

Investigations of Corruption in Police Resort of Pati

Miftah Anshori¹

Abstract. Corruption is an extraordinary crime, the State Police as a law enforcement tool, have a responsibility in combating corruption is to conduct the investigation of corruption. This study aims to determine: a. What obstacles facing investigators in conducting investigations and inquiries Corruption in Police Resort Pati, and b. Any solution to the obstacles faced by investigators in the investigation and investigation of corruption in the Police Resort Pati. Methods of research in this thesis with empirical sociological juridical approach, which examined the relevant legal principles of the regulatory relationship with the other regulations as well as the relation to the application in practice, in addition to analytic descriptive approach illustrates the investigation of Police against corruption. The results of the study concludes: a) Obstacles in the investigation process of Corruption today were related to the internal policy of the State Attorney Pati would only accept Corruption Case Files of Investigator with the calculation of financial loss State of BPK, that since the issuance of SEMA No. 04 / Bua.6 / Hs / SP / XII / 2016 dated December 9, 2016, which describes the authorized institutions stating financial loss State is the CPC; b) Solution for make problem solving on the problems the invertigator in the former of inverstigation coordinated directly with BPK, because the terms of demand of state loss on BPK the status of the case is investigations.

Keywords: Investigation; Police; Corruption.

1. Introduction

Law enforcement efforts undertaken by the government cannot be released from the Police. The key task of the Indonesian National Police (INP) in accordance with Act No. 2 of 2002 on the Indonesian National Police is to maintain security and public order, enforcing the law, and provide protection, shelter, and service to the community. Law enforcement duties related to the Criminal Justice System in which the Police become one piece in addition to judges and prosecutors. In the Criminal Justice System, Police is authorized to conduct the investigation. Corresponding Decree of the Minister of Justice No. 28 of 1998 on the establishment of the Law Reform Team, one of the program is the reform in the legal field, namely the establishment of Law Corruption. In fact, in the Police Resort Pati, handling corruption is a very heavy task that must be carried. In their interaction with the community, the police have to deal with a variety of individual behaviors with different levels of adherence.

Public unrest demanded firm action by police officers in the use of physical force to arrest the suspect in a particular situation should be used to gain compliance from the alleged offender.

National police action justified by the Act so that it can be said that the police exercise its authority based on the principle of legality. This thesis examines the criminal policy and law enforcement actions Investigators particular problem in conducting the

¹ Masters student (S-2) of Law UNISSULA Semarang worked at the police station Pati e-mail: mifta5129@gmail.com

investigation of corruption in the jurisdiction of Police Starch based on the current positive law in order to improve the effectiveness of law enforcement.

Discuss "policy formulation on investigations of corruption within the framework of the effectiveness of law enforcement", must not be separated from the analyzing of the characteristics of 2 (two) variables related, the dimensions of the "object / the intended target" (ie corruption), and the characteristics of the "tool / means used" that criminal law tools. Formulation of policy on investigations of corruption to the effectiveness of law enforcement ", not apart from analyzing the characteristics of the two variables are related, that the dimensions of the intended target object that is corruption and the characteristics of the tools and means used in the form of legal instruments pidana².

in juridical and sociological empirical application of normative legal provisions (in abstracto) on certain legal events (in concerto) in the process of implementation in the field with a benchmark of the Act No. 31 of 1999 on the Eradication of Corruption and Act No. 20 of 2001 on Amendments to the Act No. 31 of 1999 on Corruption Eradication, as well as the final result in accordance with the purpose of handling the case.

Corruption is a multidimensional case such as politics, position, power (including "*top hat crime*"), Then it contains two twin phenomena that may complicate enforcement as proposed by Dionysios Spinellis³.

Establish state agencies to supervise and handle corruption by taking action against the perpetrators but in its development turns followed by an increase in technique and style abuses by the corruptors, so as if corruption was boundless akhirnya.⁴ Descriptive analytical approach to describing the Police investigation against corruption, the starting point of the legislation applicable today as well as in international instruments on corruption, officials law enforcement in the working of the law itself and accompanied by the author analyzes the regulations and the application of these regulations. Legally sociological data source in this research is primary and secondary data consisting of primary legal materials namely shrimp laws and government regulations, secondary law the work of researchers and tertiary legal materials dictionary of legal terms, the information media.

Empirical experience so far has shown the process of investigation, investigation, and presecution in judicial corruption requires the support and authority that is extraordinary (exceptional), professional, and support a huge cost, and the availability of time for inquiry and investigation that enough.⁵

Secondary data, including primary legal materials that legislation relating to the matter under investigation, namely Act No. 31 of 1999 on Corruption Eradication, shrimp Act

² Chaerudin dkk 2008 *Strategi Pencegahan dan Penegakan Hukum Tindak Pidana Korupsi* PT. Refika Aditama Bandung p. 42

³ Dionysios Spinellis "Crime of Politicians in Office or Top Hat criminality" 1994 paper presented at the 11th International Congress on Criminology Budapest 1993 and at the XV International Congress of Penal Law Rio de Janeiro.

⁴ Barda Namawi Arief Makalah pada Seminar "*Penanggulangan tindak pidana korupsi di Era peningkatan Supremasi Hukum*" Yayasan Setia Karya Hotel Gracia Semarang 01 November 2001.

⁵ M.Akil mochtar 2006 *Memberantas Korupsi Efektivitas Sistem Pembalikan Beban Pembuktian dalam Gratifikasi* Q-Communication Jakarta p.5.

No. 20 of 2001 on the Amendment of Act 31 of 1999 on the Corruption Eradication⁶. Outstanding legal instruments adopted into criminal procedural law, especially the law corruption, among others, may be a reversal of the burden of proof. Secondary law include the results of scientific work of scholars, research results. Tertiary legal materials include legal dictionary, magazine, *Varia Justice*.

The data obtained through library research and documentation. Legal materials obtained will be presented in a systematic, normative will be analyzed with descriptive qualitative decomposition.

Base thought that this research does not only intend to disclose the investigation of Police against corruption in the jurisdiction of Police Resort Pati, starts from the legislation applicable today as well as in international instruments on corruption, but also analyzes the data starts on business principles and the discovery of new information.

Corruption can not be separated from social and political value then in handling it use policy approach. Therefore, criminal law reform must also oriented approach nilai⁷.

Based on this background that this paper is more focused and able to achieve the goals of the formulation of the problem which will be presented as follows: 1) Is the obstacles facing investigators in conducting the interrogation of Corruption in Police Resort Pati today? 2) How the investigators make solutions to overcome obstacles in investigating corruption in the Police Resort Pati?

2. Results And Discussion

The process of investigation of corruption in the Police Resort Pati conducted by Special Investigator namely Unit Investigator III / Sat Criminal Police Resort Pati. Based on existing data in the Office Sat Criminal Police Resort Pati alleged corruption cases that occurred in the jurisdiction of Police Resort Pati from 2013 until 2018 there were 30 reports or complaints from the public or NGOs that have made efforts to investigate, while 30 reports or complaints after an investigation that can be upgraded status to the investigation stage handling 10 cases.

That 10 cases which do such investigation has been fulfilled because the element of corruption while 20 complaints were not resumed to the investigation majority is due to non-fulfillment of corruption that is not found in the Financial Losses State or the State's economy in the investigation process.

The element of corruption as referred to in Article 3 of Act No. 31, 1999, updated by Act No. 20 of 2001 on the eradication of Corruption mentioned "any person with the intention of enriching himself or another person or corporations, abuse of authority, opportunity or means available to him because of his position or a position that could harm the state finance and economy of the country."

Efforts corruption investigation be after the fulfillment of the evidence in the investigation by the police reports made a good start Model "A" which is a member of

⁶ Indonesia Act No. 31 of 1999 on Corruption Eradication 1999 Supplement No.4150 General Explanation.

⁷ Barda Nawawi Arief 1996 *Bunga Rampai Kebijakan Hukum Pidana* PT Citra Aditya Bakti Bandung p. 31

the Police and report the findings of the Police Model "B" originating from society and NGO reports.

Stages of criminal investigations conducted Investigators now guided by Police Regulation No. 14 of 2012 on Management Investigations Crime, while in particular the handling of Corruption referring to the Handbook for the administrative handling of the Corruption of DIT Tipikor Criminal Investigation Police in 2014, namely issuing Warrant Investigation and the Notice of Commencement of Investigation, setting up software administration investigations, filed a Request for Audit / State Loss Calculation to APIPs / BPK, filing, Case file submission Phase I (a) to the State Attorney for the research conducted by the Prosecutor General and Case file submission Phase II (two) the handover of suspects and evidences to the State Attorney.

During this time, the police in this case investigator Police Resort Pati according to the task and an arbitrary been investigating cases of corruption in the region of law Police Resort Pati, that from year to year the number of cases of corruption and the amount of financial loss State as a result of corruption in Pati regency continues increased, so did corruption cases handled by Pati Police investigators also showed the numbers are increasing.

Barriers faced by investigators in the process of an investigation into corruption in the Police Resort Pati nowadays are:

- Lack of it Criminal Investigator personnel specifically to handle the cases of corruption that is of 5 (five) personnel consist of 1 (one) as Chief Unit First Officer / Investigator and 4 (four) as Officer Brigadier Unit or Assistant Investigator. That in the performance of its duties Investigators are also still burdened to handle other common criminal cases resulting in the handling of the investigation and the investigation of corruption cases investigators are still less than the maximum.
- Since the Chief Justice Circular (SEMA) No. 04 / Bua.6 / Hs / SP / XII / 2016 dated December 9, 2016, Pati District Inspectorate and the BPK (Financial and Development Supervisory Agency) Representatives of Central Java will not accept requests audit or loss calculation of the State financial investigators, so that investigators can only ask for an audit on the State financial loss calculation BPK auditor when the amount is very limited and new investigators can conduct an audit request audit of state financial losses when the case is already the status of the investigation.

The policies that underlie the SEMA No. 04 / Bua.6 / Hs / SP / XII / 2016 dated December 9, 2016 on the Application of Formulation Results Plenary Meeting Room of the Supreme Court 2016 as Guidelines for Implementation Task For the Court, stating that the authorized institutions stating whether there is a financial loss BPK (Supreme Audit Agency) which has constitutional authority, While the Inspectorate agencies, SKPD remains authorized to perform inspections and audit of the financial management of State but was not authorized to state or country mendeclare their financial losses.

CPCs can only do the calculation of financial loss State Police office just when the process of handling corruption cases already at the stage of investigation, but before the release of SEMA the investigator during the process of investigation had to ask for

an audit request calculation of Losses of State Finance in APIPs that BPK Representative Java and District Inspectorate Pati ,

As a result of these policies Investigators must work extra to add supporting evidence to reinforce the belief that the cases which are being investigated that there is a strong potential impact of financial harm or economy of the State before raised to the investigation process. This causes the time required by the Investigator to conduct a series of investigations process longer and consequently the potential to cause complaints from the public, NGOs complainant to investigators because it seemed a very long case handling.

As a result of the lengthy process of investigation of corruption is currently Investigator Police Resort Pati received many complaints from the public and NGOs spotters affair, that they consider the performance of the Investigator Corruption Police Resort Pati very slow and unprofessional in investigating corruption at present, that this is feared to reduce the level of public confidence in the Police especially Pati Police investigators in law enforcement corruption.

Solutions that do Investigators Sat Criminal Police Resort Pati to overcome obstacles in the process of investigation of corruption in the jurisdiction of Police Resort Pati as follows:

- Corruption investigation in Fingerprint Unit III Sat Criminal Police Resort Pati started in 2018 by Invisible Criminal Police Resort Pati unencumbered to handle other common criminal cases, so the personnel in the process of inquiry and investigation of corruption becomes more focused.
- To anticipate that the process of auditing or financial loss calculation BPK State at the time can be accelerated since the beginning of the investigation the investigators since the beginning of 2018, or early on began the investigation when it was discovered the alleged existence of an unlawful act and the potential for financial loss next State Investigators directly coordinating early and expose alleged corruption cases beginning with the auditors of BPK RI Representative in Semarang in Central Java.

With these measures it since the beginning Investigators already have instructions or directions in order to maximize the process of investigation, especially in order to find fulfillment engineering elements of potential financial loss State. That when investigators have considered the fulfillment of a minimum of two (2) evidence of the allegations of corruption, then after Investigators believe and do his case improvement of the status of cases from investigation to investigation the same time be able to immediately re-filed exposes demand calculation of financial loss State CPC RI.

3. Closing

3.1. Conclusion

Based on the results, it can be concluded that:

- In the process of inquiry and investigation against Corruption, Criminal Police Investigator of Pati have constraints regarding limitations investigator personnel and the lengthy process of auditing or financial loss calculation BPK State institutions

since the Chief Justice Circular (SEMA) No. 04 /Bua.6/Hs/SP/XII/2016 December 9, 2016. This resulted in Pati Police Investigators received many complaints from the public and NGOs complainant as regards the performance of the Corruption Police Investigator Pati very slow and unprofessional in conducting criminal investigations corruption.

- To do in problem solving these constraints are the Investigator personnel who handle corruption is not burdened handle other cases and improve coordination between investigators with the BPK auditor or BPK RI Representative of Java since its inception Investigators began an investigation that investigators had instructions or directives to maximize the investigation process, especially in order to find fulfillment engineering elements of potential financial loss State.

3.2. Suggestion

Based on the above conclusion it may be advisable the following matters:

- Need the increasing of Investigators personnel specifically to handle the level of corruption in the Police and comes with training and special education investigations in the field of corruption.
- Need to add the BPK auditor or authorized centers to the Provincial Representative BPK to audit the State Financial loss calculation at the request of investigators, so the audit process can be more effective and efficient.

4. Bibliography

- [1] Chaerudin dkk 2008 *Strategi Pencegahan dan Penegakan Hukum Tindak Pidana Korupsi* PT. Refika Aditama Bandung.
- [2] Djoko prakoso 1990 *Peranan Pengawasan dalam Penangkalan Tindak Pidana Korupsi* Aksara Persada Indonesia Jakarta.
- [3] M.Akil mochtar 2006 *Memberantas Korupsi Efektivitas Sistem Pembalikan Beban Pembuktian dalam Gratifikasi* Q-Communication Jakarta.
- [4] Barda Nawawi Arief 1996 *Bunga Rampai Kebijakan Hukum Pidana* PT Citra Aditya Bakti Bandung.
- [5] Bambang Purnomo 1995 *Asas-asas Hukum Pidana* Ghalia Indonesia.
- [6] Dionysios Spinellis 1993 "*Crime of Politicians in Office or Top Hat Criminality*" paper presented at the 11th International Congress on Criminology Budapest 1993 and at the XV International Congress of Penal Law Rio de Janeiro.
- [7] Indonesia Act No. 2 of 2002 on the Indonesian National Police.
- [8] Indonesia Act No. 31 of 1999 on Corruption Eradication
- [9] Indonesia Act No. 20 of 2001 on the Amendment of Act No. 31 of 1999 on Corruption Eradication .