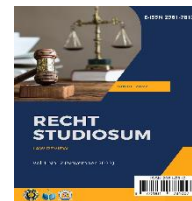




# Recht Studiosum Law Review

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## The Effect of the District Court Judge's Verdict in the Sambo CS Case on the Level of Public Trust in the Criminal Justice System in Indonesia

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### ABSTRACT

*Penelitian ini bertujuan memberikan deskripsi terkait pengaruh vonis hakim Pengadilan Negeri pada kasus Sambo cs terhadap tingkat kepercayaan masyarakat atas sistem peradilan pidana di Indonesia. Pendekatan dalam penelitian ini menggunakan jenis penelitian kuantitatif. Sampel responden terdiri dari 200 responden yang berlokasi di Kabupaten Brebes, Kabupaten Tegal, Kota Tegal, dan Kabupaten Pemalang. Teknik pengambilan sampel menggunakan non-random sampling dengan purposive sampling. Sementara instrument yang digunakan dalam penelitian berupa kuesioner. Teknik analisis data menggunakan pengujian hipotesis independensi melalui distribusi Khai-Kuadrat. Penelitian ini menyimpulkan bahwa berdasarkan hasil perhitungan, nilai khai-kuadrat adalah 62,586. Dengan demikian, hipotesis nihil ditolak dan menerima hipotesis alternative. Ternyata, vonis hakim Pengadilan Negeri pada kasus Sambo cs memang berpengaruh terhadap tingkat kepercayaan masyarakat atas sistem peradilan pidana di Indonesia.*

**Kata kunci:** kasus Sambo cs, sistem peradilan pidana, vonis

### ABSTRAK

This study aims to provide a description regarding the influence of the District Court judge's verdict in the Sambo cs case on the level of public trust in the criminal justice system in Indonesia. The approach in this study uses a type of quantitative research. The sample of respondents consisted of 200 respondents located in Brebes Regency, Tegal Regency, Tegal City and Pemalang Regency. The sampling technique used non-random sampling with purposive sampling. While the instrument used in this research is a questionnaire. The data analysis technique uses the independence hypothesis test through the Khai-Square distribution. This study concludes that based on the calculation results, the khai-squared value is 62.586. Thus, the null hypothesis is rejected and the alternative hypothesis is accepted. In fact, the District Court judge's verdict in the Sambo cs case did influence the level of public trust in the criminal justice system in Indonesia.

**Kata Kunci:** criminal justice system, Sambo cs case, verdict



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## 1. Introduction

Law is positioned to have a very large role in social life to achieve order, peace and justice because law determines rights and obligations and protects individual interests and social interests.<sup>1</sup> Therefore a mechanism is needed to guarantee and protect the rights of these citizens, one of which is carried out through the courts.<sup>2</sup>

The 1945 Constitution of the Republic of Indonesia emphasizes that Indonesia is a constitutional state.<sup>3</sup> In line with these provisions, one of the important principles of a rule of law is the guarantee that the administration of judicial power is independent, free from the influence of other powers to administer justice in order to uphold law and justice.<sup>4</sup>

One of the principles of a rule of law is the existence of an independent and impartial judicial power, which then independence and impartiality is granted by the 1945 Constitution of the Republic of Indonesia to judicial bodies as administrators and individual judges as executors of judicial power.<sup>5</sup> This independence and impartiality is necessary solely because of its function in administering justice in order to uphold law and justice.

Judicial power after the Amendment to the 1945 Constitution of the Republic of Indonesia became a very fundamental power and as part of the axis of power which has the function of upholding justice. Judicial power in the composition of state power according to the Amendment to the 1945 Constitution of the Republic of Indonesia is still placed in an independent power free from the interference of other powers.<sup>6</sup>

The existence of judicial power in Indonesia along with its legal foundations proves that Indonesia is trying to be consistent in applying the principles of a rule of law.<sup>7</sup> At least through the judiciary, the principles of law can be upheld, although in the process there will be many conflicts.<sup>8</sup>

Judges as the main actors functionally in carrying out the functions of judicial power, because in essence judicial power has pillars consisting of judicial bodies which are enforced based on law. In carrying out the functions of judicial power, judges must understand the scope of duties and obligations as stipulated in the legislation. After understanding their duties and obligations, judges must then try to be professional in carrying out and completing their work.<sup>9</sup> The professionalism of judges will have an impact on the judicial system which cannot realize justice in law enforcement.<sup>10</sup>

<sup>1</sup> Muhamad Sadi Is, (2019). *Pengantar Ilmu Hukum*, Jakarta: Kencana,

<sup>2</sup> Putu Bagus Dananjaya and Ni Gusti Ayu Made Nia Rahayu, (2022): "Mekanisme Citizen Lawsuit dalam Perspektif Sistem Peradilan Di Indonesia," *Jurnal Hukum Saraswati (JHS)* 4, no. 1 15-30, Doi: <https://doi.org/10.36733/jhs.v2i2>. Equality before the law means that in law there is subjection for everyone without exception before the law, not equal to the law itself let alone being above it.

<sup>3</sup> Suratna, W. R., and Achmad, (2020). "Politik Hukum Dalam Pembentukan Peraturan Presiden Nomor 7 Tahun 2018 Tentang Badan Pembinaan Ideologi Pancasila," *Res Publica (Jurnal Hukum Kebijakan Publik)* 4, no. 1): 86-89. See also Setyawan, F., "Institutionalization of Pancasila values in the formation and evaluation of laws and regulations," *Journal of Indonesian Legislation*, no. 18 (2021): 258.

<sup>4</sup> Rinsifat Naibaho and Indra Jaya M. Hasibuan, (2021) "Peranan Mahkamah Agung Dalam Penegakan Hukum dan Keadilan Melalui Kekuasaan Kehakiman," *Nommensen Journal of Legal Opinion (NJLO)* 2, no. 2: 203-214. Explanation of Article 1 Number (1) of Law No. 48 of 2009 contains more explicit information about regarding the existence of independence/independence of judicial bodies

<sup>5</sup> Syachdin and Joko Jumadi, (2018) "Efektifitas Praperadilan dalam Sistem Peradilan Pidana Anak di Indonesia," *JATISWARA: Jurnal Ilmu Hukum* 33, no. 1: 1-11.

<sup>6</sup> Achmad Edi Subiyanto, (2012). "Mendesain Kewenangan Kekuasaan Kehakiman Setelah Perubahan UUD 1945," *Jurnal Konstitusi* 9, no. 4: 662-680. In the composition of state power after the Amendment to the 1945 Constitution of the Republic of Indonesia, judicial power is exercised by a Supreme Court and judicial bodies under it in the general court environment, religious court environment, military court environment, state administrative court environment, and by a Constitutional Court.

<sup>7</sup> Burhanuddin, (2020). "Eksistensi Badan Pembinaan Ideologi Pancasila (BPIP) Dalam Sistem Ketatanegaraan Republik Indonesia," *JURIDICA (Jurnal Fakultas Hukum Universitas Rinjani)* 2, no. 1: 67. Mustari, "Eksistensi Badan Pembinaan Ideologi Pancasila Dalam Sistem Ketatanegaraan Republik Indonesia," *Jurnal Idea Hukum* 5, no. 1 (2019): 1518-1519, DOI: <http://dx.doi.org/10.20884/1.jih.2019.5.2> .123.

<sup>8</sup> Michael Brayn Rompas, "Kekuasaan Hakim dalam Sistem Peradilan Di Indonesia," *Lex Administratum* 1, no. 3 (2013): 25-35. This is because the movement to uphold the law (law supremacy) must deal with political, social, economic aspects.

<sup>9</sup> Wildan Suyuthi Mustofa, *Kode Etik Hakim* (Jakarta: Kencana Prenadamedia Group, 2013).

<sup>10</sup> Meylin Sihalo, "Seleksi Pengangkatan Hakim dalam Sistem Peradilan Indonesia: Kajian Putusan Mahkamah Konstitusi Nomor 43.PUU-XII/2015," *Jurnal Wawasan Hukum* 33, no. 2 (2015): 204-218. The judicial power has the meaning of freedom from interference from other authorities, and freedom from coercion, directives and recommendations coming from extra-judicial parties in matters permitted by law.

Juridically and philosophically, Indonesian judges have the obligation or right to interpret the law or legal findings so that the decisions they make can be in accordance with the law and the sense of justice of society.<sup>11</sup> The interpretation of law by judges in the judicial process must be carried out on certain principles and principles which form the basis as well as signs for judges in exercising their freedom to find and create law.<sup>12</sup>

The structure of the Indonesian justice system consists of the Constitutional Court, the Supreme Court, the judiciary under which there are general courts (District Court, High Court, special courts consisting of Children's Court, Commercial Court, Corruption Court, Industrial Relations Court, Tax Court). Religious Courts (Religious Courts and High Religious Courts)<sup>13</sup>, Military Courts (Military Courts and High Military Courts) and State Administrative Court (State Administrative Court and State Administrative High Court).<sup>14</sup>

The implementation of the Indonesian justice system which consists of the role of judicial power provided for in the 1945 Constitution, the implementation of mutual coordination between institutions to achieve the goals of the nation as a rule of law.<sup>15</sup> The judicial system is mandated and desired by the constitution in exercising judicial power, whose task is not only to uphold the law, but also to uphold justice has been fulfilled. With an organized system and mechanism, justice seekers are protected from obtaining judges who are free and impartial.<sup>16</sup> As well as maintaining the principle of a free and independent judiciary, judiciary without discriminating against people, is the cornerstone of a democratic rule of law as desired by the 1945 Constitution.<sup>17</sup>

The criminal justice system is a long and interconnected process<sup>18</sup>, starting from the preliminary examination stage (investigation and investigation), prosecution, examination at court hearings, judge's decision, legal remedies, until a court decision that has permanent legal force.<sup>19</sup> Apart from basic rights, in the criminal justice system the term Miranda Rules is also known, which is the forerunner of the emergence of exclusive rights for suspects.<sup>20</sup>

Sambo is believed by the prosecutor to have violated Article 340 of the Criminal Code in conjunction with Article 55 paragraph 1 1st of the Criminal Code. Sambo is also believed to have violated Article 49 in conjunction with Article 33 of Law No. 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions in conjunction with Article 55 paragraph 1 1 of the Criminal Code. The prosecutor considered that there was no excuse or justification for what Ferdy Sambo had done. The prosecutor stated that Sambo must be held accountable for his actions. Life imprisonment means that a convict is in prison until he dies.<sup>21</sup> In the prosecutor's indictment, Sambo committed the premeditated murder together with Sambo's wife, Putri Candrawathi, then the driver of the Ferdy Sambo family, Kuat

<sup>11</sup> Ilmiati, (2017). "Sistem Pengawasan Lembaga Peradilan Di Indonesia," *Bilancia* 11, no. 1: 121-145.

<sup>12</sup> Afif Khalid, (2014) "Penafsiran Hukum Oleh Hakim dalam Sistem Peradilan Di Indonesia," *Al'Adl* 7, no. 11: 9-36. In an effort to interpret the law, a judge knows the principles of justice contained in laws and regulations related to the world of justice, in this case the 1945 Constitution of the Republic of Indonesia, Law Number 48 of 2009 concerning Judicial Power

<sup>13</sup> Aden Rosadi, (2019) "Dinamika dan Sitem Hukum Penyelenggaraan Peradilan Agama Di Indonesia," *Al Ahkam* 15, no. 1: 20-35.

<sup>14</sup> Isoni Muhammad Miraj Miza and Adrian Permana Zen, (2022) "Strategi Internalisasi Asas Restorative Justice dalam Sistem Peradilan Indonesia," *Pancasila: Jurnal Keindonesiaan* 2, no. 2: 149-162.

<sup>15</sup> Muhammad Habibi, (2020) "Legalitas Hukum Islam dalam Sistem Peradilan Indonesia," *MEDIA SYARI'AH: Wahana Kajian Hukum Islam dan Pranata Sosial* 2, no. 22: 128-149.

<sup>16</sup> Putu Bagus Dananjaya and Ni Gusti Ayu Made Nia Rahayu, (2022) "Mekanisme Citizen Lawsuit dalam Perspektif Sistem Peradilan Di Indonesia," *Jurnal Hukum Saraswati (JHS)* 4, no. 1: 15-30.

<sup>17</sup> Rakyu Swarnabumi R. Rosady and Mulida Hayati, (2021) "Sistem E-Court dalam Pelaksanaan Peradilan Di Indonesia Pada Masa Pandemi Covid-19," *Jurnal Ilmu Hukum Tambun Bungai* 6, no. 2: 125-143.

<sup>18</sup> Dwi Wachidiyah Ningsih and Hanifatul Hidayah, (2022) "Kedudukan Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Tentang Administrasi Perkara dan Persidangan Di Pengadilan Secara Elektronik Pada Sistem Peradilan Di Indonesia," *Jurnal Pro Hukum: Jurnal Penelitian Bidang Hukum Universitas Gresik* 11, no. 2: 101-107.

<sup>19</sup> Gracia, Majolica Ocarina Fae and Ronaldo Sanjaya, (2021) "Eksistensi E-Court Untuk Mewujudkan Efisiensi dan Efektivitas Pada Sistem Peradilan Indonesia Di Tengah Covid-19," *Jurnal Syntax Transformation* 2, no. 4: 1-13.

<sup>20</sup> Dwi Seno Wijanarko, (2021) "Kedudukan Miranda Rules dan Penegakan Hukumnya dalam Sistem Peradilan Pidana Di Indonesia," *Jurnal Hukum dan Keadilan* 8, no. 2: 261-275. Miranda Rules are the constitutional rights of suspects or defendants which include the right not to answer questions related to officials in the criminal justice process and the right to be accompanied or presented by legal counsel from the time of the investigation process to the end of the trial process.

<sup>21</sup> CNN Indonesia "Kejagung Sebut Tuntutan Ferdy Sambo Cs Sudah Tepat" selengkapnya di sini: <https://www.cnnindonesia.com/nasional/20230119140237-12-902500/kejagung-sebut-tuntutan-ferdy-sambo-cs-sudah-tepat>, diakses 27 Februari 2023.

Maruf.<sup>22</sup> The prosecutor also said that Sambo's former adjutants, namely Bripka Ricky Rizal and Bharada Richard Eliezer Pudihang Lumiu, were also involved in the premeditated murder.<sup>23</sup>

Ferdy Sambo received a death sentence from the panel of judges at the South Jakarta District Court. Sambo is considered to be the mastermind of the premeditated murder of Brigadier Joshua. Putri Candrawathi, Sambo's wife, was sentenced to 20 years in prison. Meanwhile, Kuat Ma'ruf and Ricky Rizal Wibowo received sentences of 15 and 13 years respectively. The sentence was higher than the prosecutor's demand that Sambo be sentenced to life imprisonment. Meanwhile, Putri, Kuat and Ricky were both sentenced to 9 years in prison.<sup>24</sup> One of the defendants in the murder of Brigadier Yosua, Richard Eliezer Pudihang Lumiu, received the lightest sentence. Richard only received one year and six months in prison.<sup>25</sup> The panel of judges in their considerations alluded to Richard's role as a justice collaborator in this case. According to them, Richard was the one who made the case of the premeditated murder of Brigadier Joshua bright after previously being shrouded in the fog of the fake scenario concocted by Ferdy Sambo.<sup>26</sup>

This study aims to provide a description regarding the influence of the District Court judge's verdict in the Sambo cs case on the level of public trust in the criminal justice system in Indonesia. The research question to be tested is whether there is an influence of the District Court judge's verdict in the Sambo cs case on the level of public trust in the criminal justice system in Indonesia

## 2. Methods

The approach in this study uses a type of quantitative research. The sample of respondents consisted of 200 respondents located in Brebes Regency, Tegal Regency, Tegal City and Pemalang Regency. The sampling technique used non-random sampling with purposive sampling. While the instrument used in this research is a questionnaire. The data analysis technique uses the independence hypothesis test through the Khai-Square distribution.

This test is carried out to test the hypothesis of whether or not there is a relationship between one variable and another. While the number of individuals in a population is categorized into two variables or categories and each category consists of several alternatives. Independence testing is carried out with the help of a contingency table.

<sup>22</sup> Detiknews, "Jadwal Lengkap Sidang Vonis Sambo cs dan Tuntutan Hukumannya" selengkapnya <https://news.detik.com/berita/d-6564925/jadwal-lengkap-sidang-vonis-sambo-cs-dan-tuntutan-hukumannya>, diakses 1 Maret 2023.

<sup>23</sup> The following is a list of the accused and their sentence requirements: Ferdy Sambo's sentence: life imprisonment; Putri Candrawathi's sentence: 8 years' imprisonment; Ricky Rizal's sentence: 8 years' imprisonment; Strong Ma'ruf's sentence: 8 years' imprisonment; Richard's sentence demands Eliezer: 12 years in prison. In addition, in the case of vandalizing CCTV related to the murder of Brigadier Yosua, there are six defendants, namely former Karo Paminal Propam Polri Hendra Kurniawan, former Kaden A Ropaminal Agus Nurpatria, former Deputy Kaden B Bureaupaminal Divpropam Polri AKBP Arif Rachman Arifin Then, former Head of Sub-unit I Sub Directorate III Dittipidum Bareskrim Polri AKP Irfan Widyanto, former Korpri Kadiv Propam Polri Chuck Putranto and former Head of Sub-Division of Riksa Bagno Ethics Bureau Watprof Baiquni Wibowo.

<sup>24</sup> The four defendants have officially appealed against the verdict handed down by the panel of judges through their attorneys. Regarding the legal appeals made by the Defendant Ferdy Sambo, Defendant Putri Candrawathi, Defendant Strong Ma'ruf, and Defendant Ricky Rizal Wibowo, Prosecutor The public appealed.

<sup>25</sup> [Tribunnews.com](https://www.tribunnews.com/nasional/2023/02/15/daftar-vonis-ferdy-sambo-cs-bharada-e-paling-ringan-dijatuhi-hukuman-1-tahun-6-bulan-penjara) dengan judul Daftar Vonis Ferdy Sambo cs: Bharada E Paling Ringan, Dijatuhi Hukuman 1 Tahun 6 Bulan Penjara, <https://www.tribunnews.com/nasional/2023/02/15/daftar-vonis-ferdy-sambo-cs-bharada-e-paling-ringan-dijatuhi-hukuman-1-tahun-6-bulan-penjara>, diakses 1 Maret 2023.

<sup>26</sup> The Attorney General's Office also stated that they would not appeal Richard Eliezer's verdict.

**TABLE 1.** Contingency Table

Variabel II	Variabel I			Jumlah
	A1	A2	A3	
B1	N11	N.312	N13	N1.
B2	N21	N22	N23	N2.
Br	Nr1	Nr2	Nr3	Nr.
<b>Jumlah</b>	n.1	n.2	n.3	n.

The series of steps for testing the hypothesis that must be carried out include:

a) Formulate null hypothesis and alternative hypothesis

$$H_0 : P_{11} = P_{12} = P_{13} = P_{14} = P_{15}$$

$$H_1 : P_{11} \neq P_{12} \neq P_{13} \neq P_{14} \neq P_{15}$$

b) Determine the level of significance

The significance level is determined at 5%

c) Formulate test criteria

Testing for independence is testing the hypothesis with one area of greater rejection or testing the right side. Therefore, the testing criterion that is applied is that the null hypothesis is accepted if

$$X^2 \leq X_{\alpha; (r-1) \times (c-1)}^2$$

While the null hypothesis will be rejected if

$$X^2 > X_{\alpha; (r-1) \times (c-1)}^2$$

d) Calculates the khai-squared value

The calculation to find the khai-squared value is done by applying the formula

$$X^2 = \sum_{i=1}^k \frac{(n_{ij} - e_{ij})^2}{e_{ij}}$$

e) Formulates a final conclusion

The final conclusion is formulated after knowing the magnitude of the khai-squared value of the calculation results and then compared with the khai-squared value in the table. based on the comparison between the two values, it can be determined whether the null hypothesis is accepted or rejected.

### 3. Results and Discussion

The premeditated murder case against Brigadier N Yosua Hutabarat has entered its final phase. The defendants, namely Ferdy Sambo, have received a verdict from the panel of judges at the South Jakarta (Jaksel) District Court. The following is an overview of the verdict given by the panel of judges at the District Court:<sup>27</sup>

#### 1. Ferdy Sambo

In Ferdy Sambo's verdict, the judge stated that the defendant Ferdy Sambo had been legally and convincingly proven guilty of committing a crime, participating in premeditated murder, and without the right to take action which resulted in the electronic system not working as it should, which were carried out jointly. Chief Judge Wahyu sentenced the defendant to death. In his decision, Chief Judge Wahyu read out seven things that were aggravating to Ferdy Sambo, namely:

- 1) The defendant's actions were committed against his own adjutant who had served him
- 2) The defendant's actions caused deep sorrow for Nofriansyah Yosua Hutabarat's family;
- 3) As a result of the defendant's actions caused widespread unrest and uproar in the community;
- 4) The defendant's actions were inappropriate in his position as a law enforcement officer and the main official of the National Police, namely the Kadiv Propam Polri;
- 5) The defendant's actions have tarnished the Polri institution in the eyes of the Indonesian public and the international world;

<sup>27</sup> [Tribunnews.com](https://www.tribunnews.com/nasional/2023/02/15/daftar-vonis-ferdy-sambo-cs-bharada-e-paling-ringan-dijatuhi-hukuman-1-tahun-6-bulan-penjara) dengan judul Daftar Vonis Ferdy Sambo cs: Bharada E Paling Ringan, Dijatuhi Hukuman 1 Tahun 6 Bulan Penjara, <https://www.tribunnews.com/nasional/2023/02/15/daftar-vonis-ferdy-sambo-cs-bharada-e-paling-ringan-dijatuhi-hukuman-1-tahun-6-bulan-penjara>, diakses 1 Maret 2023.



- 6) The defendant's actions caused many other Polri members to become involved;
- 7) The defendant convoluted in giving testimony at trial and did not admit his actions.

Meanwhile, Chief Judge Wahyu stated that there was nothing that would lighten Ferdy Sambo.

## 2. Putri Candrawathi

In line with her husband, Putri Candrawathi was also given a heavier sentence than the prosecutor's demands, namely eight years in prison. The Chief Judge, Wahyu Iman Santoso, stated that Putri Candrawathi was legally and convincingly proven to be involved in a premeditated murder. The judge sentenced the defendant Putri Candrawathi to a criminal sentence. Meanwhile, Member Judge, Alimin Ribut Sujono, read out the considerations of the Panel of Judges, why sentenced Putri Candrawathi to 20 years in prison. The following is in full the things that incriminate Princess Candrawathi:

- 1) The defendant as the wife of a Kadiv Propam Polri who is also the central administrator of Bhayangkari, as General Treasurer should be able to be a role model and be an example for other Bhayangkari members as husband's companion;
- 2) The defendant's actions tarnished the good name of the police wives' organization, Bhayangkari;
- 3) The defendant was convoluted and not forthright in giving his testimony at trial, which made it difficult for the trial;
- 4) The defendant did not admit his guilt and instead positioned himself as a victim;
- 5) The defendant's actions have caused great impact and loss to various parties, both material and moral, and have even cut off the future of many police personnel.

Like Ferdy Sambo, nothing made Putri Candrawathi easier.

## 3. Kuat Maruf

Previously, Kuat Maruf was demanded by the public prosecutor to serve eight years in prison. However, the sentence given to him was 15 years imprisonment. The Panel of Judges stated that Kuat Maruf had been proven to have participated in the case of the premeditated murder of Brigadier J. As a consideration of the verdict, the following things weighed heavily on Kuat Maruf:

- 1) The accused was not polite at trial;
- 2) The defendant was convoluted and not forthright in giving his testimony at trial, thus making the trial very difficult;
- 3) The defendant did not admit guilt and positioned himself as having no knowledge of this case;
- 4) The defendant did not show remorse in every trial.

Unlike Ferdy Sambo and Putri Candrawathi, Kuat Maruf's responsibilities as the head of the family have become a mitigating factor.

## 4. Ricky Rizal

Even though they were both demanded eight years in prison by the public prosecutor, Ricky Rizal's sentence was two years lower than Kuat Maruf's. He was sentenced to 13 years in prison because he was judged to have been involved in the premeditated murder of Brigadier J. Compared to the other defendants, Ricky Rizal only had two things that were aggravating, namely being considered convoluted and having tarnished the good name of the National Police. Furthermore, Chief Judge Wahyu read out the mitigating factors for Ricky Rizal, namely that the defendant still has family dependents and it is hoped that the defendant will still be able to improve his behavior in the future.

## 5. Richard Eliezer

Only Bharada E received a lighter sentence than the prosecutor's demands. He was only sentenced to one year and six in prison, from the previous requirement of 12 years in prison. There was only one

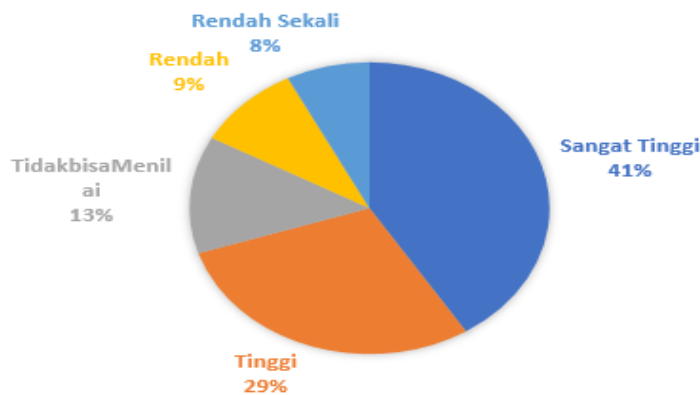
thing that incriminated Bharada E. He was considered to have disrespected his close relationship with Brigadier J because he was willing to fulfill Ferdy Sambo's order to kill the deceased. The following are things that relieve Bharada E:

- 1) The defendant is the witness of the cooperating perpetrator;
- 2) The defendant was polite in court;
- 3) The accused has never been convicted;
- 4) The defendant is still young and is expected to be able to correct his actions in the future;
- 5) The defendant regretted his actions and promised not to repeat them;
- 6) The family of the victim Nofriansyah Yosua Hutabarat has forgiven the defendant's actions.

The following is a summary of respondents' answers from a total of 200 respondents regarding the level of public trust in the criminal justice system in Indonesia after the District Court judges handed down their verdict on Ferdy Sambo, Putri Candrawati, Kuart Maruf, Ricky Rizal and Richard Eliezer. Respondents are located in Brebes Regency, Tegal Regency, Tegal City, and Pemalang Regency.

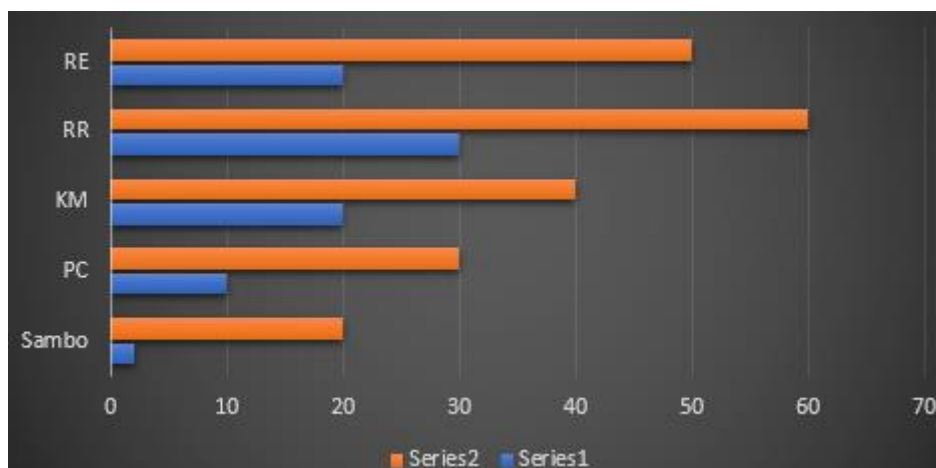
**TABLE 2.** Responden's Answer

Community Trust Level	District Court Judge Verdict					Total
	Sambo	PC	KM	RR	RE	
Very High	2	10	20	30	20	82
High	3	12	10	8	25	58
Can't Judge	3	2	3	15	3	26
Low	7	4	3	3	2	19
Very Low	5	2	4	4	0	15
<b>Total</b>	20	30	40	60	50	200



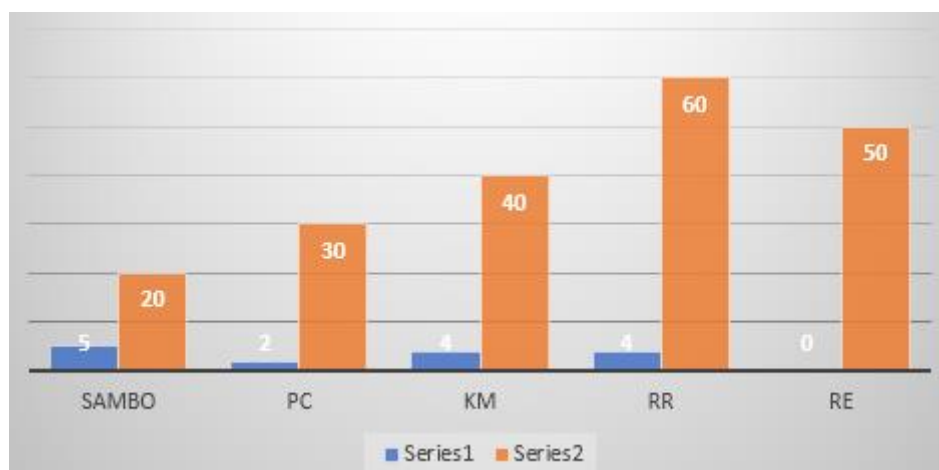
**FIGURE 1.** Description of Respondents' Answers

The description of the respondents' answers is illustrated in the graph above, out of 200 respondents, 41% of respondents answered very high for the level of trust in the criminal justice system in Indonesia after the verdict of the District Court judge in the Sambo cs case. Meanwhile, respondents who answered very low level of trust in the justice system in Indonesia were 8%. While respondents who gave answers could not rate as much as 13%.



**FIGURE 2.** Description of Respondents' Answers "Very High"

The description obtained also illustrates that from 41% of respondents who gave very high answers for the level of trust in the criminal justice system in Indonesia after the verdict of the District Court judge in the case of Sambo cs. 40% of the respondents (50 respondents) stated that they have very high trust in the criminal justice system in Indonesia after the judge's verdict on Bharada Richard Eliezer. Meanwhile, 50% of respondents from 40 and 60 respondents respectively stated that their trust in the criminal justice system in Indonesia was very high after the verdicts handed down by the judges on Kuat Maruf and Ricky Rizal. Meanwhile, 33.33% of the 30 respondents stated that they had a very high level of trust in the decision or verdict of the judge against Putri Candrawati. Of the 20 respondents, only 10% answered very high after the District Court judge handed down his verdict on Ferdy Sambo, respondents considered it very reasonable that FS be sentenced to death because of the crime that led to the killing of Brigadier Joshua Hutabarat.



**FIGURE 3.** Description of Respondents' Answers "Very Low"

A total of 15 respondents gave very low answers for the level of trust in the criminal justice system in Indonesia after the verdict of the District Court judge in the Sambo cs case, including: for the RE verdict of 50 respondents, no respondent answered that the level of trust was very low, for the RR verdict of 60 respondents, only 4 respondents who answered very low for their level of trust, for the KM verdict out of 40 respondents only 4 respondents gave very low answers, for the PC verdict out of 30 respondents only 2 respondents gave very low answers for their level of trust in the criminal justice system after the judge's verdict, while for Sambo's verdict as many as 5 out of 20 respondents answered very low.

Based on the description of the case above, a series of testing steps to prove the validity of the hypothesis must be carried out. The steps to be taken are as follows:

In this case study, the null hypothesis and the alternative hypothesis are formulated as follows:

$H_0$  : There is no influence between the District Court judge's verdict in the Sambo cs case on the level of public trust in the criminal justice system in Indonesia.



H<sub>1</sub> : There is an influence between the influence of the District Court judge's verdict in the Sambo cs case on the level of public trust in the criminal justice system in Indonesia.

Meanwhile, in this study, the significance level was determined at 5% or 0.05. From the description of the data in this case, the number of rows is 5 and the number of columns is 5. Thus, the degrees of freedom are row 4 (5 – 1) and column 4 (5 – 1). Thus, the chi-squared value in the table for a significance level of 0.05 and 16 degrees of freedom is 26.296. From the chi-square values in the table, the test criteria are formulated. The null hypothesis in this case is declared accepted if

$$6. X^2 \leq 26,296$$

While the null hypothesis is rejected if

$$7. X^2 > 26,296$$

To ensure the status of accepting the null hypothesis in the above case, the calculation of the chi-square value is carried out. Previously, the expected frequency value in each cell had to be determined.

$\frac{(82 \times 20)}{200} = 8,2$	$\frac{(82 \times 30)}{200} = 12,3$	$\frac{(82 \times 40)}{200} = 16,4$	$\frac{(82 \times 60)}{100} = 24,6$	$\frac{(82 \times 50)}{100} = 20,5$
$\frac{(58 \times 20)}{200} = 5,8$	$\frac{(58 \times 30)}{200} = 8,7$	$\frac{(58 \times 40)}{200} = 11,6$	$\frac{(58 \times 60)}{200} = 17,4$	$\frac{(58 \times 50)}{200} = 14,5$
$\frac{(26 \times 20)}{200} = 2,6$	$\frac{(26 \times 30)}{200} = 3,9$	$\frac{(26 \times 40)}{200} = 5,2$	$\frac{(26 \times 60)}{200} = 7,8$	$\frac{(26 \times 50)}{200} = 6,5$
$\frac{(19 \times 20)}{200} = 1,9$	$\frac{(19 \times 30)}{200} = 2,85$	$\frac{(19 \times 40)}{200} = 3,8$	$\frac{(19 \times 60)}{200} = 5,7$	$\frac{(19 \times 50)}{200} = 4,75$
$\frac{(15 \times 20)}{200} = 1,5$	$\frac{(15 \times 30)}{200} = 2,25$	$\frac{(15 \times 40)}{200} = 3,0$	$\frac{(15 \times 60)}{200} = 4,5$	$\frac{(15 \times 50)}{200} = 3,75$

After that, the chi-square value is calculated using the following calculation. The values are:

$$\begin{aligned} & \frac{(2-8,2)^2}{8,2} + \frac{(10-12,3)^2}{12,3} + \frac{(20-16,4)^2}{16,4} + \frac{(30-24,6)^2}{24,6} + \frac{(20-20,5)^2}{20,5} + \frac{(3-5,8)^2}{5,8} + \frac{(12-8,7)^2}{8,7} + \\ & \frac{(10-11,6)^2}{11,6} + \frac{(8-17,4)^2}{17,4} + \frac{(25-14,5)^2}{14,5} \\ & + \frac{(3-2,6)^2}{2,6} + \frac{(2-3,9)^2}{3,9} + \frac{(3-5,2)^2}{5,2} + \frac{(15-7,8)^2}{7,8} + \frac{(3-6,5)^2}{6,5} + \frac{(7-1,9)^2}{1,9} + \frac{(4-2,8)^2}{2,8} + \frac{(3-3,8)^2}{3,8} + \\ & \frac{(3-5,7)^2}{5,7} + \frac{(2-4,8)^2}{4,8} + \frac{(5-1,5)^2}{1,5} + \frac{(2-2,2)^2}{2,2} + \frac{(4-3,0)^2}{3,0} + \frac{(4-4,5)^2}{4,5} + \frac{(0-3,8)^2}{3,8} = 62,58647 \end{aligned}$$

The final conclusion is formulated by comparing the chi-squared value in the table with the calculated chi-squared value and then adjusting it to the test criteria. Based on the calculation results, the chi-square value is 62.586. That is, the value is greater than the chi-square value in the table. thus, the null hypothesis is rejected and the alternative hypothesis is accepted.

Respondents considered the District Court judge's verdict for Richard Eliezer to be appropriate. Respondents considered that Eliezer did the shooting due to overmacht. overmacht in Article 48 of the Criminal Code has been translated in various ways, namely: weight of the opponent, coercive power, coercive circumstances, and power that cannot be avoided. Even though the translations used are different, all of them are intended to translate the term overmacht, therefore what is important to pay attention to is what is meant by the term overmacht in Article 48 of the Criminal Code, in which case the translation of forced force will be used more often as translated by the BPHN Translation Team . The word "forced power" is a copy of the Dutch word "overmacht", which means a situation, an event that cannot be avoided and occurs outside (outside human control)". In Memorie van Toelichting (MvT) there is a description of coercive power which says it is "a force, every push, every coercion that people cannot resist". Meanwhile, the notion of coercion (overmacht) according to Moeljatno is as greater force or coercive power.<sup>28</sup>

Ultra Petita's decision The bravery of the Chief Judge, Wahyu Iman Santoso, and members of the panel of judges namely Morgan Simanjuntak and Alimin Ribut Sujono should be appreciated. This decision

<sup>28</sup> Moeljatno, *Asas-Asas Hukum Pidana* (Jakarta: PT. Rineka Cipta, 2015).

is included in the category of ultra petita decisions.<sup>29</sup> In procedural law, ultra petita can occur in the enforcement of all areas of law. In principle, in the enforcement of criminal law, such as the Sambo cs case, ultra petita is a decision handed down by a panel of judges that exceeds the criminal penalty or exceeds what is required in the demands of the public prosecutor. This is commonplace in law enforcement practice, although it is considered quite rare and still falls into the category of breakthrough and a form of "deviation" of the basic rules of procedural law.<sup>30</sup> However, returning to the principle of no rule without exception, there is no rule without exception as long as this is for the sake of upholding material truth.

What was decided by judge Wahyu Iman Santoso et al shows that ethics and independence are still upheld, not submissive and weak under the intervention of power and material lures. There are at least two things that should be contemplated by the judiciary apparatus to restore public trust. First, regarding the existence of ethical behavior, which becomes even clearer when associated with public and professional office holders who rely heavily on public trust. Every violation of the law, mostly a violation of ethics.<sup>31</sup> However, in contrast, something that violates ethics does not necessarily violate the law.<sup>32</sup> Second, regarding the systemic independence of the judicial apparatus, especially judges. In fact, the judicial power is independent and independent, so that the hope will be the realization of a series of processes as a whole (overall), which is not limited only to the power to try or one subsystem. In other words, the nature of the judicial apparatus, especially judges, in carrying out their duties and functions is integral/systemic independence, not partial independence.

Landmark Decision The Supreme Court (MA) considered this decision worthy of being used as a landmark decision which later could later become a reference for other judges in deciding a similar case. The decision is considered to have a progressive value, in line with the spirit of independence of the judiciary and proves that judges are not just mouthpieces for laws and judges are not only fixated on the demands of the public prosecutor. The decision shows that judges also have the function of playing an active role in digging up material truth and making legal discoveries. The community's sense of justice is also highly reflected in the first instance decision. The decision also strengthens the principle of equality before the law, bearing in mind that one of the defendants, namely Ferdy Sambo, is a general and Putri Chandrawati as his wife. They have power and influence that is quite strong and broad. This decision is also able to negate the assumption that is already inherent in society that law in Indonesia is sharp downwards and blunt upwards.

#### 4. Conclusion

Based on the calculation results, the khai-squared value is 62.586. That is, this value is greater than the khai-squared value in the table. Thus, the null hypothesis is rejected and the alternative hypothesis is accepted. In fact, the District Court judge's verdict in the Sambo cs case did influence the level of public trust in the criminal justice system in Indonesia. Apart from that there is still an appeal route, the judge's verdict in this case has more or less proven that the light of a sense of justice still exists, with a maximum sentence for Ferdy Sambo, and a "wise and fair" verdict for Richard Eliezer, who has dared to tell the truth and reveal the dark veil of Joshua's death.

<sup>29</sup> Aryadi, D., (2020) "Implementasi Keadilan Restoratif Dalam Sistem Peradilan Pidana Sebagai Perwujudan Nilai-Nilai Yang Berwawasan Pancasila," *Al-Daulah : Jurnal Hukum Pidana dan Ketatanegaraan* 9, no. 2: 140-153. Ultra petita is a procedural law term originating from Latin. Ultra means exceeding or exceeding and petita means request.

<sup>30</sup> Satria, H., (2018) "Restorative justice: Paradigma Baru Peradilan Pidana," *Jurnal Media Hukum* 25, no. 1: 111-123, DOI: 10.18196/jmh.2018.0107.111- 123.

<sup>31</sup> Julaidin J., and Henny Puspita Sari, (2019) "Citizen Lawsuit (Gugatan Warga Negara) Terhadap Penyelenggara Negara Dalam Mencari Keadilan", *UNES Journal of Swara Justicia* 3, no. 1.

<sup>32</sup> Muhaimin, (2019) "Restoratif Justice Dalam Penyelesaian Tindak Pidana Ringan (Restorative justice in Settlement of Minor Offences)," *Jurnal Penelitian Hukum DE JURE* 19, no. 1: 185-206, <http://dx.doi.org/10.30641/dejure.2019.V19.185-206>.

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