

RESEARCH ARTICLE

INDONESIAN ANTI-CORRUPTION LAW ENFORCEMENT: CURRENT PROBLEMS AND CHALLENGES

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ABSTRACT

Corruption needs to be prevented and tackled not only because of its foul, but also economically cause financial losses to the state and is a violation of the rights of the social and economic community. This research is intended to analyze the law enforcement on some corruption cases in Indonesia. The results showed that the number of corruptions is still increase caused by factors such as lack of understanding of the law enforcement officers on duties and responsibilities, lack of morality of apparatus, as well as the lack of a functioning supervisory institutions. In completing a corruption case, should be implemented sincerely, careful meticulous in making the concept of charges and match with the formulation of the offense and the principles of the criminal before the case was transferred to the court. It should also improve the quality and improve the mental attitude of law enforcement officers.

Keywords: *Anti-Corruption; Corruption Eradication; Law Enforcement*

INTRODUCTION

Corruption in Indonesia has entered into an acute area or it can be said that it is at a very nadir point. Corruption is not only carried out jointly but has been carried out systemically by the parties in the hope of enriching themselves and others. The corruption cases are a form of resistance to the law committed by a part of the community or a small number of certain members of society who take refuge behind power or authority for their personal interests by harming state finances.

The powerlessness of law enforcement officers in this case makes it increasingly clear that corruption must be stopped immediately. Restoring trust in law enforcement officers must be carried out immediately. A strong sense of desire for law enforcers must be stimulated.

The existence of this extraordinary corruption certainly hinders the sustainability of development in Indonesia. Corruption as an extraordinary crime behavior threatens the ideals of the state which requires a more serious legal action, how corruption has hit Indonesian society everywhere and has entered all circles, as if there is no fear, shame, or sin for them. who commits a criminal act of corruptions.

To combat the corruption crime is very necessary law enforcers who are concerned with eradicating it. Therefore, based on the mandate of Law No. 30 of 2002, the Corruption Eradication Commission (KPK) is expected to be able to eradicate the criminal act of corruption, therefore there is a need for strengthening to carry out its duties not to weaken or criminalize the role and function of the KPK.

In the order of life as a state, the law regulates and is needed in almost all aspects of the behavior of social life. This is because the law, among other things, comes from the will of community behavior. Various problems that occur in society and in state life such as in Indonesia, should be related to the existence of law. Basically, because Indonesia is a country based on law (*rechts-staat*) and not a country based on power (*machtstaat*) alone. When a case occurs involving the social, cultural, economic, education, religion, and political dimensions, it is inevitable that the existence of law is questioned and even sued by the community. In Indonesia, the criminal act of corruption, which is detrimental to state finances and can torment the people, is carried out by means of the modus operandi of enriching oneself or others by abusing one's position on the trust of the state that has lasted since the state was founded.

The state often faces financial crises, is also heavily indebted, to international financial institutions, state losses as a result of heinous acts of corruption that never compromise the state's money.

Indeed, the issue of corruption has become an inseparable part of history from the journey of the Indonesian nation in filling the era of the proclamation of independence. The erosion of state finances for the benefit of certain individuals

or groups has occurred since Indonesia was proclaimed a sovereign state. Incidents of corruption seem to have become part of a deviant cultural behavior in many government and state bureaucratic institutions, as well as detrimental to the state and a sense of welfare justice for the people.

As a state based on law (*rechtstaat*), the Indonesian people need just legal protection, so that the people feel prosperity and prosperity, which is part of the goals and interests of humans who live in society, nation and state. According to Thomas Aquinas, the law which is based on *iustum* (justice), is an absolute product of reason. Regarding justice, Aquinas differentiates into three categories: (i). Distributive justice (distributive justice) which refers to the principle that the same is given equally, to those who are not given the same who are not. This is called geometric equality. (ii). *Iustitia commutativa* (commutative justice or exchange), refers to justice based on arithmetic principles, namely adjustments that must be made in the event of an act that is not in accordance with the law. (iii). *Iustitia legalis* (legal justice), which refers to obedience to the law.

Corruption in Indonesia is not committed by the public in the middle and lower level, but it is carried out by the middle to upper class society or it can even be said by people who are already overweight and highly educated. The question is why do they want to do this? Behaviors and lifestyles cannot be avoided but what is there is how to maintain the continuity of these behaviors and lifestyles so that they always run without stopping.

Committing the corruption crime, is now using a different format from the corruption crime in the past. Now this is done neatly by formatting from upstream to downstream and involving all parties, the government, in this case the technical ministry, the DPR as the supervisor and budget approver, the company that runs the project also has a very strategic role to regulate project activities so that the desire to win and run the project without getting hindered.

Currently, the misappropriation of state funds is carried out by State officials and those who are not state officials continue to increase even though the reform era has rolled out. Corruption, both at present and in the future data, remains a serious threat that can endanger the life of the nation and state, so that corruption should be an extraordinary crime.

Within the framework and scope of the reforms that have taken place in this country, people are increasingly made aware of the important role of law as a means of protection (social defense) in regulating the life of society, nation, and state in various aspects of life such as politics and economics. The role of law as a protector is reflected in neglecting the function of law as a means of social control, social change (social engineering) and law as a means of integration. For the Indonesian nation constitutionally, law functions as a means of upholding a democratic life, upholding a socially just life and upholding a humane life (Budiharjo, 2001; Pond, 1996).

The public's guidance to eradicate corruption is a reflection of the problem of law enforcement in this country, because corruption is a form of illegal act that harms the state and society. Corruption that occurs everywhere is an indication of the weakness of the legal function as a means of control, a means of change and an integrated means.

Hard efforts to eradicate corruption, collusion and nepotism (KKN) both in the fields of general government and development have not been followed by real and serious steps by the government, including law enforcement officials in implementing the State of Indonesia highly upholds legal protection for every citizens so that strength is needed over the facilities and infrastructure needed to support development in the legal field. In an effort to achieve the success of development in the field of law, it is necessary to support the improvement of facilities and infrastructure as well as an increase in the empowerment of the law enforcement apparatus, the strengthening, position and role of law enforcement agencies which are directly related to the law enforcement process.

Therefore, development planning must also include planning for community protection against law violations. The Indonesian nation is currently hit by a crisis of confidence in every segment of the life of the nation and state in the social, political, economic, trade, financial and industrial fields. A crisis of confidence occurs in economic institutions, government institutions, including the executive, judiciary and legislative bodies, financial institutions, banks and non-banks as well as party institutions, this is because a good, clean and free government from corruption has not been created.

Poerwadarminta states that corruption is a bad act such as embezzlement of money, receipts, bribes and so on. Syed Husein Alatas as quoted by Martiman Prodjoamidjojo explained that four types of corruption in practice have the characteristics of (1) always involving more than one person, (2) generally carried out in full secrecy, (3) involving elements of obligation and mutual benefit, and (4) with various kinds of reason protect behind the legal justification.

The material formulation of Law Number 31 of 1999 concerning Eradication of Corruption is carried out as a preventive effort to anticipate criminal acts of corruption which are increasingly difficult to prevent and eradicate. For cases of corruption that are difficult to prove, according to the provisions of Article 27 of Law Number 31 of 1999, the regulation allows for a Joint Team to be formed coordinated by the Attorney General which has the task and authority to investigate and prosecute corruption crimes. However, based on the judicial review submitted to the Supreme Court, this authority is no longer the authorization of the Attorney General.

Currently there is a Corruption Eradication Commission which has very broad duties and powers to investigate and prosecute acts of corruption, however, in theoretical and practical discourse, these laws and regulations have a function as an instrument (tool/means) in law enforcement efforts. This shows

that the tools/means or instruments to prevent, cope with, and take action against perpetrators of criminal acts of corruption are available. The urge to eradicate corruption has echoed, but in reality, the resolution of criminal acts of corruption, especially those that have attracted public attention, has had unsatisfactory results. The performance of the prosecutor's office in enforcing the law on corruption is considered by the public to be not optimal and maximized as demanded by the community. Based on these, the criminal law rules contain rules that determine the actions that cannot be carried out accompanied by threats in the form of punishment (sorrow) and determine the conditions for which the punishment can be imposed. The public nature of criminal law has a consequence that the criminal law is national in nature. Thus, Indonesian criminal law is enforced throughout the territory of the Indonesian state.

Whereas the material of criminal law which is full of humanitarian values results in criminal law often being described as a double-edged sword. On the one hand, criminal law aims to uphold human values, but on the other hand, criminal law enforcement actually imposes sanctions on misery for humans who violate it.

METHOD

Whereas this research method is carried out with two approaches, namely the normative juridical approach and the sociological juridical approach or socio legal research (non-doctrinal), to evaluate the relationship between normative and empirical aspects, to study/research (a combination) between normative juridical and sociological juridical. Type of this research is descriptive analysis in order to provide an overview of real facts accompanied by accurate analysis of laws and regulations that can be used as material for analysis or analysis related to the authorities and functions of the Police, Attorney General's Office and the Corruption Eradication Commission (KPK).

CORRUPTION CRIME: THE GROWTH OF CRIMES

Law, as a set of regulations (orders and prohibitions) that govern the order of a society, must be obeyed by all communities involved in the life of society, nation and state. In the law, there are prohibitions or orders that guide every person or legal subject to carry them out. Obedience is the main standard that will determine the image of the law in society, including for the implementer and for the law enforcer itself. Thus, the law will continue to maintain order in human relations where they are, so that security and order are maintained, in accordance with the objectives. very essential law, namely justice.

Law is directed entirely as a means to support development. Whereas what should have been development was only a means of enhancing human dignity. So, it is clear that by law we will create or make welfare for the community. Laws are made by the state and are not merely toolssocial engineering, but more than that, namely upholding justice and protecting human dignity. Not a few human rights have been entrusted to the law to be guarded or protected, because without any protection from this law, there will be many actions that have the character of being violated.

If a country has positioned itself as a rule of law (*rechtsstaat*), then the consequence is that the product of legislation becomes the benchmark for rule of game in the middle of people's lives, where the content of the norms in it will mention about prohibitions, orders, compliance and binding sanctions. This means that make the law a commander who cannot be defeated by any situation and condition.

If the law is abandoned, not only will its image fall and be tarnished, but its future will also be bleak and lose its credibility. Reference to this law is not intended to fulfill the needs of the authorities in behaving but is related to the macro interests of the life of the nation and the state, short and long term interests, including normative interests in associating with the international community which has entered the era of globalization.

If, the state issues laws and regulations, for example, related to "prevention and eradication of corruption crimes", as a form of legal product, of course the problems that should be considered or anticipated are not only short-term problems, but also related to welfare, as well as safeguarding state assets in a period of time. relatively long term. The law contains norms for protecting the interests of the people such as justice, freedom of choice, fair treatment, humane treatment, the right to welfare and decent work, including those with law enforcement. If the organizer of power implements the duties outlined by this law according to the will of the law,

It is the duty of the rulers to supervise that people must carry out their work in a position that is attained in accordance with their abilities, including in carrying out, enforcing legal problems as a regulatory system. The formulation of the definition of corruption can contribute to positive legal formulation, which illustrates that corruption Regarding moral aspects, bad character and condition, abuse of position in government apparatus institutions, abuse of power due to giving, economic and political factors as well as the placement of families, groups or groups into the service under office power, are part of the modus operandi of the criminal act of corruption.

According to Baharuddin Lopa, there are eleven causes of corruption, namely:

- 1) Moral depravity;
- 2) Weaknesses of the system;
- 3) Vulnerability of socio-economic conditions;

- 4) Indecisiveness in law enforcement;
- 5) the frequency of officials requesting donations from entrepreneurs;
- 6) Extortion;
- 7) Lack of understanding of the criminal act of corruption;
- 8) Government implementation and development that is completely closed;
- 9) There is still need to improve the control mechanism by the DPR;
- 10) The existing legislation is still weak; and
11. Combination of a number of factors (causes) ([Lopa, 1997](#)).

Efforts to eradicate corruption are influenced by the weak commitment of the power holders or the government and political elites to seriously fight corruption. Rule of law positively structured well to govern the whole country". A less comprehensive strategy to eradicate corruption, namely paying more attention to repressive actions, has also influenced it. Moreover, if the repressive actions taken are half-hearted, it will certainly not be effective in fighting corruption. Repressive actions that are firm and consistent need to be accompanied by preventive measures, improve the government management system, increase supervision, improve public service standards, transparency and openness of government administration, and public accountability as part of the development of good governance.

She every implementation of his duties in the government apparatus which is corrupt is marked by acts of bribery, extortion, nepotism and embezzlement. So that the eradication of criminal acts of corruption needs to be carried out with strong political will by the power holders through strong legal instruments, as well as to provide answers that the law has an interest in the rights and obligations of the legal community.

From a philosophical point of view, according to Roscoue Pound, the benefits of the classification of legal interests are (1) law as an instrument of social interest, (2) helping to make ambiguous premises clear, and (3) making legislators (legislators) become be aware of the principles and values involved in each specific issue. Law as protection of human interests is different from other norms. Because the law contains orders and / or prohibitions, and divides rights and obligations.

In terms of appreciating legal interests, it will produce conceptual legal products for legal interests that are related to the objectives of the law that are formally realized and are a concrete form of legal function.

Sudikno Mertokusumo, regarding the objectives and functions of law emphasized that: "in function as protection of the interests of human law has a goal to be achieved. The main purpose of law is to create an orderly social order, to create order and balance, by achieving order in society, it is hoped that human interests will be protected" ([Mertokusumo, 1999](#)).

In achieving this goal, the law has the duty to divide rights and obligations among individuals in society to divide authority and regulate how to solve legal problems and maintain legal certainty. An orderly society is an orderly behavior

and obeys the various laws and regulations that live and develop in society. Orderliness is a condition in which people live in an orderly manner, which means the balance of a state of society, which has the same rights and obligations without discrimination. The main legal duties are:

- 1) dividing rights and obligations among individuals in society;
- 2) share authority;
- 3) regulate how to solve legal problems; and
- 4) maintain legal certainty;

For solving the collapse of the law in eradicating criminal acts of corruption, it is necessary to have a concept of a legal product in the form of statutory regulations as needed. Activities of institutions that have the authority can take a legal system approach in order to make efforts and actions to eradicate corruption crimes.

Law is directed entirely as a means to support development. Whereas what should have been development was only a means of enhancing human dignity. So, it is clear that by law we will create or make welfare for the community. But how will prosperity be realized through development in all sectors because the law is violated by the perpetrators of corruption.

Development (order/system) of law in essence builds the entire system of national life, in essence, "law" is indeed a part (subsystem). from the socio-philosophical, socio-political, socio-economic, and socio-cultural systems. However, after the legal system/order that starts from socio-philosophical, socio-political, socio-economic and socio-cultural values is structured or formed democratically, the entire national life order in the social, political, economic, cultural and so on. it is stated in the legal system/order. So, the legal system that is formed/compiled basically means "the system of order (norms and values) of national life in the political, social, economic, cultural, and so on."

Among the three components of the legal system, the substance component gives birth to legislation regulating the authority of law enforcement institutions in eradicating corruption crimes, as well as a positive (formal) legal basis that provides formulations on corruption, legal actions, and legal sanctions against perpetrators of corruption. On the formulation of the criminal act of corruption, the state can carry out legal processes and efforts against perpetrators of criminal acts of corruption.

LAW ENFORCEMENT IN CORRUPTION CASES IN INDONESIA

Challenges in the dynamics of legal events that occur, especially in Indonesia, are challenges for the state in its position as a rule of law. Conceptual dynamism, application and enforcement of the law are elements of the legal system that are

continuously addressed, in order to create a legal position in a state of law and benefit the interests of society, nation and state.

there is a law that is responsive, the validity of the law is based on substantive justice and rules are subject to principles, and wisdom. Discretion is implemented in order to achieve goals. Coercion is more visible in the form of positive alternatives such as positive incentives or a system of independent obligations. The morality that appears is the "morality of cooperation", while legal and political aspirations are in a unified state. Injustice is assessed in terms of size and substantive losses and is seen as a growing problem of legitimacy. Opportunities for integration are expanded through the integration of legal aid and social assistance.

Soerjono Soekanto that in order for the law to function in society, it is necessary to have harmony between four factors, namely first, there is a systematic synchronization between legal principles or regulations both vertically and horizontally so that they do not conflict with one another; second, law enforcers have clear guidelines regarding their authority in carrying out their duties, as well as the quality of the officers' personalities to implement and obey the enacted regulations; third, the degree of community legal compliance with the law greatly affects the implementation of the law. The degree of legal compliance depends on the law-making process. Fourth, facilities or means of supporting the implementation of the law must be physically adequate.

It is undeniable that legal norms are the means used by society to direct the behavior of community members when they interact with one another. When it is mentioned here about "directing behavior", of course the question in us, "directing where"?

These norms direct human behavior as a priority in society itself. It is society that determines these directions and therefore we can see these norms as a reflection of the will of society. The will of society to direct the behavior of members of society is carried out by making a choice between the behavior which is approved and which is not approved which then becomes the norm in that society. Therefore, the legal norm is a requirement of judgments.

All living humans always want to be protected from their rights and obligations as intelligent living beings. Equity of law in all fields is a basic need that immediately gets a solution, so that each sector has protection. One form of protection provided by law is if it is enforced by law enforcement officials. The definition of law enforcement can be formulated as an effort to carry out the law properly, to monitor its implementation so that there is no violation, and if there is a violation of the law then restore the violated law so that it is re-enforced.

Satjipto Rahardjo formulated law enforcement as a process to bring legal desires into reality. Satjipto Rahardjo revealed that there are three things involved in the law enforcement process:

1. elements of legislators
2. elements of law enforcement officers

3. environmental elements that include citizens and social persons.

Law enforcement on corruption cases in Indonesia is still a homework for the Indonesian nation so that it can be accepted in its own country, "perpetrators of corruption and legal mafia", a sentence that becomes a polemic for the nation's children in upholding the law, in their own country as has been revealed in the 1945 Constitution. Observe Loebby Loqman's thoughts, that in the practice of law enforcement in terms of eradicating criminal acts of corruption it affects the operation of the Integrated Criminal Justice System as regulated by KUHAP, so that if the system is integrated it will close the possibility of weakening in law enforcement.

Furthermore, eradicating criminal acts of corruption in Indonesia, requires a firm commitment to law enforcement, so that these crimes do not continue to develop. Police, prosecutors, judges, advocates, and the community must be committed to fighting and eradicating corruption in Indonesia. In Indonesia, the existence of the KPK is a form of constitutional law politics in order to eradicate "Corruption Crime" which is considered an extra ordinary crime.

"*Crime*", according to Bambang Purnomo, (to use the term "criminal act"), is an act which is prohibited by the rules of the criminal law and punishable by any person who violates the prohibition ". The formulation contains the sentence "criminal law rule", intended to fulfill legal conditions in Indonesia which are still familiar with the life of written and unwritten law.

Tasks and the authority of the KPK according to Law Number 30 of 2002 Articles 6 and 7, Commission of Corruption Eradication has the task of:

- a. Coordination with agencies authorized to eradicate corruption.
- b. Supervision of agencies authorized to eradicate criminal acts of corruption
- c. Carry out investigations, investigations, and prosecutions of acts corruption crime.
- d. Take steps to prevent criminal acts of corruption.
- e. Monitor the implementation of state governments.

The mandate of the law makes the KPK a super body (super-body). All legal proceedings and legal remedies, since the investigations and prosecutions were carried out by the KPK. Corruption suspects are tried in a special corruption court (Corruption Court), not by a general court. Law Number 30 of 2002 gives the KPK the authority to take over cases of criminal acts of corruption that are currently being handled by other law enforcement agencies (police investigators and the prosecutor's office), if up to the specified limit the cases handled have not been resolved.

KPK is given the authority by law to take legal action of expropriation in a process of legal action against the perpetrator of a criminal act of corruption. Conditions for Taking Over Investigation and Prosecution Process according to Law Number 30 of 2002 Article 9, namely: Takeover of investigations and prosecutions as referred to in Article 8, is carried out by the Corruption Eradication Commission for the following reasons:

- a. Public reports regarding criminal acts of corruption are not followed up.
- b. The process of handling corruption crimes drags on or is delayed without justifiable reasons.
- c. Handling of corruption is aimed at protecting the real perpetrators of corruption.
- d. The handling of criminal acts of corruption contains elements of corruption.
- e. Obstacles in handling criminal acts of corruption are due to interference from the executive, judiciary, or legislative.

In other circumstances, according to the consideration of the police or the prosecutor's office, handling corruption is difficult to carry out properly from being accountable. In carrying out its duties and functions, the KPK has the authority to carry out investigations, investigations and prosecutions against perpetrators of corruption. This authority is the same as that of Police Investigators and Public Prosecutors. That is why these three institutions have a relationship of authority in the eradication of corruption in Indonesia.

In accordance with the criminal justice system, the task of investigating and investigating corruption is carried out by police investigators. In Indonesia, since the beginning of the reform era, the condition of law enforcement, especially regarding criminal acts of corruption, has been considered an emergency act against corruption. That is why the KPK institution was formed.

Even though there is a KPK, it does not mean that police investigators are no longer entitled to investigate corruption cases. Investigating corruption is one of the duties of the police in the context of law enforcement. In Police Law Number 2 of 2002 concerning the Indonesian National Police, Article 14 paragraph (1) g, states that the police are tasked with conducting investigations and investigations of all criminal acts in accordance with the criminal procedure law and other laws and regulations. Corruption is a criminal act so that legal action can be taken by police investigators.

There is no special division of authority between police investigators and the KPK. However, the two institutions can take legal action against the perpetrators of criminal acts of corruption, based on reports that have been received regarding the allegation of corruption. To date, there is no legal provision that does not authorize police investigators to deal with corruption crimes. Big or small, related to a suspected corruption crime, police investigators are obliged to take legal action. Thus, the existence of the KPK is not an obstacle to police work. However, based on the provisions of the law substantially, the Corruption Eradication Commission can carry out a functional relationship with authority, such as legal actions for coordination, supervision,

The two law enforcement institutions, the police and the prosecutor's office based on the law, can and or have the opportunity to combine their functions of authority to work together in eradicating corruption crimes, including coordination, supervision and exchange of intelligence information about corruption crimes that have occurred and sharing data on progress of cases

handled. The two institutions can also synchronize the data obtained in relation to corruption cases so that each institution can complement each other if there is a lack of data.

The team of investigators and investigators at the KPK are currently from the police. This is because the police institution has qualified and well-trained investigative and investigative capabilities as well as professionals. Police investigators who are seconded to the KPK are fulfilled based on needs. The KPK submitted a request to the Police to assist its members to assist the KPK based on the number of needs. After that administrative selection is carried out by the KPK, then a potential, competency and health test is carried out and then ends with an interview. The same procedure also applies to personnel who come from the prosecutor's office.

At the time of carrying out an investigation and investigation of a corruption case, the police investigator has full authority to carry out the investigation. For this reason, as long as Polri investigators are professional and proportional, the KPK cannot take other actions apart from the police investigator. In the law, the KPK can take other actions if, among others, there are complaints from the public regarding the investigation process. Complaints can be caused because the handling of the case is too long-winded and unclear, resulting in allegations of disproportionate agreements between the investigator and the suspect. Or there are allegations of manipulation of case investigations so that the main actors of corruption are spared punishment.

Apart from the police, the KPK also has a relationship with the prosecutor's office. This relationship is because the KPK also has the authority to carry out prosecutions. The task of the prosecution has been the domain of the prosecutor's office. The Prosecutor's Law No. 16 of 2004, article 30 paragraph (1) a, states that the prosecutor's office has the duty and authority to carry out prosecution in the criminal field. Of course, as an institution that also has the authority to carry out prosecutions, the KPK needs personnel from the prosecutor's office to carry out the prosecution.

To recruit prosecutors from the prosecutor's office, the KPK submitted a request for the need for public prosecutors to the Attorney General. After the request is approved by the prosecutor's office, an internal selection will be carried out by the KPK for these people. Through such a mechanism, we get the best public prosecutors to eradicate corruption within the KPK.

The consequences of the issuance of Law Number 30 of 2002 concerning The KPK is the establishment of a Special Corruption Crime Court (Tipikor Court) which is in the environment of the general court. The Corruption Court has the duty and authority to examine and decide on criminal acts of corruption whose prosecution has been filed by the Corruption Eradication Commission. Its existence is to adjudicate criminal acts of corruption, namely, the District Court and the Corruption Court. The difference lies in the agency that filed a criminal action against corruption, namely the KPK, or the Attorney

General's Office. Meanwhile, the criminal act of corruption under the authority of the two courts is the same, namely the criminal act of corruption as regulated in Law No. 20 of 2001 concerning the Eradication of Corruption Crime. Substantially and structurally, law enforcement in Indonesia requires legal empowerment in accordance with the functions and objectives desired by the law ([Mahendra, 2003](#)).

The term "corruption" comes from the Latin *corruptio* or *corruptus*. Furthermore, it is stated that the *corruptio* comes from the word *corrumpere*, which is ancient Latin. It is from Latin that it is translated into European languages, such as in English it becomes corruption, corrupt; in French there is corruption; and in Dutch it becomes corruptive (*korruptie*). In the Indonesian Encyclopedia, it is stated that corruption comes from the word corruption which means bribery, and *corrumpere* which means destructive. Corruption is thus a symptom where officials in government agencies abuse their authority, resulting in bribery, counterfeiting, and other bad things. Literally, the word corruption can mean crime, ruthlessness, bribery, immorality, corruption, and dishonesty. bad actions such as embezzlement of money, receiving bribes and so on; actions which in fact can lead to bad conditions.

Thus, the definition of corruption is so broad and is also strengthened by the many problems that arise as a result of these actions and result in low social morality in society. Whereas one of the objectives of law is the existence of order or being fulfilled by the existence of rules of order, the provisions related to this order in terms or norms that state their position in society as legal norms. With the existence of such norms, the position that is most emphasized is legal norms, although other norms are no less important in people's lives ([Purnomo, 1983](#)).

To create a social order, the state establishes and ratifies laws and regulations to regulate society. These regulations have legal sanctions that are compelling. This means that if the rule is violated, the violator can be punished. The type of punishment that will be imposed on the offender will depend on the type of rule being violated. In principle, each regulation contains a coercive nature, meaning people who do not want to submit to and are subject to sanctions for the violation.

The law used as a means of renewal can be in the form of law or jurisprudence or a combination of both. In Indonesia, the most prominent thing is legislation. Jurisprudence also plays a role, but to a lesser extent. It is different in countries that adhere to common law and precedential systems, of course the role of jurisprudence will be much more important ([Rasjidi, 2004: 79](#)).

Political parties are not used as a tool to fight for the interests of the people at large, but instead become an arena for exploiting personal wealth and ambition. Even though the criminal act of corruption is a very serious problem, because the criminal act of corruption can endanger the stability and security of the State and society, endanger social, political and economic development of society, it can even damage democratic values and national morality because it

can have an impact on the culture of corruption. the. So, it must be realized that the uncontrolled increase in criminal acts of corruption will have an impact not only limited to losses to the State and the national economy but also on the life of the nation and state.

Violation of the law in the criminal act of corruption is a violation of social rights and economic rights of society, so that the criminal act of corruption can no longer be classified as an ordinary crime but has become an extraordinary crime. One of the factors of the occurrence of corruption in Indonesia according to Abdullah Hehamahua, based on studies and experiences there are at least eight causes, namely as follows:

- 1) Wrong State Administration System
- 2) Low compensation for civil servants
- 3) The Greedy Official
- 4) Law Enforcement Doesn't Work
- 5) Because law enforcement does not work where law enforcement officers can be paid starting from the police, prosecutors, judges and lawyers, the sentences imposed on corruptors are very light so that they do not have a deterrent effect on corruptors.
- 6) Ineffective Surveillance
- 7) No Leadership Exemplary
- 8) Community Culture that is conducive to corruption, collusion, and nepotism

According to the 1945 Amendment to Article 1 paragraph (3): Indonesia is a rule of law country. As befits a constitutional state, the interests of the public must receive protection from the government, as stated in Paragraph IV of the 1945 Constitution. Such protection is the rights of citizens which are regulated and spelled out in various laws and regulations. Citizens have the right to live in safety, peace, tranquility, and avoid various crimes. Whenever a crime occurs, law enforcement officials must immediately act according to their authority. With the actions taken by law enforcement officials, it is hoped that crimes will not become more widespread. When law enforcement is not good as it is today, crime will develop, corruption is increasingly rampant, bribery cases occur everywhere.

For instance, the offender of narcotic crime can only be controlled from the correctional institution. Finally, however good the existing laws and regulations ultimately depend on the law enforcement apparatus. In the process of law enforcement against corruption crimes, there is a fact that selective logging law enforcement practices exist. Not only is this contrary to the principle of law that all citizens have the right to be treated equally before the law, but it is also treated unequally. As for the reason for the law enforcement of the police and prosecutors, not only because corruption cases are often seen as cases that bring 'blessings', especially for lawyers, but also because of the existence of the Corruption Crime Law and the Corruption Eradication Commission Law.

Dualism in the eradication of corruption crimes as stipulated in the Corruption Crime Law and the Corruption Eradication Commission Law.

The reasons and facts that selective logging and unequal treatment before can be put forward as follows:

- 1) The practice of law enforcement in selective cutting of defendants or suspects occurs when both the police, prosecutors, and community forces, as a civil society movement, allow criminals not only to roam freely and even become candidates for regional head, but also after obtaining a judge's decision even though they can be returned to certain public positions. This usually happens when a defendant, suspect or convict can be used as a source of money because they are able to pay law enforcement officers who abuse their authority.
- 2) The treatment of law enforcers is unequal or selective due to the nature of the Corruption Eradication Commission Law which deliberately includes the grouping of law enforcement processes into two categories. The first category is corruption which causes state losses of less than Rp. 1 billion to be processed by the Police and Prosecutors. In this model of corruption crime enforcement, the public gives the impression that law enforcement officials, both at the central and regional levels, have flexible space to postpone investigations and investigations. As a result, the perpetrators of this model of corruption crimes show not only the absence of legal certainty in their prosecution but with this delay inviting dissatisfaction for the public. Meanwhile, the second category of corruption is an act of someone who has caused state losses over IDR 1 billion, whose legal process authority is through the KPK. In cases handled by the Corruption Eradication Commission (KPK), the impact was enough to cause frightening shocks for the accused, suspect and convicted. The KPK is much more assertive and is seen as the most trusted law enforcement agency in the country.

In criminal law theory, legal sanctions imposed on criminals are not only seen as laws that cause physical and psychological suffering and are limited by freedom of civil and political rights, but it is also hoped that the perpetrators of crimes will feel deterred so that they do not want to commit again.

Defendants in corruption cases are only sentenced to probation or even acquittal or release, so that with this verdict, corruption defendants no longer need to serve a sentence in prison. The eradication of corruption in Indonesia is experiencing a setback. Generally, they were sentenced to one year in prison with a probation period of two years. Total That there is a tendency for judges to sentence a corruption defendant in accordance with the minimum penalty limit stipulated in the Corruption Criminal Act.

CONCLUSION

Whereas criminal acts of corruption are generally related to power because with that power the authorities can abuse their power for personal, family and crony interests. Corruption always develops in the public sector with clear evidence that it is with this power that public officials can pressure or blackmail justice seekers or those who need services from the government. Corruption in Indonesia has been classified as a crime that destroys, not only the State's finances and the country's economic potential, but also has destroyed the pillars of socio-culture, morals, politics and the legal system and national security. At present, efforts to eradicate corruption crimes through fair law enforcement still require a tough struggle. Because the crime of corruption is an extra ordinary crime, which is different from ordinary crimes, the efforts that must be made require an integrated and extraordinary system as well. As an extra ordinary crime to eradicate corruption, it requires extraordinary political power so that the President as head of state becomes an important figure in mobilizing and coordinating the roles of the Police, Prosecutors, Corruption Court, and KPK to become a powerful force, so that the practice of corruption, collusion and nepotism is like bribery, price inflations, gratuities, and other misuse of authority are carried out by unscrupulous civil servants or state officials.

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