

IMPLEMENTATION OF THE RETRIBUTIVE JUSTICE APPROACH IN RESOLUTION OF THE CRIMINAL ACTS OF CORRUPTION IN THE CONSTRUCTION OF HEALTH FACILITIES IN KABARE, RAJA AMPAT REGENCY BY THE SORONG DISTRICT PROSECUTOR'S OFFICE

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Abstrak

Korupsi tetap menjadi masalah hukum yang berdampak langsung pada pelayanan publik dan pembangunan masyarakat. Korupsi dalam pembangunan fasilitas umum, khususnya di daerah terpencil, menjadi masalah serius karena berdampak langsung pada masyarakat, khususnya di bidang kesehatan. Salah satu kasus yang mencerminkan hal tersebut adalah korupsi dalam pembangunan gedung puskesmas dan tempat tinggal dinas tenaga kesehatan di Kabare, Kabupaten Raja Ampat. Penelitian ini bertujuan untuk menganalisis penerapan pendekatan keadilan retributif dalam penyelesaian tindak pidana korupsi oleh Kejaksaan Negeri Sorong. Metode yang digunakan adalah yuridis empiris dengan pendekatan kualitatif. Peneliti melakukan observasi langsung di Kejaksaan Negeri Sorong untuk mendapatkan pemahaman tentang keadilan retributif, serta mengumpulkan serta menganalisis data kasus secara independen dari sumber terkait. Hasil penelitian ini menunjukkan bahwa pendekatan keadilan retributif menjatuhkan sanksi kepada pelaku sesuai dengan tingkat kesalahannya sebagai bentuk akuntabilitas dan efek jera, namun belum sepenuhnya mengakomodasi pemulihan kerugian negara dan kepentingan masyarakat.

Kata kunci: Peradilan Retributif, Korupsi, Penegakan Hukum, Fasilitas Kesehatan, Kejaksaan Negeri Sorong

Abstract

Corruption remains one of the major legal issues that directly affects public services and societal development. Corruption in the development of public facilities, particularly in remote areas, constitutes a serious problem as it directly impacts society, especially in the health sector. This study aims to examine the implementation of the retributive justice approach in the resolution of corruption cases by the Sorong District Prosecutor's Office. This research employs an empirical juridical method with a qualitative approach, in which the researchers conducted direct observations at the Sorong District Prosecutor's Office to gain an understanding of retributive justice, as well as independently collected and analyzed case data from relevant sources. The results indicate that the retributive justice approach emphasizes the imposition of sanctions proportional to the offender's wrongdoing as a form of accountability and deterrence. However, this approach has not fully accommodated the recovery of state losses and the interests of the affected community.

Keywords: Retributive Justice, Corruption, Law Enforcement, Healthcare Facilities, Sorong District Prosecutor's Office

1. INTRODUCTION

The crime of corruption is an unlawful act that has an extraordinary impact on the state and society. In the KBBI, corruption is the embezzlement or misuse of state funds, whether by companies, organizations, foundations, and so on, for personal gain or other people's. In a legal perspective, corruption cannot be defined singly, according to Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, corruption is defined in thirty-one types/forms so that corruption cannot be defined as a single definition, meaning that there are many types or forms of unlawful actions aimed at enriching oneself or others that are included in the form of criminal acts of corruption, including abuse of authority, opportunities, even existing facilities and have the potential to harm state finances or the country's economy.

In the context of national development, particularly in remote areas, implementation requires special attention so that development focuses not only on physical aspects but also on equitable access and the quality of public services. Therefore, infrastructure development, especially health infrastructure such as community health centers, is a top priority to support community welfare. However, in practice, the development process is not free from the potential for corruption, both in the planning, budgeting, implementation, and supervision stages. Abuse of authority in managing the budget for the construction of health facilities can result in suboptimal development results, such as substandard building quality, delays in project completion, and even the failure of these facilities to function optimally.

As a result, the primary goal of development delays, namely improving public health, is hampered. Communities in remote areas who should have access to adequate health services are actually disadvantaged by these corrupt practices. One case illustrating this situation is the alleged corruption in the construction of a community health center (Puskesmas) and official residences for health workers in Kabare, Raja Ampat Regency. Due to its coastal location, Puskesmas are crucial facilities for coastal communities. When corruption occurs, there are delays in Puskesmas construction, forcing residents with health problems to cross the sea to other areas with health facilities. Therefore, a strengthened oversight system and strict law enforcement are needed to minimize corruption in health infrastructure development. This will minimize incidents that harm the state and the community, and ensure that development goals are achieved effectively and fairly.

This case is being handled by the Sorong District Attorney's Office, which has the authority to conduct investigations, inquiries, and prosecutions in corruption cases. The alleged corruption in the construction of a community health center and official residence for health workers in Kabare, Raja Ampat Regency, involves three suspects with the initials JAKL, WS, and AA [9].

Corruption in the project indicates irregularities in the management of state funds, which should be used to support the development of healthcare facilities for the community, particularly in remote areas. The construction of community health centers and official residences for healthcare workers should be strategic instruments for improving access to and the quality of public healthcare services. However, if irregularities occur in their implementation, they will not only result in state financial losses but also directly impact the fulfillment of the community's right to adequate healthcare.

Furthermore, the effectiveness of the retributive justice approach to resolving corruption cases requires a more in-depth examination, particularly in the context of the Sorong District Attorney's Office handling cases at the regional level. This approach essentially emphasizes imposing sanctions on perpetrators as a form of retribution and deterrence. However, in practice, this approach may not optimally accommodate the recovery of state losses and the social impacts on the community, particularly in cases related to the construction of public facilities.

The retributive justice approach adopted in Indonesian criminal justice, particularly in the handling of corruption cases by the Sorong District Attorney's Office, focuses on the principle of *lex talionis* - that perpetrators must receive suffering commensurate with their actions. In the case of the construction of a community health center in Kabare, this approach was practiced through the determination of suspects and physical detention of the individuals involved. However, theoretically, retributive justice often gets caught up in imposing sanctions on legal subjects (perpetrators) but often ignores the restoration of victims' rights, in this case the community in Kabare, Raja Ampat Regency lost their right to adequate health facilities.

This research is based on the gap between the objectives of health sector development and the reality of its implementation in the field. On the one hand, the development of health facilities is part of the state's responsibility to ensure the welfare of its people, but on the other hand, there is still potential for abuse of authority in budget management that hinders the achievement of this goal. This condition indicates the need for a comprehensive analysis of the mechanism for resolving corruption cases that is not only oriented towards criminal punishment of the perpetrators, but also takes into account broader aspects of justice. Thus, this research is important to provide an overview and evaluation of the application of the retributive justice approach in resolving cases of alleged corruption in health infrastructure development, as well as to identify the extent to which this approach is able to meet the objectives of law enforcement, both in terms of imposing sanctions, recovering state losses, and protecting the interests of the community. Based on the background description, the problem formulation in this research is, how is the implementation of the retributive justice approach in handling the corruption case of health facility development in Kabare, Raja Ampat Regency by the Sorong District Attorney's Office? Then, has the implementation of this approach been effective in achieving the objectives of law enforcement, especially in terms of imposing sanctions and recovering state losses? Based on the above problem formulation, this

study aims to analyze the implementation of the retributive justice approach in handling corruption cases and assess its effectiveness in achieving law enforcement objectives. The results of this study are expected to provide academic and practical contributions to the development of corruption law enforcement policies and practices in Indonesia, particularly in the regions.

2. LITERATURE REVIEW

2.1 General Overview of Corruption Crimes

Corruption is a form of crime that has a broad and complex impact on the life of the nation and state. This act involves legal entities, organizations, or business groups as perpetrators, which are specifically regulated in Indonesian laws and regulations, including Law Number 31 of 1999 in conjunction with Law Number 20 of 2001. Corrupt practices not only cause state financial losses, but also impact the hampered development process, decline the quality of public services, and weaken public trust in government institutions and law enforcement. Therefore, corruption is often referred to as *asextraordinary crime* the handling of which requires more complex efforts in terms of prevention and action.

In these provisions, corruption is not defined in a single, unified sense but is instead defined in various forms, encompassing approximately thirty-one types of criminal acts. This demonstrates that corruption has a broad scope and can occur through various methods, both directly and indirectly. One of the main forms of corruption is acts that cause harm, as regulated in Articles 2 and 3. These provisions emphasize that anyone who violates the law and acts to enrich themselves or others, resulting in state financial losses, is subject to criminal sanctions. Furthermore, abuse of authority, opportunity, or means inherent in a position also falls into this category if it results in losses to the state. This norm is often used in handling corruption cases related to budget management, including in public facility construction projects.

In the context of the alleged corruption in the construction of a Community Health Center in Kabare, Raja Ampat Regency, corruption in procurement can occur at every stage, from planning to project implementation. Normatively, government procurement of goods and services in Indonesia must be carried out based on the principles of efficiency, transparency, accountability, and fair competition, as stipulated in Presidential Regulation Number 16 of 2018 and its amendments. However, in practice, various irregularities often occur, potentially causing state financial losses and hampering development goals.

2.2 Criminal Law Enforcement Paradigm

2.2.1 Retributive Justice Theory

This theory states that punishment is imposed as a form of appropriate retribution for the perpetrator's actions. Punishment is a moral consequence of the wrongdoing, so justice is achieved when the perpetrator receives a sanction commensurate with their actions (just deserts). This theory, developed by Immanuel Kant, focuses on the perpetrator and their wrongdoing, not on the impact or benefits of punishment. Retributive justice can also be described as a procedural case resolution system, meaning this theory emphasizes adherence to legal procedures, rules of evidence, and the codification of laws to determine the perpetrator's guilt. However, in practice, this theory is often criticized for not restoring the relationship between the perpetrator and the victim.

2.2.2 Restorative Justice Theory

This theory emphasizes reparation for the harm caused by the crime. This approach involves the perpetrator, victim, and community in a resolution process to restore the situation. The focus is not on punishment, but rather on conflict resolution, reparation, and social reconciliation.

2.2.3 Goal Theory

This theory views punishment as intended to benefit society. Punishment is not imposed merely as retribution, but also to prevent future crimes, whether through deterrence, rehabilitation, or social defense. Thus, the primary value of punishment lies in its utility.

2.2.4 Combined Theory

This theory is a combination of the retaliation theory and the goal theory. In this approach, punishment still contains an element of retribution, but also takes into account the purpose benefits, such as prevention and correction of perpetrators. This theory is widely used in the criminal justice system. modern law because it is considered more balanced in achieving justice. These four theories of punishment demonstrate differences in how they address criminal acts and justice. Retributive justice emphasizes justice by imposing sanctions on those who break the law, which can be described as retribution, while the objective theory focuses more on social benefits. Restorative justice, on the other hand, offers a more humane approach by actively involving both the perpetrator and the victim. However, in corruption cases that have widespread impacts, retributive justice and the combined theory are more relevant because they provide a deterrent effect for the perpetrator while protecting the public interest.

2.3 Health Development and the Right to Public Services

Health development is a major investment by the state towards the community to produce quality and promising Human Resources (HR) for the life of the nation and state in the future. In addition, the community also has the right to receive proper health services and facilities as stated in Article 28H paragraph (1) of the 1945 Constitution that the state is obliged to provide proper health facilities as a principle of the welfare state. The case of corruption in the construction of the Kabare Affirmation Health Center in North Waigeo District, Raja Ampat Regency is not a criminal case that can be ignored. This case not only caused losses to the state of Rp. 2,350,000,000 (two billion three hundred and fifty million rupiah) but also hampered infrastructure development in this case the health center and official residence of health workers (nakes) in Kabare, Raja Ampat Regency. Health development which should aim to make things easier for the community through adequate medical facilities has instead become an obstacle and is detrimental to the community and the health workers who work there, because the allocation of funds made by the Raja Ampat District Health Office of up to IDR 13,600,000,000 (thirteen billion six hundred million rupiah) was not used appropriately and was misused. [9] The impact is that the community in Kampung Kabare lost the opportunity to get optimal health services in a decent building, while the health workers were forced to work without supporting facilities that should be provided by the state to ensure the stability of services in the affirmative area.

From the perspective of the right to public services, this case constitutes a violation of the principle of social justice, as communities in underdeveloped areas, particularly coastal areas like Kabare, Raja Ampat Regency, experience discriminatory access due to these corrupt practices. When the budget dedicated to basic services is reduced or misused, the quality of public services automatically declines, ultimately undermining public trust in the integrity of local governments and public institutions. In this corruption case, law enforcement, specifically prosecutors, successfully secured the recovery of Rp 1.7 billion in state losses in June 2025. This is an important step towards recovery, but the social impact of delays in public health rights remains a significant burden on development in Southwest Papua.

2.4. The Role of the Prosecutor's Office in Eradicating Corruption

Prosecutors play a crucial role in law enforcement in Indonesia. As law enforcers, the Attorney General's Office of the Republic of Indonesia acts as a case controller, or *dominus litis*, with full authority, from conducting investigations and prosecutions to acting as executor in enforcing legally binding judges' decisions. In this regard, the Attorney General's Office acts as the spearhead of corruption eradication and has full authority in the legal process. According to Law No. 11 of 2021, the role of prosecutors is divided into three aspects: 1). Repressive. Law enforcement through investigation and prosecution, prosecution execution and asset recovery, 2). Preventive. Prevention carried out through law enforcement intelligence and strategic project security, 3). Rehabilitative, namely the recovery of state assets in this case state assets that were corrupted. The real implementation of this role is seen in the handling of the corruption case of the construction of a health center building and a health worker's official residence in Kabare, Raja Ampat Regency where the prosecutor's office took firm action against

the three main suspects, namely JAKL, AA, and WS. After finding state losses of Rp2,350,000,000 (two billion three hundred and fifty million rupiah). In this corruption crime committed, the prosecutor not only focused on punishing the perpetrators but succeeded in recovering state finances worth Rp1,700,000,000 (one billion seven hundred million rupiah).

3. IMPLEMENTATION METHOD

According to Soerjono Soekanto, legal research is a scientific activity, based on certain methods, systematics and thinking, which aims to study one or several specific legal phenomena, by analyzing them[5]. In general, the data collection techniques used in legal research are document or literature studies, interviews; and observation. For normative legal research, document studies are used solely, while for empirical legal research, observation and interview techniques are used.[6]

This study employed an empirical juridical method with a qualitative approach. This method was chosen because it examines not only written law (law in books) but also how the law is applied in practice (law in action), particularly in corruption cases resolved through a retributive justice approach by the Sorong District Attorney's Office. This method was chosen because this study focuses on how the retributive justice approach is implemented in the practice of handling corruption cases by the Sorong District Attorney's Office. Therefore, this study not only examines applicable laws and regulations but also examines their application in practice.

The approach used in this study is a qualitative approach to gain an in-depth understanding of the legal phenomenon studied through descriptive analysis obtained from field facts and literature studies. In addition, this study uses a statutory approach, namely tracing laws and regulations regarding criminal acts of corruption and analyzing the corruption case of the Kabare Community Health Center construction by the Sorong District Attorney's Office.

The object of this research is the implementation of a retributive justice approach in resolving corruption cases at healthcare facilities in Kabare, Raja Ampat Regency. The subjects of this research are law enforcement officers at the Sorong District Attorney's Office and related case documents.

3.1 Types and Sources of Data

In accordance with this research method, the data sources used are:

1. Primary Data

Primary data is data obtained directly from the first source [7]. In this case, it is data obtained directly from field results at the Sorong District Attorney's Office, in order to understand the resolution of cases using a retributive justice approach.

2. Secondary Data

Secondary data is data taken from library materials, including official documents, books, research results in the form of reports, diaries, and so on. This study obtained data from the results of a literature review including articles, e-books, e-journals, and other supporting sources.

3.2 Data Collection Techniques

The data collection techniques used in this research were:

1. Direct observation, namely conducting observations regarding case handling practices at the Sorong District Attorney's Office on April 20, 2026.
2. Literature study, namely reviewing various literature in the form of books, articles, scientific journals and trusted internet sources in order to obtain a theoretical basis.

3.3 Data Analysis Techniques

Data analysis was conducted using a descriptive qualitative approach, systematically processing the collected data and analyzing it based on relevant theories and laws. Furthermore, data presentation and conclusions were drawn to obtain a complete picture of the implementation of the retributive justice

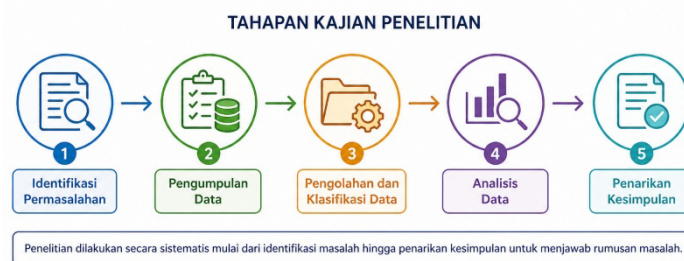
approach in resolving corruption cases, particularly in the corruption case involving the Community Health Center building and the official residence of health workers (health facilities) in Kabare, Raja Ampat Regency.

3.4 Data Validation

To ensure the validity of the data, this study uses triangulation techniques. According to Nasution, "triangulation can be done using different techniques, namely interviews, observations, and documents. This triangulation is not only used to check the accuracy of the data but also to enrich the data. In addition, triangulation can also be useful to investigate the validity of the researcher's interpretation of the data, therefore triangulation is reflective" [8]. Thus, the data obtained is expected to have a high level of trust and can be scientifically accounted for.

3.5 Research Study Stage

The stages of this research were conducted systematically to address the problem of implementing a retributive justice approach in resolving corruption cases by the Sorong District Attorney's Office. These stages include:



1. Problem Identification Stage

At this stage, the researcher identified problems related to the practice of handling corruption crimes, especially in the construction of health facilities in Kabare, Raja Ampat Regency by the Sorong District Attorney's Office.

2. Data Collection Stage

In this stage, researchers collected data through direct observation and interviews at the Sorong District Attorney's Office, documentation, and literature review relevant to the case. The data obtained consisted of primary and secondary data to support the research analysis.

3. Data Processing and Classification Stage

The collected data was then classified based on its type and relevance to the research focus. The data collected included data on the case handling process, the form of sanctions applied, and efforts to recover state losses.

4. Data Analysis Stage

The data was analyzed qualitatively descriptively, linking the facts in the field with the theory of retributive justice and applicable laws and regulations.

5. Conclusion Drawing Stage

The final stage of this research is drawing conclusions based on analysis to answer the problem formulation and to see the effectiveness of resolving corruption cases through a retributive justice approach.

These stages are carried out in stages and systematically, starting from identifying problems to drawing conclusions so that the research process can run in a structured, directed manner and produce analysis that is in accordance with the research objectives.

Figure 1.1 Research Study Stages

4. RESULTS AND DISCUSSION

4.1 Implementation of the Retributive Justice Approach in Handling Corruption Crimes (TIPIKOR) by the Sorong District Attorney's Office

The implementation of the retributive justice approach in resolving corruption crimes by the Sorong District Attorney's Office can be analyzed through the alleged corruption case of the construction of health facilities in Kabare, Raja Ampat Regency. Based on the results of research conducted through observation and literature study, it was found that there were irregularities in budget management that were detrimental to state finances and hampered public services for communities in remote areas, especially in this case, communities in coastal areas who use sea transportation daily.

Legally, the Prosecutor's Office exercises its authority in accordance with Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. In this case, the prosecutor serves as the sole controller (*dominus litis*) who oversees criminal cases from the investigation and prosecution stages to the prosecution and implementation of final and binding court decisions.

In this case, law enforcement officers named three suspects, namely JAKL (planning and supervision consultant), AA (Commitment Making Officer/PPK), and WS (Director of PT.ZMP/contractor) [9]. Normatively, the actions carried out by these three suspects constitute a criminal act of corruption as regulated in Article 2 paragraph (1) and/or Article 3 of Law Number 31 of 1999 concerning the Eradication of Corruption as amended by Law Number 20 of 2001. Article 2 paragraph (1) regulates the act of enriching oneself or others to the detriment of the state and Article 3 emphasizes the abuse of authority, opportunity or means that can result in losses to the state's finances or economy [1]. Based on this law, this case is a criminal act of corruption because it clearly fulfills the elements of a criminal act of corruption in the legal basis.

The implementation of the retributive justice approach can be seen from the orientation of law enforcement which emphasizes the provision of criminal sanctions against perpetrators as a form of accountability for what they have done (*revenge/just deserts*). This is reflected in the determination of the suspect, the detention carried out and the prosecution process carried out by the Sorong District Attorney's Office.

This approach is in line with the theory of retributive justice, where in this theory, punishment is placed as a form of appropriate retribution, where in this approach the perpetrator must accept the legal consequences of the perpetrator's wrongdoing. In this context, the primary focus of law enforcement is not on the losses suffered by the state or the resulting social impact, but rather on punishing the perpetrator. Although in this case, some of the state's losses were repaid, this does not change the principle of the approach, which remains focused on punishing the perpetrator.

Restitution of state losses through the payment of compensation of Rp1.7 billion is part of the additional punishment, not the primary focus. Empirically, the implementation of this approach *retributive justice* In this case, the law enforcement mechanism has been carried out which is oriented towards the perpetrator, while normatively it has been in accordance with the applicable laws and regulations, in this case the Law on the Eradication of Criminal Acts of Corruption.

Thus, the implementation of this retributive justice approach is in accordance with the applicable legal mechanisms, but essentially it is still oriented towards punishing the perpetrator rather than rehabilitating the wider impact.

4.2 Analysis of the Effectiveness of the Retributive Justice Approach in Enforcing Corruption Crimes

The retributive justice approach to law enforcement against corruption in Indonesia is a paradigm that emphasizes the imposition of criminal sanctions as a form of retribution for unlawful acts committed by perpetrators. This approach is rooted in the principle that every violation of the law must be met with an appropriate punishment to uphold justice and maintain social order. In the context of corruption, the application of retributive justice is reflected in statutory provisions that explicitly regulate criminal penalties in the form of imprisonment, fines, and additional penalties such as asset confiscation. The effectiveness of this approach can be analyzed through its main aspects, namely legal certainty, deterrent effect, and recovery of state losses.

In terms of legal certainty, the retributive justice approach demonstrates relatively high effectiveness. This is evident in the systematic and structured law enforcement procedures, from the

investigation and prosecution stages to the judicial process, all based on positive legal provisions. The determination of suspects, detention, and trial processes are carried out in accordance with mechanisms stipulated in laws and regulations, thus providing clarity and legal certainty for all parties involved. Thus, this approach is able to create a system that upholds the principles of legality and due process of law. This legal certainty also plays a crucial role in increasing public trust in the criminal justice system, as every law enforcement action is carried out transparently and accountably.

However, when viewed from a deterrent perspective, the effectiveness of the retributive justice approach remains a matter of debate. Theoretically, imposing harsh penalties is expected to instill fear and deter others from committing similar crimes. However, in practice, the level of corruption in Indonesia remains relatively high, indicating that existing criminal penalties have not been able to provide an optimal deterrent effect. This is due to various factors, such as the weak integrity of law enforcement officials, the potential for abuse of power, and low legal awareness among perpetrators. Therefore, it can be said that an approach solely oriented towards retaliation is not yet effective enough to significantly reduce corruption rates without being accompanied by comprehensive prevention measures.

Furthermore, in terms of recovering state losses, the retributive justice approach also faces various limitations. Its primary focus is on punishing the perpetrator, so efforts to recover state losses are often not prioritized. Although additional criminal mechanisms exist, such as compensation payments or asset confiscation, in practice, these processes do not always run optimally. Corruption perpetrators are often unable to recover all the state losses incurred, thus preventing the goal of recovering state losses from being fully achieved. This situation indicates that the retributive justice approach is unable to provide a comprehensive solution to address the economic impact of corruption.

4.3 Impact of Corruption Crimes (TIPKOR) on Society

Corruption is a multidimensional phenomenon that not only causes financial losses to the state, but also erodes the legitimacy of government and public trust against legal institutions. In the national legal system, corruption has been classified as a special crime through Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001. This regulation confirms that corruption is seen as a serious crime that has a systemic impact on the administration of the state.

Government procurement of goods and services, including medical equipment, is a primary source of corruption (Abidin et al., 2025). Although a normative framework has been established through various regulations to ensure transparency and accountability, field practice demonstrates significant challenges in internal oversight, system integrity, and institutional resilience (Said et al., 2024).

Procurement is carried out on goods whose nature can be used separately where the state has allocated a budget but only some of the goods can be used according to needs, then the state financial loss is in the form of goods that cannot be used according to needs. Procurement of goods that can be used according to needs can also result in state financial loss if the price of the goods is unreasonable because it is higher than the fair market price. State financial losses arise because the state spends a higher budget than the budget that should be spent. Factors that influence state financial losses in the procurement of medical devices are the factor of the usefulness of medical devices according to needs and the factor of reasonableness of prices. If medical devices can be used according to needs at a reasonable price, then there is no state financial loss.

In this sector, corruption has harmful effects because it can undermine the integrity of the health system, reduce the quality of services, and threaten patient safety. In Indonesia, corruption cases in the health sector often involve the procurement of medical devices, distribution of medicines, and medical services, further increasing the burden on state finances and eroding public trust in the government and health institutions.

Corruption in the health sector is unique because it involves complex budget management systems and often involves multiple parties, both government and private. This sector has a direct impact on the

wider community because it concerns health care, a basic human need. Furthermore, corruption in the health sector can exacerbate social inequality, reduce public access to adequate health services, and undermine public trust in health institutions.

4.4 Criticism of the limitations of retributive justice

Criticism regarding the limitations of retributive justice in corruption cases centers on its overly narrow focus on retribution rather than on recovering state losses. Although the Corruption Eradication Law is imbued with this principle, the retributive approach is considered to fail to provide a maximum deterrent effect and often neglects substantive justice for the community. The retributive approach prioritizes imprisonment as a form of retribution. Criticisms have arisen that this does not effectively restore state finances, which should be the primary priority in corruption cases. The high rate of corruption indicates that imprisonment (retributive) has not been able to instill sufficient deterrence in potential corruptors, often due to an ingrained culture of corruption.

Retributive justice is reflected in the imposition of principal penalties of imprisonment and fines as legal consequences for acts of corruption. This principle emphasizes that acts of corruption are serious violations of shared norms and public integrity, and therefore, perpetrators deserve sanctions commensurate with their impact and the severity of their culpability. Retributive justice adheres to the idea that perpetrators who have committed wrongdoing should receive commensurate punishment. Retributive justice focuses on past actions and emphasizes moral correction of the perpetrator's actions as a form of retribution for the offense. Therefore, the imposition of imprisonment and fines is the primary instrument for upholding a sense of justice. Eradicating corruption in Indonesia requires the integrated application of retributive justice and the principle of utilitarian justice. Retributive justice emphasizes the imposition of imprisonment and fines commensurate with the severity of the offense and the impact of the corruption, while the principle of utilitarianism is realized through the confiscation of assets and the payment of compensation to recover state losses and prevent recurrence of the crime.

4.5 Urgency of Alternative Approaches

The retributive justice approach in handling criminal acts of corruption has indeed provided legal certainty and a deterrent effect for perpetrators, however, this approach still has limitations, especially in the aspect of recovering state losses and the social impacts caused to the community in the case of corruption in the construction of health facilities in Kabare, Raja Ampat Regency, the community remains the injured party even though the perpetrator has been processed in general.

These limitations highlight the urgency of developing a more comprehensive alternative approach. One approach is restorative justice, which emphasizes reparation and the involvement of various parties, including victims and the community. This approach focuses not only on punishing the perpetrator but also on efforts to repair the impact of the crime.

Furthermore, a combined approach of retributive and restorative justice is also a more ideal solution. In this approach, perpetrators are still subject to criminal sanctions as a form of accountability, but are also required to reimburse the state for losses and mitigate the social impact. Thus, the goal of law enforcement is achieved not only in terms of legal certainty but also in terms of substantive justice and community benefit.

The urgency of implementing this alternative approach is further strengthened when linked to the broad impact of corruption on the public interest. Therefore, reforms to the law enforcement system are needed that focus not only on punishment but also on the restoration and protection of community rights as a whole.

Gambar 2. Urgensi Pendekatan Alternatif dalam Penanganan Tindak Pidana Korupsi



4.6 Activity Explanation

1. Investigation Stage (Initial Information Collection)

1. Collecting data on health facility construction projects (contract documents, RAB, progress reports).
2. Calling the relevant parties for initial clarification.
3. Investigate indications of unlawful acts (budget mark-ups, fictitious work, etc.).

Retributive meaning: ensure that there is a strong basis that an act has occurred that deserves to be "responded to" with criminal sanctions.

2. Investigation Stage (Determination of Suspects)

1. Increase the status of the case to investigation.
2. Determine the suspect based on at least two pieces of evidence.
3. Conducting examinations of witnesses, experts (e.g. construction experts and state auditors).
4. Calculating state losses (usually involving the BPK/BPKP).
5. Carrying out coercive measures (confiscation of documents, searches, detention).

Retributive meaning: confirms who is personally responsible for state losses.

3. Preparation of the Indictment

1. The prosecutor prepares the indictment carefully and completely (for example, using articles in the Corruption Law).
2. Describes the defendant's actions, how they were carried out, and the consequences.

Retributive meaning: ensure that wrongdoing is clearly defined so that the perpetrator can be held fairly accountable.

4. Prosecution in Trial

1. Presenting witnesses, experts and evidence in court.
2. Proving the elements of criminal acts of corruption.
3. Submitting criminal charges (imprisonment, fines, compensation).

Retributive meaning: demanding punishment commensurate with the level of error and the impact of the loss, including social impacts such as disruption to public health services in Kabare.

5. Judge's Decision

1. The judge assesses the trial facts and issues a verdict.
2. If proven guilty, the defendant will be sentenced to prison, fined, and required to pay compensation.

Retributive meaning: the ultimate realization of retributive justice—the perpetrator receives punishment commensurate with his wrongdoing.

6. Execution of the Decision

1. the prosecutor executes a court decision that has permanent legal force.
2. Carrying out detention in a correctional institution.
3. Demand compensation or seize assets if not paid.

Retributive meaning: ensuring that punishment is actually carried out, not just decided.

7. Publication and Transparency

1. Delivering the results of case handling to the public.
2. Provides information about the verdict and punishment of the perpetrator.

Retributive meaning: strengthen the deterrent effect and show that violations of the law will be responded to firmly.

8. core approach

1. Corruption perpetrators must be held criminally responsible for their actions.
2. Punishment is given proportionally
3. The legal process is formal and evidence-based.

4.7 Level of Understanding of Ongoing Activities

Comparison Table of Level of Understanding Before and After Activity

No	Aspects of Understanding	Before the Activity	After Activity
1	Understanding retributive justice	Not yet understood in depth, only knowing in general as a form of punishment	Understanding the concept as a retaliatory approach that focuses on imposing sanctions on the perpetrator
2	Understanding restorative justice	Still limited, not yet knowing the purpose and application in legal practice	Understanding as an approach that emphasizes loss recovery and stakeholder involvement
3	Understanding the crime of corruption	Only know in general without understanding the types and elements	Understand the forms, elements and impacts of criminal acts of corruption more comprehensively
4	Understanding the case handling process at the prosecutor's office	Not yet clearly aware of the stages of case handling	Understand the stages from investigation, inquiry, to prosecution
5	Understanding the Kabare Health Center case	General knowledge without in-depth information	Understand the chronology, problems, and legal aspects related to the case

6	Understanding the role of the prosecutor's office	Not yet understanding the specific authority of the prosecutor's office	Understanding the role and authority of the prosecutor's office in handling criminal acts of corruption
7	Understanding the relationship between law and society	Have not seen a direct link between legal cases and their impact on society	Understanding that corruption cases have a direct impact on the welfare of society

4.8 Activity Documentation

[3]



[4]



Figures [3] and [4]. Interview activities at the Sorong District Attorney's Office regarding the application of retributive justice in handling corruption in the construction of health facilities in Kabare.

5. CONCLUSION

This study demonstrates that the Sorong District Attorney's Office's application of a retributive justice approach in handling corruption in the construction of health facilities in Kabare complies with applicable legal provisions, particularly in imposing sanctions on perpetrators as a form of accountability and deterrent. This approach provides legal certainty and upholds the principle of procedural justice through the investigation, prosecution, and sentencing processes.

However, its effectiveness remains limited because it focuses more on punishing perpetrators than on recovering state losses and the social impact felt by the community. While some efforts have been made to partially recoup state losses, these efforts have not fully restored the community's right to adequate healthcare. Therefore, a more comprehensive approach is needed, such as a combination of retributive and restorative justice, so that law enforcement focuses not only on retaliation but also on recovering losses and protecting the interests of society as a whole.

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