

The Cause Of Corruption Crime On Village Funds And Investigations Process In The Purworejo

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Abstract. Corruption has caused damage in various aspects of community life, the nation and the state, so it must be eradicated in order to realize a just and prosperous society based on Pancasila and the Constitution of 1945. Since 2015-2017 in Purworejo have been many complaints from the public about Corruption allegations of village funds, so the authors are interested in writing causes of corruption and the village funds investigation in Purworejo, source used in the study of primary data and secondary data, engineering data collection was done by interview. The results of research into the causes of corruption lack / role of the community in the planning and supervision of village funds, the limited competence and ability of the village head and village, the three are not optimal role of village institutions. For the process of Police investigation in Purworejo create a unit specifically dealing with corruption. As for the constraints of investigation number of witnesses testified that most of the people close to the village head so much that did not cooperate and testify often convoluted, besides documents relating Village funds also difficult to establish the suspect must await the results of the calculation of damages State Auditors do that requires a long time so impressed Investigation tele on Village funds.

Keywords: Crime of Corruption; Village Funds; Investigation Process.

1. Introduction

Indonesian National Police (POLRI) as one of the law enforcement agencies are required to play their part in upholding the rule of law, protection of public interest, upholding human rights, and the eradication of corruption, collusion and nepotism. Police is part of Criminal Justice System in Indonesia.³

One of the criminal act very detrimental to the country is the problem of corruption. Corruption is a symptom of the common people in every area of people's lives better economics, law, social, cultural and political, historical adanya facts prove that almost every country faced with the problem of corruption⁴

The emergence of such crimes by under JE in journals cited by Usman disclosed that: "The emergence of this type of crime such as poverty shows that not only are the underlying causes of crime, but rather a factor of prosperity and opulence is the driving factor of people committing crimes".⁵

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³ Explanation Act No. 2 of 2002 of POLRI

⁴ Evi Hartanti 2005 *Tindak Pidana Korupsi* Sinar Grafika Jakarta p. 24.

⁵ Usman. "Analisis Perkembangan Teori Hukum Pidana Jurnal Ilmu Hukum. Volume 2 Nomor 1 p. 68 (June 2013)

Corruption has caused damage in various aspects of community life, the nation and the country so require exceptional handling. In addition to prevention and eradication of corruption needs to be carried out continuously and continuous and needs to be supported by a variety of resources, both human resources and other resources such as institutional capacity building and improvement of law enforcement in order to grow the awareness and attitudes of follow society's anti-corruption ,⁶

In criminology, corruption is one crime type of white collar crime or white-collar crime. Familiar terms of corruption in the society have shown growing proliferation of public concern against corruption, white collar crime able to attract the public's attention because the perpetrators are people who are perceived by the public as famous people or is respected, but they are making poverty in society⁷,

Handling of corruption cases difficult to disclose and also takes quite a long time in the process penangananya, because:⁸

- Operandi Modus is complicated;
- The Perpetrators of corruption tend to be high intelektual;
- Passing time events;
- Actor of corruption tends to be organized and tidy

Corruption is not just happening at central government level, but corruption also occurs at the level of village government. Like the octopus, corruption is getting stronger twisting and gripping joints of this country. Corruption is what usually encountered within the scope of local government (village). Corruption is systematically causing economic losses for messing incentives, political losses due to weaken government institutions and social losses.

In the eradication of criminal corruption in Indonesia there are laws that regulate namely the Law of the Republic of Indonesia Number 31 Of 1999 on Eradication of Corruption and the Law of the Republic of Indonesia Number 20 of 2001 on the Amendment to the Law of the Republic of Indonesia Number 31 Of 1999 on Combating Corruption.

Since 2015 the government has distributed the Village funds with the aim to improve the well-being and equitable development of the village through the improvement of public services, promoting economic Village, to overcome the development gap between the Village as the subject of development, according to the provisions of Act No. 6 of 2014 on the village, village income sourced from the state budget allocation.

The magnitude of the Village funds budget allocation that designation directly to the village each year has increased when the government's 2015 budget amounted to 20.76 trillion rupiah, 2016 amounted to 46.9 trillion rupiah, while in 2017 amounted to 60 trillion rupiah and 2018 is budgeted at Rp. 120 trillion rupiah. Purworejo which has 469 villages Village also obtain funds, 2015 is allocated 124.4 billion rupiah, 2016 amounted to Rp. 279.1 billion rupiah and 2017 amounted to 355.9 billion rupiah.

⁶ Zulkarnain 2013 *Praktek Peradilan Pidana Panduan Praktis Memahami Peradilan Pidana* Setara Press Malang p. 116

⁷ Teguh Sulista dan Aria Zurnetti 2011 *Hukum Pidana: Horizon Baru Pasca Reformasi* Jakarta: PT. Raja Grafindo Persada p. 63

⁸ Andi Hamzah *Kelemahan Penyidikan Tindak Pidana Korupsi* seminar paper Jakarta 28 September 2012 p. 6

The funding source so large village is on application of the Law konsekuwensi village, the village head that holds the village's financial management must be prepared to provide reports and accountability for the funds received. As in Government Regulation No. 43 Of 2014 on implementing regulations of Act No. 6 of 2014 on Village reaffirmed that the village head shall submit report on realization of the Budget (APB) village of the end of each fiscal year to Regents / Mayors⁹,

In practice, the head of the village as the holder of the financial management powers many villages that did not make the accountability report, it is possible no intention of government to use the money the village of village funds for his own purposes or used in accordance with the provisions.

In the Of 2017 in Purworejo regency, there are 14 village heads who deal with law enforcement in both the police and the prosecutor's office with regard to the village funds, which indicated deviations are complaints from the public, because many activities were not carried out according to the provisions that allegedly resulted in losses to the state, resulting regulation, governance, oversight, and human resources.¹⁰ Most forms of corruption in the village of the village is related funds embezzlement, misuse of funds and abuse of authority, resulting in the use of village funds for personal purposes of the village head.

Law enforcement duties performed by the police, in this case carried out by the function of Criminal Investigation. In the formulation of Article 14 paragraph (1) letter g of Law of the Republic of Indonesia number 2 of 2002, mentioned that in carrying out basic tasks as referred to in Article 13, the National Police assigned to conduct the investigation against all criminal acts in accordance with the criminal procedure law and other regulations.

In accordance with Article 6 paragraph (1) Criminal Code that investigators are police officers of the Republic of Indonesia and civil service officials. This is Purworejo Police Investigators also perform functions and duties as law enforcement officers to conduct the investigation of Corruption village funds that occurred in the district of Purworejo. Based on the description of the background, then was appointed a problem that is How The Cause of Corruption Crime on the Village funds and Investigation Process in Purworejo?

Research Methods

This type of study is empirical juridical, legal research empirical was originally a secondary data followed by research on primary data in the field.¹¹ This research was conducted at the Regional Police of Purworejo.

The data used in this research is primary data and secondary data, primary data to obtain field data by conducting interviews directly to the informant. Secondary law, the required materials such as books, papers and the results of the seminar relevant to this study, tertiary legal materials or legal material support which includes material that gives instructions and explanations of the primary legal materials, secondary as general dictionary, legal dictionaries, relevant and can be used to complete the study

⁹ [https // suryaden.com](https://suryaden.com)> pp43-2014.

¹⁰ Harian Pagi KR. Yogya 15 Desember 2016 p. 3

¹¹ Soerjono Soekanto 2010 *Pengantar Penelitian Hukum* UI Press Jakarta p. 52.

of data. Data collected by interview directly to the informant in order to obtain the necessary data relating to the cases. Studies carried documents to obtain secondary data, by collecting the material literature or other data sources. Moreover record and resume quoting the theories and laws related objects.

Mechanical analysis of data collected through the study, analyzed by qualitative descriptive method, by analyzing data obtained from primary and secondary data sources. Once that is done a thorough discussion, and based on these discussions be concluded in response to the problems studied.

2. Results and Discussion

2.1. How the Cause of Corruption Crime on the Village funds and Investigation process in Purworejo

Corruption in Indonesia is widespread in society, its development continues to increase from year to year, both in the number of cases and the amount of state financial losses and in terms of the quality of criminal offenses committed more systematic and scope that enters all aspects of society. The problem of corruption has been a wide range of complexity, among others, the problem of moral / mental attitude problem lifestyle, cultural and social environment, the problem needs / demands of economic and social problems, economic and structural problems / economic system, a system problem / political culture and lack of bureaucracy / administrative procedures in the field of finance and public services.¹²

The enactment of Act No. 6 of 2014 on the village, providing autonomous authority to the village administration in managing and developing the village, to make them more prosperous rural communities through various empowerment programs and the management of village resources. However, in practice there are indications that the game in this village or the use of funds can be said to be of corruption. Village funds corruption that occurred in 14 (fourteen) village in Purworejo throughout 2015-2017 most perpetrators are the chief. Operandi modus do the village head in corruption, that is to markup procurement of goods and services, physical building are not in accordance with the planning,

Community participation in planning the use of the village budget very clearly set out in stipulated in Article 68 of Act No. 6 of 2014 on the village, namely:¹³

(1) Rural Community entitled:

- Request and obtain information from the village government and oversee the implementation of village administration, the implementation of Rural Development, Rural community development and empowerment of village communities;
- Obtain the same service and fair;
- Express their aspirations, suggestions, and opinions orally or in writing in a responsible manner on the activities of the organization of village administration,

¹² Barda Nawawi Arief 2013 *Kapita Selekta Hukum Pidana* Citra Aditya Bakti Bandung p. 67.

¹³ Article 68 of Act No. 6 of 2014 on Village

the implementation of Rural Development, Rural community development and empowerment of village communities.

Potential problems of village funds that raises chances of corruption described in the steps of:

- **Plan:** Inconsistency between RPJMDes with RKPDes dan APBDes, program / activity is not in line with village authority, unfocused, does not provide adequate leverage, End of tenure Kades RPJMDesa targets are not achieved, not participatory society.
- **Budgeting:** Allocating the budget is not in accordance with the Standard Input Costs (SBM), use of the budget is not in accordance with the terms and conditions that apply.
- **Implementation:** Financial management is not through cash accounts Village, schedule execution time is not met, not in accordance with the targets set, not in accordance with the specifications contained in the RAB / DED, Error procurement of goods / services, not transparent and done the 3rd, the Village Head got fees from executing and money enjoyed by the village head.
- **Factory stylists:** Does not meet the standard procedures and mechanisms and financial administration set, recording error, lack of accessories documents
- **Reporting:** Not timely, does not match the standard format, the contents of the report does not meet the requirement.
- **Accountability:** Not according to the stipulated budget ceiling, is not supported by the evidence authentic, Document incomplete / does not meet the standards, achievement of physical targets are not in accordance with the budget cap.

This is similar to the findings of the Indonesia Corruption Watch (ICW), states that the cause of the corruption that is rife village funds, namely:¹⁴

- Lack of involvement / community role in the planning and supervision of village funds;
- Lack of competence and ability of village heads and village. These technical limitations particularly on the village funds management, procurement of goods and services and the preparation of financial accountability
- Not optimal role of village institutions either directly or indirectly. Village institutions, does not play an important role in empowering communities and village-level democracy, such as the Village Consultative Body or BPD.

In dealing with the investigation of criminal corruption Police Investigator Purworejo always coordinate with the Public Prosecution Service and the Commission as required in Article 50 paragraph (1) and (2) of Act No. 30 of 2002 on the Corruption Eradication Commission. Investigation of Corruption Based on the formulation of Article 26 of Act No. 31 of 1999 on Corruption Eradication acts that have been in force and supplemented by Act No. 20 of 2001 on Corruption Eradication, which is defined as under the laws of criminal procedure apply is Act No. 8 of 1981 on the Code of Criminal Procedure. With this appointment, the provisions of the Criminal Procedure Code in particular the provisions of Chapter XIV.¹⁵

¹⁴ Beritasatu.com ICW Ungkap Empat Penyebab Maraknya Korupsi Dana Desa <http://www.beritasatu.com/hukum/446706-icw-ungkap-empat-penyebab-maraknya-korupsidana-desa.html> Retrieved March 15 2018.

¹⁵ Guse Prayudi 2010 Corruption Seen In Many Aspects p 27

In terms of their reports / information / findings by the staff of allegations of corruption further in accordance with Article 1 point 5 of the Code of Criminal Procedure investigation. Research is a series of action / investigation to search for and find an event alleged criminal acts in order to determine whether or not an investigation in the manner set forth in the law. The probe is an important step within the framework of the criminal procedure law in Indonesia, because at this stage the investigator seeks to reveal the facts and the evidence for the occurrence of a crime and find the criminal suspect.¹⁶

Procedure or procedures for investigating corruption village funds, together with the general crime in another, but the Investigation of Corruption in more detail so that the framework of the criminal has described can only be upgraded to the process of investigation, but in practice the investigation of corruption not Offense sesimple General. Underlying Article 15 *Perkap Kapolri* No. 14 Of 2012 on the management of Criminal Investigation follow his case is one of a series of investigations resulting in the investigation process to be followed by his case which is properly accounted process.¹⁷

Investigation of corruption village funds face many obstacles. by Edi Purwanto, SH, problems of corruption investigator village funds is the number of parties to be questioned as a witness could even reach 60 witnesses witness in the corruption that most people close to the village head so much that did not cooperate and provide information often bush, in addition to the documents related to the village funds is also difficult because the village government is usually worse in documenting.¹⁸

In the process of investigation of criminal corruption financial losses of the State is absolutely, here the police investigation can not work alone, because they have been people who have special skills to do the Audit Investigation (AI) or Audit Calculation of Losses of State Finance (PKKN) usually carried out by Inspection Agency BPK RI finance representative or Java, which can declare the existence of the State losses. Relating the Constitutional Court ruling on Case number 25 / PUU-XIV / 2016 related to articles 2 and 3 of Act No. 31 of 1999 on combating Not Corruption that if suspect with such article should be no loss in advance, so here is a constraint for the investigator. Due to define the suspect must await results of the calculation of losses to the state

Investigators according to Ismail, to conduct an audit or investigation of the CPC or the Auditor PKKN BPKP require longer periods of time can be up to 3 months to 4 months, so in the investigations on corruption cases that seem to drag on.¹⁹

When Investigators have obtained sufficient evidence including witness statements, Letter, Statement of Expert and supported by the State Loss, investigators will determine suspects and investigators are able to continue the investigation including examination of the suspects to the delegation of the General Prosecutor, after the fulfillment of the evidence referred to in Article 184 Criminal Code, namely (1). Witness statements; (2). Expert testimony; (3). Letter; (4). Instructions; (5). Description defendant.

¹⁶ Yahya Harahap 2012 *Pembahasan Permasalahan dan Penerapan KUHAP:Penyidikan dan Penuntutan* Edisi Kedua Sinar Grafika Jakarta p. 109

¹⁷ *Perkap Kapolri* No. 14 Of 2012 on the follow-Criminal Investigation management

¹⁸ Edi Purwanto SH PolresPurworejo Tipidkor Unit Investigator Interview July 15th 2018

¹⁹ Ismail SH PolresPurworejo Tipidkor Unit Investigator Interview dated July 17 2018.

3. Closing

3.1. Conclusion

Of Research and the above discussion, the causes of Corruption Village funds and the process of investigation in Purworejo because the First Less-involvement / role of the community in the planning and supervision of village funds, the limited competence and ability of the village head and village, three photo optimal role village institutions. While the process of forming Purworejo police investigation of Tipikor unit which conducted an investigation to determine the criminal and the node is not the loss on the village funds, after the new criminal offenses to be upgraded to the investigation process. Investigation of Village funds constraint is the number of witnesses that most of the people close to the head of the village so many are uncooperative. To set the suspect must await results of a calculation carried financial loss State Auditor that require a long time. In the future these problems should be evaluated so that government programs can be run properly, if there is still corruption immediate action in accordance with the provisions of law by creating a fast economical and dynamic.

3.2.Suggestion

In order to combat acts of corruption village funds needed community participation in the planning and supervision, training of government to improve the competence of the village head and the device, village institutions perform its role optimally as the main task of each so as to reduce the occurrence of acts corruption villages. If the corruption still persists, so that law enforcement officials such as police can make the process of inquiry and investigation in a professional and fair so that the perpetrators of corruption and sanctions proportionate or fair as possible.

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