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BOOK REVIEW

THE PROGRESSIVE MIND ON
CORRUPTION ERADICATION IN
INDONESIA, A BOOK REVIEW
*“PEMBERANTASAN TINDAK PIDANA
KORUPSI PERSPEKTIF HUKUM
PROGRESIF”*, YUDI KRISTIANA,
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ABSTRACT

Progressive law was born out of anxiety over the operation of the law. This means that progressive law was born from the synthesis of the reality of the operation of law in Indonesia. It is on this basis that this progressive law lives. When legal workers succeed in maintaining the

law in a way that is acceptable to society, then at that time the law becomes something that lives the soul and spirit that is maintained by law enforcement becomes a milestone of the death of the law itself. Progressive law can be identified through assumptions, components, goals, verification, spirit, progressiveness, study, contact with other theories, and the agenda of action.

Keywords: Progressive Law, Anti Corruption, Criminal Law



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PROF. SATJIPTO RAHARDJO developed a thought which was later identified as "*progressive law*". At the beginning of its presence, the terminology of progressive law feels strange and even confusing, because it is considered unclear the basis of whether this is classified in theory, critical thinking, a criticism, an attitude, a method of law or other things. Apart from that progressive law is of concern to legal scholars. The legal researcher takes the matter seriously through articles, loose notes, journals, books, and all other forms of writing. Students from Prof. Tjip himself developed a progressive law with various studies and later writing compiled in a book.

The presence of progressive law is in fact an intellectual anxiety of a legal scientist named Prof. Satjipto Rahardjo saw the relativity of the way of law, especially in eradicating corruption against the background of the new order and the beginning of reform. This anxiety also befalls a student of Prof. Tjip who works as a prosecutor. This anxiety worsened when the writer joined the KPK, a commission

that became the backbone as well as the people's hopes in eradicating corruption. Because even though it has become a respected institution in this country, at the beginning of the change of the regime of power from the sixth president to the current president has been shaken by setting part of the power elite is not so open with the presence of the KPK, even consider it a threat from power. This reality makes the existence of the KPK shaken and its motion space squeezed. Although some people have realized that this shock is conditioned by certain forces, but people who usually defensively defend as prefer silence rather than voice.

Progressive law was born out of anxiety over the operation of the law. This means that progressive law was born from the synthesis of the reality of the operation of law in Indonesia. It is on this basis that this progressive law lives. When legal workers succeed in maintaining the law in a way that is acceptable to society, then at that time the law becomes something that lives the soul and spirit that is maintained by law enforcement becomes a milestone of the death of the law itself. Progressive law can be identified through assumptions, components, goals, verification, spirit, progressiveness, study, contact with other theories, and the agenda of action.

The reality of fighting corruption in Indonesia has various deficiency including:

1. Abuse of Authority
2. Disharmony Relationship of Criminal Justice subsystem
3. Disharmony Legal Meaning
4. Judicial Relations Disharmony
5. Gaps in Institutional Authority
6. Disharmony Internal Bureaucracy Model
7. Selective Cutting
8. Not Touching Political Authority
9. Intervention of Political Authority
10. Financial Authority Interventions
11. Limited Asset Recovery

In combating corruption, a good, honest, intelligent, and courageous prosecutor is required to make a legal breakthrough as a

progressive legal concept itself. A good prosecutor figure is needed to kill in handling this. There is no abuse of power or authority. An honest prosecutor figure is needed to ensure that the handling of the case runs as it is without a hidden agenda that is exploited by other interests. An intelligent prosecutor figure is needed to ensure that prosecutors can face any legal advocacy as advanced by the parties involved. The last thing that is really needed is the courage of the prosecutors to make complex legal breakthroughs. The need for such prosecutors is expected to be the liberator of the downturn in fighting corruption. The term corruption has been very popular among the people. Starting from the ordinary people, the elite community, as well as among the media all of which endlessly compete in discussing corruption. Such conditions can cause corruption problems which should be classified as serious and must be denounced as they can be seen as normal. If that happens, it will be increasingly difficult to eradicate corruption.

Corruption eradication is the most effective legal learning media through the workings of investigators, public prosecutors, and judges. But not infrequently they themselves display corrupt ways; this can be traced through:

1. Eradication of corruption still conveys the message as if there is a selective cutting nuance
2. The average filing of criminal charges and convictions tends to be mild
3. From the criminal charges and fall, which tend to be mild, it turns out that they still get remission in such a way

Corruption has various meanings according to its field; therefore, the impact of corruption also varies. Viewed from the point of time the impact of corruption can be felt at that time and there are also those whose impacts are felt after a certain period. The impact of corruption based on the type and form depends on the type and form of corruption, this loss can be in the form of quantitative and culminative losses.

Sometimes corruption is considered something beneficial for the community, such as in the case of giving bribes or gratuities to

facilitate matters or facilitate services. However, that assumption is of course completely wrong. Therefore, the real effort to eradicate corruption is not only about law enforcement, but also building an anti-corruption paradigm in all aspects of life. The essence of understanding corruption in a juridical perspective and general understanding is the same, where the point of corruption is interpreted as an act of misusing authority or power for personal gain. The process of dealing with corruption is carried out in several stages, including:

1. Investigation of Corruption: performed by three institutions, namely the police, prosecutors, KPK.
2. Prosecution of Corruption done by prosecutors
3. Corruption Court

Criminal imprisonment or sanction can be done with a variety of other types of criminal sanctions, namely with additional crimes. The granting of additional crimes is certainly in line with progressive legal thinking that encourages law enforcement innovation and creativity in enforcing the law. Sanctions in the form of additional crimes that can be imposed include:

1. Additional Criminal Replacement Money
2. Criminal Additional Revocation of the Right to be Selected in a Public Position

The purpose of using the law can be seen from various aspects such as aspects of protection of individual and community interests. On the other hand, is in response to a crime where the aim is to provide sanctions. In another aspect is to achieve the legal goals of justice, expediency, and justice. Whereas in the context of corruption the purpose of using the corruption law is an effective effort in the context of achieving the goal of punishment in terms of returning assets resulting from criminal offenses. Guidelines for implementing the law

1. Specificity of Settings
2. Suitability of Article Elements
3. More Proven and Proven Possibilities
4. The Possibility of Achieving Criminal Objectives

Collaboration can be done either through diplomatic channels or channels between certain institutions tasked with dealing with corruption. International cooperation can be distinguished in 2 ways namely reciprocity in criminal matters and extradition. Reciprocal criminal problems in the scope of proof and trace assets while extradition related to people.

Participation can be done is by reporting the existence of criminal acts of corruption to law enforcement officials. The community has the right to seek, obtain and report information about alleged corruption and to give advice and opinions to law enforcement officials. On the other side of the government the government also gives appreciation to community members who have participated in the eradication of criminal acts of corruption. Salain was to ensure the protection of the reporter there are laws regarding the confidentiality of the reporter. The role of the media is also needed in combating corruption because of its role as a means of providing information to the public.

In this book, many things are related to corruption. These things include the notion of corruption in which both the juridical view and the general view have the same understanding. The impact of corruption also varies based on the type of corruption that occurs. In the law related to corruption is not only arbitrary to eradicate corruption but also has other objectives that are consistent with the objectives of law enforcement. Here also the task of law enforcement officers is not only to eradicate corruption, but to build a community paradigm of anti-corruption in all aspects of life.

Corruption eradication is not only done by the state apparatus. On the other hand, assistance from other institutions is also very much needed in handling corruption cases. In addition, participation from the community is also needed in the investigation process.

This book has the advantage of being the language used in this book easy to understand. Not only the theory and views of the author are given in this book, but this book is also accompanied by articles from various laws and regulations relating to the issues discussed. So that the reader understands that not only is the crime discussed a

crime in the eyes of the community alone, but this crime has been regulated in the law. Besides that, various data that support the information presented in this book are very relevant and real.

DATA of BOOK

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