

MEANS OF CLASS ACTION LAWSUIT AS AN ALTERNATIVE AND SOLUTION FOR RECOVERING STATE AND COMMUNITY FINANCIAL LOSSES IN CORRUPTION DIRECT CASH ASSISTANCE VILLAGE FUNDS

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Abstract: The purpose of this study was to analyze the means of class action lawsuits that can be used as an alternative to recovering state losses and community losses as direct victims of Village Fund Direct Cash Assistance budget corruption. This type of research is normative legal research, namely looking at law from the point of view of norms which of course is prescriptive, using an analytical descriptive approach, namely describing the position of law as it is now. The legal materials used are primary legal materials, secondary legal materials, and tertiary legal materials obtained through library research, so that deeper analysis and understanding can be carried out so that there is a strengthening of the legal basis to produce good legal analysis. The collected legal materials were then analyzed using qualitative analysis techniques. The results of the study show that the use of class action lawsuits can be used as an alternative to recover state losses and community losses due to acts of corruption in the Village Direct Cash Assistance budget. Class action facilities are far more effective and efficient in efforts to eradicate corruption which do not burden the state budget, compared to enforcing criminal law through the criminal justice system (police, prosecutors, courts, and correctional institutions). In addition, the implementation of the execution of the return of compensation through class action facilities is more accommodative and equivalent because the legal interests of the injured stakeholder, in this case, the State and the people of the Direct Cash Assistance (Bantuan Langsung Tunai/BLT) Fund Beneficiary Group, can both be restored.

Keywords: class action, lawsuits, corruption

I. INTRODUCTION

Corruption is an interesting issue to discuss because its impact is very dangerous and has complex and multi-dimensional consequences and can threaten the survival of a country, including affecting aspects of economic, political, defense and security, socio-cultural and even religious life. As an extraordinary crime, various efforts have been made to anticipate massive corruption practices in various countries, including through several approaches ranging from improving regulations or legal materials through legislation, legal structures, and the legal culture of society.¹ However, these efforts have not been effective and have produced significant results to prevent massive corruption practices.

Since the era of bureaucratic reform, the war against corruption has continued. Starting from the executive, legislative and judicial levels, corruption continues to be eradicated. As a form of seriousness in eradicating corruption, the Government of Indonesia has established a special agency to deal with corruption, namely the Corruption Eradication Commission (Komisi Pemberantasan Korupsi/KPK) which was formed based on Law Number 30 Year 2002.² In the initial phase of its formation, the KPK's work in eradicating corruption had a positive impact and gained public trust as an appreciation for the KPK's performance in terms of prosecution, high lawsuits (sanctions) against corruptors which were expected to have a deterrent effect as a manifestation of eradicating corruption more effectively and efficiently.

In the development of eradicating corruption in Indonesia, the public assesses that the effectiveness of the performance of the Corruption Eradication Commission (KPK) has declined sharply. This perception is seen based on a comparison between the survey results of the Indonesian Survey Institute (LSI) in December 2018 and December 2020. Based on the survey, 90.1 percent of respondents knew about the KPK, 64.7 percent of them considered the KPK to be effective in eradicating corruption.³

Terhadap persepsi publik tersebut, dapat dikatakan upaya pemberantasan korupsi di Indonesia masih belum optimal dan memadai jika dibandingkan dengan tingginya praktik korupsi yang terjadi di hampir setiap level penyelenggaraan kekuasaan Negara, baik yang terjadi pada kekuasaan eksekutif, legislatif maupun yudikatif, maupun pada level pemerintah Pusat, Pemerintah Daerah serta pemerintah Desa.

Indonesia Corruption Watch (ICW) has been monitoring corruption cases in Indonesia, including village corruption cases. ICW's monitoring shows an increase in village corruption cases from 2015 to 2018. Corruption cases reached 22 in 2015 and increased to 48 in 2016. After that, it more than doubled to 98 in 2017 and 96 in 2018. Total corruption cases What was uncovered between 2015 and 2018 was 252 cases. The details are: 15 village heads were caught in 2015, 61 were caught in 2016, 66 were caught in 2017, and 89 others were caught in 2018. These village fund corruption cases include budget abuse, fictitious reports, embezzlement, budget overruns, and bribery. This village budget corruption case caused a total state loss of IDR 107.7 billion.⁴

As stated by Fathur Rahman, village heads are elected based on good electability, but the economic modality is very weak so they are motivated to commit acts of corruption, thus there is a tendency to return their political finances. Besides that, there is a lack of oversight and openness in the administration of village government, this is because village people are

¹ Yusrianto Kadir and Roy Marthen Moonti. "Pencegahan Korupsi Dalam Pengelolaan Dana Desa." *Jurnal IUS Kajian Hukum dan Keadilan*, Vol. 6, No. 3, 2018, p. 432

² Ribut Baidi, *Peluang Dan Tantangan Penegakan Hukum Dalam Pemberantasan Tindak Pidana Korupsi*. "Hukum Pidana Dan Pembangunan Hukum", Vol. 1, No. 2, 2019. p. 2

³ Devina Halim, *Survey LSI: Persepsi Publik Terhadap Efektifitas Kinerja KPK Menurun*. *Kompas*, 6 Desember, 2020, www.nasional.kompas.com, accessed December 5, 2020

⁴ CNN Indonesia, *ICW Sebut Korupsi Dana Desa Kian Meningkat*, CNN Indonesia, 17 November, 2019, www.cnnindonesia.com, accessed December 6, 2020

usually more concerned with carrying out their daily activities such as farming, trading, and fishing. Government affairs and budgeting are considered the work of smart people, village leaders, the Village Consultative Body (Badan Permusyawaratan Desa/BPD), and youth organizations are not functioning because the majority migrate to big cities.⁵

The tendency to eradicate corruption through criminal law instruments is due to the fact that the notion of corruption in the Corruption Law is only focused on acts against the law that cause losses to state finances. victimized society. In this context, the community is considered a nameless and faceless victim so they have no right to file a claim/lawsuit, even though in fact it is the community who are the direct and real victims of the corruption in question, especially the Direct Cash Assistance (Bantuan Langsung Tunai/BLT) corruption. Villages whose designation is addressed to the Beneficiary Group community.

Civil lawsuits in Law Number 31 Year 1999 in conjunction with Law Number 20 Year 2001 Concerning the Eradication of Corruption Crimes are regulated in Article 32 paragraph (1), Article 33, Article 34 and Article 38C. As stated by R. Wiyono, the provisions contained in Article 32 paragraph (1) explain that the State Attorney or agency that is harmed must file a civil lawsuit, if, during the investigation, the investigator finds and argues:⁶

1. One or more acts of corruption do not have sufficient evidence;
2. There has actually been a loss in state finances.

Further explained, if the investigator in conducting the investigation finds and is of the opinion that one or more elements of a criminal act of corruption do not have sufficient evidence, then the act committed by the suspect is not a criminal act of corruption, but a civil act. As a civil act, an act committed by a person who was originally a suspect in a Corruption Crime, if there is sufficient evidence, may become an unlawful act (Article 1365 of the Civil Code) which is then used by the State Attorney or institution who is harmed as a legal basis for filing a lawsuit Civil law against suspects. So, if the investigator in carrying out the investigation finds and is of the opinion that one or more elements of the Corruption Crime do not have sufficient evidence, the results of the investigation will not become an obstacle for the State Attorney or the agency that is disadvantaged to file a Civil Lawsuit, as long as there is sufficient evidence that the acts committed committed by the suspect is an unlawful act.⁷

In line with the matter intended, Fitrials Blessi Karina argued, confiscating assets or returning state property due to corruption can be carried out through civil channels, namely civil lawsuits. The civil suit for the confiscation of assets resulting from corruption is aimed at demanding state losses against the defendant. If the accused is acquitted or dies during the investigation. Civil proceedings in the event that the accused or suspect dies can be addressed to the heirs as stipulated in Law Number 31 Year 1999 in conjunction with Law Number 20 of 2001 concerning Eradication of Crime and Corruption.⁸

In accordance with the mandate of village laws and regulations related to the management of village funds, especially direct cash assistance, oblige state administrators to distribute Village Fund Cash Direct Assistance to Target Households or groups of beneficiaries of the intended funds. This means that the target households receiving the funds have the right to enjoy them because these funds have been determined to belong to the community. However, with the practice of corruption in direct cash assistance from village

⁵ Fathur Rahman, *Korupsi Di Tingkat Desa*, Governance, Vol. 2, No. 1, November 2011, p. 13-24

⁶ R. Wiyono, *Pembahasan Undang-Undang Pemberantasan Tindak Pidana Korupsi*. Sinar Grafika, Jakarta, 2006, p. 178

⁷ *Ibid*, p. 178-179

⁸ Fitrials Blessi Karina, *Gugatan Perdata Dalam Tindak Pidana Korupsi Menurut Undang-Undang Nomor 31 Tahun 1999 Jo Undang-Undang Nomor 20 Tahun 2001 Tentang Pemberantasan Tindak Pidana Korupsi*, Jurnal *Lex Crimen*, Vol. VI, No. 9, November 2017, p. 105

funds, the recipient community did not get their rights. Although criminal law enforcement against corruptors has been carried out, it tends to focus on the aspect of imposing prison sentences on perpetrators. As for fines or confiscation of assets, they are deposited into the state treasury or returned to the state. Meanwhile, the provision of compensation or indemnity to the recipients of these funds for irregularities in the said funds has never been carried out, as a result, the recipients of these funds have increasingly become victims.

Departing from this situation and as an alternative to minimizing the high corruption practices of village funds which are always evolving in their various modus operandi, it is not enough just to enforce criminal law, progressive ways are needed using other legal instrument approaches that involve community participation and participation, so as not to It is only limited to reporting or carrying out social control through conventional supervision, but needs to be given broad and concrete access for the community as victims who suffer direct losses through civil lawsuit rights by positioning corruption as an unlawful act in the field of civil law (*onrechtmatighedaad*).⁹

The right to sue must involve the community as a subject who becomes a direct victim and bears the consequences of criminal acts committed by corruptors, in other words, every criminal act of corruption that is committed is in addition to being an unlawful act (*wedderrechtelijk*) in criminal law that is detrimental to state finances, *inhern* lead to unlawful acts in the field of civil law (*onrechtmatighedaad*) because the interests of the law and the subjective rights of the people are also violated.¹⁰ That's where ideally gave birth to the right to sue as the principle of law "*point de interest point de action*" i.e. there is no claim if there is no legal interest violated.

In its development, the barriers to unlawful acts in criminal and civil law have melted, and even collapsed, as in the tender conspiracy case. This is in accordance with the results of research by Siti Anisah & Trisno Raharjo¹¹ that the shift in the understanding of the unlawful nature (*wedderrechtelijk*) occurs in criminal law, not only based on criminal law (*onwetmatige*) but penetrated into the criteria against the law in civil law (*onrechtmatige*) by using relativity (*schutznormtheorie*).

In relation to this, law enforcement on Corruption Crimes Budget Management Direct Cash Assistance (BLT) Dana Desa should involve the participation of the community. This is based on the unlawful nature that arises not only based on acts against criminal law, but also acts against civil law. The existence of community participation through the right to sue to file claims through a class action mechanism is expected to strengthen criminal law enforcement which has so far been carried out through law enforcement institutions in the criminal justice system (criminal justice system). In this context, at least the community as victims who feel the direct impact can be proactive in exercising their right to sue through class action instruments (group representative lawsuits). The simultaneous impact that can be generated to ensnare corruptors is at least faced with two lawsuits, namely that in addition to criminal charges, they can also be charged with committing acts against the law in the field of civil law as acts against the law (*onrechtmatighedaad*). This instrument is absolutely necessary, bearing in mind the characteristics of corruption as an extraordinary crime so that it's handling also requires progressive ways, which can synergize with the government's efforts to provide a deterrent effect by impoverishing corruptors so that it is not just jargon but can be implemented by the community through the instrument of the right to sue.

⁹ Choirul Huda, *Perlindungan Hukum Pidana Terhadap Korban Kejahatan Ditinjau Dari Hukum Progresif*, Tesis. Fakultas Hukum Universitas Islam Indonesia, 2018, p. 179

¹⁰ Mustaghfirin dan Irwanto Efendi, *Tinjauan Yuridis Terhadap Implementasi Pidana Korupsi Dalam Upaya Mengembalikan Kerugian Keuangan Negara*. Jurnal Pembaharuan Hukum, Vol. 2, No. 1, 2016, p. 12

¹¹ Anisah, Siti, and Trisno Raharjo, *Batasan Melawan Hukum Dalam Perdata Dan Pidana Pada Kasus Persekongkolan Tender*, Jurnal Hukum *Ius Quia Iustum*, Vol. 25, No. 1, 2018, p. 24-48

In the Indonesian legal system, criminal charges and civil lawsuits can run parallel and simultaneously. This means that a person who has been prosecuted before a criminal court, does not mean that the right to file a lawsuit civilly by the people who suffer losses is lost, but can be carried out simultaneously, in this case the enforcement of criminal law through state legal institutions or the criminal justice system (police, Prosecutors and Judges), as well as representatives of community groups through class action lawsuits.¹²

Initially, lawsuits against group representatives or class actions in the practice of civil justice in Indonesia that were filed in general courts (District Courts) were always declared unacceptable (*niet on van kelijke verklaard*) because it is not regulated in the HIR, RBg or class action is not recognized in the Continental European legal system (Civil Law System). Issues involving the interests of the wider community, the emergence of pollution, damage in the environmental sector, economic developments that lead to mass production of goods and services, have the potential to cause mass losses, have an impact on the difficulty of the community to fight for their rights in filing compensation claim to court.¹³ In the context of lawsuits involving a mass number of plaintiffs, class action is very relevant to be applied in Indonesia.¹⁴

According to M. Yahya Harahap, Class Action is a synonym for class suit or representative action, which means a lawsuit containing claims through a court process filed by one or several persons acting as class representatives. Group representatives act to file lawsuits not only for and on their behalf, but also for and on behalf of the group members they represent without requiring a power of attorney from group members. In filing a lawsuit it is not necessary to mention individually one by one the members of the group represented, the important thing is that the group represented can be defined specifically as group members. In addition, between group members and group representatives there are similarities in facts or legal basis that gives rise to common interests, common grievances, and what is required fulfills the requirements for the benefit of all members.¹⁵

Provisions regarding class action lawsuits can be found in the Supreme Court Regulation of the Republic of Indonesia Number 1 of 2002. Article 1 letter a of the Supreme Court Regulation, provides the meaning of a Class Action Lawsuit is a procedure for filing a lawsuit, in which one person or more representing a group files a lawsuit for themselves and at the same time represent a large group of people who have the same facts or legal basis between the representatives of the group and the members of the said group. Furthermore, group representatives are one or more people who suffer losses file a lawsuit and at the same time represent a group of people who are more numerous.

Community participation is also regulated in the Ratification of the United Nations (UN) Convention through Article 13 paragraph (1) of the United Nations Convention Against Corruption (UNCAC). States Parties shall take the necessary measures, within their competence and in accordance with the basic principles of their domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and civil society organizations, in the prevention and eradicate corruption and increase public awareness of the causes and gravity of corruption and the threats posed by corruption.¹⁶

¹² H. Dwidja Priyanto, *Sistem Pertanggungjawaban Pidana Korporasi: Dalam Kebijakan Legislasi*, Prenada Media, 2017.

¹³ I Ketut Tjukup, *et.al, Penyelesaian Sengketa Lingkungan Hidup Melalui Mekanisme Acara Gugatan Perwakilan Kelompok (Class Action)*, Jhaper, 2017, p. 6

¹⁴ *Ibid*, p. 7

¹⁵ M. Yahya Harahap, *Hukum Acara Perdata Tentang Gugatan, Persidangan, Penyitaan, Pembuktian dan Putusan Pengadilan*, Sinar Grafika Offset, Jakarta, 2007, p. 139-140

¹⁶ Weilert, A. K. (2016). *United Nations Convention Against Corruption (UNCAC)—After Ten Years of Being in Force*. *Max Planck Yearbook of United Nations Law Online*, Volume 19 Nomor 1, p. 216-240

II. METHOD

This type of research is normative legal research, namely looking at law from the point of view of norms which are of course prescriptive,¹⁷ by using a descriptive-analytical approach, namely describing the position of law as it is now. The legal materials used are primary legal materials, secondary legal materials,¹⁸ and tertiary legal materials obtained through library research, so that more in-depth analysis and understanding can be carried out so that there is a strengthening of the legal basis to produce a good legal analysis.¹⁹ The collected legal materials were then analyzed using qualitative analysis techniques.

III. RESULTS AND DISCUSSIN

Class Action Lawsuits as Alternatives and Solutions

The general nature of legal rules proves that law is not aimed at realizing justice or benefit, but solely for legal certainty.²⁰ The procedure for resolving a dispute through a civil suit in a district court (litigation) is regulated in several statutory provisions, namely the *Het Herziene Indonesisch Regulation* (HIR) which applies to Java and Madura, and *Rechtsreglement Buitengewesten* (R.Bg) applies to other regions in Indonesia. Indonesia outside Java and Madura. In addition, there are several civil procedural practices regulated in the Regulation of *de Burgerlijk Rechtsvordering* (R.V), including regarding the issue of changes to lawsuits and interventions.

The juridical basis for filing a lawsuit is regulated in Article 118 paragraph (1) HIR or Article 143 paragraph (1) R.Bg). In essence, a civil lawsuit is intended to restore the rights of a person who has been violated as a result of an unlawful act or breach of contract which results in a loss, so that the maker is required to pay compensation, restore the situation to how it was before the loss occurred, or request that regulations be complied with or held.

The settlement of unlawful acts disputes regulated in the HIR, R.Bg and R.V, only recognizes claims filed by individuals or a combination of several individuals (subjective cumulation) in the form of ordinary (conventional) lawsuits. However, in its development, the right to file a claim (lawsuit) can be filed through a class action mechanism, and a citizen lawsuit as introduced in several laws and regulations described above, namely: Environmental Management Law, Forestry Law, Construction Services Law, and the Consumer Protection Law, which accommodates claims by class members to court through class representatives, on the basis of similarity of issues, legal facts, and demands for compensation and/or certain actions;

In contrast to the crimes as described in the legislation above, the Corruption Crime Law does not regulate the existence of class action lawsuits against corruptors who have committed acts of corruption, even though the characteristics of corruption crimes are classified into extraordinary crimes (extra ordinary crime) with many community victims (communal), which should require an extraordinary measure of handling as well as a comprehensive approach to prevent and eradicate corruption effectively including the use of class action instruments.

¹⁷ Irwansyah, *Penelitian Hukum Pilihan Metode & Praktik Penulisan Artikel*, Mirra Buana Media, Yogyakarta, 2020, p. 97

¹⁸ Kadarudin, *Mengenal Riset dalam Bidang Ilmu Hukum: Tipologi, Metodologi, dan Kerangka*, Ponorogo: Uwais Inspirasi Indonesia, 2020, p. 117

¹⁹ Soerjono Soekanto, dan Sri Mamudi, penelitian hukum normative suatu tinjauan singkat, (Jakarta: Raja Grafindo Persada, 2003), p. 23

²⁰ Achmad Ali, *Menguak Tabir Hukum (Suatu Kajian Filosofis dan Sosiologis)*, (Jakarta: Gunung Agung, 2002), p. 82-83

Class action is a procedure for combining lawsuits in a court consisting of many people (a group of people) to file a lawsuit that requires one or more people to file a lawsuit.²¹ Although several statutory provisions have regulated class action, they have not followed the procedures and procedures and requirements for a class action. As a guide to filling this void, the Supreme Court has issued Supreme Court Rules (Peraturan Mahkamah Agung/PERMA) Number 1 Year 2002 concerning Procedures for Class Action Lawsuits.

The procedures and requirements for a class action lawsuit are explained in Article 2 of the PERMA which states, "A lawsuit can be filed using the class action procedure if: (1). The number of group members is so large that it is not effective and efficient if the lawsuit is carried out individually or jointly in one lawsuit, (2). There are similarities in facts or events and similarities in the legal basis used which are substantial in nature, and there are similarities in the types of claims between group representatives and group members, (3). Group representatives have honesty and sincerity to protect the interests of the group members they represent, (4). The judge can recommend to the group representative to replace the lawyer if the lawyer takes actions that are contrary to the obligation to defend and protect the interests of group members.

The distribution of BLT village funds to each village in Indonesia varies and is adjusted to the relatively large number of Beneficiary Families, so it is not effective and efficient if the lawsuit is filed individually or jointly in one lawsuit, therefore the option of using a class action lawsuit be effective and relevant. The requirements for the similarity of facts or events and the similarity of types of claims between group representatives and group members are also met, bearing in mind that the Beneficiary Group is a party that both suffer losses due to corrupt practices, *mutatis-mutandis* have the same legal interest in filing claims for compensation, so it is very reasonable and based that a Class Action Lawsuit can be an alternative solution for victims of corruption in the BLT Fund from the Village Fund Budget to obtain compensation to which they are entitled.

The corrupt practice of BLT Dana Desa has not only caused losses to state finances but has also actually caused losses to the community, especially recipients of BLT funds who should enjoy these funds according to their intended purpose. Class Action Lawsuit as an alternative to recovering state losses and losses to victims of the Village Fund BLT Corruption Crime is not only a solution that benefits the community, but also can be felt by the State itself from an economic perspective, especially the cost efficiency of handling cases in criminal justice. Profits and cost efficiency according to Erna Widjajati, can be seen from the 3 (three) main objectives attached to a class action lawsuit, namely:²²

- a. *judicial economy (efficiency)*
- b. *increased acces to the courts (justice), dan*
- c. *modification of the behavior of actual or potential wrongdoers.*

Civil Lawsuits for Unlawful Acts by means of Class Action Lawsuits will save judicial economy, especially for law enforcement agencies in the criminal justice system, at least reducing the financial burden on the state in enforcing criminal law through the police , prosecutors and courts as well as Correctional Institutions. If a civil lawsuit instrument is used, then all costs incurred as a result of the litigation process are fully borne by the individual or community group as the party/subject filing the lawsuit. On the other hand, upholding criminal law through the criminal justice system requires far more time, effort, and costs which burdens the state budget starting from the investigation stage to coaching in

²¹ Badriyah Harun and Aryya Wyagrhatama, *Tata Cara Pengajuan Class Ation (Gugatan Kelompok masyarakat)* Pustaka yustisia, 2009, p. 6

²² Erna Widjajati, *Ganti Rugi Perbuatan Melawan Hukum dalam Gugatan Perwakilan Kelompok Indonesia*, 2011, Jurnal Hukum No. 1, Volume 18, p. 101

Correctional Institutions when compared to Lawsuits for Unlawful Acts with Class Action Procedures. Whereas in addition to benefiting the state, from the aspect of procedural interests (process doelmatigheid) it can also benefit the litigants themselves, because they can directly submit claims/lawsuits to recover their rights which have been violated as a result of acts of corruption, in order to obtain compensation that can be enjoyed directly by the Plaintiff in this case the Beneficiary Group community.

Economic Efficiency, can be one of the advantages of an unlawful act lawsuit through the Class Action procedure, especially in the Corruption Case of BLT Funds of the Village Fund Budget with victims who suffer losses and are entitled to sue reaching tens or even hundreds, so a heavy burden on the parties, lawyers, the State Attorney and the Court. This inefficiency is caused because the court must serve and cannot reject cases filed individually. In this context, class action lawsuits are expected to be one of the perspectives for realizing the principle of a fast, simple and low-cost trial. Efficiency Economy in Unlawful Act Lawsuits with Class Action Procedures is an alternative and the right solution and in accordance with the conditions of victims of corruption.

In relation to access to the courts (access to the justice), for people who have suffered losses (aggrieved persons) as a result of the mass tort. There are various obstacles (barriers) that sociologically can arise for people who are disadvantaged to bring their cases to court. These obstacles, among others, are economic barriers to claiming compensation (economic barrier redress), and psychological and social barriers to claiming compensation.²³ Economic constraints can be described in many circumstances as "contingency fees" (total court costs) on an individual basis that may exceed the value or size of the claim, and the minimum amount of compensation (compensation fund) that the plaintiff himself receives. That is what then becomes an economic consideration that can be said to be irrational (not economically rational) to file a claim/lawsuit.²⁴ Economic Barriers can be seen by a comparison between the amount of BLT Funds demanded compensation individually and Court Fees. Psychological and social obstacles, of course, will also exist in victims of corruption cases of BLT Funds and Village Funds corruption cases, most of whom are from rural communities with educational levels that are still below average and knowledge and awareness of the law which is still low so that victims are unaware of their rights. substantive legal rights or legal institutions that can help enforce their rights.

An important function of a class action is to change the inappropriate behavior of the defendant. The potential for civil litigation to change bad behavior is most evident with regard to court decisions in the form of orders for the defendant to do or not to do certain actions (injunctive relief). This type does not directly provide financial benefits (compensation, monetary benefits) to the plaintiffs, but rather manifests pressure on the defendants to change their behavior in accordance with the injunction decision in ways that benefit the plaintiffs.²⁵

Lawsuits for Unlawful Acts with Class Action Procedures that claim directly against the Defendant as the party/perpetrator who violates the rights of the Beneficiary Group of BLT Funds and is responsible for not paying the BLT Funds, can have an impact on the emergence of a deterrent effect for perpetrators (the Defendant) because the Defendant is required to pay material and immaterial compensation to the Plaintiff based on a Court Decision.

²³ Hari Purwadi, *Gugatan Kelompok (Class action) dalam Tata Hukum Indonesia*, 2003, Semarang, Penerbit Universitas Diponegoro, p. 139

²⁴ Erna Widjajati, *Op.Cit.*, p. 102

²⁵ *Ibid.*, p. 103

Wesley Cragg and Yong Ohoitumur basically stated that in general, the imposition of criminal sanctions is to achieve several objectives, including²⁶

- 1) To provide a deterrent and deterrence effect or deterrence;
- 2) To reform or rehabilitate convicts; and
- 3) As a vehicle for social education to educate that criminal act are wrong and are not accepted by society.

Lawsuits for Unlawful Acts with Class Action Procedures can be a social control tool to cover up slowness and even stagnation in eradicating corruption through law enforcement because law enforcement officers, who are the main pillars in eradicating corruption, do not carry out their role optimally, resulting in criminal sanctions failing to materialize. In this context, the option of civil liability through class action lawsuits can provide a deterrent effect as a vehicle for social education to educate that unlawful act committed by perpetrators of corruption (defendants) are wrong actions that are not accepted by society and become public enemies. So, it is very reasonable and based that Lawsuits for Unlawful Acts with Procedures for Class Action Lawsuits are a solution to ordinary Civil Lawsuits filed by individuals and community groups as an alternative to State and community loss compensation.

IV. CONCLUSION

The use of class action lawsuits can be used as an alternative to recover state losses and community losses due to acts of corruption in the Village Fund Direct Cash Assistance budget. Class action facilities are far more effective and efficient in efforts to eradicate corruption which do not burden the state budget, compared to enforcing criminal law through the criminal justice system (police, prosecutors, courts, and correctional institutions). In addition, the implementation of the execution of the return of compensation through class action facilities is more accommodative and equivalent because the legal interests of the injured stakeholder, in this case, the State and the people of the BLT Fund Beneficiary Group, can both be restored.

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²⁶ Gunawan, T.J. *Konsep Pemidanaan Berbasis Nilai Kerugian Ekonomi*. 2018. Jakarta: Kencana, p. 86-87

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