ An interview made with IH, a lawyer in Jakarta, February 14th, 2001.

³¹ An interview made with SS, *op. cit.*

wanted already. For some lawyers who “pay” the judge monthly, the judge directly takes care of the case.

Selling and Buying Verdict

Similar to the first level of the trial practices, in the second level the verdict can be arranged as long as there is money. As for the amount of money surely depends on the case, the nearness between the judge-the lawyer and the negotiation. As for who offers the corruption patterns first can be seen from the case itself. If by the law the position is strong, the liaison will contact the lawyer. As for the contrary, if the position is weak, the lawyer initiates to contact the judge for the case to be won.

Execution

Service Money for the officer

The judge’s verdict that has some certain legal power can be implemented voluntarily by the one mentioned, that is the party defeated. If a case has been imposed and has a certain legal power, then the defeated party can voluntarily obey to the verdict.

But what often happens, the defeated party does not want to do the verdict voluntarily, so that it needs the help from the court to put the verdict into action forcefully. The winning party is given a chance to propose for a request for employing the verdict to the court. Then the court will employ the verdict forcefully. This is the opportunity for the Head of the State Court, the clerk and the seize officer to ‘play’ with the law processes.

The party that is seized employ a collusion with the seize officer whether alone or through the lawyer, then the seize officer will play the seize object or does some manipulation. He even can put some cancellation with any reason possible.

The clerk of the seize officer, before doing his duty to employ any execution call the seized party to initially get rid of some of his properties, usually moveable objects, so that the seized properties are reduced.

The clerk is deliberately postpones the employment of the seize execution so that the party that earn the right to seize give some reward asked by the clerk and the seize officer. The fact that there are no obligation that force the clerk and the seize officer to immediately employ the seize execution making the clerk and the seize officer having some slit to blackmail the parties involved.

“The Powerful Letter” from the judge

In the appeal level, the judge in the State Court announces a “Powerful Letter” the delaying of execution for the interest of the seized party, surely with the reward of some money. The execution is postponed or cancelled. Or it can be otherwise, employed with remake reasons.

In the case of Endin Wahyudin, the execution can even be postponed because the accused party claims back for the same case. So that the case object that should be executed based on the appeal verdict, the status is changed again to a status quo. As the perpetrator of the execution, the trial of the first level actually can break the appeal verdict.

Civil *Voluntair*

There are two kinds of civil *voluntair*, they are the settlement of the seize guarantee and the demand for right (*declaratoir*) like the demand for citizenship, guardianship, inheritance, absolution. As for the second volunteer trial is the settlement of the execution of the seize guarantee. Similar to the contentious civil trial, the corruption happens in every step of judicial procedure of the *voluntair* trial. Following is the list of corruption patterns in the *voluntair* trial.

Registration of a Case

Extra Money for the registration of a case

Just like the *contentious* trial, there is no transparency in the tariffs of the registration of the case. As the result, the party that will propose for the demand will be charged with some “extra money” outside the legal regulation. Without some money, the registration number cannot be issued. Just like what happens to IH above, a lawyer that refuses to pay extra money. As the result, until two weeks the registration number of the case cannot be issued. Then after given additional money, the next day the registration is issued.

The party proposes for demand to the clerk is charged with “for extra money” outside the legal regulation, if he does not want to pay for the demand, then it will be disregarded. For the demand for settlement of execution seize guarantee is usually charged with bigger “extra money” depends on the value of the property.

The Trial

Bribe Money

For the business to runs smoothly, the party asking for right demand gives some money to the judge so that he will not bother with all the considerations. As the result, the demand can be granted quickly, although there are still some conditions and circumstances that still not fulfilled by the applicant.

Same things are also happen in the demand for seizing settlement. Without any money for the judge and the clerk, the seize settlement will never be issued.

Employment of Settlement (Execution)

Cost for execution settlement

In the execution of settling the seize guarantee, the clerk will asks for some money to the applicant to pay “cost for execution settlement”. Like in the registration, if the extra money does not given, the clerk will not appoint the seize officer that will employ the execution. Another modus for corruption that is done by the clerk is by asking for some money from the seized party. The reward is the cancellation of seize or even more the fraudulence of movable properties belongs to the seized party so that escaped from the seize process.

IV. Corruption Patterns in the Commercial Court

Similar to the criminal and civil trial, the commercial trial is also consisted of many kinds of corruption in the judicial process. The corruption in the commercial is also involving almost entire actors in the judicial process. Moreover, because it involves billion rupiahs assets, the corruption in the circle of commercial trial is believed to be very large in amount. Following is the complete mapping of the patterns of corruption in the judicial process in the commercial trial.

Registration of a Case

Extra money for the registration of the case

The proposal for demand for statement of bankruptcy is done along with the payment of the cost for registering the case, which is in an amount of 5 million rupiahs.³² But, in practice, there is a rather big additional cost outside the official cost. Besides the 5 million rupiahs cost, the applicant is still burdened with cost for stamping and authorization.

Without some “service” money to the officer, do not expect that the case bundles will be processed according to the regulation. Although the Act No. 4 in 1998 is clearly state that within 1x24 hours the case bundles must be given to the Head of the State Court after all administration conditions are fulfilled.

Choosing a favorable judge

There are no clear regulations in the appointment of the board of judges that will inspect the demand for bankruptcy. The appointment for the judge is entirely in the hands of the Head of the Commercial Court. That is why, just like in the civil cases, the appointment of the board of judges becomes the field for corruption practices in the Commercial Court.

Unfortunately, in the Commercial Court there are no expertise qualifications in particular fields, whereas actually, the sophisticated economic field is very complex and it needs particular specialization. Moreover, the time allocated for the trial is very limited, which is in a maximum of thirty days. That is why the selection of composition of the board of judges is very strategic³³.

In the circle of the lawyers it is known a term of a *favorable* judges, which is a group of judges that is believed to be able to “smoothen” the case process. The one that is included in the group of that favorable judges first of all is the judge that can be asked to negotiate, secondly the judges that are truly understand the subject of the Act of Bankruptcy and expert in the field of economy and banking.

The Trial for Inspecting the Demand

In this stage, the board of judges rechecks the bundles of demand for bankruptcy. If in the registration the officer inspects for the administrative completion, then in the trial the judge inspects for the substances of the demand for the bankruptcy proposed. It

³²As the law basis for the settlement of the cost of the bankruptcy case is the Settlement Letter of The Head of The State/Commercial Court of Central Jakarta No.:W7.DC.HT.08.01/VIII/1998/01.

³³Besides trying to appoint a having good relation judges, sometimes there is a lawyer arranging for the judge that understands fully about the bankruptcy matters handles the case. The recruitment for judges in the commercial court that only give short courses makes not all of the judges in the commercial court has an adequate knowledge about the bankruptcy and the matters of common economics.

means whether it is true that there is a due-date debt and whether there any at least of two creditors.

The inspection trial for the request of statement of bankruptcy is held in the time at least twenty to twenty five days since the date of the request for trial.³⁴ Seven days before the first trial is held, the clerk must have sent the letter to the parties involved.³⁵ If it is still feel necessary to ensure whether the parties involved have received the invitations, the judge can cancel the trial schedule one more time.

On the first trial, the requesting party is obligated to presenting physically or giving any physical evidences that there are two or more creditors. Besides that the requesting party is also asked to show some facts to the board of judges that the debtor cannot afford to pay at least one of his debts. And for the corruption patterns appear in the trial will be explained as follows.

Evidences Fraudulence

The indication for corruption can be seen if the creditor cannot present the evidences as a condition to propose request for bankruptcy for many times but never annoyed by the board of judges. Or on the other hand, there is a creditor that 99% of his proving is right but his request is cancelled by the board of judges.

With an offer of money, evidences that are actually complete always said to be inadequate. Or on the contrary from the side of the creditor, even though the evidences are inadequate the trial keeps going on to grant the request for bankruptcy.

Request for Cancellation of Obligation to Pay The Debt (PKPU)

Cancellation of Obligation to Pay the Debt is aimed to keep a debtor not to, because of one condition, as for troubling in getting additional fresh fund, is sentenced to be bankruptcy. Whereas, if the debtor gets a new credit flow and debt scheduling that has due dated, there is a high hope that he can pay his debts.³⁶

So how are the patterns of corruption in the PKPU? Following will be discussed some patterns of corruptions in the trial of requesting for PKPU.

Fictitious creditor

The PKPU process can open a slit for the fictitious debtors. So outside the list of creditors there is suddenly come in some new creditors, such as the creditors which office is not in this country and is hard to trace. As for there is only a letter stating the debtor has debts to the creditor. By that statement, if the debtor is stated as bankrupt, the share for the real creditor will cut down. Moreover, the fictitious creditor is commonly placed as a major creditor.

Besides for saving the assets, the pattern of fictitious creditor can also be used to decide the PKPU. As a major creditor, the fictitious creditor will get a majority vote in the voting for the settlement plan proposed by the creditor. By the agreement from the “creditors”, the plan will be ratified by the judge by disregarding the indication that the settlement is done with dishonest ways.

³⁴Section 4 verse (5) and (6) Acts of Bankruptcy

³⁵Section 6 verse (2) Acts of Bankruptcy

³⁶See Fred B..G Tumbuan, *Ciri-ciri Utama Penundaan Kewajiban Pembayaran Utang sebagaimana dimaksud dalam Perpu*, paper in the “Seminar tentang Perpu No.1/1998 tentang Perubahan atas UU Kepailitan”, Jakarta April 29th, 1998, page.2.

Fabrication of creditor meeting report

Other pattern happens inside the PKPU is the manipulation that is done by the supervising judge. As a representative of the board of judges to observe the negotiation between the creditors and the debtors, the supervising judge can manipulate the meeting by saying that the creditors have agreed with the settlement plan. But in fact the negotiation itself cannot even able to verify in inputting the evidences of debt so that it cannot make any voting.

Actually the explanation from the supervising judge can be seen from the report of the meeting of creditors. But when one of the creditor asks for the report, the clerk does not willing to give it unless there has been an agreement from the supervising judge. This is actually not regulated in the Acts of Bankruptcy so that the supervising judge's act in fabricating the facts cannot be asked for the responsibility. The debtor to collude with the supervising judge plus the member of the executives then uses this gap totally.

Promoting Associates to Become The Members of the Executives

The determination of the members of the executives can be pleaded both by the creditor or the debtor because there is no clear mechanism to arrange this thing. If the Head of the Court grants the request of the parties to choose their own executives, it is certain that there will be another corruption practices. Just like "evaporating" the debtor assets so that the creditor will only get empty assets.

Verdict

In the Acts of Bankruptcy section 6 verse 6th it is said that after the verdict on the request for statement of bankruptcy has been imposed, the board of judges appoints the supervising judge and the curator to manage the broke properties. Then, within 2x24 hours the clerk send the complete copies of the verdict to the debtor, the party that proposes for the request for bankruptcy, and the curator and the supervising judge. And, like the previous stages, there are some corruption practices as follows.

Favor money for taking the bundles of verdict

Just like the civil and criminal trial, there is none free in the court. And so for getting the bundles of verdict that should be the right of the parties involved, in fact the clerk must be given some extra money for the business to runs smoothly.

Promoting associates to become the Supervising Judge

The promotion of the Supervising Judge cannot be discharged from the circle of the court mobsters. The Supervising Judge is usually the "associate" of the board of judges. This is meant to smoothen the case gaming.

Promoting associate to become the Curator

The appointment to become a curator also cannot always be based on the creditor proposal as the requester of the bankruptcy. So, it can be said that the appointment of the curator is more to be the policy of the Head of the Commercial Trial. This opens the possibility to the happening of the collusion between the Head of the Commercial Trial with the curator mentioned above.

After the bankruptcy verdict is imposed, the administration of the broke properties is the authority of the official judge and the curator. All of the curator's action before the bankruptcy verdict is *inkracht*, such as transferring the broke properties, guaranteeing the broke properties or continuing the debtor's effort before the verification can be done as agreed by the supervising judge. By that reason, the possibility of the happenings of corruption between the supervising judge, the curator and the debtor is extremely big after the bankruptcy verdict is imposed.

Still Operating Although Sentenced to be Bankrupt

The consequences of the verdict of bankruptcy is the lost of debtor's right to take over and to manage his properties that include in the bankruptcy's list. The bankruptcy verdict also resulting in that the debtor does not have any rights at all upon the assets that are meant to pay for the debt to the creditor.

But, what Bank Niaga, Bank Danamon and BPPN that are the creditors of PT Asap Abadi Coconut Oil Company (PT AA) and PT Hasil Karsa Perdana have experienced is contrary to the fact with what has been determined by the Acts of Bankruptcy. When the Commercial Trial has imposed a bankrupt verdict for the coconut oil producing company, PT AA is still operating and the Director of PT AA is still signing contracts.

V. Corruption Patterns in the Supreme Court

It has been many times that the practices of corruption in the Supreme Court have been discovered. From some of the cases revealed, actually not only the Supreme Judge that is involved. There are some more actors that involved in the verdict "trading" in the Supreme Court. Following is described some patterns of corruption in the Supreme Court. The sources, besides from the mass media releases, are also from the confessions of the informers who are willing to be interviewed. Indeed the corruption patterns described do not give any time limitations, whereas the Supreme Court has changed many times. But, the corruption patterns in the Supreme Court can give a description about how is the corruption keeps running in the Supreme Court.

Bribery

The collusion practices between the judge and the parties involved are seemingly have become a habit in our judicative society, including in the Supreme Court. These bribery cases are done to the parties involved in the cases and their lawyers. Often happens, when the parties involved refuse to give bribery money, they will be defeated, though the evidences are strong, unless of course in the cases that have become the public attentions.

The bribery to a judge happens when the lawyer whose case is being investigated is actively contacting the Supreme Judge. The lawyer mentioned will seduce the Supreme Judge with some money in order to win his case.

Blackmailing

Corruption pattern commonly happens in the Supreme Court is the blackmailing toward the parties involved. In the case of blackmailing, the Supreme Judge is in cooperation with the assistant or the judicial judge. Next the judicial judge will contact the parties involved in the case. The offer proposed is not only the winning but also the

speeding up of the case. As we know, the packs of cases in the Supreme Court have reached about tens thousands cases. If the cases are not urgent, not involving the fate of many people or not having large public attention, the consecutive cases must line up for the trial. But with the compensation of some money, the case will directly enter the freeway.

Arrangement of favorable board of judges

Similar to the first level and second level trial, the board of judges' composition is very determining. If the case falls to a familiar and have previously cooperate judge, the process of winning the case will run smoothly. On the contrary, if it falls to the hands of the new Supreme Judge or unfortunately, if it falls to the hands of the honest judge, it will be difficult to arrange the verdict.

One of the ways that is rather unique in arranging the board of judges is by not completing the bundles of the case. Because it is not completed, the bundles of case will hold on in the directorate. The inquiry of the case is done on the base of the consecutive number and each of the boards of judges has been put on every specific consecutive number. But, through the cooperation with the directorate division in the Supreme Court, the case bundle is arranged to fall to the hands of the *favorable* judge.

Jockeying Case

Not only that the ticket selling in the train or the bus station involving the jockey. Even to get the sense of justice, the justice seeker must face with jockey. Including in the highest law institution, The Supreme Court. Only that in the Supreme Court the jockey that wandering around are not some amateur jockeys. They are the close relatives to the Supreme Judge and the high officials of the Supreme Court. As a jockey, they are not without any resources. The case jockeys in the Supreme Court are also lawyers. In this kind of case jockeying, the judge together with the jockey or the lawyer, blackmail the parties involved in the case.

In the beginning, the parties involved in the case will be offered to use the help of a particular lawyer or jockey that has a special relationship with the Supreme Judge. They are usually related as brothers or son of the Supreme Judge. The father or the Supreme Judge that is the brother will try to lobby the judge that will handle the case. As the result, the Supreme Judge that handles the case will fell *averse* if making a decision that defeats the son of his colleague.

The Ambiguity of a case

The first modus in the matter of the ambiguity of the case is done by the assistant of the Supreme Judge who makes the *resume* that has some particular agreements with the parties involving in the case. By the assistant of the Supreme Judge, the *resume* will be made to benefit one party so that when the appeal verdict imposed, that party will win.

The second modus, the ambiguity of the case is done by disappearing the data by the clerk of the bundles of case. The senior clerk is usually done this action. So for the game to runs smoothly the clerk cooperate with the judge that will examine the case listed.

The lack of data often undetectable by the Supreme Judge because the Supreme Judge must work to finish thousand of packs of cases in the Supreme Court. Because the

numerous amount of cases, every month a judge is targeted with finishing 60 cases or approximately 2 cases every day. With so much of the heavy burden, how could possibly the judge check carefully and cautiously every summary made by his or her assistant?

“Powerful Letter”

Powerful letter is usually issued to cancel or stop the execution of a case. The letter is made after a negotiation held between the judge and the opposing party of the party proposing the case. The issuance of the powerful letter by the Head of The Supreme Court had ever happen in several cases such as cancellation toward the verdict to PT PLN and cancellation of the verdict to Henoch Hebe Ohee.

The issuance of the powerful letter in the case of PT. PLN happened when in the dispute between PT. PLN with PT. Enico National Development (Enico). On the month of December 1998, The Head of The Supreme Court asked the Head of The High Court of DKI Jakarta to cancel the execution of the verdict of reevaluation (PK) that granted the charging of PT Enico against PT. PLN, with the charge of about 2,1 billion dollars.

Sarwata issued a powerful letter as an answer for the letter of The Minister of Mining and Energy Kuntoro Mangkusubroto. The release of the powerful letter was also involving the General Secretary of the Supreme Court at that time that met The Director of Finance of PT PLN before the release of the powerful letter.

The funny thing is, in the year of 2001 PLN were turn to be troubled by the similar powerful letter. This time the writer is the Vice Head of The A Supreme Court, M. Taufiq, SH. When the case of opposing charge (*derden verzet*) done by the PLN was still in the process of appeal, Taufiq released a powerful letter stating that the PLN is one of the parties involved in the case. Based on that powerful letter, the money in the PLN's bank account was executed at once by the State Court of the Central Jakarta for Enico³⁷.

Verdict Deception

If the intention from the beginning is to perform corruption, then every possible ways can be used, including by deceiving the verdict for the purpose of the party giving the money. In 1991 the verdict deception in the Supreme Court was ever revealed in the case of Tony Guritman. Unfortunately, in the year of 2000 the same thing in the Supreme Court revealed again. This time was in the case of Rudy Hendrawijaya.

The verdict cannot be executed

Strange but true, the verdict of appeal can never be executed. But this strangeness was really ever happened. And behind this strangeness, it was certain the existence of the corruption practices inside. Weakening the verdict is one of the corruption patterns that not only involving the Supreme Judge in the Supreme Court, but also the judge in the State Court.

If a case wins in the appeal level, the State Court will hold the execution. But, if the lobby in the State Court and Supreme Court level defeated from the opposing party, the execution can be hindered by a charge in a similar case. This kind of pattern was also happened in the case of Endin. The appeal verdict that won Endin could not be executed because his opponent, Soenanto Soemali proposed recharge in the same case, with the same object too.

³⁷ See Hitam Putih, “Hakim Agama Membobol PLN”, Jakarta, 2001.

VI. Conclusion

From the data collected, actually the corruption in the judicature exists in all courts being investigated. The judicature court also involves all actors in the judicature system: the judge, the prosecutor, the police, the lawyer and the clerk, and also the case jockey. Because the judicative institutions is centralistic in nature, where all authorities and powers are in the hands of the Supreme Court, it can be concluded that the judicature's corruption is exist in the entire trials in Indonesia.

Because corruption happens widespread in the court, the public then names it as the judicature mobsters. The mobster word is originally from the name of the crime organization Mafia from the Sicily, Italy. Different from its original meaning, the trial mobster is appoints to the conspiring in the trial to win one particular party with the compensation of money.

The widespread of the corruption in the trial can be seen in the Table 1 – Table 7. In all the locations examined, the trial corruption happens with various modus in every step of the judicial procedure, although the modus can be varied, but the patterns of the corruption are the same. So, it can be said that the corruption has become a part of the judicial institution itself.

After years of practices of corruption are permitted to happen, the judicial corruption is finally become systematical. In the beginning, the corruption in the trial like revealed in the beginning of the 80s, is only involving on or two officers of the court that are from the beginning intend to do corruption. But, the absence of effective surveillance has made the corruption in the court spread and systematic. Because without surveillance, the corruption is an activity of *high gain, low risk*. It means that the benefits received are enormous while the risks are low.

The trial mobsters are called systemic because they seem to become the part of the judicial system itself. The mobsters practices are seemingly become a usual, common and natural habit in the judicial society. Case jockeys in front of the court, for instance, are safely operating in front of the faces of the judges and the clerks, and also the cops. From about 300 informants that become the sources of these research data, all of them admit the occurrence of corruption in the court. The ones who do not agree were only official sources, which are statements from the police, the prosecutor, the clerk and the judges who are still active.

The court mobsters are also not without any resistance. To defend the corrupt regime in the judicative institution, various ways are presented. Including with the political effort. That is why the court mobsters are not merely the corruption done to prosper itself. There are some political corruption sides in the court mobsters.

Just like said by Paul Heywood, the political corruption happens in the public room³⁸. The political corruption is the misuse of the authority held by the public officials through the legal law instruments attached to it for the importance of himself or his own group. Heywood approach that perceives political corruption from the side of the public opinion can be seen in the verdict *judicial review* of The Supreme Court to dismiss the TGTPK. Judicial review is the form of the political corruption practices. In the *judicial review* that has become a controversy, we can see how power and authority are misused

³⁸ Heywood, Paul. "Political Corruption: Problem and Perspectives". Political Studies, Vol. 45 No. 3, Special Issue, 1997.

to the importance of particular groups, which is the importance to protect the corruption practices that for all this time is done by the judge corps.

In a wider scale, the political corruption in the top of the judicial authority is presented to protect the practice of *freelance* corruption, which is the corruption done by the judicial officials in various stages for the private importance. By so, the request for extra money in the registration of the case is not separated from the blackmailing done by the judge. The clerk is dare to do the blackmailing or even the jockey is dare to wandering around in the court because the judge is involved in the corruption party, although with a different pattern and modus.

The corruption in a court works in a network. In the time of the New Order, the court became a part of the perfect corruption network centered at the president himself. The court has become one of the instruments that functions as giving the law legitimacy to the corrupt regime and punished the oppositions. The fall of Soeharto from his throne has broken the main corruption network. Though the main network has collapsed, the corruption networks in the court are still working properly. It can be seen in the enormous corruption cases in the court that revealed in the Post New Order time. Even the sophisticated corruption in the court involves the judicative elites, which are the Supreme Judges in the Supreme Court.

Just like said by William J. Chambliss, the corruption network could provide the “low-class” actors to cover up the main actors³⁹. This phenomenon can be seen in the case of Endin Wahyudin and Fauzatulo Zendrato. Fauzatulo that was accused to organize the practice of trading verdicts in the Supreme Court was finally sentenced in the first level trial by one year in prison.

If both cases are compared, Fauzatulo can be assumed as “low-class” that sacrificed to maintain the firmness of the network. He was assumed to be the amateur because his position was only as yustisial judge or a non-hammer judge in the Supreme Court. Besides that, the main actor in the case of Fauzatulo, which are the Supreme Judge in the Garuda Team and Dadali Team were never touched.

On the contrary, in the case of Endin Wahyudin, all of the three Supreme Judges that received bribery were included as the main part of the corruption network. Marnis Kahar and Supraptini Sutarto were two active Supreme Judges, whereas Yahya Harahap, although has retired, was known as one of the thinkers in the Supreme Court. Some of his books have become textbooks for the law students. If Yahya Harahap and two Supreme Judge had been sentenced to be guilty as charged, the pride toward Supreme Court would have been collapsed. On the contrary, by putting the verdict of guilty to Fauzatulo, the judges’ circle wanted to show to the public that even the Supreme Court is serious with the work against corruption. The form of its seriousness is by sentencing one of its employee, which is Fauzatulo.

Solution?

The roots to the problem of the court mobsters are the lacking of surveillance and maintenance of the law. It is not because of the low salary. If the cause of the growing of the court mobsters was the low salary, then the actors could only be minor employees

³⁹ Chambliss, William J. “Vice, Corruption, Bureaucracy and Power”. In Chambliss (ed.) “Sociological Reading in Conflict Perspective”. Adison-Wesley.1973.

with low salaries. Because they are only low-class employees, the corruption will only be “small” like the money for photocopy, smoothing the case registration, and more. The fact is actually not like that. Some of the Supreme Judges in the Supreme Court, whose salaries are absolutely not small in amount, involved in the practices of the court mobsters. The corruptions are also “big”.

So, is there still any hope to recover the situation? The answer is depended on the *political will* of the ruler. The surveillance can only be done if the government is really serious to eliminate the corruption, collusion and nepotism. This means that the government must dare to surrender its friends that involved in the corruption to the trial. This *political will* that is for so long not (yet) we see.

Compare with the judicative reformation done in the Mexico. Under the government of Ernesto Zedillo, in the year of 1994 was held a *fit and proper test* for all of the Supreme Judges (40 persons). The result, only 15% was perceived to be feasible to carry on the duty.

What the government of Mexico did was a good example, because to begin to abolish the court mobsters must be started from the center of it, which is the Supreme Court. What the government is doing now, for example in the case of Manulife, the judges examined are only the judges in the commercial trial, whereas in the court mobsters, the judge in the State Court is only the “low-class” actor. It should be, that if the Minister of Justice and Human Rights dare to take actions, the entire Supreme Judges in the Supreme Court have to be examined person to person. If the Supreme Court is clean, the judges in the State Court and High Court will never dare to perform any corruption. So, it is the people’s duty to request that the government is taking a serious action to abolish the corruption.

Table 1. Corruption Patterns in The Police Department

No	Steps	Pattern	Modus	Actors	Location					
					Jkt	Sby	Mdn	Mks	Smd	Ykt
1	Investigation	Asking for Reward	Happens to the victim of the act of criminal like loosing a car. The police would ask for money for operation cost.	Police Suspect	√		√			√
			If the missing vehicle has been insured, the police would ask for reward to make the missing letter. The police would count how much money to get, than the police would ask for a "share".	Police	√				√	
		Releasing the suspect	The raid by the police found out so that the suspect could escape.	Police	√	√		√	√	√
			The suspect is freed, but the report to the commander is that the suspect managed to escape.	Police Suspect		√				
			The suspect is released at night before the shift. Because many policemen do not know, the negotiation process is a lot easier.	Police Suspect	√					
		Embezzlement of a case	It is very easily seen in the traffic case. With a bribe, the case will never be sent to the court.	Police Suspect	√	√	√	√	√	√
			There is a popular term, that is "86" for the case that will never be processed by the police. For that reason, the suspect must give some money	Police Suspect	√		√	√	√	√
			In a case of murder, if there is a reconciliation between the actor and the victim, the case is considered to be done.	Police Suspect Criminals (Youth Organization)			√	√	√	√
			When seizing a gamble, the police releases the legal gamble dealer and process the fake gamble dealer.	Police Suspect Criminals (Youth Organization)			√		√	
		2	Inquiry	Negotiating the case	In the making of the Inquiry Notes (BAP), the inquirer offer what act that will be put on the suspect with reward of money.	Police Suspect Lawyer	√	√	√	√
Evidence manipulation, such as blade changed into screwdriver.	Police Lawyer Suspect				√	√	√	√	√	√
Blackmailing	The police will treat the suspect rudely. But after the suspect gives some money, the treatment changes.			Police	√	√	√		√	√
	If the suspect is not cooperative with the police, he will be put in the jail along with aggressive prisoners.			Police	√		√			

Explanation:

- Jkt = Jakarta
- Sby = Surabaya
- Mdn = Medan
- Mks = Makasar
- Smd = Samarinda
- Ykt = Yogyakarta

Table 2. Corruption Patterns in The Prosecutors

No	Steps	Pattern	Modus	Actors	Location					
					Jkt	Sby	Mdn	Mks	Smd	Ykt
1	Inquiry	Blackmailing by the	Lengthen the inquiry process. The inquiry that should have been gone for one or two hours, is lengthen to be several hours.	Prosecutor	√			√		√
			The Prosecutor will call for the suspect to be through the "invitation letter" because it is not mentioning his status as the witness of the suspect. In the meeting, the prosecutor will threaten that the status will change to be the suspect.	Prosecutor	√					
			If the position is strong according to the law, the prosecutor can find for other mistakes, like tax fraudulence, to blackmail the suspect.	Prosecutor	√			√		
			When receiving the case from the police, the prosecutor asks whether the suspect has enough money. If so, then the prosecutor will blackmail the suspect in any way possible.	Prosecutor Police	√			√		√
		Status negotiation	The status of a suspect can turn into a witness.	Prosecutor Police	√		√			√
			The status of prisoner is one weapon used by the prosecutor to blackmail the suspect. Whether you want to be imprisoned in home, in a town or in a prison, it can be arranged.	Prosecutor	√					
		Releasing of a suspect	With the reason of not enough evidences, the prosecutor will stop the investigation by releasing a cancellation letter (SP3).	Prosecutor Lawyer	√			√		√
			Making an unclear prosecution (<i>obscur libel</i>) so that the suspect can be free. By that reason, the suspect will be released through a legal trial.	Prosecutor Lawyer	√			√		√
		fraudulence of a case	The prosecutor offers directly to the suspect: the red or the yellow folder. The red one means that the case will be processed, while the yellow one is the opposite. The suspect will be released.	Prosecutor Suspect Lawyer	√					
			The returning of the bundles to the police department to be completed. The process of handling over the bundles of the case and the returning process can go for many times until finally the case "disappeared".	Prosecutor Police	√		√	√		√
			The releasing of the suspect can also be done through the "stuntman". The suspect pays for someone to replace himself or herself after being equipped with the suspect identity. This modus often happens in the case of drugs.	Prosecutor Police Jockey	√					

No	Steps	Pattern	Modus	Actors	Location					
					Jkt	Sby	Mdn	Mks	Smd	Ykt
		Case negotiation	the prosecutor lengthen the time of investigation, especially if the suspect does not intend to give some money to the prosecutor.	Prosecutor Lawyer Suspect	√			√		
			The negotiation of a case can also be done through a jockey that usually is a member of the prosecutor's family. Besides jockey, the lawyer associates to the judiciary can also arrange the negotiation of a case.	Prosecutor Jockey Lawyer	√					√
2	Making of prosecution	Reducing the prosecution	The prosecutor will offer the suspect what act that will be placed on him or her. If he or she wants a light prosecution, the suspect must hand some money to the prosecutor.	Prosecutor Lawyer Suspect	√	√	√	√	√	√
			The Inquiry Notes (BAP) is disclosed by the prosecutor so that at the time the interrogation is being took place, the suspect and the lawyer have prepare for the scenario.	Prosecutor Lawyer Suspect	√			√		
			The remarks about the suspect and the evidences are changed in order to reduce the time limit of the sentence. Such as taking a 15 kilograms of marijuana is replaced by 15 grams of marijuana.	Prosecutor Lawyer Suspect			√			√

Table 3. Corruption Patterns in the Criminal Court

No	Steps	Pattern	Modus	Actors	Location					
					Jkt	Sby	Mdn	Mks	Smd	Ykt
1	Trial	Deciding the <i>favorable board of judges</i>	The "wet" case will be handled by the Head of the State Court as the head of the board of judges.	Head of the State Court	√	√				
			The suspect's lawyer asks for the clerk to contact some particular judges that can be asked to cooperate.	Judge Clerk Lawyer	√	√	√	√	√	√
			The lawyer directly visits the Head of the State Court to decide the board of judges. .	Head of the State Court Lawyer						√
2	Verdict	Negotiation of Verdict	The verdict can be arranged through the prosecutor or directly to the judge. If through the prosecutor, then it is included. The prosecutor will arrange for everything, beginning from the prosecution up to the verdict.	Judge Prosecutor Clerk Lawyer Defendant	√					
			The judge asks for the money to the defendant through his courier with rewards of reducing sentences. The courier can be a clerk or a jockey.	Judge Clerk/Jockey Defendant Lawyer	√					√
			The judge postpone the verdict as a sign for the defendant to contact the judge.	Judge Clerk Lawyer Defendant	√	√	√	√	√	√
			The counterfeit of the whole trial process in the "marathon trial". All elements have been prepared: the witness, the evidences, the judge's question and the defendant's answer.	Judge Clerk Prosecutor Lawyer	√					
			The judge asks for "additional money" in the case where the defendant's position is legally very strong.	Judge Lawyer	√	√				
			The defendant doesn't have to present in the verdict reading because all things are being taken care of by the lawyer.	Judge Clerk Prosecutor Lawyer			√			
			The verdict imposed by the judge is against the Acts. For instance the minimum punishment for a drug dealer is four years, but the judge only sentence him to six months.	Judge Prosecutor Lawyer			√			
3	Appeal	Verdict's Negotiation	The defendant directly contacts the judge in the High Court to ask for reducing of sentences.	Judge Defendant Lawyer	√	√	√	√	√	√

Table 4. Corruption Patterns in The Prison

No	Steps	Pattern	Modus	Actors	Location						
					Jkt	Sby	Mdn	Mks	Smd	Ykt	
1	Execution	Delaying of Execution	The suspect contact the prosecutor to delay the execution	Lawyer Defendant Prosecutor	√						
			Execution delay is also done through the letter made by the doctor.	Prosecutor doctor Lawyer	√						
		Collecting for the prisoner's visitors	To visit the prisoner, the visitors must give some money to the prisoner's officer.	Prison Officer Prisoner	√						√
		Vacation Money	The prisoner can be released from the jail if he gives some money to the officer. But this way can only be done if the prisoner has a good relation and able to convince the officer that he will not escape.	Prison Officer Prisoner	√						√

Table 5. Corruption Pattern in the Contentious Civil Trial

No	Steps	Pattern	Modus	Actors	Location					
					Jkt	Sby	Mdn	Mks	Smd	Ykt
1.	Registering a case	Reward money for the clerk	The clerk asks for additional money more than the amount in the regulation. If we don't give him the money, the case registration will be slowed down.	Clerk	√	√	√	√	√	√
		Choosing a favorable judge	A lawyer that already has a good relationship just have to call the head of the State Court to choose a certain judge.	Lawyer Head of The State Court	√		√	√		√
			The lawyer can also decide the composition of the board of judges through the help of a liaison, usually the clerk.	Lawyer Clerk Head of State Court	√			√		
2.	Trial	"Gratitude money" for the judge	In the first day of the trial the judge will offer the settlement money. If agreed, the trial will directly ended and the judge asks for the reward.	Judge	√					
		The fabrication of evidences	The lawyer of the parties call the judge before the confirmation event. The purpose is for the judge to accept of refuse the evidences that are proposed by the parties involved.	Judge Lawyer				√		
			The judge through a liaison asks the parties involved to meet him before the confirmation event. If the negotiation runs well, the confirmation event will very much determine the end result of the trial.	Judge Lawyer	√					
		Accelerate the trial	The trial keeps going on even though one of the parties does not present.	Judge Lawyer		√	√	√		√
			The event for reply/objection to reply is eliminated	Judge Lawyer			√	√		
			The trial is not presented openly and in the court room, but in the judge's room.	Judge Lawyer			√	√		√
		Refusal of prosecution	The board of judges decide to refuse the prosecution of NO (<i>Niet Ontvankelijk Verklaar</i>) in the middle of the trial.	Judge Lawyer			√			
3.	Verdict	Selling and buying	The judge asks to be contacted for the case negotiation. But if the law position is strong, the judge is the one that will make a contact.	Judge Lawyer	√		√	√		√
			There is a judge that "choosing no sides". The verdict is imposed based on the money sent by the parties involved.	Judge Lawyer	√			√		

No	Stages	Pattern	Modus	Actors	Location					
					Jkt	Sby	Mdn	Mks	Smd	Ykt
3.	Appeal	Tip for the officers	The courier in the State Court must be given some additional money by the lawyer. Without a tip, the courier will not send an appeal memorandum so that the appeal process will be delayed.	State Court Employee	√					
			Similar to the State Court, the clerk in the High Court also asks for "service money" for the matters in the High Court runs smoothly. If not, the case administration will be lingered.	Clerk of the High Court	√		√			√
		Choosing a favorable judge	In the High Court, the board of judges' composition can also be determined by the parties involved.	Lawyer Judge	√		√			
		Selling and buying v	The appeal verdict can also be "bought" depends on the deal between the judge and the parties involved.	Judge Lawyer	√	√	√			√
4.	Execution	"Service money" for the officers	The clerk and the seize officer that are assigned to ask for the service money for doing the seizure. Without it, the seizure will be delayed.	Clerk Seize officer	√		√			
			The clerk and the seize officer also call for the seized party to ask for the service money. As a return, some things can be moved first before the seizure.	Clerk Seize officer Seized party	√					
		"Powerful letter"	The parties involved can ask for the judge in the High Court to issue a powerful letter. The contents can be delaying or stopping the execution.	Judge Lawyer	√					

Table 6. Corruption Patterns of The *Volunteer* Civil Trial

No	Steps	Pattern	Modus	Actors	Location					
					Jkt	Sby	Mdn	Mks	Smd	Ykt
1.	The registration a case	Extra money for registration	The clerk asks for payment more than the official tariffs regulated for registering the case	Clerk	√	√	√	√	√	√
			For the request of seize assurance, the extra money that has to be put by the requester is enormous. It depends on the amount of the value of the seize assurance.	Judge Clerk	√				√	
2.	Trial	Bribery money	The parties propose for settlement give some money to the judge so that the trial runs smoothly and the judge will not question all considerations and evidences.	Judge The parties	√					
3.	Execution	Cost for execution settlement	The clerk will ask for execution cost to the requester. If the requester does not want to, the clerk will not appoint a seize officer and the execution will be lingered.	Clerk Seize	√					
			The seize officer asks for money from the seized party. The return in the form of cancellation of execution or the fraudulence of the properties that are going to be executed.	Seize	√					

Table 7. Corruption Patterns in the Commercial Court

No	Steps	Patterns	Actors
1	Requesting for bankruptcy	Asking for service money Lobbying the Head of State Court so that able to choose board of judges	Layer Creditor Head of the State Court Judge Clerk Associates of the creditors that close with the Head of The State Court
2	Requesting for cancellation of obligation for debts payment	Fabrication of creditor's meeting report Appointment of the executives associated with the debtors Debtor presents fictitious creditor	Supervising judge Lawyer Debtor
3	Examination trial	Fabrication of evidences The judge lengthen the examination process (opening the open tender)	Judge Lawyer Creditor/Debtor
4	Verdict	Lobbying the board of judges	Judge Lawyer Creditor/debtor
5	Appointment of curator	Appointment of curator that is associate of the judge	The supervising judge Curator The Debtor's Lawyer
6	Appeal	Lobbying the judge	Judge Lawyer Creditor/Debtor
7	Reexamination	Lobbying the judge	Judge Lawyer Creditor/Debtor