

The Role of the Police in Handling Cases Criminal Acts of Corruption by State Civil Apparatus

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Abstract. *The purpose of this study is to determine and analyze the authority Police in handling criminal acts of corruption by state civil servants. In this writing, the author uses a normative juridical method with research specifications in the form of descriptive analysis. Many people associate corruption, collusion, and nepotism with the State Civil Apparatus (ASN). Ironically, ASN, which should have a stronger foundation of integrity, turns out to be the profession that commits the most corruption in corruption cases. The dominance of ASN involved in corruption cases, ASN should be able to help the government to realize good and clean governance (good governance and glean government) by not committing corruption in any form, whether it is detrimental to state finances, bribery, embezzlement in office, extortion, fraudulent acts, conflicts of interest in procurement, and gratuities. Structurally, the Police also fulfills the readiness of particular subsystems in concentrating on handling corruption crimes optimally with the National Police Tipikor Unit, or the Directorate of Corruption Crimes (Dittipidkor) of the National Police Criminal Investigation Agency, which is a task force within the police tasked with eradicating corruption.*

Keywords: *Apparatus; Civil; Corruption; Crimes.*

1. Introduction

Indonesia is a state based on law. This sentence is clearly stated in Article 1, paragraph 3 of the 1945 Constitution of the Republic of Indonesia, which broadly defines Indonesia as a state based on law (Rechtsstaat) and not a state based on power (Machtstaat).¹The concept of the rule of law is idealized so that what should be the commander in the dynamics of state life is the law.

and not other fields. Historically, the idea of the rule of law it self starting from the development of legal instruments as a functional and just system, by organizing

¹Andi Pradikta Alvat. (2019), Politics of Law Human Rights Protection in Indonesia, Jurnal Daulat Hukum, 2 (4) December. p. 513

the concept of Rechtsstaat through the Rule of Law which is wrapped in the framework of the Criminal Justice System in this country.

In enforcing the law on corruption crimes, the law enforcement agency, namely the Indonesian National Police (Polri), also plays a role in enforcing the law against extraordinary crimes. The role of the Polri as investigators in the criminal justice system for corruption crimes is essentially a functionalization of criminal law, meaning that functionalization plays an important role in law enforcement. Barda Nawawi Arief stated that the functionalization of criminal law can function, operate, or work and be realized in real terms.

Many people associate corruption, collusion, and nepotism with the State Civil Apparatus (ASN). Ironically, ASN employees, who should have a stronger foundation of integrity, are actually the profession most frequently involved in corruption cases. According to data from the Corruption Eradication Commission (KPK), corruption within the civil service at echelon I, II, III, and IV levels dominated throughout 2024. This number reached 61 cases, equivalent to 39.61% of all uncovered cases handled by the KPK, ranking first as the profession with the most corruption crimes. The private sector ranked second with 38 cases, or 24.68% of the total corruption cases handled by the KPK throughout 2024.²

The report revealed that the majority of corruption cases involving civil servants occurred within the bureaucratic processes of government agencies, particularly in the execution of their duties. The types of corruption varied, with bribery dominating, followed by procurement of goods and services, abuse of authority, and money laundering. A motion of no confidence was widely called for by civil society, due to the impact of the tarnished image of the Civil Service.

In law enforcement through law enforcement apparatus in the corridor of corruption crimes by the State Civil Apparatus, although there is already a KPK institution that specifically investigates corruption cases, it does not mean that Police investigators are not entitled to investigate corruption cases, because the police also have the authority to investigate corruption crimes, because it is also part of the main duties of the police for the main duties and functions of law enforcement. The police are given legal legitimacy of the role by the Criminal Procedure Code in investigations and inquiries so that in general they are given the authority to conduct investigations and inquiries into all types of corruption crimes.

Based on the description above, the author conducted research related to this topic with The aim of this research is to determine and analyze the authority of the police in handling criminal acts of corruption by state civil servants..

² <https://www.kpk.go.id/id/publikasi-data/statistik/penindakan-2>, Accessed On August 2, 2025

2. Research Methods

The approach used in this research is a normative legal approach or written legal approach (statutory/statutory approach). The normative legal approach is an approach carried out based on primary legal materials by examining theories, concepts, legal principles, and laws and regulations related to this research. This approach is also known as a literature approach, namely by studying books, laws and regulations, and other documents related to this research.

3. Results and Discussion

3.1. Dynamics of Corruption Crimes Among State Civil Apparatus

Corruption within the civil service refers to the abuse of power or position for personal or group gain in an unethical or unlawful manner. Various forms of corruption can occur, including bribery, extortion, nepotism, and collusion. Bribery occurs when a reward is given or received to influence a decision that should not require compensation. Extortion is the illegal solicitation or taking of money in the performance of duties or public services that should be free or officially regulated. Nepotism indicates a preference for certain individuals in the recruitment, promotion, or awarding of projects based on personal relationships. Collusion, meanwhile, is an agreement between civil servants and other parties, including the private sector, to create mutual benefits that violate legal or ethical norms.

To eradicate criminal acts of corruption involving ASN in Indonesia, ASN who are proven to have committed criminal acts of corruption and have been determined in a final sentence (*inkracht*) will be given sanctions. ASN who commit corruption can be charged with Article 3 of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 which states that:

"Any person who, with the aim of benefiting himself or another person or a corporation, abuses the authority, opportunity or means available to him due to his position or position which can harm state finances or the state economy, shall be punished with life imprisonment or imprisonment for a minimum of 1 (one) year and a maximum of 20 (twenty) years and or a fine of at least Rp. 50,000,000.00 (fifty million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah)."

ASN who have been found guilty and sentenced to prison based on a court decision that has permanent legal force for committing a criminal act of corruption will be dishonorably dismissed based on Article 87 paragraph (4) letter b of Law Number 5 of 2014 concerning State Civil Apparatus and Article 250 of Government Regulation Number 11 of 2017 concerning Civil Servant Management.

Legal regulations for ASN employees who commit criminal acts of corruption and the imposition of sanctions, can be explicitly found in the Circular Letter of the Minister of Home Affairs Number 180/6871/SJ concerning Law Enforcement Against State Civil Apparatus Who Commit Criminal Acts of Corruption, dated September 10, 2018 (abbreviated as SE Mendagri No. 180/6871/SJ of 2018). In SE Mendagri No. 180/6871/SJ of 2018 it is emphasized, first, criminal acts of corruption are extraordinary crimes thus their eradication must be carried out in an extraordinary manner and strict sanctions for ASN who do so. Second, dishonorable dismissal of ASN who commit criminal acts of corruption and have received a District Court Decision that has permanent legal force/inkracht in accordance with the provisions of applicable laws and regulations.³

Factors driving corrupt behavior among civil servants stem from various sources. These include lax oversight, complex bureaucratic structures, external pressures, a lack of individual integrity, and pressure to achieve specific targets or accomplishments that may encourage unethical behavior. Furthermore, a lack of transparency, low salaries, and the absence of strict sanctions can also trigger corruption within the civil service. Understanding these factors is crucial in preventing and addressing corrupt practices among civil servants.

Corruption within the State Civil Apparatus (ASN) has far-reaching implications, extending to personnel governance and can undermine it in various ways. Corrupt acts such as bribery, nepotism, or extortion can lead to unfairness in recruitment, promotion, and performance evaluation processes. Such corruption undermines transparency, undermines trust among colleagues, and hinders the principle of meritocracy in human resource management. Furthermore, public service performance ultimately harms the public and undermines their trust in government.⁴

3.2. Police Authority in Handling Corruption Crimes by State Civil Apparatus

If we look closely at the authority of the Police, it is obtained through attribution, namely authority derived from the Law, namely the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), Law No. 2/2002 concerning the Police and other government regulations. According to M. Hadjon, attributive authority is authority derived from the law in a material sense.⁵This issue is a logical form of a state based on law, the supremacy of law that adheres to a presidential system that places all state institutions under the 1945 Constitution of the Republic of

³Tohadi. (2022), Reconstruction of Legal Regulations and Sanctions for Civil Servants Who Commit Corruption. *Jurnal Rechts Vinding: Media for National Legal Development*, 11 (2). August. p. 178

⁴Gema Damaiyanto, (2025), Analysis of Corruption Committed by State Civil Apparatus (ASN): Legal Review in the Context of Personnel. *Innovation: Journal of Social, Humanities and Education*, 4 (1) January. p. 412

⁵Sadjijono, (2006), Understanding Police Law from the Perspective of Position and Relationship in Administrative Law. *Laksbang, Surabaya*, p. 55

Indonesia. According to Soewoto Mulyosudarmono, he is of the opinion that the consequence of a state with a presidential system is that all state institutions are under the 1945 Constitution of the Republic of Indonesia.⁶

In terms of the authority of the Police in handling criminal acts of corruption based on the substance of Article 26 of Law No. 31/1999 concerning the Eradication of Corruption, namely:

"Prosecution and examination in court of criminal acts of corruption shall be carried out based on applicable criminal procedural law, unless otherwise stipulated in this Law."

The meaning of the sentence "based on the applicable criminal procedural law", namely as long as there is no criminal procedural law specifically regulating it, then using the procedural law as stipulated in the Criminal Procedural Law refers to Law No. 8/1981 concerning the Criminal Procedure Code. The norms contained in this Article as an affirmation that, in the eradication of corruption, investigations can be carried out by Police investigators according to the authority granted in the Criminal Procedure Code. The Procedural Law used is the procedural law of the Rules on criminal acts of corruption, as regulated in the Criminal Procedure Code, the investigative authority does not recognize a single investigator, because there are investigators other than the Police, namely Civil Servant Investigators (PPNS). This is different from the prosecution authority which has been regulated in Article 13 of the Criminal Procedure Code.⁷

That as stipulated in Article 284 of the Criminal Procedure Code paragraph (2) and its explanation, namely "Within two years after this law is enacted, the provisions of this law will apply to all cases, with temporary exceptions regarding special provisions for criminal procedures as stated in certain laws, until there are changes and/or they are declared no longer valid."⁸

Therefore, the law enforcement institutions authorized to enforce the law in corruption crimes are: the Indonesian National Police and the Indonesian Prosecutor's Office. Therefore, a special institution was established within the Indonesian National Police, called the Corruption Crime Directorate at the National Police Headquarters level and at the Regional and territorial police levels. The establishment of an institution to handle corruption cases within the Police is an implementation of Law No. 8/1981 concerning the Criminal Procedure Code, specifically Article 284.

⁶Soewono Mulyosudarmo, (2004). *Renewal of State Administration Through Constitutional Change*, East Java Association of National Education and Han Studies, Malang, p. 7

⁷Prpto Soepardi, (1990). *Criminal Acts of Corruption*, National Business, Surabaya, p. 84

⁸Article 284 paragraph (2) of the Criminal Procedure Code

The role of the Indonesian National Police as a law enforcement apparatus, *ex officio*, every Indonesian National Police investigator is expected to be able to actualize the law enforcement duties which are limitedly stated in Article 7 paragraph (1) of the Criminal Procedure Code in conjunction with Article 14 of Law Number 2 of 2002 and Law Number 31 of 1999 which has been amended by Law Number 20 of 2001. The application and implementation of the duties, functions and authority to investigate corruption crimes carried out by the Indonesian National Police, is illustrated by the increasing number of corruption cases investigated by the Police which have been transferred to the public prosecutor for prosecution.⁹

The operational technicalities of carrying out investigations for Polri investigators in cases categorized as criminal acts of corruption are limitedly regulated in Articles 106 to 136 of Law Number 8 of 1981 concerning the Criminal Procedure Code, Articles 25 to 40 of Law Number 31 of 1999 which was amended to Law Number 20 of 2001 concerning the Eradication of Corruption and Articles 45 to 50 of Law Number 30 of 2002 concerning the Corruption Eradication Commission, as well as several articles contained in Law Number 2 of 2002 concerning Polri in conjunction with the Decree of the Chief of Police No. Pol:Kep/32/II/2003.¹⁰

In Article 106 of the Criminal Procedure Code, it is expressly ordered to every National Police investigator that investigators who know, receive reports or complaints about the occurrence of an event that can be suspected of being a criminal act, including corruption, are obliged to immediately carry out investigative actions in accordance with the provisions of Article 106 of the Criminal Procedure Code, which applies to investigations of general crimes and corruption crimes as referred to in Article 26 and Article 43 paragraph (2) of Law Number 31 of 1999 which has been amended by Law Number 20 of 2001, as well as Article 38 paragraph (1) and Article 39 paragraph (1) of Law Number 30 of 2002.¹¹ If the investigation is conducted by a police investigator, the case handling procedure is the same as for criminal cases in general, namely, the investigation file is submitted to the Public Prosecutor at the Prosecutor's Office according to their jurisdiction. If the Public Prosecutor is of the opinion that the case file has met the formal and material requirements, the case file will be transferred to the corruption court.

In the context of carrying out investigations into corruption crimes by National Police investigators, the steps taken are classified into several stages as follows:

⁹Ida Bagus Kade Danendra, (2012), The Position and Function of the Police in the Organizational Structure of the Republic of Indonesia. *Lex Crimen*, 1 (4), October-December. p 55

¹⁰Ridwan, Hambali Thalib & Hardianto Djanggih. (2020), The Function of the Police in Investigating Corruption Crimes in the Procurement of Goods and Services, *Journal of Lex Theory (JLT)*, 1 (1) June. p. 101

¹¹Ibid, p. 102

1) Investigation Preparation

Preparation for investigating corruption crimes requires preparatory steps carried out in the following manner: (a) Preparation of a Report on the Occurrence of the Corruption Crime (LKTPK); (b) Formation of an investigative team and issuance of an investigation warrant; (c) Analysis of the Report on the Results of the Corruption Crime Investigation (LHPTPK).¹²

2) Notice of Commencement of Investigation

When the Investigation Commencement Order (SPDP) has been issued, it is the investigator's obligation to notify the Public Prosecutor of the commencement of the investigation, which is usually known as the Investigation Commencement Notification Letter (SPDP). This norm is regulated in Article 109 paragraph (1) of the Criminal Procedure Code.¹³ In the investigation of Corruption Crimes, the SPDP is not only notified to the Public Prosecutor, but also given to the Corruption Eradication Commission, this is related to the coordination and supervision authority held by the KPK in handling corruption cases. However, in its development there is a Constitutional Court decision, namely Number 130 / PUU-XIII / 2015 which requires investigators to notify the investigation to the Public Prosecutor, the reported party and the victim / reporter within a maximum of 7 (seven) days after the issuance of the investigation order.

3) Investigation Administration

Investigative activities carry legal consequences, therefore every action taken by investigators must be based on law, and therefore must be supported by good investigative administration. To support the success of the investigation, the implementation of the investigation must be handed over to the Investigation Administration Officer. This investigation administration officer can be carried out by Investigators who are members of the investigation team to be assigned to carry out the investigation administration tasks, or form a separate team (outside the investigation team) for example administrative or administrative staff to administer the entire investigation process or activities.¹⁴

Each law enforcement agency has its own format and provisions for the administrative procedures for investigations, meaning each regulates them through its own internal regulations. For example, the Attorney General's Office has an Attorney General's Regulation (Perja), the National Police have a National

¹²Yudi Kristiana, (2018), *Corruption Crime Investigation and Filing Techniques*, Thafa Media, Yogyakarta, p 52

¹³Ibid, p. 73

¹⁴Noveydi Rumagit, et al. (2020), *The Process of Investigating Corruption Crimes by Investigators of the Republic of Indonesia National Police in the Procurement of Saw Mill Machines in the 2010 Fiscal Year in Bitung City*, *Lex Administratum*, VIII (2), April-June. p 57-58

Police Chief Regulation (Perkap), and the Corruption Eradication Commission (KPK) has a Commission Regulation (Perkom).¹⁵

4) Formation of a Corruption Eradication Team according to the number of personnel required

The number of personnel involved in the formation of the National Police's Corruption Crimes Team (Tipikor), which is established within the Corruption Crimes Directorate of the National Police Criminal Investigation Agency (Dittipidkor) at the National Police Headquarters level and the Corruption Crimes Unit at the Police Resort level, is adjusted based on the needs and characteristics of the cases being investigated. There is no standard provision regarding the number of personnel because each case has a different level of difficulty and scope.¹⁶

The process of forming a Corruption Eradication Team is carried out after the issuance of an investigation warrant (Sprindik). The formation of this team is adjusted to the needs and characteristics of the case. Determining the number and personnel in the Corruption Eradication Team is done by considering several things: (a) Complexity of the case: The more complicated the corruption case, which often involves many parties and documents, the more personnel are needed; (b) Geographic scope: If the case is spread across several locations, a larger team is needed to conduct an effective investigation. (c) Special expertise: In addition to investigators, the team can also involve personnel with special expertise, such as financial analysts, information technology experts, or forensic experts; (d) Inter-agency collaboration: For certain cases, the team can be formed jointly with other agencies such as the Attorney General's Office, the Corruption Eradication Commission (KPK), or the Supreme Audit Agency (BPK).¹⁷

5) Preparing an Investigation Plan (Rendik)

One of the important steps investigators must take before conducting an investigation is to develop an investigation plan, commonly known as a Ren-dik. This Ren-dik is intended to provide guidance for the investigation.¹⁸

¹⁵Yudi Kristiana, (2018). Op.Cit, p 54

¹⁶Dittipidkor Bareskrim Polri, (2019). Report of the Dittipidkor Bareskrim Polri Unit in the Framework of the Phase I 2019 Polri Inspectorate Supervision, Report of the Dittipidkor Bareskrim Polri Unit, April

¹⁷Ridwan, Hambali Thalib & Hardianto Djanggih. (2020). Op.Cit

¹⁸Noveydi Rumagit, et al. (2020). Op.Cit, p 58

6) Giving Directions

Provide direction to members of the Corruption Eradication Unit who will carry out investigations, especially regarding the duties, authorities and responsibilities of each member of the investigative team.¹⁹

7) Implementation of investigative activities

The stages of police investigation into corruption crimes include:

- a. Taking action against people and objects closely related to the corruption crime being investigated, including: Summons; Arrest; Detention; Search; Confiscation.
- b. Examination or interrogation to obtain information, whether from suspects, witnesses or experts.²⁰
- c. Completion and completion and submission of case files, including: (a) Preparation of resumes; (b) Preparation of case files; (c) Submission of Phase I case files; (d) Respond to the Prosecutor's instructions; (e) Submission of Phase II case files; (f) Case title.²¹

Based on the provisions of the authority of the Police in Law No. 2 of 2002 concerning the Republic of Indonesia National Police, Law No. 8 of 1981 concerning the Criminal Procedure Code and Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 concerning the Eradication of Corruption as determined above, it has been clearly stated that the authority of the police both in general and specifically includes the authority to investigate and investigate in corruption cases, but in the prosecution it is handed over to the Prosecutor's Office as the public prosecutor. The authority of the police in implementing law enforcement for investigations and inquiries into corruption eradication if the person being investigated has become a suspect must have permission from the official above him, in conducting searches and seizures there must be permission from the Head of the District Court; The Police can issue SP3 (Order to Stop Investigation/Prosecution) and cannot wiretap and record conversations.

4. Conclusion

In Article 106 of the Criminal Procedure Code, it is expressly ordered to every National Police investigator that investigators who know, receive reports or complaints about the occurrence of an event that can be suspected of being a criminal act, including corruption, are required to immediately carry out investigative actions in accordance with the provisions of Article 106 of the

¹⁹Ridwan, Hambali Thalib & Hardianto Djanggih. (2020). Op.Cit, p. 103

²⁰Ibid, p. 103

²¹Noveydi Rumagit, et al. (2020). Op.Cit, p 57

Criminal Procedure Code, which applies to investigations of general crimes and corruption crimes as referred to in Article 26 and Article 43 paragraph (2) of Law Number 31 of 1999 which has been amended by Law Number 20 of 2001, as well as Article 38 paragraph (1) and Article 39 paragraph (1) of Law Number 30 of 2002. In the case of investigations carried out by Police investigators, the case handling procedure is the same as the procedure for handling criminal acts in general, namely the investigation file is submitted to the Public Prosecutor at the Prosecutor's Office according to their jurisdiction. If the Public Prosecutor is of the opinion that the case file has met the formal and material requirements, the case file will be transferred to the corruption court.

5. References

Journals:

Andi Pradikta Alvat. (2019), Politics of Law Human Rights Protection in Indonesia, *Jurnal Daulat Hukum*, 2 (4) December

Dittipidkor Bareskrim Polri, (2019). Laporan Kesatuan Dittipidkor Bareskrim Polri dalam Rangka Wasrik Itwasum Polri Tahap I Tahun 2019, *Laporan Kesatuan Dittipidkor Bareskrim Polri*, April

Gema Damaiyanto, (2025), Analisis Korupsi yang Dilakukan Aparatur Sipil Negara (ASN): Tinjauan Hukum dalam Konteks Kepegawaian. *Inovasi : Jurnal Sosial Humaniora dan Pendidikan*, 4 (1) Januari

Ida Bagus Kade Danendra, (2012), Kedudukan dan Fungsi Kepolisian dalam Struktur Organisasi Negara Republik Indonesia. *Lex Crimen*, 1 (4), Oktober-Desember

Noveydi Rumagit, dkk. (2020), Proses Penyidikan Tindak Pidana Korupsi oleh Penyidik Kepolisian Negara Republik Indonesia dalam Pengadaan Barang Mesin Saw Mill Tahun Anggaran 2010 di Kota Bitung, *Lex Administratum*, VIII (2), April-Juni

Ridwan, Hambali Thalib & Hardianto Djanggih. (2020), Fungsi Kepolisian Dalam Penyidikan Tindak Pidana Korupsi Pengadaan Barang dan Jasa, *Journal of Lex Theory (JLT)*, 1 (1) Juni

Tohadi. (2022), Rekonstruksi Pengaturan dan Sanksi Hukum Bagi Pegawai Aparatur Sipil Negara yang Melakukan Tindak Pidana Korupsi. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 11 (2). Agustus

Books:

Prapto Soepardi, (1990). *Tindak Pidana Korupsi*, Usaha Nasional, Surabaya

Sadjijono, (2006), *Mengenal Hukum Kepolisian Perspektif Kedudukan dan Hubungannya dalam Hukum Administrasi*. Laksbang, Surabaya

Soewono Mulyosudarmo, (2004). *Pembaharuan Ketatanegaaan Melalui Perubahan Konstitusi, Asosiasi Pengajian HTN dan Han Jawa Timur*, Malang

Yudi Kristiana, (2018), *Teknik Penyidikan dan Pemberkasan Tindak Pidana Korupsi*, Thafa Media, Yogyakarta