

Role And Function Of Attorney In Order To Optimize The Prevention Of Corruption Through Establishment Of TP4P/D (Case Studies In State Attorney Of Grobogan)

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Abstract. Corruption or *rasuah* is the act of a public official, either politicians nor government employees, as well as other parties involved in the action that is not fair and does not legal. It is very necessary to do eradication and prevention in a planned and measured by the Government. The purpose of this study was to describe, assess and analyze on the Role and Functions of The Attorney in Order to Optimize the Prevention of Corruption Through The Establishment of The Guards and Security Governance and Development Center / Regional (TP4P / D). This study uses empirical juridical approach, with specification of descriptive analytical research. The data used in this research is secondary data obtained through library research and primary data obtained through field research were then analyzed qualitatively Policy Implementation theory, and the theory of the authority. The results of this study are: Role and Functions of the Attorney in order to optimize the Prevention of Corruption through the establishment of the Guards and Security Governance and Development Center / Regional (TP4P / D) is not an assignment and new functions given to the Attorney of the Republic of Indonesia, duties and functions TP4P / D preexisting regulated in Act No. 16 of 2004 concerning the Attorney RI and has been written in the Regulation of General Attorney of the Organization and Work Procedure Attorney of the Republic of Indonesia.

Keywords: Prevention; Corruption; Attorney RI.

1. Introduction

Corruption is not a new thing in Indonesian society and the corruption that has been widespread, planned even structured especially abuse of power by state officials in Indonesia in particular, it is in line with the elements of one chapter in the Law on Crime corruption is every person with the intention of enriching himself or another person or corporation, abuse of authority, opportunity or means available to him because of the position or positions that could harm the state finance and economy, is one of the legal term to refer to corruption.⁴

Qualification of corruption as an extraordinary crime based on the landscape conditions of anti-corruption efforts can be in Dutch language expressions as "*Het*

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⁴ Article 3 of the Law of the Republic of Indonesia Number 31 of 1999 on Corruption.

recht hinkt Achter de feiten aan". Meaning the law is always out of the event. In addition, in the context of corruption crimes have three properties. First, corruption is a form of white collar crime. Secondly, corruption is typically performed in congregation that is a form of organized crime. Third graft is usually done by a sophisticated modus operandi so hard proof.⁵

One of the roles and functions of the attorney in order to optimize the prevention of corruption, especially in the national development strategic activities, namely the establishment of Guards and Security Team Governance and Development Center / Regional (TP4P / D) based on Decision General Attorney of the Republic of Indonesia Number: KEP-152 / A / JA / 10/2015 concerning the establishment of Guards and Security Guards and Development Government Attorney of the Republic of Indonesia dated October 1, 2015.

The reason the establishment of the Guards and Security Governance and Development (TP4) both at the central and regional by Attorneys RI, as far enforcement of repressive for perpetrators of corruption, especially in government agencies within the scope of the procurement of government goods / services associated with this type of corruption in the form of abuse of authority made many government officials fear will be entangled in corruption so that the procurement of government goods and services become "stagnant". As a result, the budget absorption is low.⁶

The Establishment of Guards and Security Governance and Development Center and Regional (TP4D) attorney Republic of Indonesia is not directly received by the entire community and a lot of attention from various parties who said that the existing institutions of government to supervise the construction project infrastructure, such as the inspectorate in each of the ministries, the Supreme Audit Agency (BPK), or the Financial and Development Supervisory Agency (BPKP).

State Attorney of Grobogan has Established of Guards and Security Governance and Development Center and Regional with the Decree of the Chief State Attorney of Grobogan No. KEP-04 / 0.3.41 / TP4D / Set / 01/2017 with that background the authors are interested in doing research on the duties and functions of the Attorney in the prevention of corruption through TP4P / D as the duties and functions of the attorney.

Research methods

This research approach is juridical-empirical approach. Juridical approach used to analyze the rules, while the empirical approach used to analyze the implementation of the regulation, the study used Specifications was analytic descriptive study that

⁵ Indonesian Corruption Watch, Academic Paper and draft proposal Corruption Community Initiatives, (Revised Edition 2015).

⁶ Jawa Pos Group Online, dated December 17, 2015, Fear Overload Make Low Budget Absorption. www.equator.co.id/rasa-takut-berlebihan-bikin-penyerapan-anggaran-rendah / visited on Monday, October 1, 2019 Date Hours 20:00 am.

describes the reality of the role and functions of the Attorney RI Corruption in crime prevention through TP4P / D, analyzed systematically, and the type of data used in this study are primary data and secondary data.

2. Results and Discussion

In Article 2 of Act No. 16 of 2004 on the Attorney of the Republic of Indonesia is determined that the "Attorney of the Republic of Indonesia, hereinafter in this Act referred to the attorney's office is a government agency implementing state power in the attorney and other authorities under the law"

Policies in the conduct of duties Attorney of the Republic Indonesia by General Attorney of the Republic of Indonesia implemented by all levels of Attorney of the Republic Indonesia, which consists of:

- General Attorney of the Republic of Indonesia.
- High Court.
- State Attorney
- Branch Office of the State Attorney

The General Attorney's policy, HM Prasetyo, which is the General Attorney for the Period of 2014 until 2019 to form a TEAM that is TP4P / D is an attempt to respond to the attorney's office President of the Republic of Indonesia policy which calls upon the Attorney HBA event in 2015, the President instructed the Attorney to improve cooperation with the Commission and the Police in the prevention and eradication of corruption involving INTRAC, the Tax Office, BPKP, and the Inspectorate. With such cooperation, it is expected the Attorney to the future can be an institution that is reliable and able to support government programs in the field of law enforcement and guard the success of programs of national development priorities, as well as the establishment TP4P / D based on the legal basis of Act No. 16 of 2004 About AGO RI, where the law is the basis of the attorney's duties of RI.⁷

Basic formation of TP4 in institutions Attorney of the Republic of Indonesia, Act No. 16 of 2004 on the Attorney of the Republic of Indonesia, Presidential Instruction No. 7 Of 2015 About the Action Prevention and Combating of Corruption in 2015 as an effort to prevent and eradicate corruption, General Attorney Decision No. KEP-152 / A / JA / 10/2015 On Guard The Establishment of and Safety Governance and Development Center / Regional Attorney of the Republic of Indonesia. Regulation of the General Attorney No. KEP-014 / A / JA / 11/2016 On Mechanism of Technical and Administrative Team Guards and Security Governance and Development Attorney of the Republic of Indonesia, On that basis, also made instructions for the General Attorney Number: INS-001 / A / JA / 10/2015 Date of October 5, 2015 on the Establishment and Duties TP4P / D (central and local) Attorney RI.

⁷ Interview with Chief State Attorney of Grobogan, Purwodadi, January 2nd, 2020.

The Roles and Functions of TP4P / D In Article 4, paragraph 1 (PER-014 / A / JA / 11/2016), states that the duties and functions of TIM Escort and Security governance and development centers / areas include:

- Prevention / preventive and persuasive;
Crime prevention by Steven P. Lab is an action taken to eliminate crime or prevent such crimes further.⁸

The shape of the TP4 team do prevention / preventive and persuasive done by:

- Providing Legal Information in the Ministry / Agency / Local Government / BUMN / related material about the planning, tendering, execution of work, supervision of implementation of the work, licensing, procurement, order administration and orderly management of state finances;
- Conducting discussions or discussion with environment of Center / ministry / agency / state / local enterprises to identify problems encountered in the implementation of development and absorption;
- Providing Legal Information and Guidance of law TP4 initiative or at the request of the place and time held by agreement and as needed;
- TP4 may involve the agency or another party that has capacity, competence and relevant to the material of Legal Education which will deliver to the environment Central Government / Ministry / Agency / Local / state / local enterprises.

Intelligence Section Chief State Attorney of Grobogan Agus Setyo Budi, SH⁹ explained that the task TP4P / D mentioned above is the task of the intelligence field Attorney RI where the discretion of the General Attorney in 2015 to form TP4P / D to enter duty time intelligence into their part of TP4P / D, the task in accordance with Act No. 16 Of 2004 Concerning the Attorney RI Article 30, Paragraph 3, as well as in describe in General Attorney Regulation No. PER - 009 / A / JA / 01/2011 as had the fox with General Attorney Regulation No. PER-006 / A / JA / 07/2017 on Organization and Work Procedure Attorney of the Republic of Indonesia.

- Legal Assistance;
Legal Assistance Activities undertaken TP4 team Legal form:
 - Legal discussion of the application of regulations, law, mechanisms and procedures of budget administrator for the problem in terms of absorption of the budget;
 - Legal opinion in the planning stage, tendering, implementation, monitoring, execution of work and Goods / Services initiative of TP4 agencies and parties needed. Head of State Attorney of Grobogan Yunita Arifin, SH, MH.¹⁰ explained that the task TP4P / D mentioned above is the task of the field of Civil and State Administration on the Attorney RI where the discretion of the General Attorney

⁸ Steven P.Lab, 2013, *Crime Prevention Approaches Practices And Evaluations*, Jakarta: PTIK Press, p.31.

⁹ Interview with the Head of the Intelligence Section of the State Attorney of Grobogan, Purwodadi January 8, 2020.

¹⁰ Interview with Chief State Attorney of Grobogan, Purwodadi January 08, 2020.

in 2015 to form TP4P / D to enter duty in Civil and Administrative added to part of the job of TP4P / D, duty The compliance with Act No. 16 Of 2004 on the Indonesian Attorney Article 30 Paragraph 2, as well as in describe in General Attorney Regulation No. PER - 009 / A / JA / 01/2011 as had the fox with General Attorney Regulation No. PER-006 / A / JA / 07/2017 on Organization and Work Procedure Attorney of the Republic of Indonesia.

- Doing Coordination with APIPs and / or related agencies;
TP4 is Proactive establish inter-agency coordination, especially in the case of:
 - The construction work on the environment of Ministry / Agency / Local / state / enterprises included in the list of national strategic projects; or
 - The construction work on the scale of local government and BUMD priority.
 TP4 in coordination with APIPs and / or related institutions, in a mutually responsive in reporting stages of a project activity to avoid irregularities and abuse of authority. Intelligence Section Chief State Attorney of Grobogan Agus Setyo Budi, SH¹¹ explained that the task TP4P / D mentioned above is the duty of the Attorney RI field of intelligence that is introduced into part of the task TP4P / D, the task in accordance with Act No. 16 Of 2004 on the Indonesian Attorney Article 30 Paragraph 3 And in General Attorney Regulation No. PER - 009 / A / JA / 01/2011 as had the fox with General Attorney Regulation No. PER-006 / A / JA / 07/2017 on Organization and Work Procedure Attorney of the Republic of Indonesia.
- Conducting Monitoring and Evaluation.
Monitoring and Evaluation carried with the phase of the work and the development. In this monitoring process TP4 team can repeat the previous work records when there is a mismatch of data or the change of the quality of goods that are not in accordance with the SOP agreed.
Intelligence Section Chief State Attorney of Grobogan Agus Setyo Budi, SH¹² explained that the task TP4P / D mentioned above is the duty of the Attorney RI field of intelligence that is introduced into part of the task TP4P / D, the task in accordance with Act No. 16 Of 2004 on the Indonesian Attorney Article 30, Paragraph 3, as well as in describe in General Attorney Regulation No. PER - 009 / A / JA / 01/2011 as had the fox with General Attorney Regulation No. PER-006 / A / JA / 07/2017 on Organization and Work Procedure Attorney of the Republic of Indonesia.
- Perform Repressive Law Enforcement.
On March 1, 2016, the Director of Affairs Intelligence as Chairman TP4Pusat issued Decree No. KEP-001 / TP4P / Set / 03/2016 concerning Mechanism of Technical and Administrative Team Guards and Security Governance and Development Center, however the decree, still too general and not refer to things that are substantial and

¹¹ Interview with Chief State Attorney Intelligence section Grobogan, Purwodadi January 6, 2020.

¹² Interview with the Head of the Intelligence Section of the State Attorney of Grobogan, Purwodadi January 7, 2020.

technical.¹³ If in the course of the escort team development TP4D find Corruption, the TP4D team submit to field Special Crime Investigation Attorney RI to do.

Special Crimes Section Chief State Attorney of Grobogan Endy Dasatmadja, SH, MH.¹⁴ explained that the task TP4P / D mentioned above is the task of the field of Special Crimes at the Attorney of RI incorporated into part of the job of TP4P / D, the task in accordance with Act No. 16 of 2004 on the Attorney RI Article 30 Paragraph 1 letter d, as well as The Regulations describe in General Attorney Decree No: PER - 009 / A / JA / 01/2011 as had the fox with General Attorney Regulation No. PER-006 / A / JA / 07/2017 on Organization and Work Procedure Attorney of the Republic of Indonesia. Description of the tasks and functions TP4P / TP4D above which is one role of the attorney in order to optimize the prevention of corruption born of the policies of General Attorney which is implemented by the Establishment TP4P / TP4D by issuing General Attorney Decision No. KEP-152 / A / JA / 10/2015 on the formation of team Guards and Security Governance and Development Center / Regional, it is in line with the theory of policy implementation which means that the implementation of the policy is the implementation of policy decisions basic, usually in the form of legislation, but can also form the commands or the decisions of the executive or judicial decision, and the decision to identify the problem you want solved, and explicitly mention goals or objectives to be achieved, and various ways to structure or organize the implementation process.¹⁵

It is in line with that given by Ateng Syafrudin that the Authority or the authority which is a term commonly used in the field of public law. But in fact there is a difference between the two. Ateng Syafrudin asserts that the term of authority (*authority, gezag*) must be distinguished by the authority (*competence, bevoegheid*). The authority is the so-called formal power, the power that comes from the powers granted by law, whereas the authority only of a "*onderdeel*" (part of) certain of the authority. Inside there is authority-authorized (*rechtsbevoegdheden*). The authority is the scope of public legal action, the scope of government power, not only includes the power to decide the government (*bestuur*), but includes the authority for the implementation of tasks.¹⁶

3. Closing

3.1. Conclusion

¹³ N. Asep Mulyana, 2014, *Mekanisme Kerja Teknis dan Administrasi*, Jakarta : Gramedia, p. 10.

¹⁴ Interview with Special Crimes Section Chief State Attorney of Grobogan, Purwodadi January 8, 2020.

¹⁵ Yulianto Kadji, 2015, *Formulasi dan Implementasi Kebijakan Publik, Kepemimpinan dan Perilaku Birokrasi dalam Fakta Realitas*, Gorontalo: UNG Press Gorontalo, p. 48.

¹⁶ Sufriadi, Journals Juridical Journal Vol. 1No.1, June 2014: 57 -72 <https://media.neliti.com/media/publications/282101-tanggung-jawab-jabatan-dan-tanggung-jawa-f9b3c4b5.pdf>. Visited On Thursday, January 30, 2020 08.30 pm.

Role and Functions of the Attorney in order to optimize the Prevention of Corruption through the establishment of the Guards and Security Governance and Development Center / Regional (TP4P / D) is not an assignment and new functions given to the Attorney of the Republic of Indonesia for the duties and functions of the Tim Guards and Safety Administration and Development Center / Regional (TP4P / D) is the duty and function of the Attorney RI contained in the provisions of Act No.: 16 Of 2004 on the Indonesian Attorney then elaborated in General Attorney Regulation No. PER - 009 / A / JA / 01/2011 as had the fox with General Attorney Regulation No. PER-006 / A / JA / 07/2017 on Organization and Work Procedure of the Attorney of the Republic of Indonesia, The next discretion of General Attorney formed TP4P / D to implement the Presidential Instruction Republic of Indonesia Number 7 of 2015 on the Prevention and Combating of Corruption Action 2015.

3.2. Suggestion

- To the government, it should establish a rule of law related to the prevention of corruption in accordance with the duties and functions of institutions of countries that are competent in order to optimize the prevention of corruption in a systematic, measurable and structured so it does not happen again conflict of authority between the policies of the state institution one with others.
- To the Institute of Attorney of the Republic of Indonesia, it should reassess of Attorney's Act No. 16 of 2004 About Attorney of the Republic of Indonesia to make changes in accordance with the legal conditions in Indonesia today, especially in the elaboration of the duties and authority of the attorney, so as not to cause an understanding wrong against the duties and authority of the Attorney RI.

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