

## Analysis Of Handling Practices On Corruption Crime By Police (Case Study In Special Criminal Investigation Police Directorate Of Central Java)

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Abstract. Corruption is categorized as an extraordinary crime are not only a disaster for the national economy, but also a violation of the rights of social and economic rights of the people. Police officers as part of the legal system, the role is very particularly important in law enforcement anti-corruption law enforcement. Police as a sub-system of the Criminal Justice System, authorized to perform the duties of investigation of all criminal offenses in accordance with the Criminal Procedure Law and the regulations of other legislation including corruption cases, in addition to law enforcement agencies such as the Attorney and the Corruption Eradication Commission. The problem in this paper is handling practices of corruption by Indonesian National Police (INP) as the law enforcement sector which has authority in law enforcement against those specific criminal offense. The role of the police in handling corruption is a duty of inquiry and investigation against corruption by the Criminal Code, Act No. 2 of 2002, Act No. 31 of 1999 jo. Act No. 20 of 2001 and Presidential Instruction No. 5 of 2004. The function and authority of the Police in the investigation of corruption cases, the police play a very large in the case of law enforcement corruption. One of the functions of the Police in the investigation is the arrest, detention, search, and seizure.

Keywords: Management; Crime; Corruptio; Police.

### 1. Introduction

Organizers state the net becomes an important and indispensable to avoid corrupt practices that do not only involve the relevant authorities, but also by his family and cronies, which, if left unchecked, the Indonesian people will be in a very disadvantaged position. According to Nyoman States Putra Jaya says that corruption is not only done by state officials, between countries, but also the organizer of the state with other parties such as family, cronies and businessmen, thus damaging the joints of the society, the nation and the state, as well as endangering the existence of Country.<sup>3</sup>

The development of corruption in Indonesia is still relatively high, while its eradication is still very sluggish. Romli Atmasasmita stated that corruption in Indonesia is a virus that spreads throughout the body of the government since the 1960s eradication measures are still stalled until now. Furthermore, it is said that corruption also related to power due to the power authorities could abuse their power for personal interests,

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<sup>3</sup> Nyoman Serikat Putra Jaya, 2005, *Tindak Pidana Korupsi, Kolusi dan Nepotisme di Indonesia*, Semarang: UNDIP Publisher Agency, p 2

family and cronies.<sup>4</sup> Therefore, corruption is no longer classified as an ordinary crime but has become an extraordinary crime (extraordinary crime). This is because the conventional method that has been used, proved unable to resolve the problem of corruption in society. Thus, in the handling had also had to use extraordinary means (extra-ordinary).<sup>5</sup>

Recognizing the complexity of the problem of corruption in the midst of a multidimensional crisis and the real threat that must happen, that the impact of this crime. Then corruption can be categorized as a national problem that must be dealt with seriously through the steps a firm and clear by involving all the potential that exists within the community, especially the government and law enforcement officials. Combating corruption in the law is to rely consistently done to the Law on Combating Corruption and other related provisions that are repressive. Act in question is Act No. 31 of 1999 on Corruption Eradication,

Observed from beginning to end specific goals to be achieved are general in nature, namely the rule of law is firmly justice for anyone found guilty of corruption. Law enforcement basically involves all Indonesian citizens, the implementation is done by law enforcement.

In this case Law enforcement efforts undertaken by the government, can not be separated from the Indonesian National Police (INP). The key task of the Police itself according to Act No. 2 of 2002 on the Indonesian National Police (INP Act) is to maintain security and public order, enforcing the law, and provide protection, shelter, and service to the community. Police as a sub-system of the Criminal Justice System (criminal justice system), authorized to perform the duties of investigation of all criminal offenses in accordance with the Criminal Procedure Code and other legislation including corruption case<sup>6</sup>. In addition to legal institutions such as the Attorney and the Corruption Eradication Commission (hereinafter referred to as the Commission).

Talking about the components of the criminal justice system of the first: the authority to conduct the investigation is the investigator namely: RI state officials or certain civil authorities who have special powers, by the Law for the benefit of the Investigator, Investigator, Assistant Investigator entitled to make an arrest.<sup>7</sup> Given Investigators then do very closely with the arrest of the investigator is: a police officer or officers of the republic of Indonesia certain civil specifically authorized by law to conduct an investigation.<sup>8</sup>

The role of the police Crime in the handling of corruption in Act No. 2 of 2002 on the Indonesian National Police on Article 14 letter g says:

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<sup>4</sup> Romli Atmasasmita, 2004, *Sekitar Masalah Korupsi, Aspek Nasional dan Aspek Internasional*, Bandung: Mandar Maju, p 1.

<sup>5</sup> Romli Atmasasmita, *Korupsi, Good Governance & Komisi anti Korupsi di Indonesia*, the National Legal Development Agency, Ministry of Justice and Human Rights, Jakarta, 2002, p, 9.

<sup>6</sup> Article 14 paragraph (1) (g) of Act No. 2 of 2002 on the Indonesian National Police, that the police are tasked to conduct investigations and examinations of all Crime, including the Corruption; and Presidential Instruction No. 5 of 2004 on the Acceleration of Corruption.

<sup>7</sup> Abdul Muis Jauhari, 2016, *Fungsi dan Kewenangan Kepolisian Negara Republik Indonesia Dalam Tindak Pidana Korupsi Guna Mengembalikan Kerugian Keuangan Negara di Indonesia*, Disertasi Ilmu Hukum, Program Pasca Sarjana, Universitas Pasundan, Bandung, p 24.

<sup>8</sup> Moeljatno, 2008, *Asas-Asas Hukum Pidana*, Jakarta, Rineka Cipta, p 28.

"The Indonesian National Police conduct investigation and investigation of all criminal offenses in accordance with the Criminal Procedure Law and other laws".

This is consistent with the spirit of reform that makes a grand strategy of INP with the Police Strategic Policy Leaders in it, that the eradication of Corruption is a priority for the police. Role of the Police here are very important, because the Police spearhead in law enforcement, although at the moment other than the Police, the State also establish other institutions specifically addressing the crime of corruption is the Corruption Eradication Commission (KPK), as in the previous discussion it is due to Follow Corruption is a crime which is an extraordinary crime and has profound implications for the inhibition of the progress of the State,,

Based on the background described above can be formulated problems in this paper are: how the police authority in dealing with corruption?

### Research methods

The assessment in this study the authors used socio-juridical methods. Juridical is an approach that uses the principles and legal principles derived from the written rules, sociological is an approach that aims to clarify the real situation of existing and emerging in the society to the problems examined or gives importance to the steps of observation.<sup>9</sup> This approach is done by seeking information from relevant parties in the Special Criminal Investigation Directorate (*Ditreskrimsus*) Central Java Police to examine the implementation process of the handling of corruption cases handled by the police.

## 2. Results and Discussion

In the state system of Indonesia, according to Article 24 paragraph (1) of the Constitution of the Republic of Indonesia Of 1945, affirmed that the judicial power is done by the Supreme Court and other bodies whose functions related to the judicial authority. Provisions concerning other bodies including the police affirmed in Article 38 paragraph (2) of Act No. 48 Of 2009 on the judicial power. Police agencies as one of the law enforcement agencies, based on the legislation required to act to uphold the rule of law, protection of public interest, upholding human rights, and the eradication of certain crimes, including corruption.<sup>10</sup>

Tasks, powers and functions of a State police always evolve over time. Its development was influenced by many things. Some of them are environmental, political, constitutional, economic and socio-cultural. Similarly, the duties, powers and functions of the Police. Police from the time of its establishment until now, authority, roles and functions have evolved. If the past, through the early ratification of the National Police in addition to carrying out routine duties of the police also actively participate in the fight to defend the independence, then at this present moment under the Act INP in

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<sup>9</sup> Rony Hanitijo Soemitro, 1990, *Metodologi Penelitian Hukum dan Jurimetri*, Ghalia Indonesia, Jakarta, p 34.

<sup>10</sup> Fransiscus Dea Anggara Kusuma, *Kewenangan Kepolisian dan Kejaksaan Dalam Penyidikan Tindak Pidana Korupsi (Studi Kasus PT.ASABRI)*, Jurnal Hukum Vol.58 No.1 2015, Atma Jaya University, Yogyakarta.

Article 2 is a national tool that plays a role in maintaining security and public order, enforcing the law, and give protection, shelter, Police has the main task the other of which is to conduct the investigation against all criminal acts in accordance with the law of criminal procedure and legislation such as that provided for in Article 14 paragraph (1) letter g of Act No. 2 of 2002 on the Indonesian National Police. In Article 6 of Act No. 8 of 1981 on Criminal Proceedings (Code of Criminal Procedure), the investigation is the duty of members of the Police. The task of the investigation is part of a repressive task, which the police to investigate such crimes and violations that govern special offenses (lex) eg corruption investigation.<sup>11</sup>

In accordance with the on the article 25 of Act No. 31 of 1999 jo. Act No. 20 of 2001 on Eradication of Corruption that investigation, prosecution and examination before the court in a corruption case should take precedence over other cases to completion as soon as possible.<sup>12</sup> Police Force was given authority by lawmakers to conduct the investigation against all offenses, both General Crime and Corruption. If it refers to the provisions of the Criminal Procedure Code shows that the investigation of the crime can be committed by police investigators and investigators particular, in principle, the Police have the authority mandated by law to conduct an investigation into all offenses both criminal offenses stipulated in the Criminal Code and the criminal offense in outside the Criminal Code including investigations against Corruption as a Special Crime.

In Section IV, Article 26 of Act No. 31 of 1999 Jo Act No. 20 of 2001 on Corruption Eradication stated that:

"The investigation, prosecution and examination before the court against Corruption, conducted by the criminal procedural law applicable, unless otherwise provided in this Act".

Affirmation of the Police authority in conducting investigations against corruption more pronounced in Presidential Instruction No. 5 Of 2004 on the Acceleration of Corruption. In order to accelerate the eradication of corruption under the eleventh point number 10, the President instructed the Police to:

- Optimizing efforts against corruption investigation to punish the perpetrators and to save the state;
- Prevent and provide strict punishment for abuses committed by members of the Indonesian National Police in the context of law enforcement;
- Improving cooperation with the Attorney of the Republic of Indonesia, the Financial and Development Supervisory Agency, the Center for Financial Transaction Reporting and Analysis, State Institution relating with law enforcement effort and indemnification of state financial in consequence of corruption.

Presidential Instruction No. 5 of 2004, provide maximum support for the efforts against corruption committed by the Indonesian National Police, the Attorney General of the Republic of Indonesia and the Corruption Eradication Commission by

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<sup>11</sup> Indriyanto Seno Adji, 2001, *Arah sistem Peradilan Pidana*, Jakarta: Attorneys and Legal Consultants and Partners Prof.Oemar Seno Adji, p 5

<sup>12</sup> Beni Ahmad Saebani, 2013, *Sosiologi Hukum*, Ed. II; Bandung: Pustaka Setia, p 12.

accelerating the provision of information relating to corruption cases and speed up the licensing examination on witnesses or suspects.

Based on the above, the legal basis of the Police authorities investigating corruption are:

- Article 6, paragraph (1) of Act No. 8 of 1981 on Criminal Procedure, that the investigator is the Indonesian National Police. Article 2 also states that investigators investigating criminal acts, there is no general or specific criminal term. Thus all offenses stipulated in the Criminal Code and the Criminal Code outside investigator authorized to take;
- Article 26 of Act No. 31 of 1999 on Corruption Eradication;
- Article 26 of Act No. 20 of 2001 on the Amendment to Act No. 31 Of 1999 on Eradication of Corruption, Corruption investigations against criminal acts carried out under the provisions of the Criminal Procedure Code;
- Act No. 2 of 2002 on the Indonesian National Police rang Research and investigations against all criminal acts carried out by the Criminal Procedure Code and in accordance with the legislation in force.
- Points eleventh number 10 No. 5 Of 2004 on the Acceleration of Corruption.

Thus the authority of police investigators in combating corruption is clear and focused so that what is expected by the government or the public to law enforcement officials in this case the Police can run well.

### 3. Closing

#### 3.1 Conclusion

The legal basis for the Police authorities investigating corruption are:

- Article 6, paragraph (1) of Act No. 8 of 1981 on Criminal Procedure, that the investigator is the Indonesian National Police. Article 2 also states that investigators investigating criminal acts, there is no general or specific criminal term. Thus all offenses stipulated in the Criminal Code and the Criminal Code outside investigator authorized to take;
- Article 26 of Act No. 31 of 1999 on Corruption Eradication;
- Article 26 of Act No. 20 of 2001 on the Amendment to Act No. 31 Of 1999 on Eradication of Corruption, Corruption investigations against criminal acts carried out under the provisions of the Criminal Procedure Code;
- Act No. 2 of 2002 on the Indonesian National Police rang Research and investigations against all criminal acts carried out by the Criminal Procedure Code and in accordance with the legislation in force.
- Points eleventh number 10 No. 5 Of 2004 on the Acceleration of Corruption.

#### 3.2 Suggestion

- The authority to conduct an inquiry, investigation and prosecution in one institution will need based on the provisions of the legislation that is strong and clear for the sake of ensuring legal certainty. Having the authority-the authority must also be balanced with a good surveillance system which aims to prevent abuses.

- Need to strengthen the coordination and harmony between the police and other law enforcement agencies related to the authority in the handling of corruption. Leaving aside the agency's achievement of the eradication of corruption is very influential on the welfare of the nation.

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