

Effectiveness of Law Enforcement in Investigation of Criminal Acts of Corruption

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Abstract. *The purpose of this research is to find out and analyze the implementation of law enforcement in the investigation of criminal acts of corruption. To know and analyze the effectiveness of law enforcement in the investigation of corruption in the future. The method is sociological juridical legal approach. Specification in this study is including descriptive analysis. The sources and types of data in this study are primary data obtained from field studies with interviews. Investigator at the Kudus Resort Police. And secondary data obtained from literature studies. Data were analyzed qualitatively using the theory of legal effectiveness and the theory of legal certainty. Based on the results of that research. Implementation of Law Enforcement in Corruption Investigation. In general, the implementation of law enforcement is carried out in two ways, namely preventive and repressive. With the provisions of Law Number 20 of 2001 on amendments to Law Number 31 of 1999 concerning eradicating criminal acts of corruption, in this case the actions taken are investigations, investigations, and up to the prosecution stage. Then enforcement of the Village Fund Corruption Crime in its implementation has not run optimally in accordance with Law Number 20 of 2001 on amendments to Law Number 31 of 1999 concerning eradicating criminal acts of corruption because in exercising their authority as law enforcement officers both the Attorney and the Police. It needs to be strengthened from its institutional system, increasing human resources, facilities and infrastructure, skills and integrity of every Polri investigator in the future, so that Polri Investigators are Professional in enforcing the law.*

Keywords: Corruption; Crime; Effectiveness; Enforcement; Investigation.

1. Introduction

The State of Indonesia is a constitutional state, therefore all aspects of the administration and administration of the state are regulated in a system of laws and regulations.¹This is as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that Indonesia is a state based on law.²As a rule of law, it is appropriate that everything that is carried out in the life of the state and society must also be within the corridors of law. This means that in society absolutely necessary law to regulate the relationship between citizens and the relationship between society and the state.

The basic conception of Indonesia as a rule of law country certainly has a big meaning that in the administration of social, national and state life, law has the highest and most honorable place.³In the sense that law is nothing but a normative foundation that is presented to guide all life activities, both in social affairs, nationality, and also state affairs which are formally and materially recognized, thus there is an obligation for anyone in the land of the Unitary State of the Republic of Indonesia. Republic of Indonesia to comply with the law.

Various crimes in society can occur in various forms, and the worst part is the spread of corrupt behavior in all elements of the government apparatus and all elements in society. At this time, corruption has become a global problem between countries which is classified as a transnational crime. In fact, due to the multidimensional bad implications for large economic and financial losses to the state, corruption is classified as an extraordinary crime so that eradicating corruption has become a priority agenda for almost all countries in the world (including the Indonesian government) to be seriously addressed.

The criminal act of corruption is an act that is very detrimental to state finances, therefore the criminal act of corruption must be eradicated and processed legally, as is meant in the 1945 Constitution of the Republic of Indonesia Article (1) paragraph (3) that the State of Indonesia is a State of Law , so that any actions or violations that are detrimental to the interests of the State and society must be processed fairly in order to create a just and prosperous society in accordance with Pancasila and the 1945 Republic of Indonesia Law. According to Law No. 20

¹Sri Endah Wahyuningsih and Rismanto, 2015, Criminal Law Enforcement Policy Against Money Laundering in the Context of Reforming Criminal Law in Indonesia, Journal of Legal Reform, Volume II No 1, p.46, url: <http://jurnal.unissula.ac.id/index.php/PH/article/view/1414/1087>

²Angga Dwi Arifian and Sri Kusriyah, 2021, The Investigation on Criminal Acts of Corruption in the Jurisdiction of Rembang Police, Law Development Journal, Volume 3 Issue 3, p. 460 url:<http://jurnal.unissula.ac.id/index.php/ldj/article/view/16086/5838>

³Ahmad, A., & Ngilu, NM 2020, Pulse of the Fifth Amendment to the 1945 Constitution through the Involvement of the Constitutional Court as the Principle of the Guardian of the Constitution. Journal of the Constitution, 16(4), p. 785-808.

of 2001 concerning amendments to the Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, criminal acts of corruption not only harm state finances, but also violate the social and economic rights of society at large. In Indonesia, in plain view, Corruption cases are public consumption that can be obtained through various mass media, both print and electronic. Hardly a day goes by without news about corruption cases.⁴

Corruption has caused damage to various aspects of social, national and state life so that it requires extraordinary handling. In addition, prevention and eradication of corruption needs to be carried out continuously and continuously and needs to be supported by various resources, both human and other resources, such as increasing institutional capacity and increasing law enforcement in order to foster awareness and attitudes to participate in eradicating public corruption. Corruption in criminology is a type of white collar crime. The term corruption, which is already familiar to society, has shown an increasing public awareness of corruption.⁵

The aims of this study are: To find out and analyze the implementation of law enforcement in the investigation of corruption. To find out and analyze the effectiveness of law enforcement in the investigation of corruption in the future.

2. Research Methods

This study uses a normative legal approach. Normative legal research is research conducted by researching literature (secondary data) or library law research.⁶ The study in this research is more descriptive analysis in nature.⁷ The sources and types of data in this study are secondary data obtained from literature studies. Data were analyzed qualitatively.

3. Result and Discussion

3.1. Implementation of Law Enforcement in Corruption Investigations

Corruption is like a virus that is very dangerous for a nation and state, which we know that corruption results in distress and misery for the people, nation and state. Until now, corruption has been very rampant in the life of the nation and state. Corruption does not only occur at the central government level, but

⁴Toule . 2016, The Existence of Death Penalty in the Corruption Act. No.2, Journal of Prioris Law, Vol II, p. 7.

⁵Bruyi Rohman Warsito, 2018, 'The Cause Of Corruption Crime On Village Funds And Investigations Process In The Purworejo', Journal of Daulat Hukum, Vol.1.No. 3 <<http://jurnal.unissula.ac.id/index.php/RH/article/view/3348>>.

⁶Ediwarman. 2009. Monograph on Legal Research Methods, 2nd edition, Medan, p. 24

⁷Bambang Waluyo, 1996, Legal Research in Practice, Sinar Graphic, Jakarta, p.8

corruption also occurs at the village government level. In terms of eradicating corruption, every effort has been made to contain and eradicate the movement of corruption, but all the efforts made earlier seem to have shown no signs of change and victory. In fact, according to the results of the Kompas poll, there are answers to empirical justification that corrupt behavior is getting more massive and out of control.

Tata Village fund management is not completely free from corruption. Village funds are used as targets for corruption for suspects. Since the promulgation of Village Law Number 6 of 2014, this law has given village government autonomous authority in managing and developing their villages. Village communities are more prosperous with various empowerment programs and management of village resources. The village government can carry out a pattern of improving the village economy through Village-Owned Enterprises (BUMDes), regulate the Village Revenue and Expenditure Budget (APBDes) and carry out various infrastructure developments that can support the improvement of the village economy. From the village to build the country to be realized.⁸

An understanding of the management of village funds in the village is an important and fundamental aspect that must be possessed by village government stakeholders, especially village officials, in realizing village finance transparency and accountability.⁹

The police are one of the law enforcement agencies, based on Article 4 of Law Number 2 of 2002 concerning the Republic of Indonesia National Police aims to: "Realize domestic security which includes maintenance of security and public order and law enforcement, implementation of protection, protection and service to society, as well as fostering public peace by upholding human rights."¹⁰

In the practice of investigating corruption crimes, it is not uncommon for law enforcers to have to deal with other law enforcement officers.¹¹As is known, the authority to investigate corruption cases lies with the Police, the Attorney General's Office and the Corruption Eradication Commission. However, each of these law enforcement agencies has weaknesses in terms of coordination. As a result of weak coordination between law enforcement institutions, there is a tug-

⁸Marten Bunga, Aan aswari, 2018, Conception of Saving Village Funds from Corruption, *Horlev Journal*, Vol 2, No. 2, p. 452

⁹Suheri, 2022, The Juridical Analysis of the Implementation of Village Fund Corruption Investigations, *Ratio Legis Journal (RLJ)* Volume 1 No. 4, 948, <https://jurnal.unissula.ac.id/index.php/rlj/article/view/29929/8577>

¹⁰Sagimo, 2022, The Criminal Law Policy in Eradicating Corruption Crimes, *Law Development Journal*, Volume 4 No. 4, p. 590 <https://jurnal.unissula.ac.id/index.php/ldj/article/view/31313/8401>

¹¹Sidik Sunaryo, 2005, *Capita Selektta Criminal Justice System*, UMM Press, Malang, p. 222

of-war between law enforcement agencies, which ultimately leads to disharmony and weakening of the law enforcement process as a whole.

Weak coordination between law enforcement agencies in the process of investigating corruption,¹²This is due to the sectoral ego of each law enforcement institution which ultimately creates the complexity of handling cases of corruption.¹³In addition to sectoral ego, investigations of corruption are often intervened by practical interests.

Another issue that deserves joint attention in coordinating corruption investigations is the lack of authority for investigators to coordinate with corruption judges (Tipikor Judges). So far, the Indonesian criminal procedural law, or the Criminal Procedure Code (KUHAP), only regulates the authority of investigators to coordinate among investigators.¹⁴Whereas with judges, in this case Corruption Judges, the law does not regulate or does not give authority to law enforcement agencies (investigators) to coordinate with each other with Tipikor judges in an effort to accelerate the handling of corruption cases.

Implementation of Law Enforcement in Corruption Investigation In general, the implementation of law enforcement is carried out in two ways, namely preventive and repressive. With the provisions of Law Number 20 of 2001 on amendments to Law Number 31 of 1999 concerning eradicating criminal acts of corruption, in this case the actions taken are investigations, investigations, and up to the prosecution stage. Then enforcement of the Village Fund Corruption Crime in its implementation has not run optimally in accordance with Law Number 20 of 2001 on amendments to Law Number 31 of 1999 concerning eradicating criminal acts of corruption because in exercising their authority as law enforcement officers both the Attorney and the Police.

3.2. The Effectiveness of Law Enforcement in Investigating Corruption Crimes in the Future

MEzger defines criminal law as a rule of law, which focuses on an act that meets certain conditions and causes a consequence in the form of a crime. Based on this, criminal law is based on actions that meet certain conditions and punishment. Meanwhile, Sudarto defines criminal as a suffering that is deliberately imposed on a person who commits an act that fulfills certain

¹²Yahya Harahap, 1988, Discussion of Problems and Application of the Criminal Procedure Code, Garuda Metropolitan Press, Jakarta, p. 80

¹³Marwan Mas, 2014, Eradication of Corruption, Ghalia Indonesia, Bogor, p. 87

¹⁴Komariah Emong Sapardjadja, 2005, Unlawful Acts in the History of Corruption Eradication Laws in Indonesia and the Law of the Procedure, Journal of Legal Sciences Vol 1 No 3, p. 166

conditions. In this modern criminal law also includes what is called "orderly action" (tuchtmaatregel).¹⁵

The effectiveness of law enforcement in corruption is not only created by government agencies, such as the police, prosecutors, judges, advocates and the Corruption Eradication Commission, but also the people who play an important role in it. Law enforcement has an element of trust that comes from the community. Therefore, improved trust and community support can make law enforcement more effective. Law enforcement institutions, in order to have good quality and integrity, also need support from the proactive attitude of the community. The community must get used to managing everything through the right bureaucracy and not look for shortcuts, the community also does not need to be reluctant and afraid to rebuke law enforcement agencies. Corruption will disappear if there is cooperation between the community and law enforcement officials who have high quality and integrity. On the other hand, effective law enforcement can reduce the number of crimes that occur. By reducing corruption, it can also indirectly reduce other crimes. The several strategies for eradicating corruption that can be carried out by the community through support for the effectiveness of law enforcement can be explained as follows:

- a. Get to know corruption more closely
- b. Know the rights and obligations in law relating to eradicating corruption
- c. Cooperation and commitment

The act of corruption is a violation of social rights and economic rights of the people, so that corruption can no longer be classified as an ordinary crime but has become an extraordinary crime. So that efforts to eradicate it can no longer be carried out normally, but are demanded in extraordinary ways (extraordinary enforcement). Corruption is a criminal act committed by a person, official or corporation that harms state finances and revokes all human rights. Corruption is also in the spotlight in various parts of the world. So they mobilized all components of law enforcement to minimize it.¹⁶

The police use two strategies/efforts, namely pre-emptive and preventive efforts. The preemptive strategy/effort by the police to suppress the number of corruption cases is in the form of providing education to all levels of society through the media of pamphlets, brochures and banners which are distributed to all corners, so that the public can know in general the meaning of corruption up

¹⁵Sudarto, 2013, Criminal Law I, Sudarto Foundation, Semarang, p. 13-14.

¹⁶Ermansjah Djaja, 2010, Eradicating Corruption with the KPK (Corruption Eradication Commission), Sinar Graphic, Jakarta

to its criminal sanctions. This is in line with communication theory, namely one of the products born from the use of the internet as a medium of interaction is social media. Through social media, all forms of message delivery, information exchange and interaction can be realized through visual, audio and audio visual content.

The functions and duties of the Indonesian National Police (hereinafter referred to as Polri) have been regulated in several provisions of laws and regulations. Law No. 2 of 2002 concerning the Indonesian National Police expands the functions and duties of the Indonesian National Police which include maintaining security and public order, law enforcement, protection, protection and service to the community by upholding human rights.¹⁷Therefore, the National Police must be able to take action and oversee the rapid development of society, along with the spread of the phenomenon of rule of law, human rights, globalization, democratization and transparency.¹⁸

The Effectiveness of Law Enforcement in Future Corruption Investigations pit needs to be strengthened from its institutional system, increasing human resources, facilities and infrastructure, skills and integrity of every Polri investigator in the future, so that Polri Investigators are Professional in enforcing the law.

Therefore, in the future, it is necessary to formulate clear criminal provisions against corporations as perpetrators of criminal acts of corruption. Of course, it is hoped that the criminalization (responsibility) of corporations in the future will be much more complex in the application of the appropriate law. This can be caused by an increasingly developing society, advances in technology, and new modus operandi will continue to emerge. Therefore, to anticipate this, it is appropriate that the legal product that has been formed at this time be implemented immediately in order to stop corrupt activities.

4. Conclusion

Based on the problems and descriptions of the results of the research and discussion, it can be concluded as follows: Implementation of Law Enforcement in Investigations of Corruption Crimes In general, the implementation of law enforcement is carried out in two ways, namely preventive and repressive. With the provisions of Law Number 20 of 2001 on amendments to Law Number 31 of

¹⁷Utomo, Warsito Hadi. 2005, Police Law in Indonesia. Achievement, Jakarta, p. 9.

¹⁸Julizar Bimo Perdana Like , Bambang Tri Bawono, and Andri Winjaya Laksana, 2022, The Implementation of Code of Conduct for Members of Police as Accurators of Murder, Law Development Journal Volume 4 Issue 2 <https://jurnal.unissula.ac.id/index.php/ldj/article/viewFile/21399/7033>

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