

The Essence of Law Enforcement For Corruption In West Sulawesi

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Abstract: This study aims to analyze and explain the laws and regulations in supporting law enforcement of criminal acts of corruption, law enforcement efforts and the factors that influence law enforcement of corruption in West Sulawesi. The research method used is Empirical Law research. The results of this study indicate that: first, a normative juridical instrument that regulates the law enforcement of criminal acts of corruption is adequate, but it requires a firm commitment by law enforcement officials in implementing relevant articles, NGO and community support for law enforcement of corruption and lack of understanding for all law enforcement elements. second, law enforcement efforts for corruption in West Sulawesi consist of Community Participation, Professionalism of Law Enforcement Officials, Political Will of Regional Government and West Sulawesi DPRD Support. Third, the factors that influence law enforcement of corruption in West Sulawesi are legal factors, law enforcement factors, facilities or facilities, community factors, and cultural factors.

Keywords: Law Enforcement, Corruption Crimes, West Sulawesi

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I. INTRODUCTION

Corruption in Indonesia develops systemically and has become a global problem between countries, so it is no longer classified as crime conventional but is categorized as crime transnational even due to multidimensional bad implications for large economic and financial losses and violations of social rights and economic rights of the people, so that this condition is the reason predicate corruption risen to extraordinary crime that must be eradicated with extraordinary steps and carried out by an extraordinary institution as well. ¹

Corruption is not a habit that is considered as *culture* or culture. However, bad behaviour is carried out by a group of people or a *corporation* that has power or authority as a state apparatus. This bad behaviour can be detrimental to the country's finances and some even suspect that corruption can be the cause of the decline of the Indonesian economy in recent years. We must realize that increasing uncontrolled corruption will have an impact not only on the national economic life but also on the life of the nation and state in general. ²

The crime of corruption is a phenomenon of crime which undermines and impedes the implementation of development, its significant development becomes the centre of attention as well as a concern not only for Indonesia but has become an international issue so that mitigation and eradication must be prioritized. ³ Even though the prevention of corruption is prioritized, it is recognized that corruption is a type of case that is difficult to overcome or eradicate. The facts that occur now are not just figments, corruption cases that occurred even in July 2014 have dragged the former Minister of Youth and Sports (Andi Mallarangeng) who was linked to the Hambalang corruption case worth 1, 5 trillion, which was later sentenced 4 (four) years in prison and a fine of Rp. 200 Million (two hundred million rupiahs) subsidiary 2 (two) months in prison by the panel of judges at the Jakarta Corruption Court. This indicates that corruption always starts from the *abused of power* from someone who holds a certain position. Holders of positions if they cannot hold commitments and loyalty to positions, then the latent danger of corruption easily influences their power.

¹ Sina, L. (2008). Dampak dan upaya pemberantasan serta pengawasan korupsi di Indonesia. *Jurnal Hukum Pro Justitia*, 26(1).

² Dwiputrianti, S. (2009). Memahami Strategi Pemberantasan Korupsi di Indonesia. *Jurnal Ilmu Administrasi*, 6(3).

³ Waluyo, B. (2017). Optimalisasi Pemberantasan Korupsi di Indonesia. *Jurnal Yuridis*, 1(2), 169-162..

Lord Acton states that *power tends to be corrupt, but absolute power corrupts absolutely* (power tends to be corrupt, but absolute power produces absolute corruption). Corruption in Indonesia occurs in various levels of groups, starting from Civil Servants, Soldiers, Police and Politicians, and has even hit a number of institutions such as the Police, Prosecutors' Office, Judiciary, House of Representatives (DPR) which should be tasked with eradicating corruption. History proves that every human or group that has absolute or unlimited power tends to abuse its power and ignore the basic rights of its people.⁴

Corruption seems to have become *euphoria* its own various layers of society. Unconsciously, corruption arises from habits that are considered normal and reasonable by the general public. Like giving gifts to officials / civil servants as a reward for a service provided by an official/civil servant who should have been his responsibility. This custom was seen as normal without any tendency as part of eastern culture. And if this corrupt behaviour is left slowly but surely it will become the seeds of real corruption. In other words, corruption occurs because of the intention and opportunity that is owned by someone, weak integrity as a form of consistency and firmness of attitude possessed by each person also becomes a lubricant for law enforcement officers in carrying out their duties.

The habit of corrupt behaviour that continues among the community is caused by their lack of understanding about the notion of corruption. So far, the vocabulary of corruption has been popular in Indonesia, but when asked what corruption is? What types of actions can be categorized as corruption? It is almost certain that very few can correctly answer the form/type of corruption as stated in the Law.

II. RESEARCH METHODS

In this study, the author uses the type of empirical legal research using a sociological approach. Such a study of law, the law is not conceptualized as an autonomous normative phenomenon (*the study of law in books*), but the law is conceptualized as social institutions which are in real terms associated with other social variables. Thus the research includes the type of descriptive research that is a study that aims to describe the problem under study in accordance with the conditions as they are or based on the disclosure of facts of

III. RESEARCH RESULTS & DISCUSSION

Indonesia is known to the world as one of the first corrupt countries. In accordance with the results of the survey *Transparency International* which is issued regularly every year, Indonesia is always ranked in the top ten most corrupt countries in the world. In the last 10 (ten years), Indonesia has become the fifth most corrupt country in the world and sometimes is number two in Southeast Asia after Myanmar.⁵

Eradication of criminal acts of corruption has become a separate agenda for the government and is a mandate of reform, which is not only the responsibility of law enforcement officials but is a shared responsibility of all Indonesian people. But like most viruses, finding a drug or vaccine is not easy, as is corruption. Various attempts have been made, but the regulations promulgated by the government have not been able to reduce the rate of corruption development and even seem to continue to increase from year to year.⁶

The government's seriousness in eradicating corruption can be seen from the issuance of various policies relating to the eradication and prevention of criminal acts of corruption. These policies include TAP MPR Number. XI / MPR / 1998 concerning the Implementation of a Clean Country, Free of Corruption, Collusion and Nepotism, the TAP MPR was the first legal product at the beginning of the Reform Order, Law Number 28 of 1999 concerning the implementation of a clean, free of corruption, collusion and nepotism. Law Number 31 Year 1999 As amended by Law Number 20 of 2001 concerning the eradication of criminal acts of corruption, Law Number 30 of 2002 concerning the Corruption Eradication Commission, and Law Number 46 of 2009 concerning the Corruption Court, the regulation was indeed formed in the framework of how to entrap corruptors into "jail", considering that before the promulgation of the law many corruptors were acquitted. And

⁴ Hardjaloka, L. (2014). Studi penerapan e-government di Indonesia dan negara lainnya sebagai solusi pemberantasan korupsi di sektor publik. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 3(3), 435-452.

⁵ Halter, Maria Virginia, Maria Cecilia Coutinho De Arruda, and Ralph Bruno Halter. "Transparency to reduce corruption?." *Journal of Business Ethics* 84.3 (2009): 373.

⁶ Gie, K. K. (2003, December). Reformasi birokrasi dalam mengefektifkan kinerja pegawai pemerintahan. In *Workshop Gerakan Pemberantasan Korupsi: Jakarta*

there are many more regulations created in the framework of minimizing corruption crimes or even eradicating corruption into its roots.⁷

In addition to the form of legislation, various other rules have been promulgated by the government with the intention of eradicating corruption, as a manifestation of the "*ius constituendum*" in order to restore the deteriorating state of the Indonesian economy due to corruption. Such as the issuance of several Presidential Instruction, including the issuance of Presidential Instruction Number 5 of 2004 concerning Acceleration of Corruption Eradication, Presidential Instruction Number 9 of 2011 concerning Action on the Prevention and Eradication of Corruption in 2011, Presidential Instruction Number 17 of 2012 concerning Action for the Prevention and Eradication of Corruption, Presidential Instruction Number 1 of 2013 concerning the Action of Prevention and Eradication of Corruption in 2013. Furthermore, Presidential Regulation Number 55 of 2012 concerning the National Strategy for Prevention and Eradication of Long-Term Corruption in 2012-2025 and the Medium Term for the Year 2012-2014.

Efforts to eradicate corruption committed by the government are still ongoing, even though various strategies have been carried out, but acts of corruption are still widespread in various sectors of life. Active refressive efforts carried out by the government are ineffective so that corruption in Indonesia is not reduced but even more thriving.

Building on the rules echoed by the government should be a mouthpiece for law enforcers in carrying out their duties to eradicate corruption. But the facts of the law in the field is inversely proportional to the existing conditions, in which criminals flourish and to freely carry out the action to undermine the country's financial wealth and postscript *the* is the right of a citizen of Indonesia, but usurped by those who are not responsible for *illegally*.

The conception of law enforcement against corruption is a very rigid one if law enforcement officials, especially judges, seem stagnant (doubts in making a verdict against corruptors) in deciding cases of corruption, on the basis of a *Legal system* which contains 3 legal elements, Judges as apparatus law enforcers are included in the structural elements of the *legal system*, based on researchers' optics there are still many problems. The weak sensitivity of judges is also related to the personal morality of judges and various other issues which ultimately have implications for the decisions produced.

The West Sulawesi Province since October 20, 2011, has formed a Corruption Court. Since its establishment it has handled 167 cases, with details in 2011 as many as 8 cases, in 2012 as many as 14 cases, in 2013 17 cases, in 2014 experienced a significant increase which penetrated 33 cases, but in 2015 fell 2 levels as many as 31 case, so too in 2016 was perched on number 25 cases, then in 2017 it increased by 2 levels, 27 cases and as of July 2018, the Corruption Court handled 12 cases. Of the total cases processed at the corruption court there are various types of corruption cases, ranging from corruption to irrigation development, bridge construction, PNPM Mandiri, Procurement of cattle, village funds to School Operational Assistance funds and even social assistance funds are corrupted, fictional work, mark up and giving work to parties that have a special relationship or known as direct appointment.

Based on observations of corruption cases researchers in West Sulawesi continued to increase. Even at the time of this writing, researchers from the South and West Sulawesi Prosecutors' Office (Kejati Sulsebar) were handling a case of alleged Corruption Crime Deviations from the West Sulawesi Provincial Budget 2016 Fiscal Year at the honourable institution. Attorney General of South Sulawesi determined four people as suspects, namely Chairman of West Sulawesi Provincial DPRD, Andi Mappangara along with 3 (three) other DPRD members Munandar (Deputy Chair), Hamzah Hapati Hasan (Deputy Chair), Harun (Deputy Chair), with 80 billion corruption, which should be held responsible for the preparation and implementation of the West Sulawesi Provincial Budget.

The court of corruption is the only judicial institution authorized to handle corruption cases, the legal basis of its establishment is Law Number 46 of 2009 concerning the Corruption Court.⁸ In the general explanation of the Law, it was stated that the Court of corruption will be formed in each regency/city capital city which will be carried out in stages for the first time under this Act, the establishment of a Corruption Criminal Court conducted in each provincial capital.

On October 20, 2011, in Mamuju as the provincial capital of West Sulawesi, a Corruption Criminal Court was formed within the framework of supporting government programs to eradicate corruption. As it is known that corruption is a crime that handling requires special expertise, considering the changing modus operandi of the times and the intensity of cases that continue to increase, from corruption known as

⁷ Hadi, K. (2016). Korupsi Birokrasi Pelayanan Publik di Era Otonomi Daerah. *Jurnal Penelitian Politik*, 7(1), 20.

⁸ Yanto, O. (2017). Efektifitas Putusan Pemidanaan Maksimal Bagi Pelaku Tindak Pidana Korupsi Dalam Rangka Pengentasan Kemiskinan. *Syiah Kuala Law Journal (SKLJ)*, 1(2), 18-36

"congregation" with a system of "orders" from central government to the model of corruption *chaotic* (chaotic) in various localities in the autonomous region. Based on various corruption phenomena, it is expected that the presence of the Corruption Court in West Sulawesi Province makes it easier for law enforcement officials to process corruption cases, especially in the education phase, which is an important phase in the criminal justice system.

Judges as the central point of implementing criminal justice are required to be professional and objective in carrying out their profession.⁹ Judges' decisions are the culmination of the operation of the Criminal Justice System, each of which has a broad impact on society. In this case, being fair to someone is not necessarily fair to others, considering that fairness is relative. In addition to Law Number 48 of 2009 concerning Judicial Power which is the main pillar of the Judge's footing in carrying out his profession, the Judge is also always bound by the Professional Code of Judges' Ethics as a guideline for Judges in behaving.

The predicate of corruption as a crime *Transnational* has become a scourge for every nation in the world so that its handling requires international cooperation.¹⁰ In Indonesia, the eradication of corruption has been strictly regulated in Law Number 31 of 1999 concerning Eradication of Corruption Crimes as amended by Act Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes. The promulgation of the law aims to realize justice in eradicating criminal acts of corruption, achieving legal certainty and expediency of the law, avoiding diversity of legal interpretations, and providing protection for socio-economic rights of the people, and preventing increasingly widespread corruption that is very detrimental to the country's finances, considering that the crime of corruption has taken away the rights of every Indonesian citizen.¹¹

The problem of corruption in Indonesia seems to have become a trend in society, all lines have been plagued by corruption, from the lowest position to the highest position that has been "framed" by corruption. As the disease of corruption in Indonesia, it has been chronic. Corruption crimes are not only found in big cities but have marimba almost all regions in Indonesia to remote villages, including in the jurisdiction of the Mamuju West Sulawesi Corruption Court.

The tendency of widespread corruption in the jurisdiction of the Mamuju Corruption Court is due to several influential indicators such as their own legal factors, law enforcement factors, facilities or facilities, community factors, and cultural factors. However, the Judge profession, both *Ad Hoc* Judges and Career Judges, as the central point and law enforcement officers in general in handling cases of corruption in the Mamuju Corruption Court have not been able to reduce the number of corruption in the region. While efforts to enforce criminal acts of corruption committed by legal institutions such as the Police, Attorney General's Office, and Justice, with the support of the West Sulawesi Provincial DPRD, local governments and involving the community have not been optimal in suppressing the growth rate of corruption.

IV. CONCLUSION

In normative juridical instruments that regulate law enforcement of criminal acts of corruption are very adequate, but it requires a firm commitment by law enforcement officers in implementing relevant articles, NGO and community support for law enforcement of corruption and lack of understanding for all law enforcement elements in eradicating corruption. The community basically hates corruption but on the other hand, the behaviour shown is corrupt behaviour while still giving "service fees" to officials to influence their authority and *euphoria* excessive from the people supported by hedonic lifestyles ultimately lead to corrupt behaviour.

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⁹ Bram, D. (2011). Peran Hermeneutika dalam Rangka Meningkatkan Kualitas Putusan. *Jurnal Yudisial*, 4(1), 46-61.

¹⁰ Wibiyono, A. F. (2018). Tindak Pidana Korupsi Sebagai Kejahatan Transnasional Menurut Undang-Undang Nomor 7 Tahun 2006 Tentang Konvensi Pbb Anti-Korupsi, 2003. *LEX PRIVATUM*, 5(10).

¹¹ Kholiq, M. A. (2004). Eksistensi KPK dalam Peraditaan Korupsi di Indonesia. *Ius Quia Iustum Law Journal*, 11(26), 29-46.

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