

**SURAT KEPUTUSAN PENETAPAN HIBAH
INTERNAL PERCEPATAN GURU BESAR
UNIVERSITAS MUHAMMADIYAH
SUMATERA BARAT TAHUN 2022**



**KEPUTUSAN KETUA LPPM UNIVERSITAS
MUHAMMADIYAH SUMATERA BARAT**

Nomor : 04a/LPPM.UMSB/SK/06/2022

TENTANG

**Penetapan Penerima Hibah Internal Percepatan Guru Besar
Universitas Muhammadiyah Sumatera Barat
Tahun 2022**

Ketua Lembaga Penelitian dan Pengabdian Pada Masyarakat UM Sumatera Barat, setelah :

Menimbang

- :
- a. Bahwa Universitas Muhammadiyah Sumatera Barat dalam mewujudkan visi menjadi universitas unggul berbasis kearifan lokal dalam pembinaan IMTAQ dan pengembangan IPTEKS untuk kesejahteraan umat;
 - b. Bahwa untuk meningkatkan minat para dosen di lingkungan UM Sumatera Barat dalam penelitian dan pengabdian telah dibuka kesempatan untuk mengajukan proposal Hibah Penelitian dan Pengabdian pada Masyarakat Internal UM Sumatera Barat dengan program dan anggaran tahun 2022;
 - c. Bahwa setelah dilaksanakan penilaian oleh *reviewer* internal UM Sumatera Barat sebanyak 25 proposal Penelitian dan 18 proposal Pengabdian pada Masyarakat dan dinyatakan lolos seleksi sebanyak 12 proposal penelitian dan 12 proposal Pengabdian pada Masyarakat (lihat lampiran 1);
 - d. Bahwa sehubungan dengan butir a,b, dan c di atas, perlu ditetapkan penerima Hibah Internal UM Sumatera Barat tahun 2022 melalui keputusan Ketua LPPM.

Mengingat

- :
- a. Undang-undang Nomor 20 Tahun 2003 tentang Sistem Pendidikan Nasional;
 - b. Peraturan Pemerintah Nomor 4 Tahun 2014 tentang Penyelenggaraan Pendidikan Tinggi dan Pengelolaan Perguruan Tinggi;
 - c. Permeristek DIKTI No. 44 Tahun 2015 tentang Standar Nasional Pendidikan Tinggi;

Memperhatikan

- :
- Hasil keputusan rapat Ketua LPPM dengan tim seleksi hibah internal percepatan guru besar UM Sumatera Barat tahun 2022 pada hari Senin, 6 Juni 2022.



Lembaga Penelitian dan Pengabdian Masyarakat (LPPM)

Universitas Muhammadiyah Sumatera Barat

Jl. Pasir Kandang No. 4 Padang – Telp. 0751- 4851002. Fax. 0751-482274.

Email : lppm@umsb.ac.id & lppmumsb@gmail.com

MEMUTUSKAN

- Menetapkan : KEPUTUSAN KETUA LPPM TENTANG PENETAPAN DOSEN PENERIMA HIBAH INTERNAL PENELITIAN DAN PENGABDIAN PADA MASYARAKAT UNIVERSITAS MUHAMMADIYAH SUMATERA BARAT TAHUN 2022.
- PERTAMA : Nama-nama penerima Hibah Internal Penelitian dan Pengabdian pada Masyarakat UM Sumatera Barat Tahun 2022 seperti termuat dalam lampiran surat keputusan ini;
- KEDUA : Penerima Hibah Internal Penelitian dan Pengabdian pada Masyarakat Internal UM Sumatera Barat berkewajiban melaksanakan Penelitian dan Pengabdian pada Masyarakat sesuai dengan Pedoman Penelitian dan Pengabdian pada Masyarakat UM Sumatera Barat;
- KETIGA : Dalam melaksanakan penelitian dan pengabdian penerima hibah bertanggung jawab kepada Rektor melalui Ketua LPPM UM Sumatera Barat;
- KEEMPAT : Keputusan ini berlaku sejak tanggal ditetapkan dengan ketentuan bahwa keputusan ini akan ditinjau kembali dan diperbaiki sebagaimana mestinya, apabila dikemudian hari ternyata terdapat kekeliruan dalam penetapannya.

Keputusan ini diberikan kepada yang bersangkutan untuk mengetahui dan dilaksanakan sebagaimana mestinya.

Ditetapkan di : Padang
Pada tanggal : 09 Juni 2022

Diketahui,
Rektor UM Sumatera Barat

Ketua LPPM UM Sumatera Barat



Dr. Riki Saputra, M.A
NIDN.1013128201



Rizqha Sepriyanti Burano, ST., M.Si
NIDN.1013098601



Lembaga Penelitian dan Pengabdian Masyarakat (LPPM)

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**Lampiran 1. Daftar Penerima Hibah Internal Percepatan Guru Besar UM Sumatera Barat
2022**

No	Nama	Judul	Fakultas
1.	Dr. Sukmareni, MH	COMPARISON OF SANCTIONS FOR CRIMINAL ACTS OF CORRUPTION IN MALAYSIA CRIMINAL LAW WITH INDONESIAN CRIMINAL LAW	Hukum
2.	Dr. Dra. Novelti, S.Hum	PENERAPAN <i>CONTEXTUAL TEACHING AND LEARNING</i> DALAM PEMBELAJARAN MENULIS BERITA SISWA KELAS VIII SMPN 2 PADANG PANJANG	FKIP
3.	Dr. Ir. Firman Hidayat, MT	DAMPAK KEBERADAAN TAMAN KEANEKARAGAMAN HAYATI PT. TIRTA INVESTAMA PABRIK SOLOK	Kehutanan

SURAT TUGAS KEGIATAN



Lembaga Penelitian dan Pengabdian Masyarakat (LPPM)

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SURAT TUGAS

Nomor: 49a/LPPM.UMSB/ST/07/2022-E

Ketua Lembaga Penelitian dan Pengabdian Masyarakat Universitas Muhammadiyah Sumatera Barat dengan ini menugaskan kepada:

NO	NAMA	NIDN/NIK	JABATAN
1	Dr. Sukmareni, M.H	016106301	KETUA
2	Syaiful Munandar, MH	17011022	ANGGOTA

Untuk melaksanakan tugas kegiatan penelitian dengan judul “COMPARISON OF SANCTIONS FOR CRIMINAL ACTS OF CORRUPTION IN MALAYSIA CRIMINAL LAW WITH INDONESIAN CRIMINAL LAW”, yang akan dilaksanakan pada:

Lokasi : Malaysia dan Indonesia (data sekunder)

Masa Penelitian : Juli - Agustus 2022

Demikian surat tugas ini dibuat dan diberikan kepada yang bersangkutan untuk dapat dilaksanakan sebagai amanah dan penuh tanggungjawab.

Padang, 01 Juli 2022

01 Zulhijjah 1443-H

Ketua LPPM UM. Sumatera Barat



LPPM
UNIVERSITAS MUHAMMADIYAH SUMATERA BARAT

Rizqha Sepriyanti Burano, S.T., M.Si
NBM. 1207079

Tembusan :

1. Arsip
2. Peninggal

BUKTI KEGIATAN

Laporan Penelitian

**COMPARISON OF SANCTIONS FOR CRIMINAL ACTS OF CORRUPTION IN
MALAYSIA CRIMINAL LAW WITH INDONESIAN CRIMINAL LAW**



HIBAH INTERNAL

PERCEPATAN GURU BESAR

UNIVERSITAS MUHAMMADIYAH SUMATERA BARAT

2022

Laporan Penelitian

Judul	<u>COMPARISON OF SANCTIONS FOR CRIMINAL ACTS OF CORRUPTION IN MALAYSIA CRIMINAL LAW WITH</u> <u>INDONESIAN CRIMINAL LAW</u>
Skema Hibah	Hibah Penelitian Percepatan Guru Besar
Peneliti/Pelaksana Nama Ketua Perguruan Tinggi NIDN Nama Anggota (1) Nama Anggota (2) Tahun Pelaksanaan Dana mulai diterima tanggal	: Dr. Sukmareni, SH.,MH : Universitas Muhammadiyah Sumatera Barat : 0016106301 : : : : 2022

BAB I

INTRODUCTION

Indonesia and Malaysia are both of Malay descent with almost the same culture and language, but the legal systems adopted are very different. Indonesia with the European Continental system, while Malaysia with the Anglo American legal system. With the difference in the legal system adopted, of course, the regulations regarding Corruption used will also be different.

Efforts to eradicate corruption need to be carried out continuously and sustainably, because it causes damage to various aspects of people's lives, the (Hikmah, Eko Supoyono , 2019). Someone who commits corruption, it shows the nature of human greed in fulfilling his personal needs, so corruption is closely related to one's ethics and morals (Evi Hartanti, 2005).

Strict law enforcement is very much needed in eradicating corruption because it is a very big and serious problem throughout the world. Corruption can be categorized as an act of violating the rule of law and social norms, because corruption is an act of taking advantage or with the intention of enriching oneself. In fact, these corruptors are still free to roam without thinking about the criminal sanctions that have been threatened and which have been given to the perpetrators of corruption. Even the corruption that is happening today is increasingly systematic, it has entered all aspects of people's lives (La Sina, 2008)

As one of the criminal acts committed by individuals or corporations for their own or corporate interests by abusing the authority, opportunities or facilities attached to their positions and having an impact on the country's financial and economic losses broadly, it is clear here that the crime of corruption is clearly an act against the law and also contrary to social norms. (Kesuma Irdini, 2021).

The imposition of criminal threats in the Malaysian legal system has proven to be effective in reducing corruption among state officials, compared to threats in the Indonesian legal system. Therefore, it is deemed necessary to conduct comparative legal research on the threat of punishment for the perpetrators of corruption as regulated in the positive laws of Indonesia and Malaysia. The results of this study are expected to discuss the threat of sanctions against

perpetrators of corruption and find out the causes of weak criminal threats for convicts of corruption in Indonesia compared to Malaysia.

BAB II

Method

This research is descriptive with a normative juridical approach, which in processing secondary data used a conceptual approach and a legal approach. Furthermore, secondary data obtained about the threat of corruption in the two countries, namely Indonesia and Malaysia from the study of documents, were analyzed qualitatively.

BAB III

DISCUSSION AND ANALYSIS

3.1 Regulation of Corruption Sanctions in Indonesian Positive Law

Articles 2 to 16 of the 1999 Corruption Crime Act in conjunction with Law No. 20 of 2001 (hereinafter referred to as the 1999 Corruption Law in conjunction with 2001), in principle regulates the main criminal penalties imposed on Corruption perpetrators including corporations in the form of imprisonment and fines. The difference with the provisions in the Criminal Code and the Corruption Crime Act 1971, the criminal penalties in the 1999 and 2001 Corruption Law are more severe. If the Criminal Code only recognizes the maximum criminal threat by mentioning in each article "... a maximum sentence of 15 years, and so on ...". Then the formulation of the main criminal offense in the Corruption Law 1999 jo 2001 uses the minimum and maximum criminal limits. For example in Article 2, it states that :

- (1) Sentenced to life imprisonment or a minimum of 4 (four) years and a maximum of 20 (twenty) years and a minimum fine of Rp. 200,000,000.00 (two hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah), for every person who unlawfully commits an act of enriching himself or another person in a corporation that can harm the state finances or the state economy
- (2) If it is carried out under certain circumstances, then the criminal act of corruption in paragraph (1) can be threatened with the death penalty

According to Indonesian cultural customs, the death penalty is known as a means to prevent or prevent the occurrence of the same crime and is a sanction in customary law rules hundreds of years ago, not a new thing (Andi Hamzah, 1985).

The provision of criminal sanctions mentioned above is different from the provision of sanctions in the Criminal Code which does not recognize the shortest and longest terms, as well as the minimum and maximum fines that are not found in the Criminal Code.

However, this does not violate the criminal law. This is as permitted by Article 103 of the Criminal Code which stipulates that "The provisions in Book I of the Criminal Code also apply to acts that can be punished according to other laws and regulations, unless the law provides otherwise". The minimum regulated criminal penalty ranges from 1 (one) to 4 (four) years and a fine of between Rp. 50,000,000 (fifty million) to Rp. 100,000,000 (one hundred million rupiah). and a maximum of Rp. 1,000,000,000 (one billion rupiah). If the loss of state finances or the state's economy is returned by the perpetrator, it will not eliminate the criminal offense of the perpetrator of the crime as referred to in Article 2 and Article 3

The provision of basic criminal sanctions as intended above is already heavier than the existing sanctions in the existing legislation. Article 18 paragraph (1) of the 1999 corruption Law regulates additional penalties that can be given to corporations, among others:

- 1) Regarding the confiscation of tangible or intangible movable goods or immovable goods used for or obtained from criminal acts of corruption;
- 2) Regarding the imposition of a large replacement money and the amount is the same as the amount of money that was corrupted by the perpetrator;
- 3) Regarding closure of all or part of the company for a maximum period of 1 (one) year;
- 4) Regarding about revocation of all or part of certain rights or elimination of all or part of certain benefits, which have been or may be granted by the government to the convict

Based on the description above, it can be seen that in positive law, Indonesia adheres to a minimum and maximum criminal system. Meanwhile, the maximum punishment that can be imposed is the death penalty, imprisonment and a fine as well as a replacement money sentence in the maximum amount equal to the property owned

obtained from criminal acts of Corruption as well as additional crimes in the form of confiscation of goods used or obtained from the proceeds of criminal acts of Corruption.

This results in the corruptors remaining free without any guilt and fear of what they have done.

3.2 Regulation of Corruption Sanctions in Malaysia's Positive Law

The development of Corruption regulation in Malaysia since 1961 has had the first Anti-Corruption Law, namely the Corruption Law, namely the Prevention of Corruption (Deed of Prevention of Rasuah) in 1961. In 1970 a Corruption prevention agency was formed called the BPR (Badan Preventing Rasuah). Then based on the amendments to the Anti-Corruption Anti-Corruption Law in 1982 and 1997. This law aims to provide provisions related to preventing Corruption and matters relating to Corruption, which contain conditions that can be categorized as bribes. Then the anti-Corruption agency was also renewed to become SPRM (Suruhanjaya Prevent Rasuah Malaysia). Previously BPR was a small unit placed under the Prime Minister's department of JPM (Malaysian Prevention Office).

In Deed 694 Suruhanjaya concerning the Prevention of Rasuah in 2009, Malaysia provides a prison sentence not exceeding 20 years, in addition to hanging under the Anti-Corruption Act 1997. As well as a fine of 5 times the amount of money in Corruption. According to Article 24 paragraph (1) of deed 694, the penalties that can be imposed on perpetrators of Corruption crimes who violate Articles 16-23 of this deed are:

a. Imprisonment

Cannot exceed 20 years

b. Criminal Fines

A fine of 5 times the assessed amount of corrupted funds, or ten thousand ringgit whichever is higher

As for the perpetrators of criminal acts of Corruption who violate Article 18 of Deed 694, the sanctions given include:

- a. imprisoned for a period not exceeding twenty years; and
- b. be fined not less than five times the amount or value of the false or falsified note if the counterfeit or erroneous item is graded or in the form of money, or ten thousand ringgit, whichever is higher.

Then according to Article 25 of Deed 694, the obligation to report bribery transactions

- (1) There is an obligation to report the gift, promise or offer, along with the name, if known, of the person who gave, promised to any person who was given, promised, or offered a bribe in violation of any of the provisions in this Deed.
- (2) Subject to a fine of not more than one hundred thousand ringgit or imprisonment for a term of not more than ten years or both, for any person who does not comply with paragraph (1) commits an offense and if sick
- (3) As early as possible, you must report the request or acquisition, or attempt to obtain, the bribe accompanied by complete and correct information and if the name of the person requesting, or obtaining, or attempting to obtain, the bribe is known to Suruhanjaya employees or the nearest police officer , for Whoever is asked for or obtains a bribe, or an attempt has been made to obtain a bribe, by violating one of the provisions in this Deed
- (4) (4) A fine of not more than ten thousand ringgit or imprisonment for a term of not more than two years or both, for Anyone who does not, without apparent reason, comply with paragraph (3) commits an offense and if sick

Furthermore, Article 26 of Deed 694 also states that: Any person who, whether inside or outside Malaysia, either directly or indirectly, either for himself or for any other party, makes or causes any business to be made in connection with anything what property, or otherwise uses or causes to be used, or holds, receives or hides any property or any part thereof which is a matter of an offense under section 16, 17, 18, 20, 21, 22 or 23 to commit an offense and if he is sickened, he may be fined not more than fifty thousand ringgit or imprisoned for a period not exceeding seven years or both.

Sanctions in Article 27 of Deed 694:

- (1) If any person makes or causes any other person to make an employee of Suruhanjaya or Pendakwa Raya, while that employee or Pendakwa Raya is exercising any of the powers granted by this Deed, what statements are known to the public who made that statement, or (a) is false or intended to be misleading; or who is the cause of the statement (b) inconsistent with any other statement previously made by that person to any person having power or authority under any law, or otherwise, to accept, or wish to be made, another statement it does not matter whether or not the person making the statement has any statutory obligation or any other obligation to state the truth, he commits an offense and if he is sickened he may be fined not more than one hundred thousand ringgit or imprisoned for a period not exceeding ten years or both.
- (2) If any person has made a statement to an employee of Suruhanjaya or to Pendakwa Raya, while that employee or Pendakwa Raya is carrying out any

Based on the description above, it can be seen that the arrangement of sanctions against perpetrators of Corruption in Deed 694 consists of 3 articles, starting from Articles 24 to 27. With a maximum imprisonment of 20 years and a maximum fine of 5 times the funds that were corrupted.

BAB IV

CONCLUSION

Sanctions for criminal acts of Corruption in Indonesia's positive law adhere to a minimum and maximum penalty system. Meanwhile, the maximum punishment that can be imposed is the death penalty, imprisonment and a fine as well as a substitute money sentence in the maximum amount equal to the property owned. Obtained from criminal acts of Corruption as well as additional crimes in the form of confiscation of goods used or obtained from the proceeds of criminal acts of Corruption. While in Malaysia's positive criminal law, the regulation of sanctions against perpetrators of Corruption in Deed 694 consists of 3 articles, namely starting from Article 24 to Article 27. With a maximum imprisonment of 20 years and a maximum fine of 5 times the funds that were corrupted.

Acknowledgements

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LUARAN PENELITIAN

COMPARISON OF SANCTIONS FOR CRIMINAL ACTS OF CORRUPTION IN MALAYSIA CRIMINAL LAW WITH INDONESIAN CRIMINAL LAW

Regulation of Corruption Sanctions in Indonesian Positive Law

Articles 2 to 16 of the 1999 Corruption Crime Act in conjunction with Law No. 20 of 2001 (hereinafter referred to as the 1999 TPK Law in conjunction with 2001). In 2002 a corruption prevention agency was formed called the KPK (Corruption Eradication Commission)

The minimum regulated criminal penalty ranges from 1 (one) to 4 (four) years and a fine of between Rp. 50,000,000 (fifty million) to Rp. 100,000,000 (one hundred million rupiah). and a maximum of Rp. 1,000,000,000 (one billion rupiah).

Then in the provisions of Article 4 of Law No. 39 of 1999 explains that the return of state financial losses or the state's economy does not eliminate the punishment

Article 18 paragraph (1) of the 1999 corruption Law regulates additional penalties that can be given to corporations, among others: confiscation of tangible or intangible movable goods or immovable goods used for or obtained from corruption; Payment of replacement money in the maximum amount equal to the property obtained from the TPK; Closure of all or part of the company for a maximum period of 1 (one) year;; Revocation of all or part of certain rights or elimination of all or part of certain benefits, which have been or may be granted by the government to the convict

Regulation of Corruption Sanctions in Malaysia's Positive Law

Malaysia since 1961 has had the first Anti-Corruption Law, namely the Prevention of Corruption (Deed of Prevention of Rasuah) in 1961. In 1970 a corruption prevention agency was formed called the BPR (Badan Preventing Rasuah).). Then based on the amendments to Anti Corruption Law in 1982, 1997 and 2009

In Deed 694 Suruhanjaya concerning the Prevention of Rasuah in 2009, Malaysia provides a prison sentence not exceeding 20 years, in addition to hanging under the Anti-Corruption Act 1997. As well as a fine of 5 times the amount of money in corruption. According to Article 24 paragraph (1) of deed 694, the penalties that can be imposed on perpetrators of corruption crimes who violate Articles 16-23 of this deed are: . Imprisonment Cannot exceed 20 years b. Criminal Fines A fine of 5 times the assessed amount of corrupted funds, or ten thousand ringgit whichever is higher

As for the perpetrators of criminal acts of corruption who violate Article 18 of Deed 694, the sanctions given include:

- a. imprisoned for a period not exceeding twenty years; and
- b. be fined not less than five times the amount or value of the false or falsified note if the counterfeit or erroneous item is graded or in the form of money, or ten thousand ringgit, whichever is higher.

Dr. Sukmareni, S.H., M.H.



REPUBLIK INDONESIA
KEMENTERIAN HUKUM DAN HAK ASASI MANUSIA

SURAT PENCATATAN CIPTAAN

Dalam rangka perlindungan ciptaan di bidang ilmu pengetahuan, seni dan sastra berdasarkan Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta, dengan ini menerangkan:

Nomor dan tanggal permohonan : EC00202330019, 15 April 2023

Pencipta

Nama : **Dr. Sukmareni, S.H., M.H.**

Alamat : Jl. Parupuk Raya Blok E-21, RT.004/ RW.015, Kelurahan Parupuk Tabing, Kec. Koto Tengah, Padang, Sumatera Barat, 25171

Kewarganegaraan : Indonesia

Pemegang Hak Cipta

Nama : **Dr. Sukmareni, S.H., M.H.**

Alamat : Jl. Parupuk Raya Blok E-21, RT.004/ RW.015, Kelurahan Parupuk Tabing, Kec. Koto Tengah, Padang, Sumatera Barat, 25171

Kewarganegaraan : Indonesia

Jenis Ciptaan : **Poster**

Judul Ciptaan : **COMPARISON OF SANCTIONS FOR CRIMINAL ACTS OF CORRUPTION IN MALAYSIA CRIMINAL LAW WITH INDONESIAN CRIMINAL LAW**

Tanggal dan tempat diumumkan untuk pertama kali di wilayah Indonesia atau di luar wilayah Indonesia : 15 April 2023, di Padang

Jangka waktu perlindungan : Berlaku selama hidup Pencipta dan terus berlangsung selama 70 (tujuh puluh) tahun setelah Pencipta meninggal dunia, terhitung mulai tanggal 1 Januari tahun berikutnya.

Nomor pencatatan : 000462940

adalah benar berdasarkan keterangan yang diberikan oleh Pemohon.

Surat Pencatatan Hak Cipta atau produk Hak terkait ini sesuai dengan Pasal 72 Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.

a.n. MENTERI HUKUM DAN HAK ASASI MANUSIA
Direktur Hak Cipta dan Desain Industri



Anggoro Dasananto
NIP. 196412081991031002

Disclaimer:

Dalam hal pemohon memberikan keterangan tidak sesuai dengan surat pernyataan, Menteri berwenang untuk mencabut surat pencatatan permohonan.