



WEAK JURIDIC ANALYSIS OF THE ROLE OF THE AUTHORITY OF THE CORRUPTION ERADICATION COMMISSION AS A FACTOR OF THE REST OF CORRUPTION IN INDONESIA

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Abstract: *The public's trust in this anti-corruption institution has been fading since its authority in eradicating corruption actors has been reduced or reduced. Corruption has existed in Indonesia since the time of the Vereenigde Oost-Indische Compagnie during the Dutch colonial period, and has grown and cultured, especially among Government Officials, resulting in enormous losses for the country and its people. Not only is Indonesia still facing the Covid-19 pandemic nearing the end of 2021. However, during 2021, there have been several cases of corruption. such as the previous example of the minister of social affairs, who was charged with corruption involving financial transfers. Law Number 31 of 1999, which was later revised by Law Number 20 of 2001, regulates criminal acts of corruption in Indonesia. The high number of corruption cases in Indonesia is due to ongoing violations of anti-corruption laws, as well as other factors. Corruption The Eradication Commission (KPK) is a state institution established with the aim of increasing the efficiency and effectiveness of efforts to eradicate criminal acts, in accordance with Law No. 30 of 2002 concerning the Corruption Eradication Commission, Chapter 1 article. The KPK actually feels weaker due to the KPK Bill which hinders the KPK's running. This study tries to find out how the KPK can become weaker, including the incidents of corruption that occurred during the Covid-19 pandemic, which is clearly devastating not only for the country but also for the Indonesian people. Qualitative data collection strategy was used in this study.*

Keywords: *Corruption, Authority, Corruption Eradication.*

1. INTRODUCTION :

Indonesia is not only fighting the Covid-19 pandemic which is still claiming many lives, during this pandemic. However, Indonesia continues to struggle and combat acts of corruption that have existed in the past and continue to exist until corruption in Indonesia can be found at all levels of government, including local government and central government. The corruptors violated the anti-corruption law, which is regulated by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Criminal Acts of corruption. For example, during the current COVID-19 outbreak, there was a corruption case that dragged the minister of social affairs, which was detrimental to the state and several parties. The prevalence of state-supported corruption indicates that even state officials have a limited understanding of Indonesia's anti-corruption laws. Another reason for the large number of corruption cases in Indonesia is that corruption has become a "culture" in the country since the Dutch colonial period. In Indonesia, types of corruption such as loss of state finances, bribery, embezzlement of positions, extortion, conflict of interest in procurement, and gratuities are largely prohibited by Law 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, which was later revised by Law 20 of 1999.

In 2002, Indonesia established the Corruption Eradication Commission (KPK) as a corruption agency that acts independently in carrying out its duties, based on law number 30 of 2002 which regulates the Corruption Eradication Commission. However, the KPK has been crippled for a decade. Especially in the revision of the KPK Law Number 19 of 2019 which discusses the second amendment to Law No. 30 of 2002 which is considered to have slowed the performance of the KPK to function.

2. RESEARCH METHODOLOGY :

The writing of this scientific paper uses the normative juridical method, which is to examine and analyze the effectiveness of law enforcement in eradicating corruption through the personal strengthening strategy of the Corruption Eradication Commission of the Republic of Indonesia, both in terms of the substance of the legislation in the field of



eradicating corruption, institutions, culture, and available infrastructure. The writing approach used in this scientific work is First, the statutory approach, which is the approach used in legal writing which is carried out by examining laws related to legal issues in the field of law enforcement in eradicating corruption. This study uses qualitative data collection methods related to previous research, as well as laws and regulations related to the problem of corruption in Indonesia.

3. RESEARCH RESULTS AND DISCUSSION

The concept of Corruption *Corruptio* is a Latin term that describes "bad behavior," "ugliness," "crime," "dishonesty," and "theft". Corruption also refers to the practice in which a person benefits himself by abusing his position of authority. who are generally high-ranking officials, legislators, or other law enforcement officers. In Indonesia, corruption can take several forms, including the element of state financial loss. All rights and obligations of the state that can be valued in money, as well as everything in the form of money or goods that can be used as state property in connection with the implementation of these rights and obligations, which are defined as state financial losses based on Law Number 17 of 2003 concerning finance country. State financial losses can also be characterized as: state or regional losses that are real and definite lack of quantity of money, securities, securities, and products resulting from criminal acts of behavior, whether intentional or reckless.

The criminal act of corruption in loss of state finances is regulated in Article 2 paragraph (1) of the Corruption Eradication Law, jo. The decision of the Constitutional Court Number 25/PUU-XIV/2016, which states that "Everyone who violates the law commits an act of enriching himself or another person or a corporation that is detrimental to the state's finances or the state's economy is sentenced to life imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years in prison." Then there is Article 3 of the Corruption Law, which states "Every person who with the intention of benefiting himself or another person or corporation, abuses the authority, opportunity, or means available to him because of his position or position, or the facilities available to him because of his position or position, can detrimental to state finances or the state economy, shall be punished with life imprisonment or imprisonment for a minimum of one year and a maximum of ten years."

In addition, in the form of Bribery, Bribery, and other forms of corruption are prohibited under Article 5 of Law 20/2001, which states:

- (a) Sentenced to imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years, and/or a fine of at least Rp. 50,000,000.00 (fifty million rupiah) and a maximum of Rp. 250,000,000.00 (two hundred and fifty million rupiah) every person who: gives or gives something to a civil servant.
- (b) Civil servants or state administrators who receive gifts or promises as referred to in letters a and b in paragraph (1) shall be subject to the same criminal sanctions as referred to in paragraph (1)." Bribery is also prohibited by Article 13 of the Corruption Eradication Law, Article 12 letters a and b, Article 11, Article 6 paragraph (1) letters a and b, Article 6 paragraph (2), Article 12 letter c, and Article 12 letter d.

Then corruption in the form of embezzlement. regulated in Article 8 of Law 20/2001, which states: "The punishment is a minimum imprisonment of 3 (three) years and a maximum imprisonment of 15 (fifteen) years, and a minimum fine of IDR 150,000,000.00 (one hundred and fifty million rupiah) and a maximum fine of IDR 750,000,000.00 (seven hundred and fifty million rupiahs), civil servants or other civil servants In the Corruption Eradication Law or its amendments, embezzlement in the office refers to serious embezzlement, namely embezzlement committed by the person holding the goods in connection with work or position (*beroep*) or because of receiving a salary. Article 9, article 10 letter a, Article 10 letter b, and article 10 letter C all prohibit this form of corruption.

Extortion, Article 12 letter e, Article 12 letter f, and Article 12 letter g limit extortion. Civil servants or state administrators who with the intent to unlawfully benefit themselves or others, or by abusing their power, force someone to give something, pay, or receive payment at a discount, or do something for themselves; a civil servant or state administrator who in carrying out his duties asks for or accepts work, or delivers goods as if the goods were in debt to himself, even though it is known that he owes money; a civil servant or state administrator who in carrying out his duties, or a civil servant or state administrator who in carrying out his responsibilities, has utilized state land on which a user of the proceeds of the right exists, as if something that violates the legislative rules has hurt the rightful person, despite knowing that such action violates the statutory regulations.

Evil agreement, Article 7 paragraph (1) letter a, 7 paragraph (1) letter b, 7 paragraph (1) letter c, 7 paragraph (1) letter d, Article 7 paragraph (2), and Article 12 letter h all prohibit fraud. The Anti-Corruption Law and its modifications contain: the following fraudulent acts: Contractors, constructors, or sellers of construction materials who commit fraudulent acts when constructing structures or while delivering building equipment that may endanger the safety of people or commodities, or the safety of the country in a state of war: any person who is responsible on supervising the construction or delivery of building materials which intentionally permits the above fraudulent acts; any person who commits fraudulent acts while delivering goods needed by the Indonesian National Armed Forces and/or



the State Police of the Republic of Indonesia which may endanger the safety of the state in a state of war; or any person in charge of supervising the delivery of goods required by; Indonesian National Army and/or Indonesian National Police.

Conflict of Interest in Procurement, this criminal act of corruption is regulated in Article 12 letter I. Conflict of Interest in the Procurement of Government Goods or Services is a situation where a civil servant or state administrator, either directly or indirectly, participates in chartering, procurement, or leasing, and who is assigned to regulate or supervise the act at the time the act is committed in whole or in part.

Gratification, this corruption crime is regulated in Article 12 B jo. Article 12 C every gratuity to a civil servant or state administrator is considered a bribe if it is related to his position and contradicts his obligations or duties, provided that the value is less than IDR 10,000,000.00 or more, and the recipient of the gratification proves that the gratuity is not a bribe. The Public Prosecutor must determine that the gratuity is a bribe if the value is less than IDR 10,000,000.00. Life imprisonment or a minimum of 4 (four) years and a maximum imprisonment of 20 (twenty) years, with a minimum imprisonment of IDR 200 million and a maximum fine of IDR 1 billion, is a punishment for government workers or state administrators who receive gratuities. In Indonesia, punishment for corruptors does not only depend on the Anti-Corruption Law, but also on the prevailing and developed societal norms. All of this is because Indonesia is one of the countries that adheres to the "Customary Law System". (unwritten law)" legal system, which implies that the law developed as a result of Indonesian Traditions and is now being used in other Asian countries.

Officials who are proven to have committed criminal acts of corruption are rarely silenced. To prevent the operation carried out by the Corruption Eradication Commission, they will attempt identification and disappearance (KPK). They are often transferred to other countries to avoid responsibility for their crimes. The thing to do is to use international law through extradition treaties, which allow a person to be transferred from the criminal state to his home country.

Corruption has now become a tradition in Indonesia, passed down from generation to generation from the past until now. Corruption occurs at all levels in Indonesia, from the lowest to the highest. Officials abuse their positions of power and authority for personal gain. This violates Law 31 of 1999, which regulates the fight against corruption. Corruption has far-reaching implications in Indonesia. The impact on sectors such as infrastructure and education is hampered because money that should have been allocated to the tail but was lost due to corruption, ranging from quite large losses that directly harm the country and the country's economy.

For example, during the current COVID-19 pandemic, former social minister Juliari Peter Batubara was caught in a corruption case that cost the state IDR 17 billion, which the KPK said would be used for personal purposes. Therefore Juliari is suspected of violating Article 12 letters a or b, or Article 11 of Law (UU) Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 concerning Amendments to the Law. Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption, in conjunction with Article 55 paragraphs 1 to 1 of the Criminal Code.

The high number of corruption crimes in Indonesia does not only exist; There are various elements that influence the emergence of criminal acts of corruption, such as internal causes. In particular, knowledge is still weak in certain areas, such as the legacy of colonialism. Then there are external elements that contribute to corruption, such as Indonesia's weak legal system, as well as legal change itself, which is a problem. The following is a more detailed explanation of one of the internal and external variables that contribute to the high level of corruption in Indonesia.

Corruption has become a culture in Indonesia Due to the monopoly on spices, the Verenigde Oost Indische Compagnie (VOC) made a lot of money during the Dutch colonial period, but the VOC's splendor faded due to repeated buying and selling of mail, bribes, and other corrupt acts. These are events that have taken place in Indonesian democracy itself, which have been carried over to Indonesia today. (1) Human greed, (2) weak morals, (3) low income, (4) consumptive lifestyle, (5) weak religious teachings, (6) lack of leadership attitude, and (7) poor organizational structure are some of the factors which contributes to the culture of corruption in Indonesia. stray far from the goal This is a factor that continues to contribute to the high levels of corruption in Indonesia.

"Attack Against Corruptors" is a word that refers to activities aimed at weakening or limiting the ability of the Corruption Eradication Commission (KPK) in carrying out its duties as Indonesia's anti-corruption agency. Corruptors or institutions deemed by the Corruption Eradication Commission or Non-Corruption Commission are responsible for this. Efforts to weaken the KPK have been going on for nearly a decade. There are cases of the KPK weakening, especially with the passing of Law no. 19 of 2019 amending Law Number 30 of 2002.

The counterattack of the corruptors against the corruption eradication commission (KPK) did not develop instantly, but the problem has existed for a long time. The KPK is mandated to eradicate corruption in three areas, as stated in Article 11 of Law Number 30 of 2002: public officials, law enforcement, and parties related to both. As a result, the corrupt do not remain silent; instead, they respond by fighting back (corruptors counterattack or corruptors fight back).⁶ The following are some: types of counterattack against corruptors: (1). The Judicial Review of the KPK



Law was to disarm the KPK, and one of the first attacks was to test the existence of Law no. 30 of 2002 gave a speech before the KPK at the Constitutional Court (MK).

The reasons for the examination also vary, ranging from determining the legality of the existence of the KPK to evaluating certain articles related to the jurisdiction of the KPK. The KPK is weak and is no longer able to identify corrupt activities, especially in institutions that existed before Law no. 30 of 2002, as a result of the termination of the use of roads to the Constitutional Court. (2) Amendment to the KPK Law: The KPK Law is amended by Law Number 19 of 2019 concerning Amendments to Law Number 30 of 2002 concerning KPK. (3) The DPR Questionnaire is Eligible for the KPK, the Facts of the DPR's Inquiry Rights for the KPK emerged shortly after the KPK investigated the corruption of Electronic ID cards, which reportedly had implications for many DPR members, showing that the inquiry right belongs to the corruptors who plan to counterattack.

Corruption in Indonesia During the Covid-19 Outbreak and Its Impact. State officials continue to commit corruption crimes despite 19 outbreaks. Covid-19, which has spread to almost every country on the planet, has also caused Indonesia to "die", resulting in a shaky economy, recession, the closure of many businesses, and a lot of work to be done from home. Corruption continues to exist in both central and central government throughout the epidemic. Former Minister of Maritime Affairs and Fisheries Edhy Prabowo was detained by the KPK on November 25, 2020 for the lobster seed bribery case. And Juliari Batubara, former minister of social affairs, was arrested on December 5, 2020, after being caught in a corruption case in social assistance for Jabodetabek residents in 2020.

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There are two kinds of violations, as stipulated in Article 10 of the Criminal Code. That is, the most common punishments are: (1) death penalty, (2) life imprisonment, (3) detention, (4) fine, and (5) convict sentence. Then there are extra crimes, which include (1) revocation of certain rights, (2) confiscation of certain goods, and (3) proclamation of judge's assessment.

After the Corruption Eradication Commission (KPK) arrested the social minister, Juliari Batubara, over the corruption case of social assistance funds for Indonesians affected by the Covid-19 outbreak. Because the impact of corruption so far this epidemic has been so severe, not only on the Indonesian people but also on economic growth countries, President Joko Widodo has prepared another scenario to reshuffle his ministers.

The exploitation of social assistance money that should be handed over to the Indonesian people has become a concern, not only by the public but also by the Corruption Eradication Commission (KPK). This is due to the fact that the expenditure allocated by the government for the treatment and prevention of Covid-19 victims is not small, amounting to trillions of rupiah. This is concerning because would-be corruptors will no doubt take advantage of the current predicament for their personal gain by committing criminal acts of corruption against social assistance funds.

At least 118 complaints have been received by the Corruption Eradication Commission from Indonesian citizens who allege abuse of authority over social assistance payments that should have been given to areas affected by Covid-19. This shows that Indonesia must work very hard to confront and combat the corrupt Covid-19, which has been a threat to the Indonesian state in the past and continues to do so today.

The following are some of the negative impacts of corruption on Indonesia's economy and legal system:

- a) Investment and economic development are sluggish. Potential local and international investors will hesitate to invest in a country if the government breaks down. because of concerns about anti-corruption and economic growth, which of course will be hampered by the current issue of state corruption. Because the money is intended for the manufacture of public facilities or capital companies will be polluted by corruption.
- b) Productivity decreases. Corruption will have a significant impact on factories and businesses. Due to the impact of excessive corruption, investors will cancel or withdraw their investment in Indonesia due to lack of funds.
- c) National debt increased. The country is on the verge of recession and inflation due to corruption. This forces a country to borrow money to avoid both outcomes.
- d) Public trust in government institutions begins to erode. When a state official commits a criminal act of corruption, public trust is eroded, and state institutions can even dissolve.



- e) Government is not effective. Due to rampant corruption, the government is considered weak and unable to enforce the law in this country. The implementation of the Anti-Corruption Law in Indonesia is still inadequate, as evidenced by repeated cases.

The impact of corruption on the economy is a problem that can hinder economic progress in any country, including developing and industrialized countries. Many governments have begun to carefully examine the economic risks of corruption by: establishing an agency or department charged with preventing and managing corruption. Especially in the midst of the ongoing Covid-19 outbreak.

4. CONCLUSION

Based on the discussion as described above, it can be concluded that the basis of the urgency of the reconstruction of the legal politics of eradicating corruption in Indonesia is based on indicators of legal effectiveness consisting of aspects of legal substance in this case are laws and regulations that open up opportunities to apply investigators and public prosecutors. independent of the KPK, the structure of the law enforcement apparatus in this case is the weakness of the police and prosecutor's institutions in efforts to eradicate corruption, the legal culture is a blurry portrait of the practice of legal mafia in Indonesia, as well as the existence of supporting facilities and infrastructure to support effective corruption eradication in Indonesia. The legal construction of the model for strengthening the KPK RI independent investigators and public prosecutors rests on three aspects, including strengthening the KPK in quality, strengthening the KPK in quantity, and strengthening the KPK juridically.

Corruption is not new in Indonesia. Corruption has existed in Indonesia since the Dutch colonial period, and is still considered a culture or a common crime. The effects of corruption are not only felt by Indonesian citizens, but also by many sectors of the state. This is one of the most important areas, as is the economic sector, because it shows how prosperous a country is. The weakening of the Corruption Eradication Commission (KPK) has resulted in an increase in corruption in Indonesia. The administration, especially the President, must be able to assess the weakening condition of the KPK. Because the KPK is one of Indonesia's best prospects to become a corruption-free country.

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