

# **STRENGTHENING THE CORRUPTION ERADICATION COMMISSION TO ELIMINATE CORRUPTION CRIMINAL ACTION**

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## **Abstract**

The Corruption Eradication Commission has been completely regulated through Law Number 30 year 2002 concerning the Corruption Eradication Commission. Strengthening the Corruption Eradication Commission needs to be done. This is in order to further maximize the performance of the Corruption Eradication Commission in eradicating corruption. Strengthening that needs to be done by the Corruption Eradication Commission is on the prevention aspect. So far, corruption still remains and still grows. This can be seen from the many actions against corruption committed by the Corruption Eradication Commission. The many actions taken by the Corruption Eradication Commission shows not optimal on preventing corruption. If prevention efforts are carried out maximally, there will be no corruption. If there is no criminal act of corruption, there will be no prosecution of criminal acts of corruption. Therefore the Corruption Eradication Commission needs to be strengthened in the form of strong authority to prevent corruption. At present there is a rule about the Corruption Eradication Commission to take precautions. But the rules have not been specific and concrete.

## **A. INTRODUCTION**

Corruption in Indonesia is still happening today. This can be seen from the cases of corruption that often afflict officials who hold power positions in Indonesia. Ministers, Governors, Regents, Mayors, members of the House of Representatives, members of the Regional People's Legislative Assembly and other officials in other state institutions. Corruption seems to grow fertile and entrenched in the country of Indonesia, even though the Indonesian state has made efforts to eradicate criminal offenses. One of the extraordinary efforts of the Indonesian state in eradicating corruption is by making Law Number 30 year 2002 concerning the Corruption Eradication Commission.

The consequence of the existence of Law No. 30 year 2002 concerning the Corruption Eradication Commission is the birth of corruption eradication institutions, namely the Corruption Eradication Commission (Indonesian term: KPK). The Corruption Eradication Commission was born with enthusiasm to eradicate corruption. The performance of the Corruption Eradication Commission has also been considered good. This can be seen from the existence of the Corruption Eradication Commission in suppressing corruption. Data shows that corruption cases handled by the Corruption Eradication Commission have increased from 2016 to 2017 (Taher, 2017).

The Corruption Eradication Commission in 2016 investigated 96 cases of corruption. The number of cases of corruption cases that were successfully investigated were 96 cases. The Corruption Eradication Commission in 2016 also succeeded in prosecuting corruption in a number of 76 cases of corruption. Cases of corruption that received an inkraht ruling were 71 cases. In 2017, the Corruption Eradication Commission has succeeded in investigating 114 criminal cases of corruption and also investigating 118 cases of corruption and prosecuting 94 cases of corruption. Then cases of corruption in 2017 received an inkraht ruling from a court of 73 cases (Taher, 2017).

The Corruption Eradication Commission in addition to eradicating criminal acts of corruption has also succeeded in taking state money stolen by corruptors. The total amount of state funds that have been secured to be returned to the state by the Corruption Eradication Commission is as much as Rp. 276.6 billion. The money was successfully secured and returned to the country by the Corruption Eradication Commission. The amount of money is the amount of money secured and returned to the state by the Corruption Eradication Commission in 2017. (Taher, 2017).

The performance of the Corruption Eradication Commission described above has actually been good. However, in carrying out its performance the Corruption Eradication Commission cannot be separated from criticism. There are still people who criticize the performance of the Corruption Eradication Commission. The performance of the Corruption Eradication Commission is considered to be not optimal. This is actually very reasonable considering that until now the corruption act still exists. Even the Corruption Eradication Commission has experienced an increase in eradicating corruption. This means that corruption is still suspended and is increasing.

Therefore, the Corruption Eradication Commission must be strengthened. This is so that the performance of the Corruption Eradication Commission in eradicating corruption is increasingly maximized and is able to minimize the existence of corruption in Indonesia. In

addition, the Corruption Eradication Commission is also expected to be able to prevent corruption from growing and developing in Indonesia. Thus the strengthening of the Corruption Eradication Commission must be carried out. This reinforcement must be implemented immediately so that the eradication of corruption in Indonesia can be maximized.

## **B. PROBLEM FORMULATION**

1. What are the actual tasks, authorities and obligations of the Corruption Eradication Commission?
2. How should reinforcement be made to the Corruption Eradication Commission?

## **C. DISCUSSION**

### **Tasks, Authorities and Obligations of the Corruption Eradication Commission**

The legal basis for the establishment of the Corruption Eradication Commission is Law Number 30 year 2002 concerning the Corruption Eradication Commission. Hence, the duties and authority of the Corruption Eradication Commission are also regulated in Law Number 30 year 2002 concerning the Corruption Eradication Commission. The more specific legal basis for the establishment of the Corruption Eradication Commission is the mandate of Article 2 of Act Number 30 year 2002 concerning the Corruption Eradication Commission. Article 2 states that this Act a Corruption Eradication Commission was formed which is hereinafter referred to as the Corruption Eradication Commission. Article 3 of this Act was established by the Corruption Eradication Commission stating that the Corruption Eradication Commission is a state institution which in carrying out its duties and authorities is independent and free from the influence of any authority (Law No. 30/2002).

The duties, authorities and obligations of the Corruption Eradication Commission explicitly are regulated in Law Number 30 year 2002 concerning the Corruption Eradication Commission. The task of the Corruption Eradication Commission is regulated in Article 6 of Law Number 30 year 2002 concerning the Corruption Eradication Commission. Article 6 states that the Corruption Eradication Commission has the task to:

- a. coordinate with agencies authorized to eradicate corruption;
- b. supervise the agencies authorized to eradicate corruption;
- c. conduct investigations and prosecutions of criminal acts of corruption;
- d. take preventive actions for corruption; and

- e. monitor the administration of the state government (Law No. 30/2002).

As for the authority of the Corruption Eradication Commission, it is regulated in Articles 7, 8, 11, 12, 13 and 14 of Law Number 30 year 2002 concerning the Corruption Eradication Commission. Article 7 states that in carrying out the coordination task as referred to in Article 6 letter a, the Corruption Eradication Commission is authorized to:

- a. coordinate the investigation, investigation and prosecution of corruption;
- b. establish a reporting system in eradicating corruption;
- c. request information about activities to eradicate corruption in relation to related agencies;
- d. carry out hearings or meetings with agencies authorized to eradicate criminal acts of corruption; and
- e. request reports from relevant agencies regarding the prevention of corruption (Law No. 30/2002).

Article 8 states that:

- (1) In carrying out the supervisory duties as referred to in Article 6 letter b, the Corruption Eradication Commission has the authority to conduct supervision, research, or review of agencies that carry out their duties and authorities relating to the eradication of corrupt acts, and agencies that carry out public services.
- (2) In exercising the authority as referred to in paragraph (1), the Corruption Eradication Commission has the authority to also take over investigations or prosecutions of perpetrators of criminal acts of corruption that are being carried out by the police or prosecutors.
- (3) In the event that the Corruption Eradication Commission takes over the investigation or prosecution, the police or the prosecutor's office must submit the suspect and all case files along with evidence and other documents needed within a maximum of 14 (fourteen) working days, as of the date of the request of the Corruption Eradication Commission.
- (4) Submission as referred to in paragraph (3) shall be carried out by making and signing the news of the submission so that all duties and authorities of the police or prosecutor's office at the time of the transfer are transferred to the Corruption Eradication Commission (Law No. 30/2002).

Article 11 states that in carrying out the tasks referred to in Article 6 letter c, the Corruption Eradication Commission has the authority to carry out investigations and prosecution of corruption that:

- a. involve law enforcement officials, state administrators, and other people related to criminal acts of corruption committed by law enforcement officials or state administrators;
- b. get attention that is troubling the community; and / or
- c. concern state losses of at least Rp. 1,000,000,000.00 (one billion rupiah) (Law No. 30/2002).

Then Article 12 states that:

- (1) In carrying out the tasks of investigation, investigation and prosecution as referred to in Article 6 letter c, the Corruption Eradication Commission is authorized to:
  - a. tape and record conversations;
  - b. order the relevant agencies to prohibit someone from traveling abroad;
  - c. ask for information from the bank or other financial institution about the circumstances of the financial situation or the accused being examined;
  - d. order banks or other financial institutions to block accounts that have been corrupted from the suspect, defendant or other related parties;
  - e. instruct the leader or superior of the suspect to temporarily dismiss the suspect from his position;
  - f. request data on the wealth and tax data of the suspect or defendant to the relevant agencies;
  - g. temporarily stop a financial transaction, trade transaction, and agreement or temporary revocation of licenses, licenses and concessions that are carried out or owned by the suspect or accused allegedly based on preliminary evidence that is quite related to the criminal acts of corruption being examined;
  - h. request assistance from Interpol Indonesia or other state law enforcement agencies to conduct searches, arrests, and seizure of evidence abroad;
  - i. ask for help from the police or other relevant agencies to carry out arrests, detention, searches and seizures in cases of corruption that are being handled (Law No. 30/2002).

Furthermore Article 13 states that in carrying out preventative duties as referred to in Article 6 letter d, the Corruption Eradication Commission is authorized to carry out preventive measures or efforts as follows:

- a. register and check reports on state administrators' assets;
- b. receive reports and determine the status of gratuity;
- c. organize anti-corruption education programs at every level of education;
- d. design and encourage the implementation of a socialization program to eradicate corruption;
- e. conduct anti-corruption campaigns to the general public;
- f. conduct bilateral or multilateral cooperation in combating corruption (Law No. 30/2002).

Article 14 states that in carrying out monitor duties as referred to in Article 6 letter e, the Corruption Eradication Commission is authorized to:

- a. conduct an assessment of the administrative management system in all state and government institutions;
- b. advise the leadership of state institutions and the government to make changes if based on the results of the assessment, the administrative management system has the potential for corruption;
- c. report to the President of the Republic of Indonesia, the People's Legislative Assembly of the Republic of Indonesia, and the Supreme Audit Agency, if the suggestion of the Corruption Eradication Commission regarding the proposed amendments is not heeded (Law No. 30/2002).

As for the obligations of the Corruption Eradication Commission, it is regulated in Article 15 of Act Number 30 year 2002 concerning the Corruption Eradication Commission. Article 15 states that the Corruption Eradication Commission is obliged to:

- a. provide protection against witnesses or reporters who submit reports or provide information about the occurrence of criminal acts of corruption;
- b. provide information to the public who need or provide assistance to obtain other data relating to the results of prosecution of criminal acts of corruption dealt with;
- c. compile annual reports and submit them to the President of the Republic of Indonesia, the People's Representative Council of the Republic of Indonesia, and the Supreme Audit Agency;
- d. enforce the oath of office;

- e. carry out their duties, responsibilities and authorities based on the principles referred to in Article 5 (Law No. 30/2002).

These are all rules governing the duties, authority and obligations of the Corruption Eradication Commission. If you look at the duties, authority, and obligations of the Corruption Eradication Commission as described above, it is actually good. The duties, authorities and obligations of the Corruption Eradication Commission have been completely regulated by Law Number 30 of 2002 concerning the Corruption Eradication Commission

### **Strengthening that must be done by the Corruption Eradication Commission**

The Corruption Eradication Commission has been completely regulated through Law Number 30 year 2002 concerning the Corruption Eradication Commission, strengthening the Corruption Eradication Commission still needs to be done. This is in order to further maximize the performance of the Corruption Eradication Commission in eradicating corruption. Strengthening that needs to be done by the Corruption Eradication Commission is on the prevention aspect. So far, corruption still remains and still grows. This can be seen from the many actions against corruption committed by the Corruption Eradication Commission.

The many actions taken by the Corruption Eradication Commission is claimed not maximal. If prevention efforts are carried out to the maximum, there will be no corruption. If there is no criminal act of corruption, there will be no prosecution of criminal acts of corruption. Therefore, the Corruption Eradication Commission needs to be strengthened in the form of strong authority to prevent corruption. At present there is a rule about the Corruption Eradication Commission to take precautions. But the rules have not been specific and concrete. Therefore, in order to strengthen the Corruption Eradication Commission, it must provide a specific and concrete preventive authority for the Corruption Eradication Commission in order to eradicate corruption. Specific and concrete prevention authorities must be included directly in the rules governing the Corruption Eradication Commission.

## **D. CONCLUSION**

The Corruption Eradication Commission is an institution that aims to eradicate corruption. Therefore there are special rules that form the basis of the establishment of the Corruption Eradication Commission. The special rule that forms the basis of the establishment of the Corruption Eradication Commission is Law Number 30 year 2002

concerning the Corruption Eradication Commission. The existence of Law Number 30 year 2002 concerning the Corruption Eradication Commission is expected to be able to make the Corruption Eradication Commission work maximally to eradicate corruption. Even though the Corruption Eradication Commission has been working optimally, the corruptions are still growing in Indonesia. Therefore, it is necessary to strengthen the Corruption Eradication Commission. Strengthening included is reinforcement in prevention. Indeed, the Corruption Eradication Commission currently has the authority to prevent corruption. But this has not been specific and concrete. This means that in the future the Corruption Eradication Commission must be given the authority to prevent corruption in a concrete and specific manner.

## REFERENCES

Taher, Andrian Pratama. 2017. *Catatan Kinerja KPK di 2017: DataKasus dan Latar Belakang Koruptor*. Diakses dari <https://tirto.id/catatan-kinerja-kpk-di-2017-data-kasus-dan-latar-belakang-koruptor-cCn5> pada tanggal 26 Agustus 2018.

Undang-Undang Nomor 30 Tahun 2002 Tentang Komisi Pemberantasan Tindak Pidana Korupsi.