

Legal Review of Cases of State Losses in Corruption Crimes Cases of Uninhabitable Houses for Impoverished Communities

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Abstract. Corruption in housing projects devastates public trust in government, worsens poverty, and demands robust law enforcement. Urgent, transparent actions are crucial under Anti-Corruption Law to protect citizens' rights. Reforming project oversight is vital to prevent recurrence, restore trust, and ensure effective public benefit. This type of research is Normative investigation by using statutory and conceptual approach. It relies on secondary data. Data analysis is done descriptively qualitatively. Drawing conclusions is done by deductive method which is analyzed descriptively and qualitatively. Then, it is concluded from general to specific insight, particularly on related to the topic, namely Legal Review of Cases of State Losses in Corruption Crimes: Cases of Uninhabitable Houses for Impoverished Communities. This research produces findings. In conclusion, corruption in the project of building uninhabitable houses for the impoverished community is a serious violation of the law and the principle of social justice. This violation not only damages the state finances but also hinders efforts to improve the quality of life of the needy population. Based on Law Number 31 of 1999 concerning the Eradication of Corruption Crimes and the Criminal Code (KUHP), these corrupt individuals must be punished severely to deter others and ensure justice is upheld.

Keywords: Legal Review; State Loss Case; Corruption Criminal Act; Uninhabitable Houses; Impoverished Communities

1 Introduction

In a country that upholds the principles of justice and the welfare of its people, law enforcement against corruption is crucial. One case that has surfaced and requires a deep legal review is corruption in the project of building uninhabitable houses for the impoverished community. This case reflects a serious violation of the constitutional mandate and laws that guarantee the basic rights of every citizen to obtain decent housing. Based on Regulation Number 31 of 1999 concerning the Destruction of Debasement Wrongdoings, as changed by Regulation Number 20 of 2001, defilement is an extraordinary crime that not only damages the state's finances but also hampers poverty alleviation efforts[1].

With regards to this case, the state misfortunes brought about by debasement in the undertaking of appalling houses are huge. According to Article 2 paragraph 1 of Law Number 31 of 1999, anyone who unlawfully enriches themselves, others, or a corporation to the detriment of the state's finances or economy shall be punished with a fine of at least 200 million rupiahs and a prison term ranging from a minimum of four years to a maximum of twenty years. In this case, funds that should have been used to build suitable homes for the impoverished community were diverted for personal or certain group interests, resulting in the loss of the basic rights of many citizens.

Moreover, Article 3 of a similar regulation declares that any individual who, with the point of helping themselves, others, or an enterprise, mishandles their power, opportunity, or means accessible to them because of their situation or status, which might hurt the state's funds or economy, will be rebuffed with detainment going from at least 1 year to a limit of 20 years or potentially a fine going from no less than 50 million rupiahs to a limit of 1 billion rupiahs. The abuse of authority by individuals involved in this project clearly violates this provision, as they exploit their positions to enrich themselves at the expense of the welfare of the poor[2].

The continuing prevalence of corrupt behavior among society is partly caused by the widespread lack of understanding of the concept of corruption. Throughout Indonesia, the term "corruption" is well-known. Almost everyone has heard of corruption, from rural villagers to academics, civil servants, private individuals, law enforcement officials, and government officials. However, if asked what corruption is and what types of actions constitute corrupt practices.[3] It's almost certain that very few can provide accurate answers. Ironically, the impact of corruption destroys humanitarian and environmental resources and is exacerbated by state monetary flops reaching trillions of rupiah. Besides that, corruption has weakened the democratic system, delegitimized the rule of law, and hampered sustainable development. The case becomes worse if glimpsing at the banking sector where corruption has destroyed the banking and financial system, leading to the collapse of a country's economy.

Apart from demanding criminal sanctions for acts of corruption, filing civil lawsuits is considered a powerful weapon that directly targets perpetrators of criminal acts to recover assets resulting from corruption. This action is usually carried out if inappropriate assets are found that have been mentioned in previous decisions, and other anonymous assets or have not been identified as earnings of corruption. Of course, this makes things difficult considering that civil lawsuits for the return of assets in corruption cases can only be carried out if criminal efforts to return state losses to the state treasury are no longer possible[4]. Conditions where criminal measures are no longer viable include insufficient evidence being found, the death of suspects, defendants, or convicts, the acquittal of defendants, or when there is suspicion that there are corrupt proceeds that have not been confiscated for the state, even though the court's decision has acquired legal force. With the provision of civil lawsuits for asset forfeiture in the Anti-Corruption Law.[5]

The impact of corruption in the project of unfit housing is extensive and damaging. It not only diminishes public trust in the government and related institutions but also exacerbates poverty conditions. Many families that should receive housing assistance are forced to live in inadequate and unsafe conditions, negatively affecting their health and quality of life. This underscores the urgent need for firm and transparent law enforcement against corrupt actors to

ensure that the basic rights of citizens are protected. Therefore, it is crucial for law enforcement authorities to take decisive action in resolving these cases. Through the application of relevant provisions in the Anti-Corruption Law, it is hoped that perpetrators can be appropriately punished. Furthermore, the government needs to reform the oversight and management systems of social projects to prevent the recurrence of corrupt practices. This action is not only to deter perpetrators but also to restore public trust and ensure that every government program is truly enjoyed by those in need.[3]

Furthermore, the review of corruption as viewed from the perspective of national law. The definition of corruption has actually been clearly stated in Regulation Number 3 of 1971 concerning the Demolition of defilement. Most of the reduction in value in these regulations has been mentioned in the Criminal Procedure Code (KUHP) which was passed before this country became independent. However, until now, public understanding of the definition of corruption is still very lacking. Understanding corruption more deeply is also not an easy thing. In view of Regulation Number 31 of 1999 concerning the destruction of defilement and Regulation Number 20 of 2001 concerning the destruction of debasement, degenerate way of behaving that has been viewed as normal and typical can be pronounced as a lawbreaker demonstration of debasement. Such as giving tips (gifts) to state officials related to their position, and if not responded to, it could be a type of wrongdoing that lowers the dignity of the Defamation Eradication Commission (KPK).[6].

The eradication of corruption in the project of building unfit housing for the underprivileged community is a crucial step in ensuring justice and social welfare. In this case, besides referring to Regulation Number 31 of 1999 concerning the Destruction of Defilement, as changed by Regulation Number 20 of 2001, it is likewise critical to allude to the Crook Code (KUHP). Regarding fraud, Article 378 of the Criminal Code and Article 372 of the Criminal Code regarding embezzlement, can be applied in cases where funds allocated for the project are misused or taken unlawfully. Article 372 states that “Whoever intentionally and unlawfully possesses any goods that are wholly or partially owned by someone else, which are in their possession not through a crime, is threatened with embezzlement, with a maximum imprisonment of four years or a maximum fine of nine hundred rupiahs.”[7].

Several individuals with occupational and educational backgrounds who have carried out various corruption cases can provide valuable lessons for policymakers and the entire community. Many public officials at the ministerial, governor, regent/mayor, and lower level officials commit corruption, therefore the Corruption Eradication Commission (KPK) was formed by the Government as a response to the high number of criminal cases. Crimes such as corruption do not depend on the position held. or how high a person's salary is because when it is related to the level of welfare, both in terms of education and family strata, the average perpetrator of corruption is at a prosperous level. So, it can be assumed that corrupt behavior can be influenced by opportunities and personal or group interests [1].

2 Method

This research is of a Normative type. The approaches used are the statutory approach and conceptual approach. Secondary data sources are utilized. Data analysis is conducted descriptively and qualitatively[8]. Conclusions are drawn using a deductive method, which entails deriving conclusions from general to specific, particularly related to the research topic, namely the Legal Review of Cases of State Losses in Corruption Crimes in the Case of Unfit Housing for the Underprivileged Community. Qualitative data analysis is conducted when empirical data obtained consist of a collection of verbal expressions rather than numerical sequences and cannot be categorized. Data can be collected through various methods such as observation, interviews, document analysis, and recordings. Qualitative data would go through preprocessing before being utilized, which involves transcribing interviews, reducing data, conducting analysis, interpreting data, and performing triangulation [9].

3 Result And Discussion

3.1 Legal Review of Cases of State Losses in Corruption Crimes in the Case of Unfit Housing for the Underprivileged Community

This corruption case also violates Article 2 and Article 3 of Law Number 31 of 1999, as mentioned earlier. Here, we can see that corruption not only harms the state's finances but also exacerbates the socio-economic situation of vulnerable communities. Corruption in this project hampers the government's efforts to provide decent housing for the poor, which should be a top priority in improving the quality of life for the people. Article 2 paragraph (1) of the law states that anyone who intentionally commits acts that may harm the state's finances, directly or indirectly, will be subject to severe punishment. Furthermore, Article 3 adds that the abuse of authority by public officials who benefit themselves or others at the expense of state finances will also face harsh sanctions. This demonstrates the government's seriousness in combating all forms of corruption that adversely affect the economy and the welfare of the people[10].

In the context of state administrative law, this case also reflects a violation of the principles of good governance as regulated in various other regulations, such as Law Number 30 of 2014 concerning Government Administration. The principles of transparency, accountability, and public participation outlined in this law are crucial in preventing and combating corruption. Non-compliance with these principles in the project of inadequate housing highlights the need for strengthening supervision and control mechanisms at every stage of project implementation.

Therefore, firm and consistent law enforcement is essential to address this issue. Law enforcement agencies must collaborate with relevant institutions to ensure that the entire legal process is conducted transparently and fairly. Additionally, the government must also improve the management and supervision systems of social projects to make them more transparent and free from corrupt practices. These decisive actions aim not only to punish corrupt actors but also to restore the rights of the affected communities and ensure that government programs truly benefit those most in need[2].

In the process of returning corruption through criminal channels, surely there is a trial involving a judge as the party who can impose the main sentence and additional forfeitures. According to Lilik Mulyadi, if detailed, then Through this criminal procedure, the judge can impose additional penalties that are related to the return of assets, including the following: 1. Seizure of portable or steady property that is substantial or elusive or property utilized for or got from the demonstration of defilement, including organizations possessed by the indicted individual where the demonstration of debasement was committed, as well as the cost of supplanting those things. (Corruption Eradication Law, Article 18, Paragraph (1), Letter A); Compensation in the amount of the maximum amount of property obtained through the act of corruption. In the event that the sentenced individual doesn't pay remuneration cash as alluded to in section (1) letter b inside a greatest time of 1 (one) month after the last and restricting court choice, then their resources might be held onto by the examiner and sold to cover the pay cash. If the person concerned does not have sufficient resources to pay the cash as intended in paragraph (1) letter b, then he or she will be subject to detention for a maximum period not exceeding the most serious penalty for the main crime as intended in this regulation, the terms and conditions are not entirely determined by the court's choice. (Article 18 paragraph (1) letter b, paragraph (2), (3) Debasement Destruction Regulations) [11].

The Indonesian government has endeavored to afford maximum handling for the problem of corruption through the legal framework established by laws. However, as widely known, the public still perceives that the state needs a miraculous cure for the societal ailment in Indonesia called corruption. Abuse has become a legitimate issue that gets specific consideration in the act of policing the Republic of Indonesia. This is evidenced by the growing prevalence of corruption cases in Indonesian society. Corruption offenses are increasingly widespread today, affected by the rising level of societal needs each year. Economic necessities often have a significant impact on people's lives, leading individuals to consider corruption as a quick fix.

Corruption offenses are specifically controlled outside the Criminal Code, abbreviated as KUHPidana, namely in the Law as abbreviated UU No. 31 of 1999 and UU No. 20 of 2001, respectively, on the Prevention of Corruption, abbreviated as UU PTPK. The law specifies several qualifications of acts that can be considered as corruption offenses. However, in various cases, the offense most frequently brought to court and prosecuted is as specified in Article 11: Article 11 of the UU PTPK makes reference to that 1. Government employees or state authorities; 2. Getting gifts or commitments; 3. Knowing; 4. Reasonable suspicion that the gift or promise was given because of their position's power or authority, or that the gift or promise's giver believes there is a connection to their position.[10]

3.2 The Urgency of Legal Review on Cases of State Losses in Corruption Crimes of Uninhabitable Housing for Impoverished Communities

To prevent the recurrence of corruption cases in the construction projects of uninhabitable houses for impoverished communities, systemic reforms in government project management are crucially needed. One step that can be taken is to tighten oversight and accountability mechanisms by involving various stakeholders, including independent institutions such as the Corruption Eradication Commission (KPK) and the Supreme Audit Agency (BPK). Active participation of the community and media should also be encouraged to create a transparent and accountable environment, where every public fund used can be

carefully monitored. Moreover, it is important to provide education and training to public officials on ethics and integrity. With adequate knowledge, it is hoped that officials can fulfill their duties responsibly and resist the temptation to engage in corrupt practices. Implementing anti-corruption curricula in formal and non-formal education can also be an effective way to instill values of honesty and integrity from an early age[7].

The limitation regarding the State Economy according to the Law is as follows: the monetary life coordinated as a joint exertion in view of the guideline of family relationship or regional efforts are freely based on the Government's strategy at the focus and territorial levels according to regulations of the predominant regulations and guidelines aimed at providing benefits, prosperity, and welfare to the entire population. The law intends to anticipate deviations in state finances or the economy perceived as increasingly advanced and complex. Subsequently, the crook demonstrations of debasement controlled in this Regulation are formed as extensively as conceivable to envelop demonstrations of enhancing oneself or others or a alliance illegitimately. The detailing and illegitimate demonstrations in debasement offenses additionally integrate unpardonable expressions by the feeling of equity of the local area, should be arraigned and rebuffed. Illegal demonstrations here envelop both formal and material viewpoints, implying that regardless of whether the demonstration isn't controlled in regulation, this is deemed to be unforgivable on the basis of a sense of justice or accepted customs in society, so the demonstration can be blamed as per the Clarification of Article 2 Paragraph 1 of Regulation Number 31 of 1999 [4].

Criminal irreverence is a unique regulation with strict details. It makes the rule not the same as criminal regulations when viewed from the material being managed, so it appears as if there are deviations from technical rules. In this way, criminal corruption is expected to serve to limit leaks and irregularities in state finances and the economy. By anticipating these deviations as fast as possible, it is hoped that economy wheels and development can continue to run as they should, which will gradually increase development and prosperity for the general public. In special criminal law, there are provisions that deviate from the general provisions of criminal law (Criminal Code). In this way, criminal corruption is expected to serve to limit leaks and irregularities in state finances and the economy. By anticipating these deviations as fast as possible, it is hoped that economy wheels and development can continue to run as they should, which will gradually increase development and prosperity for the general public.[2].

Furthermore, criminal acts of corruption relate to evidence which is very important because of its nature as a formal criminal act in this law.[12] With the formal formulation adopted in this law, it implies that regardless of whether the returns of debasement have been gotten back to the express, the culprits of defilement are as yet brought to court and rebuffed by the Clarification of Article 4 of Regulation No. 31 of 1999. The explanation of this article is that in the case of perpetrators of corruption, committing acts that fulfill the elements of the mentioned article, where the return of state or national economic losses, which has been carried out, does not forgive the discipline of the culprit of the criminal offense. The arrival of state or public monetary misfortunes doesn't pardon the discipline of the culprit of the criminal offense. Returning state asset losses is only one factor that can lighten the punishment for the perpetrators, although it does not eliminate their responsibility. The law regulates corporate matters as the subject of criminal acts of corruption which can be subject to criminal sanctions, which were not previously regulated in the corruption law, namely Law Number 3 of 1971 [7].

The role of technology must also not be overlooked in the efforts to combat corruption. Transparent and integrated e-government systems can help reduce opportunities for abuse of power. Through the implementation of advanced information technology, government procurement processes can be monitored in real-time, and every financial transaction can be easily traced. This not only enhances efficiency but also reduces the potential for corruption.

Furthermore, the need for firm and fair sanctions against corrupt individuals cannot be denied. Consistent enforcement of sanctions in accordance with Law No. 31 of 1999 and the Criminal Code will deter current and potential perpetrators of corruption.[13] In handling corruption case in the construction of uninhabitable houses, maximum penalties must be applied to send a strong message that such actions will not be tolerated and will be punished to the fullest extent.

Finally, the recovery of state losses and the restoration of community rights must be prioritized in resolving this corruption case. The legal process should include efforts to recover misappropriated funds, so that they can be used as intended to build suitable homes for the less fortunate. Thus, even though the perpetrators have been punished, the rights of the community are restored, and the original goal of the project to improve the welfare of the poor can be achieved.[4]

4 Conclusion

1. In conclusion, corruption in the construction of unfit housing for the underprivileged community constitutes a serious violation of the law and principles of social justice. This violation not only damages the state's finances but also hinders efforts to improve the quality of life for impoverished communities in dire need of assistance. Based on Law Number 31 of 1999 concerning the Eradication of Corruption Crimes and the Criminal Code (KUHP), these corrupt individuals must be punished to the fullest extent to serve as a deterrent and ensure justice is upheld.
2. Preventive and punitive measures are crucial to address and prevent corruption in the future. Strengthening supervision, implementing information technology, and educating public officials on ethics and integrity are some steps that can be taken to bolster the system. Collaboration among the government, independent institutions, media, and civil society is also essential to create a transparent and accountable environment where every use of public funds is closely monitored.
3. Lastly, efforts to recover state losses and restore community rights must be the primary focus in resolving this case. Fair and consistent law enforcement, along with the return of misappropriated funds to build suitable housing for the underprivileged, will help restore public trust and ensure that government programs truly benefit those in need. With these measures, it is hoped that justice can be upheld and the welfare of the community can be enhanced.

5 Suggestions

1. It is hoped that the law directly mentioning elements found in the Criminal Code (KUHP) that were previously not explicitly stated in Law Number 31 of 1999 will facilitate the selection of legal material and provide clarity on the objects regulated by the law. In the fight against corruption, there is the significance of both enforcement and prevention of corruption, as well as room for increased community participation, which should be enhanced through improving public access to information.
2. It is hoped that law enforcement to eradicate conventional corruption practices, which has proven to face various obstacles, can be strengthened through extraordinary law enforcement methods by establishing a special body with broad, independent authority free from any influence in the effort to combat corruption, with its implementation being carried out optimally, intensively, effectively, and professionally.
3. The success of combating corruption should not only be measured by the success in prosecuting perpetrators of corruption but also by the level of success in recovering corrupted state assets.

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