

# Juridical Review of Criminal Actions of Corruption According to Law No. 20 of 2001

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**Abstract.** Corruption is a serious problem that seems gradually becoming a culture. Defilement is a danger to the beliefs of a fair and prosperous society. The kind of examination is Standardizing research. The methodologies utilized are a legal methodology and a reasonable methodology. The data source used is secondary data. Data analysis was carried out descriptively and qualitatively. This research resulted in the findings of the Explanation of Law no. 20 of 2001, which is meant unlawfully, remembers unlawful represents the conventional sense as well as in the material sense, that is to say, despite the fact that the demonstration isn't controlled in legal guidelines assuming the demonstration is considered disreputable on the grounds that it isn't by the feeling of equity or standards.

**Keywords:** Juridical Review, Corruption Crimes, Law No. 20 of 2001.

## 1 Introduction

Amendments and improvements to Law Number 31 of 1999 through Law Number 20 of 2001 should increase the "fighting" power of law enforcement officials to eradicate corruption. This law directly mentions elements contained in the Criminal Code (KUHP) which were not previously mentioned directly in Law Number 31 of 1999. This change will make it easier to select legal material and provide clarity regarding objects regulated by the law. Eradicating corruption means taking action and preventing corruption, as well as space for community participation which should be further increased by improving public access to information. Information technology can be used to improve public services as a way to prevent corruption.[1]

Political power accomplished through debasement will create legislatures and local area pioneers who are ill-conceived according to general society.[2] If so, then, at that point, individuals won't confide in the public authority and pioneers, and accordingly, they won't comply and submit to their power. Widespread corrupt practices in politics such as fraudulent elections, violence in elections, money politics, and others can also cause damage to democracy because to maintain power, corrupt rulers will use violence (authoritarianism) or spread corruption even more widely in society. Aside from that, such a circumstance will set off socio-political shakiness and social mix, since there will be struggle between the specialists and

individuals. As a matter of fact, generally speaking, this prompts the despicable fall of government power, as occurred in Indonesia.

One of the reasons is that the habit of corrupt behavior that continues to persist in the community is due to their lack of understanding of the meaning of corruption. So far, the word corruption has been popular among the Indonesian people. Almost everyone has heard the word corruption. Starting from people in rural areas, students, civil servants, private individuals, law enforcement officers, to state officials. However, if they ask them what corruption is, what types of actions can be categorized as criminal acts of corruption?[3] It is almost certain that very few can answer correctly about the forms/types of corruption as intended by law. This is ironic, because the impact of corruption not only causes state financial losses reaching trillions of rupiah, but also destroys resources related to humanity, society and nature. In fact, corruption can damage the democratic system, delegitimize the realization of the rule of law, and hinder sustainable development. Corruption in the world of banking can not only shake but also destroy the banking and financial system, causing the economic system to collapse in a nation.

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. It 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.[4] 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 corruption committed by law enforcement officers 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 bribery corruption cases committed by the authorities above, 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.[5] The terminology of every person in the UUPTK 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 third accuracy and propriety.

Then, to be specific, criminal demonstrations of defilement are seen from the part of public regulation. The meaning of defilement has really been expressed explicitly in Regulation Number 3 of 1971 concerning the destruction of criminal demonstrations of debasement. The vast majority of the meanings of debasement in this regulation are alluded to from the lawbreaker code (KUHP) which was brought into the world before this nation became free. In any case, up to this point the's comprehension public might interpret the significance of debasement is still exceptionally deficient. Improving as a comprehension of the significance of

debasement is likewise not something simple. In view of regulation number 31 of 1999 related to regulation number 20 of 2001 concerning the annihilation of criminal demonstrations of debasement, propensities for degenerate way of behaving that have been viewed as ordinary and typical can be pronounced as criminal demonstrations of defilement. Like giving tips (gifts) to state authorities connected with their situation, on the off chance that not answered to the Defilement Destruction Board of trustees, it tends to be a type of criminal demonstration of debasement.[6]

Talking about corruption, some people say that Indonesia is a country of thieves. Some conclude that Indonesia is a nest for corruptors. There may be some truth to such negative imagery. One proof of this is that in an international study, Indonesia is listed as the fourth most corrupt country in the world. An international ranking that is nothing to be proud of. Even insulting, but what else can it be? It's a reflection of reality. Corruption practices are so widespread in this country, that a senior journalist, Mochtar Lubis, once said that corruption practices in Indonesia have become entrenched. Not a few people think that corruption is something that has become a culture, and it is even said that criminal acts of corruption are always present in the daily life of the Indonesian people. Amid such symptoms, it is said that criminal acts of corruption are not only heinous and despicable, but are something contrary to faith. In the hadith, it is narrated that a thief cannot steal if he is a believer. If stealing is an act of taking something that does not belong to you, then corruption can fall into the category of theft.[7]

The Corruption Eradication Commission is an institution formed by the Government to eradicate criminal acts of corruption. Several individuals with occupational and educational backgrounds who have committed various corruption cases can be used as valuable lessons for policymakers and all levels of society. Many public officials at the level of ministers, governors, regents/mayors, and lower-level officials commit corruption. If it is related to the level of welfare, both education and family, on average they (perpetrators of corruption crimes) are at a prosperous level. Corrupt behavior can be influenced by opportunities and opportunities as well as personal and group interest orientation.[8]

## **2 Method**

This kind of exploration is Regulating research. The methodologies utilized are a legal methodology and a reasonable methodology. The data source used is secondary data. Data analysis was carried out descriptively and qualitatively.[9] Concluding is carried out using a deductive method, namely concluding from general to specific, especially those related to the research topic, namely the Juridical Review of Corruption Crimes According to Law no. 20 of 2001. Subjective information examination is done in the event that the observational information got is as an assortment of words and not a progression of numbers and can't be set up into classifications. Information can be gathered in different ways (interview perceptions, archive cases, and recording tapes). It is typically handled first prior to being utilized in subjective exploration, including the aftereffects of interview records, information decrease, examination, information understanding, and triangulation.[10]

### **3 Finding and Discussion**

#### **3.1 Juridical Review arrangement of Corruption Crimes According to Law No. 20 of 2001**

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 a criminal act 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 efforts are no longer possible. used in efforts to return 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 litigant was vindicated; there are charges that there are continues of debasement that poor person been seized to the state despite the fact that the court choice has super durable lawful power.[11]

The return of assets from criminal proceedings is carried out through a trial process where the judge, in addition to imposing the main sentence, can also impose additional penalties. According to Lilik Mulyadi, if detailed, additional penalties can be imposed by the judge in his capacity which correlates with the return of assets through this criminal procedure, which can be in the form of: 1. Seizure of substantial or immaterial portable property or steady property utilized for or acquired from criminal demonstrations defilement, including the organization possessed by the convict where the lawbreaker demonstration of debasement was carried out, as well as the cost of products that supplant these merchandise. ( Article 18 section (1) letter an of the Debasement Regulation); 2. Installment of pay cash in a sum equivalent to however much as could be expected to the resources acquired from the lawbreaker demonstration of debasement. On the off chance that the convict doesn't pay the substitution cash as expected in section (1) letter b inside 1 (one) month after the choice has gotten extremely durable legitimate power, then, at that point, his property can be seized by the examiner and unloaded to cover the substitution cash. In the event that the convict doesn't have adequate resources for pay substitution cash as expected in section (1) letter b, then, at that point, he will be condemned to detainment for a period not surpassing the greatest danger of the fundamental sentence by the arrangements of this Regulation. The length of the sentence still up in the air in the court choice. ( Article 18 section (1) letter b, passage (2), (3) Debasement Regulation).[5]

The country, in this case, the Indonesian government, has tried to provide maximum handling for the problem of criminal acts of corruption through legal instruments created, namely laws, but as is known to the wider community, the country still thinks that the country needs a panacea to treat the disease of Indonesian society called corruption. The criminal act of corruption has become a legal problem that has received its spotlight in the practice of enforcing the laws of the Republic of Indonesia. This is proven by the increasing number of cases of criminal acts of corruption that occur in the lives of the Indonesian people. Nowadays, it is felt that criminal acts of corruption are increasingly rampant, and this is influenced by the level of community needs which continues to increase every year, economic needs often have quite a significant effect on people's lives, therefore some instant-thinking people always choose corruption as a way out.

Corruption crimes are specifically regulated outside the Criminal Code as abbreviated to the Criminal Code, to be exact in the Law as curtailed to Regulation Number 31 of 1999 related to Regulation Number 20 of 2001 concerning the Destruction of Debasement Violations as contracted to the PTPK Regulation. The law states that there are several qualifications for acts that can be called criminal acts of corruption. However, in various cases, the criminal acts that are most frequently raised and cases submitted to court are those stated in Article 11: Article 11 of the PTPK Law: 1. Government employees or state overseers; 2. Getting a gift or commitment; 3. Knowing; 4. It is sensible to think that the gift or commitment was given on account of the power or authority connected with his situation, or that in the psyche of the individual giving the gift or commitment was connected with his situation.[12]

### **3.2 The Urgency of Juridical Review of Corruption Crimes According to Law no. 20 of 2001**

In different areas of the planet, debasement generally gets more consideration than other lawbreaker acts, this peculiarity is reasonable considering the adverse results brought about by this criminal demonstration. The effect can contact different everyday issues. Defilement is a difficult issue, this criminal demonstration can jeopardize the soundness and security of society, imperil financial and political turn of events, and harm vote based values and ethical quality on the grounds that slowly this act appears to turn into a culture. Defilement is a danger to the beliefs of a fair and prosperous society. Up to this point, defilement hosts been more supported by different gatherings than killed it, in the interim the crook demonstration of debasement is a kind of wrongdoing that can have different interests connected with basic freedoms, state philosophy, the economy, state funds, public ethics, etc, which is a detestable demeanor. which tends not to be not difficult to survive.[13]

The limits with respect to the State Economy as indicated by the Law are as per the following: monetary life which is organized as a joint exertion in view of the standard of connection or a free local area business in light of Government strategy, both at the focal and provincial levels by the arrangements of the material regulations and guidelines which expect to give advantages, flourishing, and prosperity to for individuals' entire lives. The law aims to anticipate irregularities in the country's finances or economy which are felt to be increasingly sophisticated and complicated. Hence, the crook demonstration of defilement controlled in this Regulation is formed as comprehensively as conceivable so it incorporates demonstrations of enhancing oneself or someone else or a partnership unlawfully. With this plan, unlawful demonstrations in criminal demonstrations of defilement additionally incorporate dishonorable demonstrations which as per the public's feeling of equity should be arraigned and rebuffed. Unlawful demonstrations here remember acts illegal for the formal and material sense, that is to say, despite the fact that the demonstration isn't directed in legal guidelines, assuming the demonstration is considered unforgivable on the grounds that it isn't by the feeling of equity or the standards of public activity in the public arena, then, at that point, the demonstration can be rebuffed by the Clarification of Article 2 passage 1 of Regulation no. 31 of 1999 [3].

The wrongdoing of defilement 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 by implication, are planned to limit the event of releases and anomalies in the state's funds and economy. By

expecting these deviations as right on time and as completely as could be expected, it is trusted that the wheels of the economy and improvement can be executed as they ought to so that progressively this will have the effect of expanding advancement and the government assistance of society overall. In the extraordinary criminal regulation, a few arrangements veer off from the general arrangements of criminal regulation (KUHP). Deviations from the general arrangements of criminal regulation (KUHP) in unambiguous criminal regulations are perceived and managed in sure regulation (Regulation Number 8 of 1981 concerning the Criminal Strategy Code). Article 284 section (2) of the Criminal Method Code: within two years after this law is promulgated, the provisions of this law will apply to all cases, with the temporary exception of special provisions on criminal procedures as stated in certain laws, until there are changes and/or declared no longer valid [9].

Furthermore, the criminal act of corruption in this law is formulated as a formal criminal act, this is very important for verification. The conventional plan embraced in this regulation implies that despite the fact that the returns of defilement have been gotten back to the express, the culprits of criminal demonstrations of debasement are as yet brought to court and stay rebuffed by the Explanation to Article 4 of Regulation no. 31 of 1999. This article explains that if the perpetrator of a criminal act of corruption commits an act that fulfills the elements of the article in question, the return of losses to the state or the state's economy that has been carried out does not eliminate the criminal offense of the perpetrator of the criminal act. Restitution of losses to the state or state economy that have been carried out does not eliminate the punishment of the perpetrator of the criminal act. Returning losses to the state or the country's economy is only one factor that mitigates the punishment for the perpetrator. This law also regulates corporations as the subject of criminal acts of corruption which can be subject to criminal sanctions, where this was not previously regulated, namely in the law on criminal acts of corruption, namely Law no. 3 of 1971[6].

Clarification of Regulation no. 20 of 2001, which is implied by unlawfully, remembers unlawful represents the proper sense as well as in the material sense, or at least, despite the fact that the demonstration isn't directed in legal guidelines on the off chance that the demonstration is viewed as shameful, in light of the fact that it isn't by the feeling of equity or standards. public activity in the public arena, then this act can be rebuffed. Focus on the detailing of arrangements seeing crook demonstrations of debasement as contained in Regulation no. 20 of 2001, it very well may be seen that the unlawful component of the arrangements of the crook demonstration of debasement is a way to complete demonstrations of enhancing oneself or someone else or enterprise. Meanwhile, what is meant by harm means the same as being at a loss or being reduced, so what is meant by the element of harming state finances is the same as meaning being a loss to state finances or a reduction in state finances [3].

## 4 Conclusions

1. There is an explanation of Law no. 20 of 2001, which is meant by unlawfully, remembers unlawful represents the conventional sense as well as in the material sense, or at least, despite the fact that the demonstration isn't controlled in legal guidelines in the event that the demonstration is viewed as disreputable, on the grounds that it isn't

by the feeling of equity or standards. public activity in the public arena, then, at that point, this act can be rebuffed.

2. The crook demonstration of defilement is one piece of unique 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 directed material. Thusly, criminal demonstrations of debasement, straightforwardly or by implication, are planned to limit the event of releases and abnormalities in the state's funds and economy.
3. Political power accomplished through defilement will create state run administrations and local area pioneers who are ill-conceived according to the general population. If so, then, at that point, individuals won't confide in the public authority and pioneers, and accordingly, they won't comply and submit to their power. Widespread corrupt practices in politics such as fraudulent elections, violence in elections, money politics, and others can also cause damage to democracy because to maintain power, corrupt rulers will use violence (authoritarianism) or spread corruption even more widely in society.

## 5 Suggestion

1. It is hoped that the law will directly mention the elements contained in the Criminal Code (KUHP) which were not previously mentioned directly in Law Number 31 of 1999. This change will make it easier to select legal materials and provide clarity on the objects regulated by the law. Eradicating corruption means taking action and preventing corruption, as well as space for community participation which should be further increased by improving public access to information.
2. It is trusted that policing kill criminal demonstrations of defilement completed ordinarily has so far demonstrated to encounter different impediments. 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 hoped that the success of eradicating criminal acts of corruption will not only be measured based on the success of convicting perpetrators of criminal acts of corruption but will also be determined by the level of success in returning state assets that have been corrupted.

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