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Challenges to the Application of the Role of Judges in Mediation of Recovering State Financial Losses in Indonesia

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Abstract

This study discusses the challenges of applying the role of judges in mediating the recovery of state financial losses. The purpose of this study is to analyze the challenges of implementing the role of judges in mediating the recovery of state financial losses. This study is qualitative in form by taking data sourced from laws and regulations and interviews with competent sources in the field of handling corruption in Indonesia. The results of the study found that the challenge to the legal substance of implementing judge mediation in recovering state financial losses is the existence of regulations governing the recovery of state financial losses that do not abolish crime; The structural challenges are closely related to the integrity of judges in handling corruption crimes; as well as cultural challenges in the form of formulating a culture of good court governance and supporting the role of judges in mediating the recovery of state financial losses.

Keywords: Corruption Crime, The Role of Judges, Mediation, State financial losses

Introduction

One of the challenges in carrying out mediation for recovering state financial losses by judges is the existence of statutory provisions in article 4 of Law no. 31 of 1999 which was revised by Law no. 20 of 2021 concerning the Eradication of Corruption Crimes, namely "Returning state financial losses or the country's economy does not eliminate the punishment of perpetrators of criminal acts of corruption."

According to Mohammad Askin (2020), article 4 of the Corruption Crime Law should be seen as one unit with the 2 previous articles, namely related to articles 2 and 3 which discuss types of criminal acts of corruption that can harm the country's finances and economy. So that in the practice of examining corruption cases, the return of state financial losses does not prevent judges from imposing prison sentences.

Furthermore, Mohammad Askin (2020) states that even though it has been clearly stated that returning state financial losses cannot abolish the crime of misusing state finances, there are several judges in the corruption court giving free sentences to perpetrators of corruption who have returned financial losses. abused state (Agung Prabowo, 2022).

The judge's view that giving free decisions to the perpetrators of corruption is based on the interpretation of the essence of the existence of Article 4 of the Law on the Eradication of Corruption Crimes as the basis for enforcing the law of criminal acts of corruption detrimental to state finances is to emphasize that when state financial losses have been returned then there is the return of the financial loss causes a criminal act which causes the state loss to no longer exist. (Lonto Tulung, 2018)

This follows from the deletion of the word can in Article 2 and Article 3 of Law no. 31 of 1999 concerning the Eradication of Corruption Crimes after being tested at the Constitutional Court. The decision of the Constitutional Court simultaneously shifted the position of corruption from a formal offense to a material offense. This means that there is no offense if there is no loss to state finances.

This was also confirmed by Eddy Oemar Hiarej (2022) who stated that the decision of the Constitutional Court No. 25/PUU-XIV/2016 it can be understood that the element of loss to state finances is no longer constructed as an estimate or potential loss but losses to state finances must be understood as a result of actual loss. This means that in order to say that a criminal act of corruption has occurred, it must be proven that there has been a loss of state finances as a condition for the element of state financial losses (Eddy Oemar Hiarej, 2022).

Regarding the state financial losses that were returned, a different view was expressed by Romli Atmasasmita that the return of state financial losses by perpetrators of corruption does not necessarily erase claims of criminal offenses against corruption. However, it can be a consideration for judges in mitigating the main criminal sentence (Romli Atmasasmita, 2022).

This view is also supported by Muzakkir, a legal expert at Gajah Mada University who also stated that state financial losses can be seen in the context of the time the state financial losses are returned. It was further stated that the recovery of state financial losses can be seen in 2 approaches. The first approach is to administrative law which considers the loss of state finances as maladministration so that the return of state financial losses can be classified as not an act of corruption. The second approach is the criminal law approach, which starts when an investigation into the occurrence of a criminal act of corruption has been carried out marked by the issuance of a letter starting the investigation. If state financial losses are returned at that time, then the return of state financial losses can only be considered as mitigating punishment but cannot abolish punishment (Muzakkir, 2022).

The same view was also expressed by Mahrus Ali who argued that the essence of the arrangement in article 4 of Law no. 31 of 1999 on the Eradication of Corruption Crimes shows that even though the perpetrators of criminal acts of corruption have returned the state's financial losses, in essence, the state has suffered losses from an economic and social perspective so that the perpetrators of criminal acts of corruption have reasons to be punished even though they have returned state financial losses . Whereas saving state

finances is the main orientation, but criminal responsibility with the main criminal punishment must be maintained so that it creates a deterrent effect for perpetrators and the wider community (Mahrus Ali, 2022).

Methods

This research is included in qualitative research in the form of sociological legal research. Sociological legal research is a type of research that collects data and information from facts that occur in legal practice in the field. This research focuses more on observing and analyzing legal behavior and practices in society, court processes, the behavior of legal actors, and the impact of legal policies that have been enacted. Data analysis uses content analysis by going through the process of evaluating, examining, and understanding the contents analyze be it in the form of writing, images, videos, or other formats.

Results and Discussion

The Urgency of Restorative Justice Is Included in the Revision of the Corruption Crime Law

The discourse on restorative justice has been running, and has even begun to be applied to the investigative process at the police institution based on the Chief of Police Circular Letter No. 8 of 2018 concerning the Implementation of Restorative Justice in Settlement of Criminal Cases. As for the level of prosecution, the Prosecutor's Office has also carried out restorative justice applications based on the Prosecutor's Regulation of the Republic of Indonesia No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. At the examination level at the Judiciary Institution based on the Decree of the Director General of the General Judiciary Agency No. 1691/DJU/SK/PS.00/12/2020 concerning Enforcement of Guidelines for Implementing Restorative Justice.

The application of restorative justice is in line with the concept of returning state financial losses as the main crime, after seeing the practice of punishment that is carried out only in a repressive manner. Repressive efforts in the form of prosecution are not a deterrent effect for public officials and other members of the public not to commit criminal acts of corruption (Achmad Yani and Ismail, 2021) it is proven that the corruption perception index for the Indonesian state has also decreased, which means that acts of corruption are increasing (ICW, 2023).

Reflecting on the fact that repressive efforts have not suppressed the increasingly high levels of corruption, preventive efforts can be thought of as a way out in optimizing the recovery of state financial losses. In an analysis of legal economics, Romli Atmasasmita (2018) emphasizes the need to consider state financing in the implementation of the law enforcement process with the amount of returns on state financial losses for the law enforcement process carried out. The amount of financing compared to returning state losses in every corruption case handled by law enforcement officials has proven that repressive laws have failed to fulfill the ideals of certainty, justice and the benefit of law for all Indonesian people (Romli Atmasasmita 2018).

In current developments, the eradication of corruption as mandated in the UNCAC is focused on three main things, namely the pattern of prevention, the pattern of prosecution and the pattern of returning assets resulting from corruption (asset recovery). This means that the pattern of eradicating corruption lies not only in efforts to prevent or prosecute perpetrators of corruption, but also includes actions that can restore state financial losses using an administrative law approach. This was emphasized by Mohammad Askin that by using the perspective of state financial law, the occurrence of misappropriation of state

finances can follow the mandate in Law 30 of 2014 concerning government administration by returning state financial losses, prior to being examined by law enforcement officials (Mohammad Askin, 2018).

Efforts to recover stolen state assets (stolen asset recovery) through corruption tend not to be easy to do. The perpetrators of corruption have sophistication in disguising and hiding assets of corruption. Within this framework, it is necessary to amend the Corruption Crime Law to provide a legal umbrella for preventive efforts in optimizing the recovery of state financial losses.

To support changes to the law on corruption, it is necessary to approach the theory of "Economic Analysis of Law" by Richard Posner. In solving corruption crimes, Richard Posner's theoretical approach can make several important contributions. This theory combines economic principles with legal analysis to understand and address legal issues. In the context of solving corruption crimes, the legal economic approach can assist in deterrence analysis.

Deterrence analysis means using legal economic theory to see the deterrent effect of punishment on individual behavior (Susila Adiyangta et al, 2021). In corruption cases, the application of strict and effective penalties can provide a strong signal to potential corruptors that their actions will result in serious consequences (Eyisi & Uduma, 2018). This can influence the actors' rational decision-making to reduce opportunities for corruption.

In addition, a legal economics approach can help identify and analyze economic incentives that encourage corruption (Happy Febrina et al, 2016). By understanding the economic factors that influence corruption tendencies, efforts to prevent and deal with criminal acts of corruption can be focused on changing the underlying incentives. Anies Baswedan revealed that the cause of corrupt behavior because salaries do not match needs can be prevented by changing the payroll structure (CNN News, 2021).

Equally important, legal economic theory can also help consider efficiency in enforcing corruption laws. This involves assessing the effective allocation of resources in investigations, prosecutions and sentencing. Within this framework, economic principles such as cost of error and opportunity cost can be applied to ensure that limited resources are used optimally.

Likewise with regard to restitution and compensation for losses caused by corruption. One of the important aspects in the settlement of criminal acts of corruption is the recovery of losses caused by corruption (Anindita Priscilia, 2021). Legal economic theory can provide guidance on how to calculate economic losses caused by criminal acts of corruption and return assets that have been stolen or misused through restitution and compensation mechanisms.

It is important to note that the application of legal economic theory in solving corruption crimes should not be considered as the only relevant approach. Corruption also involves ethical, political and social aspects that need to be considered widely. However, by paying attention to the principles of the legal economy, a more comprehensive framework can be created to fight corruption and promote transparency, accountability and efficiency in the legal system (Romli Atmasasmita, 2018).

By focusing on economic efficiency, legal economic theory supports the implementation of economic efficiency. In this context, restorative justice can also contribute by promoting more efficient conflict resolution than the courts. By avoiding the costs and time associated with trials, restorative justice can achieve adequate results in a more economically efficient manner (Maidina Rahmawati et al, 2022).

Political Support in Supporting the Role of Judges to Optimize State Financial Losses Recovery

In the context of government political support, it is interesting to note the article entitled Analyzing Constitutions which is summarized in the Oxford handbook of political institutions, Peter M. Shane (2006) which mentions the results of a study in the United States that a meta-analysis of more than eighty papers has found a strong relationship between judicial decisions and judicial political attitudes to legal matters and the court system. "One meta-analysis of over eighty papers has found a robust association between judicial decisions and judicial political attitudes across legal issues and court systems".

Furthermore, Peter M. Shane (2006) stated that currently there is a growing view of the notion of new institutionalism in the world of justice, especially on the mental attitude of judges who decide a case not only based on the judge's individual preferences alone but also on the institution where the judge takes shelter in it and Court institutional relations with other institutions. the “new institutionalism,” an evort to show how the attitudes of legal actors, especially judges, are shaped not only by individual preference, but also by the institutions through which these actors operate and the relationships of those institutions to others.

New institutionalism is a theoretical framework that seeks to explain how the attitudes and behavior of legal actors, especially judges, are influenced by the institutions in which they operate and the reciprocal relationships between these institutions.

Traditional legal analysis has often focused on the individual preferences and values of legal actors, with the assumption that their decisions are primarily driven by personal ideology or legal reasoning. However, new institutionalism challenges this perspective by emphasizing the role of institutions in shaping judicial attitudes and behavior (Sofie Arjon, 2013).

According to the new institutionalism, legal actors are not isolated individuals who make decisions in a vacuum (Adriaan Bedner et al, 2012). Rather, they are part of a wider institutional framework that includes courts, legal organizations, administrative agencies and other actors. These institutions provide a set of rules, norms, and procedures that influence the judge's decision-making process. Reflecting on the judicial trial in the shooting case of Brigadier Joshua which gave the death penalty to the main actor in the murder emphasizes the practice of new institutionalism in the judiciary which shows that the attitudes and behavior of judges in making decisions are also influenced by other actors (public opinion).

Strengthening the Integrity of Judges to Give Public Trust in Carrying out the Role of Mediating Corruption Crimes

The challenge in carrying out the mediation role of judges in corruption cases is related to the integrity of judges. The integrity of judges is important in ensuring public trust in the role of judges. The integrity of the judges was tested again after the Corruption Eradication Commission carried out a hand-catching operation on the supreme justices (Achmad Hanif Imaduddin, 2022). Supreme Court Judge Sudrajat Dimyati was named a suspect along with 9 other people, further emphasizing that the judicial mafia was no longer so obscure (Syakirun Ni'am, 2022).

In an atmosphere of low integrity of the Supreme Court judges who have experienced hand-catching operations, this has affected the public's views and trust in the judiciary (Kumparan News, 2022), including the ability of judges to carry out the role of mediating judges in corruption crimes. The role of judges in mediating acts of corruption carried out by

means of a mechanism for settling corruption cases through negotiations between the state as the aggrieved victim and the perpetrators of corruption is a tough challenge for judges.

Within the framework of obtaining judges with high integrity, the selection process for judges must be carried out competently, with integrity and independently. The judge selection process must be transparent, involve various related parties, and not be influenced by political or external interests. The series of judge selection processes must consider the qualifications and competence of the candidate for the representative of the god. The selected judge must have adequate qualifications and competence in the field of law. Judges must have in-depth knowledge of law and judicial processes as well as the ability to apply the law fairly and consistently (Rizqa Ananda, 2019).

In fact, according to Suparman Marzuki (2018), who revealed that throughout the 2005-2018 period the KPK had carried out red-handed operations on 19 judges, stating that the judges selected should have high integrity and uphold professional ethical standards. Judges must be free from conflicts of interest and be able to carry out their duties independently, without external influences affecting legal decisions. The integrity of judges can be seen in the experience and track record of judges. Extensive legal practice experience can be a good indicator to evaluate the quality of a judge. The judge's track record in previous cases can give an idea of their ability to make sound and fair decisions.

Culture of Court Governance to Support the Mediation Role of Judges

The formulation of court governance is important in supporting the mediating role of judges in corruption crimes. In the context of criminal acts of corruption, mediation by judges can provide several advantages. According to Romli Atmasasmita (2018), mediation can save valuable time and resources in the criminal justice system which is often burdened by a high number of cases. By using mediation, corruption cases can be resolved more efficiently so that judges can focus on cases that require settlement through trial.

To support the mediation role of judges in corruption cases, the formulation of court governance is a must. One of them is related to the independence of judges. Judges must maintain the independence of judges in the mediation process. Judges involved in mediation must be free from pressure or interference from other parties and have the freedom to make fair and objective decisions.

According to Otto Hasibuan (2018), to support the implementation of the judge's mediation role, it is necessary to pay attention to the qualifications of the mediator judge. Judges involved in mediation need to have special qualifications and training as mediators. Mediating judges must understand the mediation process and have the necessary skills to facilitate negotiations between disputing parties.

In addition, the mediation role of judges needs to be carried out according to the principle of transparency. The mediation process must be carried out with adequate openness and transparency. Even though mediation is carried out outside the court, it is important to maintain integrity and uphold the principles of justice.

In mediating corruption cases, it is important for judges to ensure that the rights of victims of corruption are protected and the public interest is safeguarded. Mediation must not sacrifice the principles of justice or result in an agreement that is detrimental to society as a whole. Romli Atmasasmita (2022) states that returns on state financial losses need to be regulated so that the return on state losses also recovers community losses from financial misappropriation which causes damage to community facilities.

Interpretation of Various Articles of Recovering State Financial Losses Does Not Eliminate Crime

The Corruption Law is 22 years old since it was revised in 2001. The repressive pattern of dealing with corruption has failed to optimize returns for state financial losses. The pattern of repressive handling includes law enforcement and courts against perpetrators of corruption with the aim of providing a deterrent effect. It is important to enforce the law and provide sanctions to perpetrators of corruption, but there is a strong reason that this approach may not always be successful in returning state financial losses optimally, namely difficulties in gathering evidence (Arifin Deddy Chandra, 2018).

In some cases of corruption, gathering sufficient evidence to prove corruption and prosecuting perpetrators with the resulting financial losses can be very difficult (Lilik Mulyadi, 2016). Corruptors often have access to resources and power that allow them to destroy traces or destroy evidence linking them to acts of corruption. Without sufficient evidence, a court may not be able to order a full refund.

In addition, limited resources in law enforcement are a challenge. The criminal justice system often faces limited resources, including the number of judges, prosecutors and law enforcement officers (Joko Sriwidodo, 2020). This can lead to delays in the judicial process and difficulties in resolving corruption cases quickly and effectively. During this period, corruptors can hide or transfer their assets, making it difficult to recover state losses.

Not to mention, corrupt behavior is systemic and involves many parties. Corruption often involves a wide network of individuals and institutions. The perpetrators of corruption may have political connections, influence, or protection that allows them to remain protected or even continue to commit acts of corruption (Jawade Hafidz, 2013). In some cases, repressive handling is hampered by systemic corruption involving law enforcement agencies or law enforcement officials themselves (Indriyanto Seno Adji, 2009).

Overcoming this failure, it is necessary to adopt a holistic and diverse approach in handling corruption. Consideration of punishment by focusing on recovering state financial losses can use a legal economic perspective through the paradigm of restorative justice (Rida Ista Sitepu et al, 2019).

In the perspective of legal economic theory with the paradigm of restorative justice, it emphasizes recovery and restoration as the main goal. Restorative justice seeks to restore relationships damaged by crime, restore balance and harmony in the community. This is similar to the legal economic approach which seeks to recover economic losses and return the affected party to the position before the loss occurred.

In legal economic theory and the concept of restorative justice, it can encourage active participation of individuals in the legal process so that it becomes more humane (Agus Widjojo, 2021). In the concept of restorative justice, the parties involved in conflict or crime, including perpetrators, victims and communities, are encouraged to participate in the process of reconciliation and recovery. This is in line with the principles of participation emphasized in legal economic theory, which argues that individuals who are actively involved in the legal system tend to be more satisfied with the results.

Restorative justice is an approach to law enforcement that aims to restore relationships damaged by criminal acts, by involving perpetrators, victims and the community in the settlement process (Henny Saida, 2018). This approach emphasizes reconciliation, recovery, and further prevention rather than punishment alone.

Regarding the urgency of putting restorative justice into the concept of the Corruption Crime Law, there are several arguments that can be given, namely that corruption often

results in great losses for the state and society. By incorporating the principles of restorative justice in the Corruption Crime Act, the state can be more involved in the settlement process and obtain more effective recovery of state financial losses (Murpraptono Adhi, 2018).

Nonetheless, the application of restorative justice in corruption laws must be based on policy and careful consideration (Humprey Djemat, 2023). There needs to be clear provisions and mechanisms in law that allow for the use of a restorative approach in certain cases. In addition, it should also be remembered that restorative justice should not be used as an excuse to reduce the sanctions that should be given to corruptors who are responsible for their actions.

Restorative justice can be an effective tool to prevent future acts of corruption. By involving corruptors in the reconciliation and recovery process, they can realize the negative impact of their actions and are expected not to repeat their actions. Corruption undermines public trust in state institutions and the legal system. Through restorative justice, society can see that law enforcement is not only focused on punishment, but also on repairing losses and restoring damaged relationships.

The Role of Judicial Institutions in Supporting State Financial Losses Optimization Policies

Based on the concept of new institutionalism, the overall attitudes and behavior of judges are influenced by interactions and relationships with other institutions, including government institutions. This interaction can influence their decision-making by shaping their perspective and understanding of legal issues, including in providing support for the implementation of policies on the role of judges in mediating the recovery of state financial losses.

Political support in the implementation of the judge's role policy can be seen in the upholding of the independence of judges to maintain the integrity of the judiciary. The government can ensure that a strong legal framework is in place to hold individuals and government bureaucratic entities accountable for misappropriation of state finances (Beni Kurnia et al, 2017).

By supporting judges in their role as impartial justice mediators, the government can strengthen the legal framework and create an environment conducive to recovering state financial losses. Judges play an important role in ensuring fair and transparent decisions on financial disputes. By upholding the rule of law, interpreting and applying laws impartially, and providing impartial decisions, judges can help resolve disputes related to financial losses fairly. This increases confidence in the justice system and encourages individuals and entities to seek legal action to recover state financial losses.

In addition, government support for the independence of the judiciary is needed in optimizing the recovery of state financial losses. Judges must be free from external pressure, political interference and undue influence. Governments can show their commitment to judicial independence by safeguarding the tenure of judges, ensuring their security, and respecting the decision-making autonomy of judges (Susi Dwi Harijanti, 2018). This fosters trust in the judiciary and encourages individuals and entities to seek legal recourse to recover state financial losses, knowing that their cases will be handled fairly and independently.

Within the framework of efficient and timely dispute resolution, the Government can support judges by providing adequate resources, such as court infrastructure, personnel, and technology, to ensure efficient and timely resolution of financial disputes (Kholis, 2014). Delays in the legal process can hinder the recovery of state financial losses, because it prolongs the uncertainty and economic impact of these losses. By investing in the judiciary

and promoting judicial efficiency, governments can help expedite the resolution of financial cases in facilitating the process of recovering state financial losses.

Political support for the judiciary can send a strong message that financial wrongdoing will not be tolerated. When judges are empowered to render impartial decisions and provide a deterrent effect, potential wrongdoers will be less likely to engage in fraudulent activities that can cause state financial losses. The government's commitment to supporting judges and maintaining the integrity of the judiciary serves as a preventive measure, preventing financial fraud and optimizing state financial recovery.

In summary, government political support in supporting the role of judges contributes to optimal recovery of state financial losses by ensuring a strong legal framework, promoting fair trials, maintaining judicial independence, facilitating efficient dispute resolution, and preventing financial abuse. The government's political support includes accelerating the deliberation of the asset confiscation law which has yet to receive the attention of the legislature (Dian Erika Nugraheny, 2023). The law is expected to become the basis for law enforcement officials in taking assets from the results of misappropriation of state finances.

The Need to Strengthen the Institutional Structure of the Judicial Commission as an Oversight Body for the Judge's Code of Ethics

Strengthening the institutional structure in the supervision of judges is important in maintaining the integrity, independence and accountability of judges in carrying out their duties. In a well-functioning justice system, strong judge supervisory institutions are a necessary prerequisite to ensure that decisions taken by judges are fair, objective, and in accordance with the law (Harifin Tumpa, 2016).

Within the framework of preventing abuse of power, in a strong justice system, no individual or group is above the law. With a strong institutional structure, judges can be closely monitored and supervised to prevent abuse of power, corruption or unethical actions. Close oversight will help maintain public confidence in the fairness and integrity of the justice system.

The Judicial Commission can ensure the independence of judges so that judges can work freely and are not bound to the interests of any party (Binziad Kadafi, 2022). This is to maintain the quality of decisions made by judges based on objective assessments, in-depth legal analysis, and the principles of justice.

With effective supervision, judges can obtain constructive feedback and suggestions from competent supervisory institutions (Kusnu Goesnaedhi, 2007). Oversight by the Judicial Commission can assist in improving the quality of legal decisions made within the framework of realizing an independent and accountable judiciary.

It is this oversight function that is the background to the birth of the Judicial Commission with a view that an independent judicial power cannot be left without control or oversight. Independence or independence must be accompanied by accountability so as not to cause abuse of power or judicial tyranny (Muhammad Rusli, 2009).

In line with the view of Baqir Manan (2002) which states that the main functions of the judiciary can be divided into two major groups, namely judicial functions and non-judicial functions. For non-judicial functions, the form of court accountability is the same as that commonly known in the executive and legislative branches. It is further stated by Baqir Manan (2009) that the implementation of accountability is standard in nature such as the obligation to take an oath before taking office, the right to appeal against judge's decisions as well as

monitoring and dismissal mechanisms show that judges have a pattern of "direct accountability" for their actions and decisions to the public.

Judges are required to carry out judicial processes in open trials and all documents resulting from this process must be accessible to the public (Budi Rizki, 2020). In addition, each decision must have adequate arguments. When carrying out these functions, it is inevitable to process corrections to decisions or the attitude of judges inside and outside the courtroom. The attitude of judges in examining, adjudicating and deciding a case by many groups groups them into activities related to judicial techniques. Apart from these problems, his grouping concerns the behavior of judges

At present, strengthening the institutional structure in supervising judges is a concern after the arrest of supreme justices by the Corruption Eradication Commission which was deemed to have failed in preventing corruption by law enforcement officials (Fathiyah Wardah, 2022). Even a member of the judicial commission stated that the supervision of judges was not enough to dampen violations of the judge's code of ethics (Judicial News Commission, 2022). Even though the Judicial Commission is a stronghold for enforcing judge ethics to maintain the integrity, independence and accountability of judges, which has contributed to the creation of a justice system that is fair, transparent and can be trusted by the community (Binziad Kadafi, 2022).

Reporting of Wealth as a Judge's Obligation

Wealth Reporting is an important step in the framework of realizing transparency, accountability, and preventing corruption in the public sector (Budi Herlambang et al, 2013). By reporting assets, judges are expected to maintain integrity and avoid conflicts of interest in carrying out public duties.

Judges as state administrators in carrying out public duties interact with various parties. For this reason, the reporting of assets is an obligation for judges who are expected to help create a fair and healthy working climate. By knowing the assets owned by judges before and after taking office, it can be seen whether there has been an abnormal increase in their wealth. If there are significant differences, this could be an indication of corruption or abuse of power.

Reporting of assets also plays a role in preventing conflicts of interest. By knowing the judge's assets, whether owned by himself or by his close family, it can be monitored for the possibility of non-objective interventions or decisions in the position of judge (Dahlan Sinaga, 2015). This is very important so that judges can carry out their duties independently and responsibly.

Reporting of judges' assets is usually done routinely every year or at the beginning and end of the term of office. judges are required to report all assets they own, including property, vehicles, investments, and debts owned (Dian Rachmawati et al, 2015).

Thus, reporting assets as an obligation for judges is an important step in strengthening integrity and preventing acts of corruption in handling corrupt crimes in the public sector. By carrying out this obligation seriously, judges can become role models for the community in building a clean, transparent and accountable government (Mangisi Simanjuntak, 2016).

In practice, the reporting of judges' assets as part of state administrators has not been fully complied with. The Corruption Eradication Commission has announced the compliance data of state officials who have submitted State Officials Wealth Reports. Based on data, the number of state administrators was 372,783 people and those who submitted them were only around 81 percent, namely only 302,433 people (Mirza Bagaskara et al, 2023).

With regard to the reporting of state administrators' assets which have never reached 100 percent (Prayogi Dwi Sulistyo, 2021) emphasized that the compliance of state administrators in reporting assets is still low. This data at the same time justifies Gabriela's analysis (2023) which states that at present, the reporting of assets of state administrators is not yet effective enough in preventing criminal acts of corruption because reporting of assets has not been fully complied with by state administrators.

Electronic Information Technology-Based Judicial Services

Judicial function services based on Electronic Information Technology (ITE) can play an important role in efforts to minimize the occurrence of criminal acts of corruption. Hatta Ali (2018) states that the use of information technology in the process of handling cases has been carried out since the early 1980s and has been continuously developed to support the implementation of judicial functions. It was further stated that with the Supreme Court Regulation No. 3 of 2018 concerning the electronic administration of cases in court is a milestone in the use of information technology in supporting the case examination process.

Judicial services are more transparent with the use of information technology. With the existence of an electronic platform, data and information regarding case examining judges can be accessed openly by the public. This can minimize opportunities for manipulation and corruption, in the long run according to Hatta Ali (2018) it will create judicial integrity just like in other developed countries.

Electronic information technology-based judicial services, or what is often referred to as e-justice or e-court, refers to the use of information and communication technology in the judicial process to increase the efficiency, accessibility, transparency, and accountability of the justice system (Gabriela et al, 2023). This involves the use of various electronic tools, software and online platforms to facilitate various aspects of the performance of judicial functions.

In Supreme Court Regulation No. 3 of 2018, judicial services based on electronic information and technology, namely the electronic filing system. Electronic filing as supporting data for conventional filing using physical documents (Jenniver Paska Siboro et al, 2022). This allows case documents to be stored in a digital format that can be accessed electronically, reduces paper usage, speeds up data search, and allows easier access for judges, lawyers and parties involved.

In addition, justice seekers can also file cases online. This service allows parties involved in the judicial process, such as plaintiffs or defendants, to submit requests or documents online through an electronic platform. This reduces the need for physical visits to court, saves time, and increases accessibility for the community (Asep Nursobah, 2019).

Furthermore, in the Supreme Court Regulation No. 1 of 2019 concerning the administration of cases and trials in electronic courts confirms the procedure for holding virtual trials, which are carried out using video conferencing technology or online platforms to hold virtual hearings. This allows the participation of the parties involved from different locations without having to gather in a physical courtroom (Arief Hidayat, 2020). Virtual hearings can also speed up the judicial process by reducing delays caused by busy schedules.

The most important judicial service is access to public information. All relevant legal and case information is electronically accessible to the general public via a dedicated website or portal. This strengthens transparency and enables the public to monitor case developments, access court decisions, and better understand the judicial process.

In practice, electronic information technology-based judicial services can help minimize the occurrence of criminal acts of corruption. Information technology-based judicial services have the potential to increase the efficiency of the justice system, reduce administrative costs, and improve public accessibility. However, the implementation of this judicial service must still be improved due to the inadequate availability of supporting equipment for the implementation of judicial function services (Simson Seran, 2022).

Conclusion and Perspective

After the discussion, it can be concluded that the challenge of applying the role of judges in mediating the recovery of state financial losses reinforces Lawrence M. Friedmann's analysis regarding law as a system in law enforcement. Whereas judges in carrying out their role as law enforcement officers cannot be separated from challenges in the form of legal substance, legal structure and existing legal culture.

Legal substance is closely related to statutory policies relating to criminal acts of corruption which can support the role of judges in mediating the recovery of state financial losses. The existence of various interpretations regarding the article on recovering state financial losses which does not eliminate crime is the main challenge in carrying out mediation for recovering state financial losses for this corruption crime. To answer these challenges, the findings of this study also emphasize the importance of the concept of restorative justice being included in the revision of the anti-corruption law by considering legal economic analysis. In addition, in order for the implementation of the revision to be carried out, political support is needed to support the role of judges in optimizing the recovery of state financial losses.

In the aspect of the legal structure, strengthening the integrity of judges to give public confidence in carrying out the role of mediating criminal acts of corruption is the main thing, judges are not allowed to have blemishes that can cause a loss of public trust. So the results of the study in this aspect of legal structure are the need to strengthen the institutional structure of the Judicial Commission as a supervisor of the performance and code of ethics of judges and the active involvement of the community in supervising the integrity of judges.

In the perspective of legal culture, the findings of the study that become one of the challenges for the mediating role of judges in recovering state financial losses is court governance. The challenges of court governance as found in this study are closely related to two matters, namely compliance with the reporting of judges' assets as state administrators and budget support for judicial services based on electronic information technology.

Due to the existence of obstacles in all aspects of substance, structure and legal culture, these obstacles are challenges that must be resolved so that the mediation role of judges in corruption crimes can be an effective way to optimize the recovery of state financial losses.

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