

Extraordinary Crime Corruption According to Law No. 31 of 1999

Suparno¹, Suyatin²
suparno@borobudur.ac.id¹, atien82100542@gmail.com²

Universitas Borobudur^{1,2}

Abstract. Extraordinary corruption crimes have a greater level of complexity than conventional crimes or even other special crimes. Especially at this stage of investigating criminal acts of corruption, several investigative agencies have the authority to handle the investigation process against perpetrators of these criminal acts of corruption. This kind of exploration is organizing research. The methodology used is a legal methodology and a calculated methodology. The data source used is secondary data. Data analysis was carried out descriptively qualitatively. Conclusions are drawn using the deductive method, namely concluding from general to specific matters, especially those related to the research topic, namely Extraordinary Corruption Crimes According to Law no. 31 of 1999. This research produced findings. Especially at the defamation examination stage, several well-informed foundations have the power to handle the examination cycle for perpetrators of criminal demonstrations related to the defamation. Regulation Number 31 of 1999 concerning Eradication of Defamation Offenses does not order the establishment of a special court for degrading wrongdoing, but orders the formation of an independent commission to suppress demonstrations of degrading crimes (Article 43 paragraph 1).

Keywords: Extraordinary Crimes; Corruption Crimes; Law no. 31 of 1999

1 BACKGROUND OF STUDY

The wrongdoing of debasement is one piece of extraordinary criminal regulation as well as having specific particulars that are unique in relation to general criminal regulation, like deviations from procedural guideline and when seen from the coordinated material. In this manner, criminal shows of corruption, directly or by suggestion, are supposed to restrict the occasion of deliveries and irregularities in the state's assets and economy. By expecting these deviations as ahead of schedule and as completely as could really 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. The crook demonstration of debasement has exceptional procedural regulations that go astray from the arrangements of procedural regulation overall. The Criminal Method Regulation applies deviations planned to accelerate techniques and acquire indictment examinations and assessments [1].

Extraordinary corruption crimes have more complexity than conventional crimes or even other special crimes. Especially in the investigation stage of this criminal act of corruption,

several investigative institutions have the authority to handle the investigation process against perpetrators of criminal acts related to this criminal act of corruption. Including various PPNS institutions if they are associated with various crimes containing elements of corruption by their respective fields of duty and by the laws and regulations which form the basis of each law. Policing destroy criminal demonstrations of defilement did ordinarily has so far demonstrated to encounter different deterrents. For this reason, extraordinary law enforcement methods are needed through the establishment of a special body that has broad authority, is autonomous and liberated from any ability to kill criminal demonstrations of debasement, the execution of which is completed ideally, seriously, successfully, expertly and consistently, through the order of the Law No. 30 of 2002 concerning the Pollution Obliteration Commission, the association of the Degradation Destruction Commission was spread out [2].

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 are asked 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. 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. 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 be used to recover state losses to the state treasury [1]. 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 claims that there are continues of debasement that poor person been seized to the state despite the fact that the court choice has super durable legitimate power. With the guideline of common claims for seizure of resources in the Debasement Regulation.

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 or blackmail. 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 [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 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 been expressed explicitly in Regulation Number 3 of 1971 concerning the annihilation of criminal demonstrations of debasement. The vast majority of the meanings of debasement in this regulation are alluded to from the crook code (KUHP) which was brought into the world before this nation became autonomous. In any case, up to this point the's comprehension public might interpret the importance of defilement is still exceptionally deficient. Improving as a comprehension of the importance of defilement is likewise not something simple. In view of regulation number 31 of 1999 related to regulation number 20 of 2001 concerning the destruction of criminal demonstrations of defilement, propensities for degenerate way of behaving that have been viewed as typical and ordinary can be announced as criminal demonstrations of debasement. Like giving tips (gifts) to state authorities connected with their situation, in the event that not answered to the Defilement Destruction Council, can be a type of criminal demonstration of debasement [5].

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 acknowledge 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 lives 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 [6].

Since Guideline Number 31 of 1999 concerning the Annihilation of Degradation Bad behaviors (State Periodical of the Republic of Indonesia of 1999 Number 140, Supplement to State Paper of the Republic of Indonesia Number 3874) was declared, there have been different understandings or translations that have created in the public eye, particularly with respect to the utilization of this regulation to criminal demonstrations of defilement that happened under the watchful eye of Regulation Number 31 of 1999 was proclaimed. This is on the grounds that Article 44 of the law expresses that Regulation Number 3 of 1971 concerning the Destruction of Debasement Violations has been proclaimed invalid since Regulation Number 31 of 1999 was declared so there is a suspicion that there is a legitimate vacuum for handling criminal demonstrations of defilement that happen. under the steady gaze of the sanctioning of Regulation Number 31 of 1999. The issue of the absence of transitional provisions was done deliberately by the lawmakers, and only then after there were protests, corrections were made through Law Number 20 of 2001[7].

2 METHODOLOGY

This kind of exploration is Regulating research. The methodologies utilized are a legal methodology and a calculated methodology. The data source used is secondary data. Data

analysis was carried out descriptively qualitatively [8]. Concluding is carried out using a deductive method, namely concluding from general to specific, especially those related to the research topic, namely Extraordinary Crimes of Corruption According to Law no. 31 of 1999. Subjective information examination is completed in the event that the observational information got is as an assortment of words and not a progression of numbers and can't be sorted out into classes. Information can be gathered in different ways (interview perceptions, archive occurrences, and recording tapes). It is generally handled first prior to being utilized in subjective examination results of interview records, information decrease, examination, information translation, and triangulation [9].

3 RESULTS AND DISCUSSION

3.1 Forms of Extraordinary Crimes Corruption According to Law no. 31 of 1999

Since Guideline Number 31 of 1999 concerning the Annihilation of Degradation Bad behaviors (State Periodical of the Republic of Indonesia of 1999 Number 140, Supplement to State Paper of the Republic of Indonesia Number 3874) was declared, there have been different understandings or translations that have created in the public eye, particularly with respect to the utilization of this regulation to criminal demonstrations of defilement that happened under the watchful eye of Regulation Number 31 of 1999 was proclaimed. This is on the grounds that Article 44 of the law expresses that Regulation Number 3 of 1971 concerning the Destruction of Debasement Violations has been pronounced invalid since Regulation Number 31 of 1999 was proclaimed so there is a suspicion that there is a legitimate vacuum to handle criminal demonstrations of defilement that happen. before the enactment of Law Number 31 of 1999. The issue of the absence of transitional provisions was done deliberately by the legislators, and only then after there were protests, corrections were made through Law Number 20 of 2001. Based on this legal problem, the legal questions that arise the fundamental reason is why lawmakers during the reform period should have taken strict and firm legal policies in eradicating criminal acts of corruption, but instead adopted loose legal policies, namely not including transitional provisions in Law Number 31 of 1999 which provided opportunities for suspected perpetrators. criminal acts of corruption that occurred before 16 August 1999 which violated Law Number 3 of 1971 have passed or cannot be processed and submitted to court[10].

Regulation Number 31 of 1999 concerning the Destruction of Defilement Violations doesn't order the development of a unique court for debasement wrongdoings yet commands the arrangement of a free commission to kill criminal demonstrations of debasement (Article 43 passage 1). The Law Number 30 of 2002 concerning the Defilement Annihilation Commission was given as the legitimate reason for the arrangement of the Debasement Destruction Commission, condensed to KPK. Laying out a Defilement Court arose during the time spent shaping Regulation Number 30 of 2002 contained in Section VII concerning Assessments in Court Meetings Articles 53 to Article 62. The foundation of a Defilement Court is contained in Article 53 cited in full Article 53. With this law A Debasement Wrongdoing Court was laid out which has the

errand and position to inspect and settle on criminal demonstrations of defilement whose indictment is proposed by the Debasement Destruction Commission [11].

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 crook demonstration of defilement has turned into a legitimate issue that has accepted its spotlight in the act of upholding the laws of the Republic of Indonesia. This is demonstrated by the rising number of instances of criminal demonstrations of debasement that happen in the existences of the Indonesian public. 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.

There are several changes in the formation of the Corruption Court, namely:

1. The Defilement Court is an extraordinary court inside the overall equity climate. The Debasement Court as an extraordinary court is controlled in Article 2: The Debasement Wrongdoing Court is an extraordinary court inside the General Court climate. This intends that there could be no other general or unique courts that have the position to look at and attempt instances of criminal demonstrations of debasement other than the extraordinary courts laid out in view of Regulation Number 46 of 2009 which are in the general courts. Not the same as under the steady gaze of, the Defilement Court is just situated at the Focal Jakarta Area Court.
2. The Defilement Court is given the power to attempt to conclude instances of criminal demonstrations of debasement and criminal demonstrations of tax evasion that start from Debasement Violations. The Debasement Court's position was extended to not just have the power to mediate instances of criminal demonstrations of defilement yet additionally give the position to inspect, attempt, and decide instances of tax evasion whose unique wrongdoing was a wrongdoing of defilement [10].

3.2 The Urgency of Extraordinary Crimes of Corruption According to Law no. 31 of 1999

Legislative policies in the context of eradicating criminal acts of corruption to carry out the reform mandate in a formal juridical manner have resulted in the issuance of several laws intended to strengthen and make efforts to eradicate criminal acts of corruption more effective. However, juridically, the material contains weaknesses and can weaken the eradication and law enforcement of criminal acts of corruption. This weakening can be seen from a series of legislative policies which then culminated in the issuance of Law Number 46 of 2009 concerning the Special Court for Corruption Crimes, a trade for the past Debasement Wrongdoing Court, a development to the Established Court Choice Number 012-016-019/PUU-IV/2006 dated 19 December 2006 has carried changes to a few matters in regards to criminal demonstrations of defilement and courts for criminal demonstrations of debasement, to be specific that criminal demonstrations of debasement are thought of ordinary (general) crime and, therefore, the handling of corruption is taken through ordinary/normal operations. Thus, there is a Corruption Court

that specifically examines, tries, and concludes instances of criminal demonstrations of debasement whose indictment is presented by the Defilement Destruction Commission and in light of the standard of relative court ability, the Defilement Annihilation Commission submits criminal instances of debasement to the court where the wrongdoing happened [12].

Not all criminal demonstrations of defilement contained in Regulation Number 31 of 1999 which has been revised by Regulation Number 20 of 2001 are criminal demonstrations that fall into the class of uncommon crook acts, so it is important to ponder which criminal demonstrations of debasement which fall into the classification of phenomenal lawbreaker acts (outstanding criminal law and extraordinary crimes) which require special handling that deviates from ordinary procedural law procedures (extraordinary criminal law procedures). In upholding the law on criminal demonstrations of defilement, the Debasement Destruction Commission ought to just be given the position to do requests, examinations, and arraignments of criminal demonstrations of defilement that are thought of as exceptional and are the main establishment that is given the power to do as such, submit to a court that was shaped explicitly to look at and attempt and choosing instances of uncommon crook demonstrations of debasement. Nevertheless, the rights of suspects/defendants in the law enforcement process for criminal acts of corruption must still be respected and upheld, because this is a constitutional obligation for any law enforcement officer at all levels [1].

The wrongdoing of debasement is one piece of extraordinary criminal regulation as well as having specific particulars that are unique in relation to general criminal regulation, like deviations from procedural regulation and when seen from the directed material. Thusly, criminal demonstrations of debasement, straightforwardly or by implication, are expected to limit the event of releases and abnormalities in the state's funds and economy. By expecting these deviations as ahead of schedule and as completely as could really 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 unique criminal regulation, a few arrangements stray 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 certain regulation (Regulation Number 8 of 1981 concerning the Criminal Method Code). Article 284 section (2) of the Criminal System Code: in the span of two years after this regulation is proclaimed, the arrangements of this regulation will apply to all cases, with the transitory exemption of exceptional arrangements on criminal methodology as expressed in specific regulations, until there are changes and additionally announced as of now not substantial [12].

Besides, the crook demonstration of defilement in this regulation is planned as a conventional lawbreaker act, this is fundamental for verification. The proper plan embraced in this regulation implies that despite the fact that the returns of debasement have been gotten back to the express, the culprits of criminal demonstrations of defilement are as yet brought to court and stay rebuffed by the Explanation to Article 4 of Regulation no. 31 of 1999. This article makes sense of that assuming the culprit of a lawbreaker demonstration of defilement perpetrates a demonstration that satisfies the components of the article being referred to, where the arrival of misfortunes to the state or the state economy that has been completed doesn't dispose of the criminal offense of

the culprit of the crook act. Compensation of misfortunes to the state or state economy that have been completed doesn't take out the discipline of the culprit of the crook act. Returning misfortunes to the state or the country's economy is just a single variable that mitigates the discipline for the culprit. This regulation likewise directs enterprises as subjects of criminal demonstrations of debasement which can be dependent upon criminal approvals, where this was not recently managed, in particular in that frame of mind on criminal demonstrations of defilement, to be specific Regulation no. 3 of 1971 [6].

About material criminal regulation, the governmental issues of criminal regulation, and the governmental issues of discipline, the arrangement of Regulation Number 31 of 1999 which has been corrected by Regulation Number 20 of 2001 should be assessed so approaches for killing crook demonstrations of debasement and policing criminal demonstrations are separated, on the grounds that both are in various administrative regions that ought not be confounded. Annihilating crook demonstrations of defilement is the capability of chief power, and policing the skill of legal power which is connected with the utilization of 320 Vol. 8 No. 2, June 2011 legal power with regards to policing equity as directed in Article 24 of the 1945 Constitution of the Republic of Indonesia. To successfully destroy criminal demonstrations of debasement later on, it is important to ponder a few things, to be specific: In the first place, shortcomings and the insufficiency of policing criminal demonstrations of defilement beginning from the assets of policing isn't suitable assuming it is answered by rolling out material improvements to criminal regulation and conceding remarkable expert in the field of formal criminal regulation. Changes in this way can damage the system of material forbidden statutes and formal criminal law. Strengthening the role of law enforcement officers by regulating the granting of authority that exceeds the provisions of formal criminal law or the granting of special authority that deviates from the general provisions of formal criminal law (exceptional) can increase the effectiveness of law enforcement, but this situation has the potential to violate the legal rights of suspects/defendants. which is also protected by law and the constitution[2].

4 CONCLUSION

1. Extraordinary corruption crimes have more complexity than conventional crimes or other special criminalities. Especially in the investigation stage of this criminal act of corruption, several investigative institutions have the authority to handle the investigation process against perpetrators of criminal acts related to this corruption.
2. Regulation Number 31 of 1999 concerning the Destruction of Debasement Wrongdoings doesn't command the foundation of a unique court for defilement violations yet orders the development of a free commission to destroy debasement wrongdoings (Article 43 passage 1). The Law Number 30 of 2002 concerning the Defilement Destruction Commission was given as the legitimate reason for the arrangement of the Debasement Annihilation Commission, curtailed to KPK.
3. Debasement is one piece of exceptional criminal regulation as well as having specific particulars that are unique in relation to general criminal regulation, like deviations from procedural regulation and when seen from the controlled material.

In this manner, criminal demonstrations of defilement, straightforwardly or by implication, are expected to limit the event of releases and abnormalities in the state's funds and economy.

5 SUGGESTION

1. Extraordinary law enforcement methods are needed through the establishment of a body that has broad authority, is autonomous, and is liberated from any ability to kill criminal demonstrations of defilement, the execution of which is completed ideally, seriously, actually, expertly, and ceaselessly, through the command of the Law No. 30 of 2002 concerning the Degradation Obliteration Commission, the Contamination Destruction Commission was spread out.
2. It is trusted that policing annihilate criminal demonstrations of debasement completed traditionally has so far demonstrated to encounter different hindrances. 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 eliminate corruption, the implementation of which is carried out optimally, intensively, effectively, and professionally.
3. It is hoped that it will improve the weaknesses and ineffectiveness of law enforcement against criminal acts of corruption that originate from the resources of law enforcement officials if it is not appropriate to respond by making changes to material criminal law and granting exceptional authority in the field of formal criminal law.
4. It is trusted that by expecting as right on time and as completely as potential deviations from criminal demonstrations of debasement, it is trusted that the wheels of the economy and advancement can be carried out as they ought to so that progressively this will have the effect of expanding improvement and the government assistance of society overall. The lawbreaker demonstration of debasement has exceptional procedural regulations that go amiss from the states of procedural guideline overall. The Criminal System Regulation applies deviations planned to accelerate procedures and acquire legal examinations and assessments.

References

- [1] Ihsan Asmar, "Pertimbangan Hakim Terhadap Penegakan Hukum Tindak Pidana Korupsi Dana Desa," *J. Ilm. Pendidik. Pancasila dan Kewarganegaraan*, vol. 06, pp. 56–72, 2021.
- [2] Jeane, "Pengembalian Asset Negara Hasil Korupsi di Indonesia Dalam Perspektif United Convention Against Corruption 2002 (UNTAC)," *Legis. Indones.*, vol. 03, pp. 45–67, 2016.
- [3] Oksidelfa, "Efektivitas Putusan Pemidanaan Maksimal Bagi Pelaku Tindak Pidana Korupsi dalam Rangka Pengetasan Kemiskinan," *J. Huk.*, vol. 01, pp. 33–46, 2017.
- [4] Santoso, *Membumikan Hukum Pidana Islam: Penegakan Syariat Dalam Wacana dan Agenda*, 2nd ed. Jakarta: Gema Insani Press, 2003.
- [5] Yasmirah, "Problematika Gratifikasi Dalam Sistem Pembuktian Tindak Pidana Korupsi (Analisis Undang-Undang Nomor 31 Tahun 1999 Jo. Undang-Undang Nomor 20 Tahun 2001 tentang Pemberantasan Tindak Pidana Korupsi)," *J. Huk. Responsif*, vol. 05, pp. 17–33, 2017.

- [6] Budi Saiful, "Penguatan Alat Bukti Tindak Pidana Pencucian Uang dalam Perkara Tindak Pidana Korupsi di Indonesia," *J. Integritas*, vol. 02, pp. 55–75, 2016.
- [7] Melani, "Disparitas Putusan Terkait Penafsiran Pasal 2 Dan 3 UU Pemberantasan Tindak Pidana Korupsi," *J. Yusdisia*, vol. 03, pp. 55–65, 2014.
- [8] L. J. Moleong, *Metodologi Penelitian Kualitatif*, 7th ed. Bandung: PT. Remaja Rosdakarya, 2004.
- [9] Amirudin, *Pengantar Metode Penelitian Hukum*, 1st ed. Jakarta: PT Rajawali Press, 2010.
- [10] Suhariato, "Restorative Justice dalam Pemidanaan Korporasi Pelaku Korupsi demi Optimalisasi Pengembalian Kerugian Keuangan Negara," *J. Kemenkumham*, vol. 05, pp. 22–43, 2016.
- [11] Syamsuddin, "Rekonstruksi Pola Pikir Hakim Dalam Memutus Perkara Korupsi, Berbasis Hukum Progresif," *J. Din. Huk.*, vol. 11, pp. 76–89, 2011.
- [12] Liliik Mulyadi, *Tindak Pidana Korupsi di Indonesia (Normatif, Teoritis, Praktik dan Masalahnya)*, 1st ed. Jakarta: PT Citra Aditya, 2007.