



## A Responsive and Fair Approach to Trialling Women Perpetrators of Corruption Crimes (Case Study of Corruption Cases with Female Perpetrators in Case Number 28/2022 at the Pontianak District Court)

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### A B S T R A C T

This paper discusses the issue of village fund corruption through a case study involving the defendant, Feridiyana, a 29-year-old woman charged with engaging in a criminal act of corruption during her tenure as the Head of Financial Affairs in Sepang Village, Toho District, Mempawah Regency, West Kalimantan. Feridiyana was charged under Article 3 of the Anti-Corruption Law for her involvement in the misappropriation of village funds, which resulted in a state financial loss of Rp225,229,176.25. Using a gender-responsive and fair approach, this paper examines the subordinate role played by the defendant in the crime, as well as the pressure exerted by the main actor, the Village Head, Joni Fri Harianto. This research emphasises the importance of courts considering the social context differences between male and female perpetrators in corruption cases to prevent gender bias. The findings aim to provide new insights for law enforcement in adjudicating corruption cases involving women and to encourage more inclusive policies within Indonesia's criminal justice system.

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## **INTRODUCTION**

The essence of economic development based on the philosophy of the 1945 Constitution rests on the principles of social justice, people's sovereignty and shared prosperity. This philosophy reflects the basic views of the Indonesian people regarding how the economy must be run to achieve national goals, namely creating a just and prosperous society based on Pancasila and the 1945 Constitution. Economic development is the process of changing economic conditions in a country on an ongoing basis, in order to move towards a better situation in a certain period of time. A country's economic development can be seen from several signs, including increasing productivity of goods and services and state income or good economic growth, while indicators of economic growth can be seen from Gross Domestic Product (GDP). According to Apridar (2019), a country's economic growth is influenced by several factors, namely natural resources, infrastructure, human resources, technology, law and policy. Economic development is an excellent instrument in improving the nation's welfare and reducing poverty levels. However, there are several factors inhibiting development and economic growth, including: low access to education and health, inadequate infrastructure, uncertain investment, rapid population growth, unstable political conditions, and corruption. Aida Nurainun (2020), believes that corruption is a problem that involves state finances, so it is very clear that this will hinder the development and economic growth of a country because it makes the investment climate unstable.

Currently, Indonesia is facing a condition where corrupt practices are prevalent and carried out by several high-ranking state officials down to the lowest level in the villages. Indonesia Corruption Watch (2024), stated that the Indonesian Corruption Perception Index for 2022 - 2023 is likely to fall to 34 points and will bring Indonesia to the status of a country that is prone to corrupt practices (prone to corruption) and the highest number of corruption cases will occur throughout 2023. is a case of village fund corruption involving the village head and his apparatus, with state losses reaching billions of rupiah. This corruption often occurs through embezzlement of funds, fictitious projects, and misuse of village budgets. This paper discusses actual issues regarding the practice of village fund corruption involving women as perpetrators of corruption crimes through a case study of a corruption case at the Pontianak District Court which tried a corruption case involving a woman named Feridiyana (29 years) as the Head of Financial Affairs at the Sepang Village Office, Toho District, Mempawah Regency, West Kalimantan, on charges of committing, ordering to commit or participating in committing acts with the aim of benefiting oneself or another person or corporation, abusing the authority, opportunities or facilities available to him because of his position or position which could harm state finances or the country's economy, as stated in case Number 28/Pid.Sus-TPK/2022/PN Ptk.

The purpose of writing a paper entitled "A Fair and Responsive Approach in Prosecuting Women Perpetrators of Corruption Crimes" is :

1. Identifying social and structural factors that influence women's involvement in criminal acts of corruption that can be taken into account adequately in the judicial process, thereby creating fair law enforcement.
2. Finding a concept of law enforcement that is more responsive to female perpetrators in corruption cases so that it can reduce gender bias in courts and encourage more inclusive policies in the field of criminal justice.

It is hoped that the results of the research will provide new insights for law enforcement officials, especially judges, in handling village fund corruption cases involving women as perpetrators of corruption crimes.

## **LITERATURE REVIEW**

### **Theoretical Review**

#### **1. Corruption Theory**

Corruption theories that are relevant in understanding this case include individual, structural and systemic approaches. Here are some of the main theories about corruption :

- a. Rational Choice Theory: According to this theory, corruption occurs when individuals make a rational decision to commit an illegal act because the benefits are deemed to outweigh the risks. In this context, women perpetrators of corruption may see opportunities for personal gain without feeling that the risks are high. Weak oversight in the management of village funds and a lack of transparency can create incentives for corruption.
- b. Systemic Theory of Corruption: Corruption can be seen as the result of weak institutions, where monitoring, law enforcement and accountability mechanisms do not function well. In many villages, the village fund management system is not transparent and lacks accountability, thus providing room for village officials, including women, to misuse funds. This is relevant in the Feridiyana case, where institutional factors and weak supervision may be one of the reasons behind acts of corruption.
- c. Clientelism Theory: In some cases, corruption occurs due to a system of patronage or clientelism, where public officials provide benefits to certain parties (family, friends, or parties who support them) in exchange for support or loyalty. Women in positions of power in villages can also become part of these patronage networks, especially if the social system around them is accustomed to such practices.

#### **2. Legal Responsiveness Theory**

The responsive legal theory developed by Philippe Nonet and Philip Selznick is the main basis for analyzing this hypothesis. According to Nonet and Selznick, responsive law aims to adapt to social changes and guarantee substantive justice, not just formal or procedural justice. In this context, the application of responsive legal theory to women perpetrators of corruption, as in Feridiyana's case, is expected to not only enforce rigid laws, but also take into account social and structural aspects that might influence these actions. Responsive law will take into account social, cultural and gender backgrounds that can influence criminal behavior. Responsive legal processes are one of three legal models introduced by Philippe Nonet and Philip Selznick in their work

entitled "Law and Society in Transition". This theory illustrates that law must be responsive to community needs, pay attention to social change, and function as a tool to achieve substantive justice, not just a procedural formality. In the legal context in Indonesia, it is hoped that the responsive legal approach can be applied more widely to resolve various complex social problems, such as cases of corruption, human rights and social justice. The characteristics of responsive law are oriented towards substantive justice, meaning that responsive law prioritizes fair results and accommodates social needs rather than just following the rules rigidly. This means that the law can adapt to the concrete conditions faced by society.

Flexibility in the Implementation of a responsive legal process allows for flexibility in the application of the law, where law enforcers (judges, prosecutors, etc.) are given space to interpret the rules according to the developing social and moral context; Public participation, where responsive law emphasizes the importance of community involvement in the process of making legal policies. This ensures that the laws created and implemented reflect the values and needs of society, in this case supervision of state power, apart from that it also shows that law is not only a tool of state control, but also an instrument to limit state power so that it does not abuse its authority. and the moral and social role in responsive law does not only refer to written law, but also to the social and moral norms that live in society. In this context, law is not independent from society, but is interrelated with social values.

### 3. Gender Criminology Theory and Gender Approaches in Law

Criminological theory with a gender perspective highlights that women's involvement in crime often occurs in different contexts compared to men. Heidensohn and Silvestri, argue that women are more likely to be involved in economic crime or corruption which is often related to their domestic role or limited access to resources. In the case of Feridiyana, who holds the position of Head of Financial Affairs in Sepang Village, it is important to understand whether limited access to power or other social factors played a role in her actions. Feminist studies and legal theory with a gender perspective have criticized the legal system which is often biased against women. According to feminist theory, laws tend to be built based on men's experiences, and often ignore the social context that women face. This theory argues that women's involvement in crime, including corruption, is often influenced by structural and social conditions specific to women, such as economic injustice and gender inequality in the workplace. In the case of Feridiyana, a Head of Financial Affairs in the village, it is important to consider whether women who commit criminal acts of corruption have different involvement than men, especially in relation to social position, economic pressure, and access to power. Feminist theory emphasizes the importance of paying attention to women's social and economic contexts, which may contribute to decisions to engage in illegal acts.

#### 4. Social and Structural Aspects of Corruption

Corruption is often the result of unjust social structures, and in the case of women, gender bias can play a role. Rose-Ackerman in his study of corruption and development argues that oppressive social structures often encourage individuals to engage in acts of corruption as a form of "adjustment" to economic or social pressures. In this context, responsive law can be a solution to overcome structural injustice by paying more attention to the social conditions that underlie women's criminal acts.

#### 5. Restorative Approaches in Law

A responsive legal approach can also be linked to the concept of restorative law, where the aim of law enforcement is not only to punish, but also to repair social losses and provide rehabilitation for perpetrators. In the case of women perpetrators of corruption, this approach allows for fairer solutions, such as economic or social rehabilitation programs that can help women return to society without lasting stigma.

### **Hypothesis**

Based on the theories above, the hypothesis of this research that a responsive and fair legal approach in handling village fund corruption cases involving women as perpetrators of corruption crimes, such as in the case of Feridiyana (29 years), can provide more substantial justice is justified. Responsive legal theory offers a framework that considers the social and gender context in the justice process, while feminist approaches and gender criminology emphasize the importance of a deeper analysis of the social and structural factors that influence women who commit crimes. It is hoped that this approach can enrich the legal process, resulting in fairer and more inclusive decisions.

### **METHODOLOGY**

The writing of this scientific paper was carried out using a qualitative approach, where this method is more focused on in-depth observation of the problem that has been formulated, so that it is hoped that it can produce a more comprehensive study of a phenomenon. The data used in this paper comes from the collection of available and published data, official data from the Pontianak District Court Case Tracking Information System (SIPP), the results of previous studies and research as well as expert opinions, and social phenomena that occur in society. as well as the results of interviews with related key informants. The data is then classified and reduced for simplification, then the data is analyzed using a scientific approach and legal rules.

### **RESEARCH RESULT**

#### **A. Empirical Findings Regarding Women's Involvement in Corruption Crimes at the Pontianak District Court.**

Data from the Ministry of Law and Human Rights (2024), In terms of quantity, the population of women who commit crimes based on prisoner data tends to be smaller compared to the male population (the average female prisoner population is around 5 percent), but the increase in female prisoners

each year is slightly higher than that of male prisoners. In fact, throughout the last decade, the growth of female prisoners has reached approximately 60 percent, namely 6,292 female prisoners in 2015 to 10,013 in 2023. Furthermore, based on data from the Pontianak District Court SIPP, throughout the last 5 (five) years, namely 2020-2024, there were 285 corruption cases, where the number of corruption cases increases every year and the lowest number of corruption cases was in 2020, namely 32 cases, while the highest was in 2021, namely 94 cases. Among these 285 cases, the majority of perpetrators of corruption crimes were men, while the number of women as perpetrators of corruption crimes was very small. One of the perpetrators of corruption crimes whose gender is female is Feridiyana (29 years old) as stated in Corruption Case Number 28/2022. Data on the number of corruption cases per year at the Pontianak District Court is shown in Table 1 and Figure 1.

Table 1. Corruption Cases in the Pontianak District Court 2020 - 2024

Year	Number of Corruption Cases
2020	32
2021	94
2022	47
2023	54
2024	58
Jumlah perkara	285 Perkara

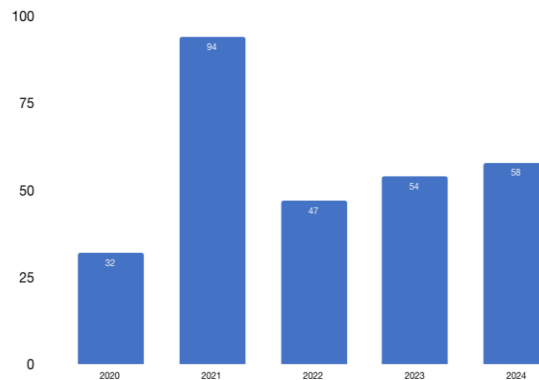


Figure 1. Graph of Corruption in the Pontianak District Court 2020 - 2024  
Source: Pontianak District Court Case Tracking Information System

### **B. Case Review of Feridiyana (29 years) in Corruption Case Number 28/Pid.Sus-TPK/2022/PN.Ptk.**

To present the results of the review of the case of Feridiyana (29 years) in corruption case No.28/Pid.Sus-TPK/2022/PN.Ptk, the approach taken is narrative-chronological where this simple approach is carried out by prioritizing the case storyline and findings main topic, so that readers can immediately understand the essence of the research problem. The story line of the case in a

criminal corruption case involving a female legal subject which occurred in the jurisdiction of the Corruption Crime Court at the Pontianak Class 1A District Court, namely corruption criminal case number 28/Pid.Sus-TPK/2022/PN Ptk, with the indictment as following :

**Primair Indictment :**

*That the Defendant FERIDIYANA (29 years old) as Head of Sepang Village Financial Affairs (KAUR) for the 2019 Fiscal Year, jointly or acting individually with Witness JONI FRI HARIANTO (late) based on Death Certificate Number: 474.3/145/Pem dated March 22 2022, on a day and date that cannot be determined with certainty in 2019 or at least at another time in the period from January 2019 to December 2019 or at least at some time in 2019, located at Sepang Village, Toho District, Mempawah Regency, or at least in another place which is still included in the jurisdiction of the Corruption Crime Court at the Pontianak District Court which has the authority to examine and try this case based on Article 35 paragraph (3) of Law Number 46 of 2009 and based on the Decree of the Chairman of the Supreme Court of the Republic of Indonesia Number 22/KMA/SK/II/2011 namely the Corruption Crime Court at the Pontianak District Court, as a person "who commits, orders to commit or participates in committing unlawful acts or participates in committing the act of unlawfully committing an act of enriching oneself or another person or a corporation which could harm the State Finances or the State Economy in the amount of Rp. 225,229,176.25 (two hundred twenty-five million two hundred twenty-nine thousand one hundred seventy-six rupiah two twenty-five cents).*

**Subsidiary Indictment :**

*Defendant FERIDIYANA as Head of Sepang Village Financial Affairs (KAUR) for Fiscal Year 2019, jointly or acting individually with Witness JONI FRI HARIANTO (Alm.) based on Death Certificate Number: 474.3/145/Pem dated 22 March 2022, on days and dates that cannot be determined with certainty in 2019 or at least at another time in the period from January 2019 to December 2019 or at least at some time in 2019, located in Sepang Village, Toho District , Mempawah Regency, or at least in another place which is still included in the jurisdiction of the Corruption Crime Court at the Pontianak District Court which has the authority to examine and try this case based on Article 35 paragraph (3) of Law Number 46 of 2009 and based on Decree of the Chairman of the Supreme Court of the Republic of Indonesia Number 22/KMA/SK/II/2011 namely the Corruption Crime Court at the Pontianak District Court, as a person "who commits, orders to commit or participates in committing an act by deliberately embezzling money or securities held because of his position , or allowing the money or securities to be taken or embezzled by someone else, or assisting in committing such acts".*

Based on these charges, based on the evidence and facts of the trial as well as legal considerations, the Corruption Crime Court at the Pontianak Class 1A District Court which examines and tries criminal cases of corruption in the first instance court has handed down Decision Number 28/Pid.Sus-TPK/2022 /PN Ptk, with the following decision :

*Declare that the Defendant FERIDIYANA has been legally and convincingly proven guilty of committing the crime of "Collaborative Corruption" as charged by the Subsidiary; Sentenced the Defendant FERIDIYANA to imprisonment for 1 (one) year and a fine of 50,000,000.00 (fifty million rupiah), provided that if the Defendant does not pay the fine then it will be replaced by imprisonment for 1 (one) month;*

The Corruption Crime Court at the Pontianak High Court which examines and tries criminal corruption cases at the appellate level court has handed down Decision Number 9/Pid.Sus-TPK/2022/ PT PTK, with the following decision :

*Strengthening the decision of the Corruption Crime Court at the Pontianak District Court Number 28/Pid.Sus-TPK/2022/PN Ptk dated 12 October 2022, which was requested for appeal; Determining that the period of detention that the Defendant has served shall be deducted entirely from the prison sentence imposed; Decide that the Defendant remains in custody.*

The Supreme Court of the Republic of Indonesia examining a criminal case of corruption at the cassation level filed by the Public Prosecutor at the Mempawah District Prosecutor's Office and the Defendant, has decided on case Number 974 K/Pid.Sus/2023, with the following decision :

*Reject the cassation petition from the Cassation Petitioner I / Defendant FERIDIYANA; Charge the Defendant to pay court costs at the cassation level of IDR 2,500.00 (two thousand five hundred rupiah);*

In terms of the structure of law enforcement, the criminal corruption case with the legal subject of women as mentioned above was decided at the court of first instance, then the result of the first instance decision was upheld by the court of appeal, and at the court of cassation level, the Supreme Court rejected the cassation submitted by the defendant. . The modus operandi of corruption in the Feridiyana case is as follows:

1. Position Role: Feridiyana acted in her capacity as Head of Financial Affairs for Sepang Village in the 2019 Fiscal Year, which gave her direct access and control over village funds.
2. Collaboration with Other Parties: The actions were carried out jointly with Joni Fri Harianto, who died in 2022, or acted separately to misuse village funds.
3. Abuse of Authority: Feridiyana and his colleagues collectively misused the authority, opportunities or facilities they had because of their positions to enrich themselves or other parties.
4. Use of Village Funds: Although specific details of the mode of corruption are not mentioned in this explanation, in general, corruption in village funds often occurs through falsification of financial reports, inflated budgets, or the disbursement of fictitious funds that are not in accordance with the supposed village development program

This mode is in accordance with the general pattern of corruption, where a village official uses his position and authority to take public funds, which should be used for development or community services. As a result, this action was carried out against the law and resulted in state losses amounting to Rp.

225,229,176.25. (two hundred twenty-five million two hundred twenty-nine thousand one hundred seventy-six rupiah twenty-five cents) as stated in the Audit Report on Calculation of State Financial Losses by the West Kalimantan Province Representative Financial and Development Supervisory Agency Number: PE.03.03/LHP-109 /PW14/5/2022 dated 6 April 2022 in the case of alleged criminal acts of corruption in the misappropriation of the Village Revenue and Expenditure Budget (APBDes) of Sepang Village, Toho District, Mempawah Regency for the 2019 Fiscal Year, with details of State Financial Losses, as follows:

Table 2. Amount of State Financial Losses in the Corruption Case of Defendant Feridiyana (29 years) Number 28/Pid.Sus-TPK/2022/PN Ptk.

No.	Description	Amount (Rp)
1.	Realization of 9 Activities Based on LPJ Phase II	525.174.878,25
2.	Realization of 9 Activities in the Village APBDD for 2019 FY	283.988.000,00
3.	Taxes (VAT, PPh and Regional Tax) on 9 Activities in the 2019 FY Village APBDes	15.957.702,00
	Indication of State Financial Losses (1-2-3)	225.229.176,25

Source: Decision Number 28/Pid.Sus-TPK/2022/PN Ptk

Several legal facts which became the main findings in the trial process of Feridiyana (29 years) in the village fund corruption case, were :

1. The defendant Feridiyana (29 years) was not the main actor in this corruption crime. During the trial it was revealed that the main actor in the crime of corruption in Sepang village funds was the Head of Sepang village, Joni Fri Harianto, who died in 2022.
2. Defendant Feridiyana (29 years old) made LPJ Accountable for 9 (Nine) activities whose budget use was not in accordance with the evidence of budget realization for 9 (Nine) jobs in 2019 on the orders of Joni Fri Harianto PJ Village Head of Sepang Village without daring to refuse it and had provided benefits for the Acting Head of Sepang Village, Alm. Joni Fri Harianto, causing state losses for the 9 (nine) jobs amounting to IDR 225,229,176.25.
3. The Defendant Feridiyana (29 years old) knew that the use of the budget was not in accordance with the realization, however the Defendant still made an accountability report with 100% realization on the orders of the PJ Village Head Joni Fri Harianto and the Defendant never rejected it and the Defendant did not hand over the remaining SILPA funds to the Treasury. The state because the funds are with Joni Fri Harianto as PJ. Head of Sepang Village.
4. Defendant Feridiyana (29 years old) admitted that he had never received money from brother JONI FRI HARIANTO for corrupt practices which had caused state financial losses as discovered by BPKP;
5. The panel of judges in handing down the sentence took into consideration the mitigating circumstances of the Defendant Feridiyana (29 years) who was pregnant and still had family responsibilities

## DISCUSSION

### A. Social and structural factors that influence women's involvement in corruption crimes.

The social and structural factors that influence women's involvement in criminal acts of corruption, as in the Feridiyana case, can be explained from various perspectives, both from a legal, social and structural perspective. The following are several factors that can be considered in the judicial process to achieve fair law enforcement:

#### 1. Hierarchy and Authority in the Village Government Structure.

In many cases, women are often in subordinate positions within bureaucratic systems, where they do not have full control over financial decisions. In Feridiyana's case, her position as Head of Financial Affairs meant that she was involved in managing village funds, but the final decision rested with the Acting Village Head, Joni Fri Harianto, who ordered her to make a report that was not in accordance with the actual budget. This hierarchical structure means that Feridiyana does not have the power to refuse orders from superiors, especially in a village context where patriarchal culture is still dominant. During the trial, the admission that he never received the money and was only carrying out orders was important to consider. Legal sociologists argue that women are often trapped in corruption because of their subordinate position in organizations. They have pressure to follow orders, either out of fear or because of an unfair authority structure.

#### 2. Social and Economic Weakness Factors

Economic factors are also often the reason behind women's involvement in corruption. In Feridiyana's case, although not mentioned in detail, socio-economic factors such as family responsibilities could have influenced her actions. Women who have a heavy economic burden are more vulnerable to being trapped in unlawful acts, especially if they are in a position that is vulnerable to exploitation by parties with higher authority. The legal feminist perspective argues that women in the legal system often do not have control over resources and are in situations that are exploited by those with more power. In this context, Feridiyana's actions can be seen not as a pure individual crime, but also as a form of structural violence that forces women to engage in corrupt practices.

#### 3. Social Pressure and Patriarchal Culture

The patriarchal culture in many villages in Indonesia places women in a socially weaker position. In Feridiyana's case, there was pressure from her superior (Joni Fri Harianto) who forced her to follow orders to make a fictitious report. This pressure can be influenced by the inability of women in subordinate positions to refuse orders from more powerful men. According to criminal law experts, in situations where women are under psychological or structural pressure, it is important for judges to consider their subordinate role and the existence of elements of coercion that make them involved in criminal acts of corruption.

4. Gender Considerations in the Legal Process

In an ideal legal system, the judicial process must consider gender factors and the social context of the defendant. Feridiyana's case highlights how situations such as pregnancy and family responsibilities must be part of the judge's considerations. In some international jurisprudence, women who engage in corruption under pressure from authority or socio-economic factors often receive lighter sentences if it is proven that they only acted as executors of orders, not as intellectual actors. According to responsive legal theory, the legal system must be sensitive to the social context and individual situation of the defendant. This includes understanding gender roles, social pressures, as well as the defendant's hierarchical position within an organization.

5. Fair Sentencing Recommendations

In the judicial process, it is important to consider that women like Feridiyana were not the main actors in the crime, but were only following orders. In these cases, consideration of leniency due to structural pressures, social culture, and family responsibilities is important. The panel of judges should not only focus on the formal aspects of the crime, but also consider the social and gender dynamics that influence the defendant's actions.

**B. The concept of law enforcement that is more responsive to female perpetrators in corruption cases.**

The concept of law enforcement that is more responsive to female perpetrators in corruption cases, including the Feridiyana case, involves an approach that considers the social, structural and gender context. Responsive law enforcement aims to minimize gender bias in the criminal justice system and encourage more inclusive policies, taking into account the lived realities of women who are often influenced by socio-economic subordination, structural pressures and domestic responsibilities. The concept of law enforcement being more responsive to female perpetrators in corruption cases, especially regarding the Feridiyana case study, can be described as follows:

1. Responsive and Gender Sensitive Law Enforcement.

The concept of responsive and gender-sensitive law enforcement towards female perpetrators in Feridiyana corruption cases does not only focus on the rigid application of legal rules, but also on the social and structural context that affects women. This involves an approach that considers the role and position of women in society, which is often influenced by subordination and structural pressures. According to Satjipto Rahardjo, responsive law enforcement is an approach that does not only focus on rigid application of legal rules, but also considers the social, cultural and context aspects of the individuals involved. Responsive law recognizes that law enforcement does not occur in a vacuum; There are always social factors that influence legal violations, including gender and social position. Rahardjo believes that law is not only a tool to control society, but must also be a tool to serve society, including those who are vulnerable such as women. This means that the law must take into account the social context

that women face and how their position in the social structure can influence the criminal acts they commit. In the case of Feridiyana, who acted on the orders of Village Head Joni Fri Harianto and did not dare to refuse orders, the implementation of responsive law enforcement based on this concept must take into account the fact that she did not have full authority over financial decisions that resulted in acts of corruption. The law must take into account the hierarchical pressures she experiences as well as existing social responsibilities, such as her being pregnant and family responsibilities. Apart from that, the law must also consider socio-economic aspects that influence women's involvement in criminal acts, especially when they operate in a subordinate position, as happened with Feridiyana.

## 2. Reducing Gender Bias in the Courts.

Gender bias occurs in a legal process, when the court treats female perpetrators the same as men without considering differences in social context and life experiences. In corruption cases, women are often involved not as main actors, but as subordinates who are pressured to obey orders from superiors or stronger parties. Gender bias in courts often arises when laws are applied without considering differences in life experiences between men and women. In corruption cases, women are often seen as perpetrators on a par with men, without taking into account the social context that encourages them to get involved. In Feridiyana's case, it is clear that greater authority lies with the Village Head, Joni Fri Harianto, and Feridiyana is only following his orders. Responsive law will consider gender roles in decision making and will not generalize the role of women who are in subordinate positions. In some international cases, for example in South Africa and Canada, courts have begun to use gender analysis in criminal cases to differentially assess female perpetrators involved in economic crimes or corruption due to structural and economic pressures. For example, a woman working under corrupt male authority in Canada was once given a lighter sentence after the court considered that she was forced by circumstances.

According to Joan Meier, women who commit crimes are often under pressure, be it economic, social or structural, so their role in these crimes must be analyzed in more depth. In Feridiyana's case, she was under pressure from the Village Head and admitted that she was following orders without receiving personal gain, which is an important aspect that must be taken into account in fair law enforcement. To avoid gender bias in the legal process, especially when dealing with corruption cases involving women as perpetrators, judges must consider the provisions that have been issued by the Indonesian Supreme Court (MA), where the Supreme Court has issued several guidelines and regulations that encourage a justice system that is more sensitive to gender. The relevant Supreme Court Regulation is Supreme Court Regulation (Perma) No. 3 of 2017 concerning Guidelines for Trying Women in Conflict with the Law. This regulation provides guidance to judges to avoid gender bias when trying women. The main objectives of this Perma are to identify the special situation of women, the emphasis on

women's subordination, and respect for women's rights. In the case of Feridiyana, who acted as a subordinate and acted on the orders of a stronger superior (Village Head), the Supreme Court, through Perma No. 3/2017, can direct the judge to consider her subordinate role, the pressure she faces, and the condition of her pregnancy which affects the sentence handed down. With this approach, it is hoped that the court can avoid imposing punishments that are too harsh on women in subordinate positions or who are influenced by structural pressures. More inclusive and gender-responsive law enforcement not only creates justice for individuals, but also strengthens the legal system as a whole.

3. Pushing for More Inclusive Policies in Criminal Justice.

A more inclusive policy means creating a legal system that is not only oriented towards imprisonment, but also towards restoration (restorative justice) and rehabilitation, especially for women who are involved in criminal acts due to structural pressures. Inclusive policies in the field of criminal justice involve establishing procedures that are more sensitive to the conditions of women. In Feridiyana's case, this kind of policy can be implemented as a law enforcement process that does not hit the mark, meaning that punishment of female perpetrators involved in corruption under pressure must take into account that they do not always have full control over the crime.

Apart from that, it is also necessary to consider Restorative Justice and Rehabilitation Diversion, where instead of prison sentences, the justice system can consider the use of Restorative Justice and Rehabilitation Diversion which focuses on recovering state losses without imposing harsh sentences on women who are indirectly involved. This is especially relevant if the perpetrator, such as Feridiyana, acted under greater pressure or authority and did not derive personal financial benefit from the crime. This allows a legal process that is more focused on recovering state losses and social impacts, rather than simply punishing the perpetrator. In addition, gender-sensitive Rehabilitation Diversion can be applied in cases of women involved in criminal acts of corruption. This can provide an opportunity for female perpetrators to correct their mistakes without having to undergo severe punishment, especially if their involvement was influenced by subordination or pressure from others. This is in line with the opinion of Catharine MacKinnon, a feminist legal expert, who states that the legal system must accommodate the perspective of women who are often involved in crime not because of their free choice, but because of oppressive structures. This shows the need for legal policies that are more inclusive and take into account gender factors in criminal justice.

4. Implementation in the Feridiyana Case Study.

In Feridiyana's case, responsive law enforcement can be carried out by considering several factors, namely first; Pressure from superiors: As a woman working in a subordinate position, Feridiyana receives orders from the more powerful village head. He is not in a position to refuse orders, especially in a village structure that still has a strong patriarchal culture. A

responsive justice system must take into account that the inability to resist orders in a hierarchical context is an important factor in this case. Second; Social and Family Conditions: Feridiyana, who at that time was pregnant and had family responsibilities, was in a social situation that placed her in a weak position. In these cases, consideration of mitigating circumstances such as family responsibilities and socio-economic conditions is important to include in the judicial process. Joan Meier, a feminist legal expert, stated that women who commit crimes in the context of economic or domestic pressure should be treated differently than primary perpetrators who have complete control over the crime.

## **CONCLUSIONS AND RECOMMENDATIONS**

Based on the discussion above, the factors that influence women's involvement in corruption, as happened in the Feridiyana case, include structural, socio-economic pressures, patriarchal culture, and subordination in the village government hierarchy. A responsive and fair legal approach must take this context into account so that women in vulnerable situations are not treated the same as the main perpetrators of corruption who have full control over the crime. Furthermore, to encourage responsive law enforcement against female perpetrators in corruption cases such as the Sepang village fund corruption case with the defendant being a 29 year old Feridiyana woman, in case number 28/Pid.Sus-TPK/2022/PN.Ptk, requires an approach that properly considers social, gender and structural aspects that influence the perpetrator's actions. Feridiyana's case is an example where women are in a subordinate position who are forced to follow orders from their superiors. Fair law enforcement must consider this context so that there is no gender bias in the courts, by considering gender analysis, socio-economic conditions, and more inclusive policies. In the Feridiyana case study, responsive law enforcement could consider this:

1. Limited Authority: The fact that Feridiyana acts under the orders of the more powerful Village Head, without the ability to refuse.
2. Mitigating Factors: Her condition of being pregnant and having family responsibilities should be taken into consideration in the judicial process, so that not only the law is applied, but also empathy for the perpetrator's social condition.
3. Restorative Recommendations: Courts can prioritize a restorative approach with a focus on recovering state losses, without having to impose heavy prison sentences on perpetrators who are in a more vulnerable position.

Responsive law enforcement against female perpetrators in corruption cases, such as the case of a woman named Feridiyana, requires analysis that considers the social and structural context that influences women's involvement. By reducing gender bias, giving greater weight to mitigating factors, and encouraging inclusive policies such as restorative justice, the legal system can create more equitable and humane justice.

## ADVANCED RESEARCH

The scope of the research entitled "A Fair and Responsive Approach in Prosecuting Women Perpetrators of Corruption Crimes: Case Study of Corruption Cases with Women Perpetrators in Case Number 28/2022 at the Pontianak District Court, is focused on discussing the social and structural factors that influence women's involvement in crimes corruption crimes that can be taken into account adequately in the judicial process, thereby creating fair law enforcement, as well as putting forward the concept of law enforcement that is more responsive to female perpetrators in corruption cases so that it can reduce gender bias in the courts and encourage more inclusive policies in the field of criminal justice. As a follow-up to this research, it is necessary to carry out a comprehensive study regarding the socio-psychological impact on Feridiyana after undergoing the court verdict.

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