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# Analysis of The Implementation of The Equality Before the Law Principles Against the Perperators of Corruption in the Jurisdiction of the Criminal Court of Corruption at the Surabaya State Court of the Decision Number 119/Pid.Sus.TPK/2018/PN.Sby

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## ABSTRACT

Corruption that still occurs a lot in Indonesia from year to year, even though it is shown in the perception index that has increased from year to year for the better, is still in a harmful situation for the country. At this time can observe, see and feel that law enforcement is in a position that is can not be trusted. The public questioned the performance of law enforcement officials in eradicating corruption, the spread of judicial mafia, violations of the law in assessing the APBN and APBD among bureaucracy. In 2018 the public was dumbfounded by the mass corruption committed by 41 members of the Malang City DPRD (Regional People's Representative Assembly) during 2018. Malang City is considered the ‘general champion' in the corruption category in the number of suspects. 6 of them have been tried at the Corruption Court at the Surabaya District Court and have been decided by the Panel of Judges as in Decision Number 119/Pid.Sus.TPK/2018/PN.Sby with different sentences. How is the application of the principle of equality before the law against perpetrators of Corruption in the jurisdiction of the corruption court at the Surabaya District Court against the Decision Number 119/Pid.Sus.TPK/2018/PN.Sby? The research method used is the normative legal research method. The results of the research show that the judicial process in handling corruption crimes is in accordance with the rules regarding the types of punishment in the Corruption Crime Court and meets the principle of equality before the law.
**Keywords**: corruption; equality before the law; Malang

## INTRODUCTION

Corruption is a madness of society as well as other types of crimes, such as theft, which has existed since humans have been living on this earth. The main problem faced is the increase in corruption in line with advances in prosperity and technology. In fact, experience shows that the more advanced the development of a nation is, the increasing the need to encourage people to commit corruption.

Perperators of corruption are not feel ashamed or afraid of sanctions from existing regulations. The culture of corruption in the life of the state does not allow the eradication to be done once it is over. Corruption can be eradicated gradually so that in the end it can be eradicated or at least suppressed to the lowest possible level.

Based on data from Transparency International regarding the corruption perception index in 2018, Indonesia is ranked 89th in the world and 4th in Southeast Asia with a score of 38, an increase of one point compared to the previous year (96). Meanwhile, Singapore is ranked 3rd in the world and first in Southeast Asia with a score of 85, previously ranked 6th in the world with a score of 84. Cambodia still ranks last for 4 consecutive years in Southeast Asia with a score in 2018 of 20.

Corruption that still occurs a lot in Indonesia from year to year, even though it is shown in the perception index that has increased from year to year for the better, is still in a harmful situation for the country. At this time can observe, see and feel that law enforcement is in a position that is can not be trusted. The public questioned the performance of law enforcement officials in eradicating corruption, the spread of judicial mafia, violations of the law in assessing the APBN and APBD among bureaucracy. The list of public dissatisfaction with law enforcement is getting longer if we reopen old cases such as the Marsinah case, the Udin journalist case, the Sengkon and Karta case, the Tanah Keret case in Papua and others.

In 2018 the public was dumbfounded by the mass corruption committed by 41 members of the Malang City DPRD (Regional People's Representative Assembly) during 2018. Malang City is considered the ‘general champion' in the corruption category in the number of suspects, compared to North Sumatra which involved 38 DPRD members for the 2009-2014 and 2014-2019 period. Fortunately, out of 45 DPRD members, there are 4 people who are not KPK (Corruption Eradication Commission) suspects. The 4 members were free from mass corruption related to waste management funds in Malang City, received bribes of Rp 700 million and gratuities

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of Rp. 5.8 billion, ratification of the Ranperda (Regional Regulation Draft) on the Amendment of the 2015 Malang APBD (State Budget).

Previously on 27 April 2018, a panel of judges at the Surabaya Corruption District Court sentenced Eddy Rumpoko to 3 years in prison plus a fine of Rp. 300 million, a subsidiary of 3 months in prison. Furthermore, the East Java High Court on August 16 2018 also increased Eddy Rumpoko's sentence to 3.5 years in prison. However, both the verdict at the first level, appeal, and cassation, are still lighter than the demands of the KPK public prosecutors who asked Eddy Rumpoko to be sentenced to 8 years in prison with a fine of Rp. 600 million subsidair 6 months. During a period of 9 years (2011-2020) the Surabaya District Court has examined and decided on corruption cases totaling 782 cases at the first level.

Law enforcement is the center of all legal “life activities” starting from legal planning, law formation, law enforcement and legal evaluation. Law enforcement is essentially an interaction between various human behaviors that represent different interests within a framework of mutually agreed upon rules. Therefore, law enforcement cannot merely be considered as a process of implementing the law as legalists argue. However, the law enforcement process has a broader dimension than opinion.

The court, which is the main representation of the face of law enforcement, is demanded to be able to produce not only legal certainty, but also justice, social benefits and social empowerment through judges' decisions. The failure of the judiciary to actualize the above legal objectives has led to increased public distrust of legal institutions and legal institutions.

The purpose of law enforcement, essentially, is to seek truth, justice, and create peace. Legal procedures have also been structured in such a way as to achieve their goals, namely a guarantee of protection of rights and justice. In the midst of rampant cases of corruption committed and detrimental to the country, this has caused unrest, people who can't take it anymore. The crisis of trust in the judiciary has begun to fade. The state is deemed incapable of suppressing the rampant corruption crime.

The explanation above illustrates that a number of findings are persistent (it has been going on for a long time and is still happening today); First, the issue of justice is not equitable, accessible, or informed for everyone in Indonesia. In other words, Equality Before the Law is not well manifested and automatically only capital of legal norms, institutions and the of Humprovision Resources; Second, there are a number of factors that influence the judiciary that hinders the fulfillment and implementation of Equality Before the Law, such as economic problems and the education of citizens as court connoisseurs, even the problem of education is also a problem among law enforcers. Political problems also emerge as pressure on the running of the judicial process, especially in cases of criminalization. In the pre-judicial process, involving the police, where the police work based on orders from the commander. Often the principles of law are inferior to this type of command. Meanwhile, courts rarely have the courage to correct mistakes in investigations by the police. This means that the Human Resources of the Court are not totally independent and objective; Third, the problem of minimal change in rules (especially procedural law in proceedings in the judiciary). Although on the one hand the Constitutional Court is provided to examine and change the rules of law, however, this does not guarantee the growth of public trust in the law and the accessibility of the justice-seeking society to easily use it in the interests of their rights.

However, from several cases that occurred within the Corruption Court at the Pekanbaru Court. There are indications that the principle of Equality Before the Law is neglected. For example, the case of Civil Servant Civil Servants of the Ministry of Public Works of the Republic of Indonesia, as the PPLP Budget User Authority (PKA) of the Directorate General of the Ministry of Public Works of the Republic of Indonesia, who was given the status of city arrest by the Pekanbaru District Attorney. Even though his status is a corruption suspect in the drainage development project in Pekanbaru City.

By granting the status of city arrest to Asnil automatically during the period 2013-2014 there were already 5 corruption suspects or defendants who were given the privilege of being given the status of city arrest. Previously, the defendant in a corruption case who received the privilege of being a city detainee was Syafrudin Sayuti, manatan Kadishub Pekanbaru, convicted for 4 years in the corruption case for the procurement of SAUM Transmetro equipment who was given the status of city prisoner. Then 3 vaccine corruption defendants attacked the Pekanbaru umrah congregation, namely Iskandar, the former head of the port health office or (KKP) SSK II Pekanbaru Airport who also received the status of city prisoners.

Previously, the defendant in a corruption case who received the privilege of being a city arrest was Syafrudin Sayuti, former Kadishub (head of the transportation department) Pekanbaru, convicted for 4 years in the corruption case for the procurement of SAUM Transmetro equipment who was given the status of city arrest. Then 3 defendants of meningitis vaccine corruption for the Pekanbaru umrah congregation, namely Iskandar, the former head of the port health office (KKP) or SSK II Pekanbaru Airport who also received the status of city prisoners.

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At the Bandung District Court there are also corruption cases that have been decided and have permanent legal force (inkracht) with Decision Number: 21/Pid.Sus/TPK/2017/PN.Bdg. In this verdict Atty Suharty and M. Itoc Tochija were legally proven and convicted of committing criminal acts of corruption together and continuing. Atty Suharti was sentenced to imprisonment of 4 (four) years and M. Itoc Tochija imprisonment for 7 (seven) years, and a fine of IDR 200,000,000 (two hundred million rupiah) respectively. So then how can this happen with the same case but the decision for the punishment is not the same, this is what raises questions and how is the procedure.

In this case, the researcher is interested in carrying out deeper research with these problems, so the judge as one of the law enforcement officers has made efforts to actualize Equality Before the Law, especially in handling cases of Corruption Crime.

## METHODS

This research uses normative legal research methods. Normative legal research is a scientific research procedure to find the truth based on the scientific logic of law from the normative side. So that legal research is carried out to produce new arguments, theories or concepts as a prescription in solving the problems at hand. The approach used in this research is a case approach. The case approach is carried out by examining cases related to the issues at hand and which have become court decisions that have permanent legal force, which becomes the main study in the case approach is the ratio decidendi or reasoning, namely the court's consideration to the verdict.

## RESULTS

Analysis of Decision Number: 119 / Pid.Sus.TPK / 2018 / PN.Sby, which stated in the verdict that Defendant I (SL), Defendant II (AH) and Defendant III (BS), Defendant IV (IF), Defendant V (SR), Defendant VI (TY), has been legally proven and convicted of having committed Several Of The Criminal Actions Of Corruption Collectively as in the First Indictment and the Second Indictment . In formal juridical terms, the definition of Corruption Crimes is contained in Chapter II concerning Corruption Crimes from Article 2 to Article 20, Chapter III regarding other crimes related to Corruption Crimes from Article 21 to Article 24 the Corruption Eradication Act. In this case, what made the defendant found guilty of committing the Corruption Crime which was committed jointly, namely in decision Number: 119 / Pid.Sus.TPK / 2018 / PN.Sby, there were 6 defendants. If the ruling states: "proven" it means that here an agenda of evidence has been carried out, both from the Defendant (consisting of 6 people), as well as from the Public Prosecutor (JPU).

According to Prof. Dr. Eddy O.S Hiariej, S.H., M.H. as provisions regarding evidence which include evidence, how to collect and obtain evidence up to the delivery of evidence in court as well as the strength of evidence and burden of proof. All evidence presented at trial, including evidence obtained as a result of wiretapping, must be obtained legally under the provisions of statutory regulations. The judge determines the validity of the evidence presented before the trial, whether submitted by the public prosecutor (JPU) or by the defendant.

Provisions relating to the law of proof have been regulated in the Criminal Procedure Code, as follows: Article 183 KUHAP regulates the proof system, Article 184 KUHAP regulates evidence, Article 28 of Law Number 46 Year 2009 concerning Courts Corruption Crime, Articles 185-189 of the Criminal Procedure Code regulate the power of evidence. Before discussing the legal character of proof, according to Prof. Dr. Eddy O.S Hiareriej (2012: 11-12) in his book Theory and Law of Evidence, states that first, it is necessary to explain the fundamental things related to a proof. There are 3 (three) things related to the concept of proof itself, namely:

1. An evidence must be relevant to a dispute or case being processed, meaning that the evidence is related to facts that point to the truth of an event.
2. Exclusionary rules as legal principles that require the non-recognition of evidence obtained against the law. Especially in the context of criminal law, although evidence is relevant and acceptable from the point of view of the public prosecutor, this evidence can be overruled by the judge if the evidence is not obtained according to the rules.
3. In the context of a court of law, any evidence that is relevant and acceptable must be evaluated by a judge.

Max M Houck (2009: 1) in his book entitled Essentials of Forensic Science: Trade Evidence, as quoted by Eddy O.S Hiariej (2012: 12) states that there are two types of evidence that cannot strengthen a case, namely:

1. If there is a conflict of evidence between one another, which evidence comes from different sources and cannot be referenced.
2. Evidence that cannot be used because it was obtained illegally is called tainted evidence.

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This means that in Decision Number: 119 / Pid.Sus.TPK / 2018 / PN.Sby which has obtained permanent legal force, has fulfilled the legal context of evidence and does not include two types of evidence that cannot strengthen a case as mentioned above. Thus the fulfillment of the elements in the agenda of proof in cases of criminal acts of corruption proves that there is harmonization between law enforcers, this can be seen in the handling of cases consisting of 6 defendants (Decision Number: 119 / Pid.Sus.TPK / 2018 / PN. Sby), through the stages:

1. Corruption Crime Investigation
   Corruption investigations are carried out by the Corruption Eradication Commission (KPK), then the KPK investigators will hand over to the Public Prosecutor who is at the KPK and then be delegated to the corruption court.
2. Corruption Prosecution
   Prosecution of Corruption Crimes is carried out in the following ways: (1) with respect to the results of investigations by KPK investigators, the prosecution is still carried out by the Public Prosecutor at the KPK; (2) Meanwhile, with regard to the results of investigations by Police and prosecutors, the prosecution will still be carried out by Public Prosecutors who are at the attorney.
   In this case, which has received Decision Number: 119 / Pid.Sus.TPK / 2018 / PN.Sby using the same method (1), so that the consequences of exercising the KPK's authority to supervise, the KPK can take over the handling of good cases carried out by the police and the prosecutor's office, so that the investigation and prosecution are carried out in accordance with the flow of corruption case handling handled by the Corruption Eradication Commission, both in the stages of investigation, prosecution and transfer of cases to court.
3. Corruption Crime Court
   Since the enactment of Constitution Number 46 of 2009 concerning the Corruption Crime Court, every handling of a corruption case must be tried at the Special Corruption Court in accordance with its jurisdiction. Thus, the handling of corruption cases, whether carried out by the Attorney General's Office or the Corruption Eradication Commission (KPK), the trial must still be carried out at the Corruption Crime Court. This provision of course changes the situation, if previously corruption case trials were conducted in General Courts spread across districts or cities in Indonesia and specifically for corruption cases handled by the KPK, trials were conducted at the Special Court for Corruption Crimes in Central Jakarta, but with the enactment of the Law Law Number 46 of 2009 means that criminal corruption courts will be held throughout Indonesia and all corruption cases must be tried at the Corruption Crime Court (TIPIKOR) in accordance with the legal area where the criminal act of corruption occurs, including the Public Prosecutors in the KPK must try corruption cases in the regions. However, up to now, corruption courts in the regions have only existed at the provincial level whose jurisdiction covers all regions in the province.

It has been clearly stated in the Decision Number: 119 / Pid.Sus.TPK / 2018 / PN.Sby page 8, after reading the case file in question, after hearing the reading of the indictment by the Public Prosecutor, after hearing the testimony of witnesses under oath and testimony The defendants were brought to trial, after observing the evidence presented in the trial and after hearing the criminal charges from the public prosecutor.

According to Hari Sasangka and Lily Rosita (2003: 14-17) in their book entitled Hukum Pembuktian dalam Perkara Pidana Untuk Mahasiswa dan Praktisi, it is stated that so far we know many systems of proof in the domain of criminal law. Some of the familiar theories about proof systems are:

1. Positive proof system according to law positively (positief wetelijk bewijs theorie) / (evidence):
   a. The proof system (positive wetelijk) is a system of proof that relies only on evidence, namely evidence that has been determined by law.
   b. A defendant can be found guilty of committing a criminal act based only on valid evidence.
   c. Evidence established by law is important. The judge's conviction was completely ignored.
   d. In essence, if a defendant has fulfilled the methods of proof and valid evidence, which is determined by law, then the defendant can be found guilty and must be sentenced.
   e. A judge is like a robot enforcing laws. However, there is good in this system of proof, that the judge will try to prove the defendant's guilt without being influenced by his conscience so that it is truly objective, that is, according to the methods and means of evidence determined by law.
   f. The positive proof system that is looking for is formal truth, therefore this proof system is used in civil procedural law.
2. Negative proof system (negatief wettelijk bewijs theorie) / (2 pieces of evidence + judge conviction)
   a. The negative proof system (negative wettelijk) is very similar to the conviction in raisone proof system.
   b. The judge in making a decision about whether or not a defendant is bound by the evidence determined by law and the conviction of the judge themself.
   c. So in the negative system there are 2 (two) things which are the requirements to prove the defendant's guilt, namely:

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1) Wettelijk: the existence of valid evidence which has been stipulated by law.
2) Negatief: there is a conviction (conscience) of the judge, that is, based on this evidence the judge believes the defendant was guilty.

3. Evidence that has been determined by law cannot be added with other evidence, and based on the evidence presented at trial as determined by law, it cannot force a judge to declare the defendant guilty of committing the crime charged.

## DISCUSSION

Furthermore, the researcher conducted an analysis of the results in the judicial verdict: 119 / Pid.Sus.TPK / 2018 / PN.Sby, for the 6 defendants, so we describe one by one as well as the magnitude of the criminal acts of corruption committed by each of the defendants:

1. Declared the sentence imposed on Defendant I (SL) therefore with imprisonment of 4 (four) years and 8 (eight) months and a fine of IDR 200,000,000 (two hundred million rupiah) provided that if the fine is not paid then it is replaced by imprisonment for 1 (one) month. In this case, Defendant I (SL) had committed a criminal act of corruption in the amount of Rp. 117,500,000 (one hundred and seventeen million rupiah), and the defendant had to deposit the criminal act of corruption. Provided that the condition I (SL) does not deposit money obtained from the criminal act of corruption within 1 (one) month after that the Court Decision obtains permanent legal force, the property is confiscated by the Public Prosecutor and auctioned off for the state and in the event that he does not have the right to Assets sufficient objects, then shall be punished with imprisonment for 3 (three) months.
2. Sentenced Defendant II (AH) to imprisonment for 4 (four) years and 2 (two) months and a fine of IDR 200,000,000 (two hundred million rupiah) provided that if the fine is not paid, it is replaced by imprisonment. for 1 (one) month. In this case, Defendant II (AH) was be besought to not deposit the money obtained from the proceeds of his criminal act of corruption.
3. Imposing a punishment to Defendant III (BS) therefore with imprisonment of 4 (four) years and 8 (eight) months and a fine of Rp 200,000,000 (two hundred million rupiah) provided that if the fine is not paid it is replaced by imprisonment for 1 (one) month. As well as Defendant III (BS) is asked to deposit the proceeds of his criminal act of corruption in the amount of Rp. 120,000,000 (one hundred and twenty million rupiah) provided that Defendant III (BS) does not deposit the money obtained from the proceeds of his criminal act of corruption within 1 (one) month after that the Court Decision has permanent legal force, the property is confiscated by the Public Prosecutor and auctioned off for the state and in the event that he does not have sufficient assets, then he will be punished with imprisonment for 3 (three) months.
4. Sentenced Defendant IV (IF) to imprisonment for 4 (four) years and 1 (one) months and a fine of IDR 200,000,000 (two hundred million rupiah) provided that if the fine is not paid, it is replaced by imprisonment. for 1 (one) month. In this case, Defendant II (AH) was be besought to not deposit the money obtained from the proceeds of his criminal act of corruption.
5. Sentenced Defendant V (SR) to imprisonment for 4 (four) years and 1 (one) months and a fine of IDR 200,000,000 (two hundred million rupiah) provided that if the fine is not paid, it is replaced by imprisonment. for 1 (one) month. In this case, Defendant V (SR) was be besought to not deposit the money obtained from the proceeds of his criminal act of corruption.
6. Sentenced Defendant VI (TY) to imprisonment for 4 (four) years and 2 (two) months and a fine of IDR 200,000,000 (two hundred million rupiah) provided that if the fine is not paid, it is replaced by imprisonment. for 1 (one) month. In this case, Defendant VI (TY) was be besought to not deposit the money obtained from the proceeds of his criminal act of corruption.

The consequence of the state law system is that there is an equal position before the law and government or what is known as equality before the law as one of the elements in law enforcement. In Indonesia, the principle of equality is actually a continuation of the idea of human rights which was inspired by the normative theme of the French Revolution, both the so-called first generation which is socio-political rights (liberte), both economic, social and cultural rights (egalite) and the third generation of so-called solidarity rights (fraternite). Human rights inspired by the political philosophy of liberal individualism and the economic doctrine of laissez faire, are formulated in terms of negative in the form of "freedom from" state intervention and which limits state power .

To make it easier to read one of the judicial verdicts Number: 119 / Pid.Sus.TPK / 2018 / PN.Sby, in a table 1.

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Table 1. Judicial Verdicts Number: 119/Pid.Sus.TPK/2018/PN.Sby

| No | Name (initial) Defendant | Prison Sentence | Fine | Additional Sentence |
|---|---|---|---|---|
| 1. | Defendant I (SL) | 4 years 8 months | IDR 200 million (1 month imprisonment) | Yes, in the amount of Rp 117.500.000 |
| 2. | Defendant II (AH) | 4 years 2 months | IDR 200 million (1 month imprisonment) | None |
| 3. | Defendant III (BS) | 4 years 8 months | IDR 200 million (1 month imprisonment) | Yes, in the amount of Rp 120.000.000 |
| 4. | Defendant IV (IF) | 4 years 1 months | IDR 200 million (1 month imprisonment) | None |
| 5. | Defendant V (SR) | 4 years 1 months | IDR 200 million (1 month imprisonment) | None |
| 6. | Defendant VI (TY) | 4 years 2 months | IDR 200 million (1 month imprisonment) | None |

In the table above, we can analyze in Equality Before the Law, namely the same submission of all groups to ordinary law of the land carried out by ordinary court, this means that no one is above the law, either official or ordinary citizen are obliged to obey the same laws. However, if seen in the table above, the most striking difference is the inequality regarding additional sentence, namely depositing money from the proceeds of corruption, Defendants I and III who were asked to return the proceeds from their crimes, while other defendants did not. In order to be clearer and then able to understand the contents of the decision Number: 119 / Pid.Sus.TPK / 2018 / PN.Sby, the researcher conducted an investigation regarding the types of punishment in the Corruption Crime Court. Below, we will examine it more deeply.

In the types of convictions in the corruption court, if we look at the decision Number: 119 / Pid.Sus.TPK / 2018 / PN.Sby:

1. Main Sentence: Imprisonment, in accordance with Article 12 of the Criminal Code, which is a temporary prison sentence, a minimum of one day and a maximum of 15 (fifteen) years, and can be imposed for a maximum of 20 (twenty) years if there are things that are burdensome.
2. Main Sentence: fines, regulated in the Criminal Code Article 30 states that a minimum fine of Rp 3.75 (three rupiah and seventy five cents), if not paid is replaced by imprisonment, while the length of substitute imprisonment is at least 1 (one) day and at most 6 (six) months The amount of the criminal fine as stipulated in Constitution Number 31 of 1999 concerning Eradication of Corruption in conjunction with Constitution Number 20 of 2001 concerning Amendments to Constitution Number 31 of 1999 concerning Eradication of Corruption, varies greatly between a minimum of IDR 50,000.000 (fifty million rupiah) and a maximum of Rp.1,000,000,000 (one billion rupiah), but there is one exception article to be precise article 12A, if the value of corruption is less / does not reach Rp.5,000,000 (five million rupiah) then a fine may be imposed , a maximum of IDR 50,000,000 (fifty million rupiah), so that the panel of judges at the Corruption Crime Court, for example imposing a fine of IDR 1,000 (one thousand rupiah) as the smallest currency in Indonesia at this time, could be imposed as a fine .
3. Additional sentence Additional sentence can only be imposed together with the main sentence. The imposition of additional sentence is usually optional (not necessary). Judges are not required to impose additional sentence, there are 3 (three) additional forms of sentence, namely:
   a. Additional sentence for revocation of certain rights, in accordance with Article 35 of the Criminal Code.
   b. Additional sentence for confiscation of certain goods are regulated in Article 39 of the Criminal Code.
   c. Additional sentence for announcing the judge's decision are regulated in Article 43 of the Criminal Code.

Thus, it is clear that in table 1 above regarding additional sentence the result is that not all defendants are given additional sentence, only defendants I and III because the additional sentence are optional (not necessarily). If we relate it to the principle of equality before the law, the judicial process in handling corruption crimes is in accordance with the rules regarding the types of punishment in the Corruption Crime Court.

## CONCLUSION

Judges in carrying out the decision on corruption in the decision Number: 119/Pid.Sus.TPK/2018/PN.Sby are in accordance with the principle of equality before the law, so the judicial process in handling criminal acts of corruption is in accordance with the rules regarding the types of punishment in Corruption Crime Court. Whereas

the Equality before the law or the same submission of all groups towards ordinary law of the land implemented by ordinary court, this means that no person who is above the law, whether official or ordinary citizen, is obliged to obey the same law. One of the factors that can influence the application of the Equality Before the Law principle is the integrity of the Judge because the role of judges in protection and law enforcement is to accept, examine and decide legal cases based on the principles of freedom, honesty and impartiality in court in accordance with statutory provisions so that justice, certainty, and legal benefits can be fulfilled.

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