

Law Enforcement Against Village Fund Corruption in the Jurisdiction of the North Musi Rawas Police

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Abstract. *Law enforcement against criminal acts of village fund corruption is a rational effort in dealing with crimes involving abuse of authority by village officials for personal or group gain, which has a detrimental impact on the finances and economy of the country and the village. This study aims to analyze the implementation of law enforcement against perpetrators of village fund corruption in the jurisdiction of the North Musi Rawas Police, identify the factors causing the crime, and reveal obstacles in the law enforcement process. This study uses a sociological legal approach method with analytical descriptive specifications. The data used include primary data from interviews with investigators at the North Musi Rawas Police and secondary data from literature studies. Data analysis was carried out qualitatively using the theory of legal certainty. The results of the study indicate that law enforcement in this area emphasizes the principles of legal certainty, benefit, and justice through preventive and repressive approaches. The factors causing village fund corruption include: weak regulation of village development authority, integrity of village heads, and community participation. Obstacles in the law enforcement process include internal factors, such as the suspect's lack of cooperation, and external factors in the form of limited investigation budget. Solution efforts undertaken include strengthening formal and informal supervision, law enforcement that provides a deterrent effect, and a comprehensive evaluation of the government's village fund distribution and management mechanisms.*

Keywords: Authority; Corruption; Enforcement; Village.

1. Introduction

In a state of law, law is the main pillar in moving the joints of social, national, and state life. One of the main characteristics of a state of law lies in its tendency to

assess actions taken by society on the basis of legal regulations. This means that a state with the concept of a state of law always regulates every action and behavior of its people based on applicable laws.

This is done to create, maintain and defend peace in social life in accordance with what is mandated in Pancasila and the 1945 Constitution, namely that every citizen has the right to feel safe and free from all forms of crime.

The progress of a country is largely determined by the government's ability to carry out national development. Development as a planned process of change covers all aspects of people's lives. The main success is determined by two factors, namely human resources and financing. Among the two factors, the most dominant is the human factor. Indonesia is one of the richest countries in Asia in terms of the diversity of its natural resources. But ironically, this beloved country compared to other countries in the Asian region is not a rich country, but rather a poor country. One of them is the fragility of morals and low levels of honesty of state administrators which can lead to corruption.

The word "Corruption" comes from Latin, *corruptio* or *corruptus* which then appeared in English and French as *corruption*, in Dutch *koruptie*, and then in Indonesian as *corruption*. Corruption is an attitude or action related to the abuse of authority held by public officials to benefit themselves or other parties and harm state finances. Corruption is a rampant problem, where officials are often involved in corrupt practices.

According to Law Number 20 of 2001 concerning amendments to 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 as a whole.

The increasing number of corruption cases is important for the government to be serious in enforcing the law against corruption in order to prevent an increase in the number of corruptors and state losses. In handling corruption cases in the regions, the Police and the Prosecutor's Office have a dominant role in investigations, although the Corruption Eradication Commission remains responsible for enforcing the law against corruption in accordance with Law Number 30 of 2002 concerning the Eradication of Criminal Acts of Corruption.

Presidential Instruction Number 5 of 2004 concerning the Acceleration of Corruption Eradication in Indonesia, mandates to take strategic steps to accelerate the eradication of corruption, one of which is by compiling a National Action Plan for Corruption Eradication for every government at the Central and Regional levels. Law enforcement in Indonesia has always been a focus of attention, both during the previous administration, the new era, and the current reform era. Specifically, in handling criminal acts of corruption, there are several institutions that have the authority, including the Police, the Prosecutor's Office, and the Corruption Eradication Commission (KPK).

A village is a community unit that has a certain territory and has the authority to regulate and handle government affairs and the interests of the local community. This is based on community initiatives, original rights, and traditional rights that are recognized and respected in the government system of the Unitary State of the Republic of Indonesia (Article 1 paragraph 1 of Law Number 6 of 2014 concerning Villages). Village government in the Indonesian administrative structure is below the sub-district level. The village is led by a village head. As part of the government system, the village government has the responsibility to regulate and manage the interests of its community.

The Law on Villages has a vision and design that provides broad authority to villages in terms of governance, development, community development, and empowerment of village communities based on community initiatives, ancestral rights, and village customs and traditions.

The Village Law also guarantees more certainty that each village will receive an allocation of funds from the government through the state and regional budgets in an amount far exceeding that previously available in the village budget. This policy has an impact on the management of these funds which should be carried out in a professional, effective, efficient and transparent manner based on the principles of good public management to prevent deviations, embezzlement and

corruption.

Based on the provisions contained in Law Number 6 of 2014 concerning Villages which emphasizes local values and wisdom, it is important to develop local wisdom that is relevant and in accordance with the context in order to advance the nation. Currently, village communities should strive to strengthen themselves so that they can actively participate in village government, which is a strength that is greatly needed by them. This is because village financial management is a serious problem that requires a solution, especially considering the corruption case involving village executives. The Lubuklinggau District Attorney's Office named the former Village Head (Kades) of Lubuk Mas, North Musi Rawas (Muratara), South Sumatra (Sumsel), Saharudin as a suspect in a corruption case involving the misappropriation of fictitious direct cash assistance (BLT) for development and village apparatus salaries in 2020 and 2021.

2. Research Methods

Research Methods, are basically a function of the problems and objectives of the research. Therefore, discussions in research methods cannot be separated and must always be closely related to the problems and objectives of the research. What is used in this research consists of approach methods, research specifications, sources and types of data, data collection techniques and data analysis techniques.

3. Results and Discussion

3.1. Law Enforcement Against Perpetrators of Village Fund Corruption in the Jurisdiction of the North Musi Rawas Police

Law enforcement is an inseparable element of the development of the legal system, while legal development is an integral part of the development process of a country. The main purpose of law enforcement is to ensure the creation of a sense of justice in society. The presence of law enforcement is crucial because without it, a country can fall into chaos that has the potential to lead to

destruction.¹Law enforcement has a very important role in maintaining order and justice for all individuals, especially when practiced by law enforcers such as police, prosecutors, courts, correctional institutions, and other state institutions. One aspect of law enforcement that is a priority and requires serious attention is the handling of corruption cases, especially at the village level, namely corruption of village funds.

The central government makes a policy on the total amount of village fund allocation each year. In 2020, the village fund allocation in Lubuk Mas Village, Rawas Ulu District, North Musi Rawas Regency reached IDR 856,013,150, with a breakdown of IDR 403.8 million in 2020 and IDR 452.2 million in 2021. One of the criminal acts of corruption of village funds in Lubuk Mas Village was carried out by Saharudin bin H. Mat Jais, the former Head of Lubuk Mas Village, Rawas Ulu District, North Musi Rawas Regency who was named a suspect by the North Musi Rawas Police Criminal Investigation Unit for misappropriation of village funds with (S) allegedly managing village funds unilaterally without involving other village officials. He did not distribute Direct Cash Assistance (BLT), honorariums for mosque caretakers, and honorariums for PAUD teachers for two consecutive years. According to the audit results of the Financial and Development Supervisory Agency (BPKP), the total state loss due to this action is estimated to reach IDR 856,013,150, with details of IDR 403.8 million in 2020 and IDR 452.2 million in 2021. (S) the former head of Lau Village was sentenced to 5 years and 3 months in prison with a fine of IDR 300 million, subsidiary to 2 months in prison. And must return the state loss of IDR 1,800,000,000 (One Billion Eight Hundred Million Rupiah) (S) is considered to have violated Article 2 paragraph (1) Jo Article 18 paragraph (1) b of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal

¹Satjipto Raharjo, 2009, *Law Enforcement: A Sociological Review*, Publisher. Geta Publishing, Yogyakarta.

Acts of Corruption Jo Article 65 paragraph (1) of the Criminal Code. The results of the interview with the Head of Criminal Investigation Unit Ipda Novra Robialda S.IP., MH, Polres Musi Rawas Utara showed that to inhibit the growth of criminal acts of corruption of village funds in Musi Rawas Utara Regency, it is very important how law enforcement is carried out. Law enforcement is not only about its implementation, but also includes the principles of legal certainty, benefit, and justice. Law enforcement can be carried out through two approaches, namely:

- 1) Preventive Approach A preventive approach is an approach that aims to prevent crimes or violations from occurring by eliminating the opportunity or chance to do so.
- 2) Repressive Approach Repressive approach is an action to deal with a crime or violation that has occurred that disrupts public security and order. The action in question is an action taken by officers if they find a criminal act that is a disturbance to public security and order in accordance with the provisions stipulated in the Criminal Procedure Code (KUHP).

Law enforcement against perpetrators of corruption of village funds at the North Musi Rawas Police is based on the Standard Operating Procedures (SOP) of the Special Criminal Investigation Unit at the Kudus Police, which is different from the handling of ordinary crimes at the Kudus Police Criminal Investigation Unit. This shows that there is a specificity in the Standard Operating Procedures (SOP) for law enforcement against corruption of village funds. The Standard Operating Procedures (SOP) at the Special Criminal Investigation Unit at the North Musi Rawas Police are as follows:

- 1) Public Complaints When investigators receive complaints regarding alleged corruption of village funds from the public, whether through written or oral reports from individuals, institutions or ministries, non-governmental

organizations (NGOs), and so on, the reports are analyzed carefully using available data.

2) Investigation According to Article 1 number 5 of Law Number 8 of 1981 concerning the Criminal Procedure Code, an investigation is a series of actions by investigators to search for and discover an event suspected of being a criminal act in order to determine whether or not an investigation can be carried out according to the methods regulated in this law.

3) Calculation of state financial losses Investigation of alleged corruption requires support and cooperation from institutions that have the authority to calculate the amount of state financial losses such as the Financial and Development Supervisory Agency (BPKP) and the District Inspectorate. Coordination with these institutions is important to estimate the possibility of state financial losses. In this study, when the investigation was carried out, the police investigators asked one of the BPK or BPKP or the District Inspectorate to calculate the state financial losses.

4) Investigation According to Article 1 number 2 of the Criminal Procedure Code, Investigation is a series of actions by investigators in matters and according to the methods regulated in this law to seek and collect evidence with which to shed light on the crime that occurred and to find the suspect.

5) Case Title Case title is conducted at the investigation stage. The purpose of the case title is to identify who is the suspect in the case and to calculate the state's financial losses.

6) Collecting Evidence The first step in the investigation process is to collect the necessary evidence. Types of evidence according to the Criminal Procedure Code consist of witness statements, letters, clues, expert statements, and suspect statements.

7) Suspect Examination Suspect examination is one of the important aspects in

the investigation of a crime that is closely related to human rights. Suspects or witnesses who are examined by the Police are in principle regulated by Law Number 8 of 1981 concerning Criminal Procedure Law (KUHP) and also Law Number 13 of 2006 concerning Protection of Witnesses and Victims.

8) Detention of Suspects The act of detaining a suspect by an investigator must be accompanied by a detention warrant and a detention report must be made. If the suspect is cooperative, then only a report is required, but if the suspect is not cooperative, then detention will be carried out for the first 20 days. When the investigation process has not been completed, the detention can be extended to 40 days with the approval of the Kajari (Head of the District Attorney's Office). If the sentence is above 10 years, it is extended by 60 days, a total of 120 days with the approval of the Head of the District Court.

3.2. What Obstacles Arise in Law Enforcement Against Perpetrators of Village Fund Corruption in the Jurisdiction of the North Musi Rawas Police and How to Solve Them

1) Obstacles to Enforcement of Criminal Acts of Village Fund Corruption

The regulatory factor of village development authority provides a loophole for village fund corruption. The great potential of the village and the opportunity to manage abundant resources can be exploited with weak control over decision makers. Active community participation and a focus on welfare and economic development are important roles for the village government.

Implementation of village governance has the risk of corruption. Management with old management patterns can increase the opportunity for corruption. Continuous assistance is needed for village governments in managing governance at the village level. Managing a government organization is not easy; it requires good management, an effective system, and competent and quality resources. Therefore, investment in education for village governments is very important.

Recruitment of village officials must pay attention to the level of education, because the quality of public services, among other things, depends on education. The quality of education can affect the services provided and the potential for developing better, more democratic, and more transparent village governance.

Law enforcement in the investigation of corruption crimes is analyzed using the theory of legal certainty, which basically states that law includes abstract ideas or concepts, such as justice, legal certainty, and social benefits. Thus, the discussion of law enforcement is related to the realization of these ideas or concepts. In other words, law enforcement is an effort to realize these ideas and concepts into reality. This process is the essence of law enforcement in the midst of society.

The concept of legal certainty encompasses various interrelated aspects. One aspect is the protection of individuals from abuse of power by other individuals, judges, and administration (government).² Belief in legal certainty should make individuals confident about what they can expect from those in power, including the consistency of judicial or administrative (government) decisions.

Law enforcement against corruption of village funds in Lubuk Mas Village, Rawas Ulu District, North Musi Rawas Regency has not reached an optimal level because it still faces several obstacles. One of the technical obstacles occurs in the process of disclosing corruption cases when the suspect does not want to cooperate. This situation is a problem because investigators need information from the suspect to uncover the case. In addition, the prosecutor's office also asks for assistance from the Audit Board of Indonesia (BPK) or the Financial and Development Supervisory Agency (BPKP) or the District Inspectorate to calculate state losses. This calculation process takes a long time because the BPK or BPKP or the District Inspectorate also need documents from related agencies involved in the

²Soerjono Soekanto, 1983, *Factors Influencing Law Enforcement*, UI Pres, Jakarta.

corruption crime. In addition, witnesses often do not provide complete or clear statements, which results in incomplete information.

Other obstacles are related to limited funding sources or budgets for handling cases during the investigation process. Many activities are carried out outdoors, such as observation of evidence in the form of goods and buildings resulting from construction services, coordination with BPKP or the District Inspectorate. Limited facilities and infrastructure that support investigation activities are also a major factor in handling criminal acts of village fund corruption.

2) Law Enforcement Solutions for Village Fund Corruption Crimes

The increasing corruption of village funds must be addressed immediately by finding the right solution. Otherwise, corruption in the village will continue to increase and hamper development programs and the welfare of village communities. Although the village fund budget increases every year, village problems will not change much if corruption is not handled seriously. In fact, the policy of distributing budgets to villages is a step that deserves appreciation. To prevent continued village corruption and achieve the goal of decentralizing authority and budgets to villages, three important steps are needed, namely:

- a. Carrying out preventive efforts by strengthening the supervisory function, both formal and non-formal.

Community participation is believed to be the most effective supervision, so it is important to ensure its implementation. In this case, the commitment of the village government to open access to information and space for community involvement is very important. The Village Consultative Body (BPD) needs to be more optimal in absorbing aspirations and inviting the community to be actively involved in village development, starting from mapping needs, planning, management, to accountability. In addition, the role of the community is also important in the context of village elections. In addition to supervision by the

community, formal supervision needs to be optimized. The Ministry of Villages has formed a Village Fund Task Force to maximize supervision and provide training to assistants and Village Heads. In addition, the Ministry of Home Affairs (Kemdagri) needs to strengthen the capacity of village officials. Until now, these efforts have not been seen significantly, even though village budget management, especially with the large village funds, requires quality human resources. Ignorance or inability of village officials to manage the budget can lead to rampant corruption. Therefore, if capacity building is not carried out, misappropriation will continue to occur. In addition, a joint initiative needs to be formed between the government and civil society to synergize existing initiatives and innovations to supervise village funds. So far, various innovations such as Village Financial Open Data have emerged. This initiative can make an important contribution to improving village governance while preventing corruption.

b. Taking action and providing a deterrent effect

The role of law enforcement officers is crucial, and incidents like those in Pamekasan should not be repeated. Good coordination is needed between the Prosecutor's Office, the Police, and the Corruption Eradication Commission (KPK). However, the KPK cannot be burdened with too much responsibility to oversee every allocation of village funds throughout Indonesia, given their limited Human Resources (HR). Therefore, the Prosecutor's Office and the Police must take a role in ensuring that there are no violations of the law in the allocation and implementation of village funds in the regions. To provide a deterrent effect on the perpetrators, in addition to criminal proceedings, the (regional) government should dismiss or dismiss the Village Head or Village Apparatus who are proven to have committed corruption. Dismissal must also be carried out on Village Heads or Sub-district Heads who carry out illegal levies or cut village fund budgets that are channeled to the Village Head.

c. The government needs to conduct a comprehensive evaluation and improvements regarding the distribution and management of village funds.

The government should follow up on the KPK's recommendation to make the village fund management process simpler and less overlapping. Currently, there are three ministries that manage village funds based on regulations: the Ministry

of Home Affairs provides guidance and supervision of village financial management, the Ministry of Finance distributes village funds, and the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration regulates their use. As a result, no party is fully responsible from start to finish when village fund corruption occurs. Without any improvements, increasing the village fund budget should not be done drastically to prevent an increase in the number of corruptors in the village.

4. Conclusion

Law enforcement against criminal acts of village fund corruption in the jurisdiction of the North Musi Rawas Police has been carried out through preventive and repressive approaches that prioritize the principles of legal certainty, benefit, and justice. Although law enforcement efforts have been made, there are still a number of factors that cause corruption, including weak regulations on village development authority, low integrity of village heads, and minimal community participation. Obstacles in the legal process are still quite significant, both internally (such as the suspect's lack of cooperation) and externally (limited investigation budget). This shows that efforts to eradicate village fund corruption still face serious challenges both structurally and culturally.

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