

ABSTRACT

The title dissertation discusses and analyzes legal issues related to conditional conviction as punishment in corruption court. They are: the philosophy of conditional conviction and corruption as criminal act, the characteristics of conditional conviction in punishment system, and *ratio decidendi* of conditional conviction verdict in corruption crime punishment.

The dissertation applies normative law research. It utilizes several approaches, namely statute approach, conceptual approach, case approach. This research concludes that: 1) the implementation of conditional conviction is a universal, and based on theoretical frameworks originating from socio-cultural values of the nation (i.e. Pancasila and 1945 Constitution); 2) Conditional conviction is a punishment system in the criminal law. The intention of criminal law is not only to punish or make its violators sorrow. It also attempts to educate, develop, and prevent people from carrying out criminal act; 3) the consideration of a judge in imposing conditional conviction verdict does not violate the constitution. A judge has a maximum penalty and minimum penalty policy, as well as judges have freedom of criminal policy.

The implementation of conditional conviction as corruption crime punishment has been in accordance with the objectives of punishment according to integrative punishment theory. Therefore the provisions of regulations, especially law concerning corruption crime should reformulate the provisions concerning the procedures of punishment implementation. Prison sentence (deprivation of liberty) is a universal problem and has been the main concern of United Nation as proposed in UN Congress concerning “Criminal Prevention and Inmate Development” in 1970, 1975, and 1980. Furthermore, the third UN Congress held in Stockholm 1965 has been focused on discussing probation for adults and non-constitutional acts. Therefore, we must carefully find out and formulate the alternatives for liberty deprivation punishment (prison) namely by optimizing the function of conditional conviction institution in criminal verdicts, including in corruption crime. Policies concerning punishment system for corruption crime require some improvements in the future. The improvements need to be considered in order to formulate more comprehensive.

Keywords: Conditional conviction, Punishment, Corruption Crime