

Enforcement of Corruption Criminal Laws (TIPIKOR) in the Perspective of Law Number 31 of 1999 Concerning Eradication of Corruption Crimes

Azis Budianto¹, Eva Berta Pattinasarany²

{hukkrim@yahoo.com¹, eva.sucimadiolawfirm@gmail.com²}

Universitas Borobudur^{1,2}

Abstract. Corruption undermines a country's foundation and has spread throughout society in Indonesia. Despite reform efforts, corruption remains a major problem that cannot yet be resolved completely. This type of research is Normative research and used statutory and conceptual approaches. The data source used is secondary data. Data analysis was carried out descriptively and qualitatively. Concluding is carried out using a deductive method related to the research topic, namely Law Enforcement of Corruption Crimes (TIPIKOR) in the Perspective of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes. This research resulted in the finding that the criminal act of corruption is an extraordinary crime that damages and threatens the very foundations of the nation's life. Corruption has damaged all areas, not only damaging the executive, judicial, and legislative sectors, but corruption has also spread to society in general. According to Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Corruption Crimes, corruption is the unlawful act of enriching oneself or another person or a corporation which harm the state's finances or the state's economy. In terms of overcoming corruption, policies or efforts to overcome it through criminal law are very strategic. Overcoming corruption crimes through criminal law policies is an integral part of efforts to protect society (social defense) and efforts to achieve social welfare.

Keywords: law enforcement, corruption crimes, law no 31 of 1999

1 Introduction

The crook demonstration of debasement is conduct that veers off from the authority obligations of a state position due to individual increase of status or cash (individual, close family, own gathering) or disregards the principles for executing specific individual way of behaving. Defilement is a demonstration that is extremely impeding to state and local area funds so it can upset the course of public turn of events, hence it should be totally killed. The lawbreaker demonstration of debasement is an exceptional wrongdoing that harms and undermines the actual groundworks of the country's life. Without realizing it, corruption has damaged all areas, not only the executive, judicial, and legislative sectors, but corruption has also spread to society in general. In the meantime, as per Law of the Republic of Indonesia Number 31 of 1999 concerning the Destruction of Criminal Demonstrations of Defilement, what is implied by debasement is the unlawful demonstration of carrying out demonstrations of improving oneself or someone else or an enterprise which can hurt state funds or the state

economy. Criminal regulation in Indonesia sees criminal demonstrations of defilement as a significant issue that can't yet be settled totally by this country. One of the change plans is destroying debasement which has flourished and has turned into an infection inside the Indonesian country. All endeavors to kill debasement have been made by the New Request government, up to the time of Susilo Bambang Yudhoyono. However, the results have not decreased, in reality, corruption has become more intense.[1]

Debasement is a crook act that can't be isolated from the issues of the state, state authorities, or individuals who have a regarded position in the public eye. Criminal law enforcement, like the law enforcement process in general, involves at least three related factors, namely the statutory factor, the law enforcement apparatus or body factor, and the legal awareness factor. The discussion of these three factors can be linked to the division of three components of the legal system, in particular lawful substance, legitimate construction, and legitimate culture. Seen inside the structure of the law enforcement framework, the rise of the Debasement Destruction Commission (KPK) foundation in the Change Time is an autonomous state establishment that has the power to complete different endeavors to destroy criminal demonstrations of defilement or the policing for criminal demonstrations of defilement.

According to Law no. 31 of 1999, Jo Law no. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption in Indonesia is clear about the system of punishing criminal acts of corruption in Indonesia because criminal acts of corruption are special criminal acts whose regulations are regulated outside the Criminal Code, but the criminal system also adheres to alternative punishment system and cumulative punishment system. In criminal acts of corruption, the main types of punishment are the same as those in Article 10 of the Criminal Code, the difference is in the additional crimes which are clearly stated in the anti-corruption law in Indonesia. The basis for a criminal act is the principle of legality, while the basis for a person being punished is error, which means that a person cannot possibly be held responsible and sentenced to a crime if they have no fault. Criminal responsibility is intended to determine whether a person can be held criminally responsible or not for the actions they commit.

The wrongdoing of defilement (Tipikor) which has been wild in the nation so far has not just hurt the State Funds or the State Economy however has likewise comprised a break of the social and monetary freedoms of the local area, hampering the development and progression of public improvement to make an equitable and prosperous society. Defilement can as of now not be named a standard wrongdoing however has turned into an unprecedented wrongdoing. Ordinary strategies that have been utilized so far have demonstrated unfit to tackle the issue of debasement in the public arena, so dealing with it should likewise utilize remarkable techniques. Remembering that one of the components of Defilement in Article 2 and Article 3 of Regulation no. 31 of 1999 related to Regulation no. 20 of 2001 concerning the Destruction of Defilement Wrongdoings (UU Tipikor) is that there is a component of state monetary misfortune, this component has the outcome that the annihilation of Debasement isn't just pointed toward deflecting Corruptors through overwhelming weighty jail sentences yet in addition reestablishing state funds because of debasement as underlined in the overall contemplations and clarification of the Debasement Regulation.[2]

The Defilement Regulation manages components or systems that can be applied through returning resources through criminal channels and returning resources through common channels. Notwithstanding the Defilement Regulation, Regulation Number 7 of 2006 concerning the Endorsement of the 2003 Enemy of Debasement Show (UNCAC) likewise manages that resource recuperation can be brought out through criminal channels (aberrant resource recuperation through criminal recuperation) and common channels (direct resource recuperation). In fact, UNCAC controls the arrival of resources of culprits of criminal

demonstrations of defilement through direct return from the court cycle which depends on a "discussion request" or "supplication dealing framework" and through roundabout return, specifically through a seizure cycle in light of a court choice. The arrival of Debasement Destruction resources through common procedures is contained in the arrangements of Article 32 passage (1), Article 34, Article 38B section (2) and (3) of the Counter Defilement Regulation. To start with, the arrangements of Article 32 section (1) direct that on the off chance that the specialist expects that there is deficient proof for at least one components of a crook demonstration of defilement, despite the fact that there has been a misfortune to the state's funds, the examiner promptly presents the case documents coming about because of the examination to the State Lawyer. The State Lawyer in view of the records presented by the specialist does a common claim or submits it to the office.[3]

Filing a civil lawsuit is seen as a very powerful weapon to directly attack the perpetrators of criminal acts to return assets resulting from criminal acts of corruption in addition to receiving criminal penalties. This must be implemented if the assets mentioned in the previous decision are found to contain other assets that have not been identified as the proceeds of criminal acts of corruption. Civil lawsuits in the context of confiscation of assets resulting from corruption have a specific character, namely that they can only be carried out when criminal measures are no longer possible to use to recover state losses to the state treasury. Circumstances where criminal punishment can no longer be used include, among other things, not finding sufficient evidence; death of suspect, defendant, convict; the defendant was acquitted; there are allegations that there are proceeds of corruption that have not been confiscated to the state even though the court decision has permanent legal force. With the regulation of civil lawsuits for confiscation of assets in the Corruption Law.

Acts of bribery and corruption committed by law enforcement officials can be said to be "worse" than those committed by perpetrators (the public) because they can take the form of extortion and bribery. The two are difficult to differentiate. First, both of them show that there is a conspiracy and an offer. Second, both require proof first in court. In cases of bribery corruption originating from (internal) officials, to do so requires a method so that it does not appear as bribery corruption or extortion. As in the criminal act of bribery corruption committed by law enforcement officials above. Reflecting on the cases of bribery corruption committed by the above authorities, it can be interpreted that the authorities are inconsistent in implementing the law, the authorities are more oriented towards the interests of gaining personal gain. [4]The terminology of every person in the UUPTPK articles in the context of preventing the commission of criminal acts of corruption reminds oneself, whoever it is, police, prosecutor, judge, lawyer and so on, has sound reasoning and can firmly and courageously try to prevent acts of bribery corruption with sound discourse arguments requires consistency in three things, firstly the speaker's truth, secondly the speaker's honesty or sincerity, and thirdly accuracy and propriety

The wrongdoing of debasement is one piece of extraordinary criminal regulation as well as having specific particulars that are not the same as broad criminal regulation, like deviations from procedural regulation and when seen from the managed material. Thusly, criminal demonstrations of debasement, straightforwardly or in a roundabout way, are planned to limit the event of releases and abnormalities in the state's funds and economy. By expecting these deviations as right on time and as completely as could really be expected, it is trusted that the wheels of the economy and improvement can be carried out as they ought to so that continuously this will have the effect of expanding advancement and the government assistance of society overall. In the unique criminal regulation, a few arrangements stray from the general arrangements of criminal regulation (KUHP). Deviations from the overall necessity of restricted

regulation (KUHP) in unambiguous criminal regulations are perceived and controlled in sure regulation (Regulation Number 8 of 1981 concerning the Criminal System Code). Article 284 section (2) KUHP: in somewhere around two years after this regulation is proclaimed, the arrangements of this regulation will apply to all cases, with transitory exemptions in regards to the exceptional arrangements of criminal methodology as expressed in specific regulations, until there are changes or potentially they are announced presently not legitimate.[4]

2 Methodology

This sort of exploration is Regulating research. The methodologies utilized are a legal methodology and a calculated methodology. The information source utilized is optional information. Information examination was done unmistakably and subjectively.[5] Closing is completed utilizing a rational strategy, in particular finishing up from general to explicit, particularly those connected with the exploration point, to be specific Policing Debasement Violations (TIPIKOR) in the viewpoint of Regulation Number 31 of 1999 concerning the Destruction of Defilement Wrongdoings. Subjective information examination is completed on the off chance that the experimental information got is as an assortment of words and not a progression of numbers and can't be set up into classes. Information can be gathered in different ways (interview perceptions, archive occurrences, and recording tapes). It is normally handled first prior to being utilized in subjective exploration, including the aftereffects of interview records, information decrease, examination, information translation, and triangulation.[6]

3 Results and Discussion

3.1 The Role of Corruption Crime Law Enforcement (TIPIKOR) in the Perspective of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes

From the setting of the arrangements of Article 26 of Regulation no. 31 of 1999 as referenced above, it very well may be reasoned that the Criminal Methodology Regulation which is legitimate for completing examinations, arraignments, and assessments in court is the Criminal System Regulation which is in force around then (Positive Regulation/Ius Constitutum) except if the law decides in any case. Law No. 8 of 1981 concerning the Criminal Strategy Code (KUHP) as Certain Regulation (Ius Constitutum/Ius Operatum) is a procedural regulation that is involved basically at all degrees of equity in managing criminal demonstrations of defilement. This arrangement demonstrates that the criminal procedural regulation that applies to arrangements in regards to criminal demonstrations of debasement is Regulation no. 8 of 1981 concerning Criminal Technique Regulation (KUHP), however there are exemptions for the Criminal Methodology Code which utilize the Unique Criminal Strategy Regulation which veers off from the arrangements of general criminal system regulation, to be specific utilizing Regulation no. 46 of 2009 concerning Defilement Wrongdoing Courts, is expected to accelerate the legal cycle in debasement cases.[7]

Aside from the obligations of the police and examiner's office, the establishment that additionally has the errand of doing examinations concerning criminal demonstrations of defilement is the Debasement Wrongdoing Destruction Commission (KPK) as directed

in Article 6 sub c of Regulation no. 30 of 2002 that: The Debasement Destruction Commission completes requests, examinations and indictments of criminal demonstrations of defilement; The Defilement Destruction Council (KPK) even has the position to assume control over the examination or arraignment of culprits of criminal demonstrations of debasement that are being done by the police or examiner's office, assuming that there are legitimate reasons as made sense of in Article 9 of Regulation no. 30 of 2002. Implementation of criminal regulation against criminal demonstrations of debasement, particularly in the examination cycle, isn't just completed by the police, examiner's office, and the defilement annihilation commission, however on account of other crook acts that basically have the potential for debasement yet are directed in regulation explicitly outside the Lawbreaker Code.[4]

As far as the peculiarity, the following general clarification of Regulation Number 31 of 1999 concerning the Destruction of Debasement Violations, makes sense of that amidst public advancement endeavors in different fields, individuals' yearnings to kill defilement and different types of deviation are expanding, on the grounds that truly the presence of demonstrations of defilement has made huge misfortunes the state. exceptionally huge which thusly can affect the development of emergencies in different fields. Thus, endeavors to forestall and annihilate defilement should be additionally improved and escalated while as yet maintaining basic freedoms and the interests of society. Increasing efforts to eradicate criminal acts of corruption are not only improvements at the level of statutory regulations but also improvements to law enforcement institutions including efforts to improve the quality of human resources for law enforcement officers. However, these efforts, in reality, have not had a significant impact, it can be seen that the occurrence of criminal acts of corruption is still high, criminal acts of corruption no longer occur in the center of power or high state institutions, but in criminal acts of corruption have occurred in the villages, in the last few years many Village Heads and Village Apparatus have been asked to responsibility for corruption in the management of village cash funds in villages, whether sourced from Village Funds, Village Fund Allocations or those sourced from assistance funds from the Provincial Government or Regency Government.[8]

The increase in the amount of state losses caused, as in the data released by ICW above, is a matter of concern, the large amount of state losses resulting from the criminal act of corruption in question, of course, has a direct impact on economic growth and increased welfare and prosperity for the Indonesian people. Along these lines, endeavors to kill criminal demonstrations of debasement should be done at the same time. Endeavors to annihilate criminal demonstrations of debasement are insufficient just to give or force jail sentences on every culprit of criminal demonstrations of defilement, yet, what is more significant is to put forth attempts to return the state monetary misfortunes brought about influenced by the defilement wrongdoing, endeavors to recuperate state monetary misfortunes intend to recuperate state funds. Recuperation of state funds is as of now the fundamental concentration as well as forestalling and annihilating crook demonstrations of debasement, which is then spanned by the consideration of arrangements on substitution cash as controlled in Article 18 of Regulation Number 20 of 2001 concerning revisions to Regulation Number 31 of 1999 concerning Destruction Defilement Wrongdoing [2]. However, through a release, ICW said that the verdict in the corruption case in 2021, from state losses reaching IDR 62,930,000,000,000.00 (sixty-two trillion nine hundred and thirty billion rupiah) based on the court decision, the amount of compensation awarded was only amounting to IDR

1,400,000,000,000.00 (one trillion four hundred billion rupiah), meaning that it seems as if recovery of state losses resulting from criminal acts of corruption is impossible.

3.2 The Urgency of Corruption Crime Law Enforcement (TIPIKOR) in the Perspective of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes

About the importance of state funds, the meaning of state funds in Regulation Number 31 of 1999 concerning the Annihilation of Defilement Violations as revised by Regulation Number 20 of 2001 concerning the Destruction of Debasement Wrongs (Regulation Concerning the Destruction of Debasement Violations) in the overall clarification makes sense of the significance of funds. The state is all state resources in anything structure isolated or not isolated, including all pieces of state resources and all freedoms and commitments emerging from being under the influence, the executives, and responsibility of state institutional authorities at both focal and provincial levels; being under the influence, the executives and responsibility of State-Claimed Endeavors/Territorial Possessed Ventures, Establishments, legitimate substances and organizations that incorporate outsider capital in view of a concurrence with the state. Moreover, in light of Article 1 point 1 of Regulation Number 17 of 2003 concerning State Money (Regulation In regards to State Funds) controls the meaning of state funds as every one of the freedoms and commitments of the express that can be esteemed in cash, as well as everything, for example, cash or products that can be made property of the state regarding the execution of these privileges and commitments. The extent of state funds depends on Article 2 of Regulation Number 17 of 2003 concerning State Funds.[9]

It is well realized that in the strategy to eradicate corruption, criminal efforts are not the only effective way, but a more progressive strategy needs to be developed. Imprisonment, which is the most popular type of basic punishment among other basic crimes (based on Article 10 of the Criminal Code), can indeed provide retribution to convicts for criminal acts of corruption that they are proven to have committed. However, imprisonment does not always solve problems, in fact, it can cause problems such as overcapacity, the impediment of corruptors, and unresolved state losses. The concept of criminal objectives that has developed so far is considered to have various weaknesses, especially because it is considered that it does not provide any benefits at all for victims and society. The arrival of resources coming about because of criminal demonstrations of debasement has involved a significant situation in killing crook demonstrations of defilement. This implies that the progress of destroying criminal demonstrations of defilement isn't just estimated in view of the outcome of sentencing culprits for criminal demonstrations of debasement but on the other not entirely settled by the degree of progress in returning state resources that have been undermined.

In terms of overcoming corruption, policies or efforts to overcome it through criminal law are very strategic. Beating defilement violations through criminal regulation approaches is a necessary piece of endeavors to safeguard society (social protection) and endeavors to accomplish social government assistance. One might say that a definitive objective or fundamental target of criminal legislative issues is the security of society to accomplish social government assistance." It is likewise regular that criminal regulation strategy or governmental issues is additionally a fundamental piece of social approach or legislative issues. Social strategy can be deciphered as a normal work to accomplish local area government assistance and simultaneously incorporates local area security. So, in terms of social policy, it also includes social welfare and social defense policy.

Policing unveiling criminal demonstrations, tracking down the culprits, and placing the culprits in jail (following the suspect) alone isn't compelling in stifling the event of wrongdoings on the off chance that it isn't joined by endeavors to take the returns and instruments of criminal demonstrations perpetually. This situation increasingly finds its truth if it is connected with economic crimes such as corruption. In criminal acts of corruption, material gain is one of the characteristics of the criminal act. It may be seen in the construction of articles in the Corruption Eradication Law, such as enriching, profiting, accepting gifts, embezzling money or securities, and a variety of other expressions indicating the features of the economic mode. Therefore, law enforcement against criminal acts of corruption must also focus on the economic profit side so that it can recover the losses experienced by the state due to corruption.[2]

Policing destroy criminal demonstrations of defilement completed traditionally has so far demonstrated to encounter different hindrances. Hence, unprecedented policing are required through the foundation of a unique body that has wide power, is autonomous and liberated from any ability to destroy criminal demonstrations of debasement, the execution of which is done ideally, seriously, really, expertly, and ceaselessly, through the command of the Law. -Law No. 30 of 2002 concerning the Defilement Destruction Commission, the foundation of the Debasement Annihilation Commission was laid out. The foundation of the Defilement Destruction Commission as an organization with the power to destroy criminal demonstrations of debasement is directed by a few regulations and guidelines.

4 Conclusion

1. The crook demonstration of defilement is a phenomenal wrongdoing that harms and undermines the actual underpinnings of public life. Without realizing it, corruption has damaged all areas, not only the executive, judicial, and legislative sectors, but corruption has also spread to society in general.
2. As indicated by Law of the Republic of Indonesia Number 31 of 1999 concerning the Destruction of Criminal Demonstrations of Defilement, what is implied by debasement is the unlawful demonstration of carrying out demonstrations of enhancing oneself or someone else or a company which can hurt state funds or the state economy. Criminal regulation in Indonesia sees criminal demonstrations of defilement as a significant issue that can't yet be settled totally by this country.
3. Including in terms of overcoming corruption, policies or efforts to overcome it through criminal law are very strategic. Beating defilement wrongdoings through criminal regulation strategies is an indispensable piece of endeavors to safeguard society (social guard) and endeavors to accomplish social government assistance.

5 Suggestion

1. Confirmation in criminal demonstrations of debasement applies an arrangement of opposite proof which is restricted or adjusted, in particular that the litigant has the option to demonstrate that he has not perpetrated a crook demonstration of defilement and is obliged to give data pretty much his resources or companies which

- are all thought to be connected with the situation being referred to and the examiner. The general public is still obliged to prove their accusations.
2. It is believed that law enforcement would overcome the numerous barriers that customarily implemented efforts to abolish criminal acts of corruption have shown to face. For this reason, extraordinary law enforcement methods are needed through the establishment of a special agency that has broad, independent authority and is free from any power to eradicate criminal acts of corruption, the implementation of which is carried out optimally, intensively, effectively, and professionally.
 3. It is trusted that the progress of killing crook demonstrations of defilement won't just be estimated in view of the outcome of sentencing culprits for criminal demonstrations of debasement yet will not entirely set in stone by the degree of outcome in returning state resources that have been undermined.

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