



Effectiveness of law enforcement against corruption crimes in the Province of Banten-Indonesia

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ABSTRACT

The phenomenon of corruption of the heads of regions in the era of autonomy justifies the thesis that corruption among governments has already grown in the hierarchy and has spread to areas. Experience empirical This shows that enforcement law to act against criminal corruption that officials in the region commit needs support and authority that is extraordinary and professional and supports vast costs, as well as availability time for the enforcement process sufficient law. The matter is studied to determine effective enforcement laws in eradicating corruption committed by officials and eradication strategies for criminal corruption in the Banten region. Qualitative and descriptive-analytical methods, with a normative legal approach, are used to achieve this goal. This method obtains a comprehensive and systematic picture of legal norms and principles in applicable legal regulations. The study's results showed that handling the eradication of corruption, especially concerning regional officials in Banten, was less than optimal. In contrast, its eradication is not yet effective. This is due to weaknesses in the laws and regulations governing corruption and legal loopholes related to the rules of regional heads suspected of committing corruption. One solution to the implementation of law enforcement against corruption committed by officials in the region, the ideal prospect of eradicating corruption, namely preventive measures, prosecution, asset recovery, and records of Corruption trials carried out by the Corruption Eradication Commission

Keywords: Corruption, regional officials, law enforcement, legal effectiveness

DOI:

INTRODUCTION

Corruption occurs due to the abuse of authority and positions held by officials or employees for personal interests in the name of themselves or their family, relatives, and friends. Wertheim in Lubis stated, "An official is said to have committed an act of corruption if he receives a gift from someone who aims to influence him to make a decision that benefits

the interests of the gift giver. Sometimes, people who offer gifts in compensation are also included in corruption. Compensation from third parties received or requested by an official to be forwarded to his family, party/group, or people with personal relationships with him can also be considered corruption. In such conditions, it is clear that the most prominent characteristic of corruption is the behavior of officials who violate the principle of separation between personal interests and public interests, the separation of personal finances from the public.

Corruption always accompanies the journey of power, and vice versa; power is the gateway to corruption. The blurry picture of power is because the Indonesian nation often refers to the practice of power held by rotten politicians. However, a power that tends to be corrupt can be repelled when there is a power that is trustworthy and democratic and has a vision and commitment to clean government and good governance. Nyoman Serikat Putra Jaya explained that it must be admitted that today, Indonesia, according to the results of research conducted by Transparency International and the Political and Economic Risk Consultancy based in Hong Kong, always occupies a vulnerable position regarding corruption. It must be admitted that corruption in Indonesia is systemic and endemic, so it not only harms state finances but also violates the social and economic rights of the community at large. Nyoman Serikat Putra Jaya further said that corruption in Indonesia has seeped into all aspects of life, sectors, and levels, both at the center and in the regions. The cause is corruption, which has occurred for decades and has been allowed to continue without adequate legal action. Based on both expert opinions, either directly or indirectly, corruption cannot be separated from power, so Robert Klitgaard, based on Webster's Third New International Dictionary, stated that corruption is an invitation (from a political official) with improper considerations (such as bribes) to commit violations. Meanwhile, Evi Hartanti, based on the Indonesian Encyclopedia, emphasized that corruption is a symptom of officials and state agencies abusing their authority through bribery, forgery, and other irregularities.

The rampant corruption of regional heads in this era of autonomy confirms that corruption in government circles has grown upwards in the hierarchy and spread downwards to the regions. The corruption epidemic has indeed become systemic. The endemic corruption has spread so far that it has even reached the younger generation. In the current reform era, corrupt actors have spread to the level of the entire archipelago involving regional officials. Institutional changes in the reform era have contributed to the widening corruption. The decentralization framework as regulated in the package of Law of the Republic of Indonesia Number 22 of 1999, which has been amended to Law of the Republic of Indonesia Number 32 of 2004 concerning Regional Government and Law of the Republic of Indonesia Number 25 of 1999 which has been amended to Law of the Republic of Indonesia Number 33 of 2004 concerning Central-Regional Financial Balance, has two primary dimensions. These dimensions also show the concept and direction of decentralization policy desired by policymakers. The first dimension emphasizes administrative decentralization. The second dimension, as regulated in the Republic of Indonesia Law Number 25 of 1999, which has been amended to the Republic of Indonesia Law Number 33 of 2004, concerning Central-Regional Financial Balance is financial decentralization, a core component of the concept of decentralization. The existence of financial decentralization is a consequence of the authority to manage finances (expenditure) independently.

The government has established various laws and institutions to combat corruption. The number of corruption cases in Indonesia should have decreased, but the reality is that it has not changed and has even worsened. Currently, the public is very skeptical and cynical about every effort to eradicate corruption cases carried out by the government. The reality of efforts to eradicate corruption in Indonesia so far shows that failure after failure occurs more often, especially in prosecuting big-time corruptors compared to small-time corruptors. This failure indicates that people in the lower strata are always victims of injustice in every legal action against corruption cases.

The practice of corruption in the era of regional autonomy that is increasingly widespread and involves more and more actors illustrates the irony of decentralization. Based on records from the Indonesian Corruption Watch (ICW) from January to December 2010, there were 239 corruption cases in various regions with various actors, modes, and levels of losses suffered by the state. One worrying thing is that most of the corruption practices that occurred in the era of decentralization were carried out by Regional Heads, who are functional institutions that implement the public's will. The mass media reported at least 102 corruption cases by regional heads from January to December 2010. The corruption in the Banten Region, especially by officials, is very concerning. Not only did the perpetrators involve officials, but the modus operandi was almost the same, namely violations of authority in using state finances, and what is even more concerning is law enforcement against the perpetrators of the corruption. Based on the case of law enforcement of corruption crimes committed by officials in Banten, which is quite complicated, research was conducted to increase law enforcement's effectiveness in eradicating corruption committed by officials and the strategy for eradicating corruption crimes in the Banten region.

RESEARCH METHODS

A socio-legal approach is used to examine the effectiveness of law enforcement in eradicating corruption. This approach is intended to examine legal phenomena from a social science perspective. Thus, legal science has an interdisciplinary nature, which is used to help explain various aspects related to the presence of law in society. Multiple aspects of the law one wants to know cannot be adequately explained without utilizing scientific disciplines, such as politics, anthropology, economics, and others.

Primary and secondary data are used to study the effectiveness of law enforcement. Primary data are the results of direct observation and interviews with sources who have competence in matters related to law enforcement in eradicating corruption committed by officials in the Banten region, the Head of the Banten Corruption Court, the Head of the Banten High Prosecutor's Office, Corruption Judges, Chairmen of Banten anti-corruption NGOs and the head of the Banten corruption trial record hearing as well as several community leaders. Meanwhile, secondary data includes primary and secondary legal entities and tertiary legal entities. Primary legal materials are materials on binding favorable legal provisions. These namely positive legal rules apply in Indonesia, including the 1945 Constitution of the Republic of Indonesia, the Criminal Code, Law of the Republic of Indonesia Number 31 of 1999 with its Amendments, Law of the Republic of Indonesia Number 21 of 2001 concerning Criminal Acts of Corruption, Law of the Republic of Indonesia Number 28 of 1999 concerning the

Implementation of a Clean and Corruption-Free State, Collusion and Nepotism; and Law of the Republic of Indonesia Number 12 of 2008 concerning Amendments to Law of the Republic of Indonesia Number 32 of 2004 concerning Regional Government. Then, secondary legal materials are legal materials that are intended to explain primary legal materials. In contrast, secondary legal materials comprise literature books, lecture notes, and various scientific works related to the discussed problem. Furthermore, tertiary legal materials or supporting legal materials include materials that provide guidance and explanations for primary and secondary legal materials, such as general dictionaries, legal dictionaries, scientific magazines, and journals, as well as materials outside the legal field that are relevant and can be used to complete the data required in research.

Data analysis is carried out using a qualitative legal method, namely explaining or explaining everything obtained from theories and library research results so that concrete and clear scientific truths can be found. The data obtained are then arranged qualitatively to achieve clarity of the problem.

RESULTS AND DISCUSSION

Condition of Law Enforcement against Corruption Crimes in the Banten Region

Corruption is one of the most crucial issues the Indonesian nation and government must solve. This is because the longer the criminal act of corruption in Indonesia is increasingly difficult to overcome. The rampant corruption in Indonesia is suspected to occur in all areas and sectors of development. Moreover, after the implementation of regional autonomy was stipulated, based on Law of the Republic of Indonesia Number 22 of 1999 concerning Regional Government, which was updated by Law of the Republic of Indonesia Number 32 of 2004, it is suspected that corruption occurs not only at the central level but also at the regional level and even penetrates to a minor level of government in the regions. The Indonesian government is not sitting idle in overcoming corrupt practices. The government's efforts are implemented through various policies in the form of laws and regulations from the highest, namely the 1945 Constitution of the Republic of Indonesia, to the law on the Corruption Eradication Commission. In addition, the government has also formed commissions directly related to preventing and eradicating corruption, such as the State Officials' Wealth Examination Commission and the Corruption Eradication Commission.

Efforts to prevent corruption are also carried out in the executive or state administrator environment, where each agency has an Internal Control Unit as an inspectorate. The function of the inspectorate is to supervise and examine the implementation of development activities in each agency, especially the management of state finances, so that development activities run effectively, efficiently, and economically according to target. In addition to internal supervision, external agencies supervise and examine development activities, namely the Audit Board of Indonesia and the Development Finance Supervisory Agency. In addition to internal and external institutions, non-governmental organizations (NGOs) also play a role in supervising development activities, especially cases of corruption carried out by state administrators. Several NGOs that are active and intensive in managing and reporting corrupt practices carried out by state administrators include the Indonesian Corruption Watch (ICW), Government Watch (GOWA), and the Indonesian Transparency Society (MTI).

Judging from the government's efforts to eradicate corrupt practices, it seems pretty adequate in law and regulations, commissions, internal and external audit institutions, and NGO involvement. However, instead of decreasing, corrupt practices have increased from year to year. Indonesia was again considered the most corrupt country in Asia in early 2009 and 2010 based on a survey among entrepreneurs and business people by the consulting agency Political and Economic Risk Consultancy (PERC). The Hong Kong-based PERC consulting agency survey results stated that Indonesia is the most corrupt country among 12 Asian countries. The predicate of the most corrupt country was given because Indonesia's score almost touched the absolute number 10 with a score of 9.25 (a score of 10 is the highest or most corrupt score). In 2005, Indonesia was still included in Asia's top three most corrupt countries. The ranking of the most corrupt countries after Indonesia, based on the results of a survey conducted by PERC, namely India (8.9), Vietnam (8.67), Thailand, Malaysia, and China are in equal positions in the fourth cleanest ranking. On the other hand, the cleanest country in terms of corruption is Singapore (0.5), followed by Japan (3.5), Hong Kong, Taiwan, and South Korea.

1. Weak Law Enforcement

In essence, the law enforcement apparatus, especially criminal law in the criminal justice system or criminal justice system in Indonesia, are the police, the prosecutor's office, and the judiciary, the three institutions that are the state's main organs of law enforcement in Indonesia have been regulated in the form of legislation. The three institutions are also responsible for efforts to eradicate criminal acts of corruption in Indonesia.

The enthusiasm to eradicate corruption currently seems only to blame the existing system. Still, it is less oriented towards improving and supervising the performance and professionalism of law enforcement officers, so it is not uncommon for the process of preventing and prosecuting corruption to be hampered by the behavior of law enforcers who abuse their authority (abuse of power). In this situation, the state needs clear regulations and capable law enforcement officers so that enacting the Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption becomes the basis and fosters a new spirit in eradicating corruption.

One of the elements essential to law enforcement in Indonesia is police. In the Constitution of the Republic of Indonesia Number 2 of 2002 concerning the Republic of Indonesia National Police, in Article 14, the letter states, "The Republic of Indonesia National Police carries out investigation and inquiry to all criminals by criminal procedure law and regulations legislation others. " According to Article 25 of the Law Republic of Indonesia, Number 31 of 1999 concerning Eradication Action Criminal Corruption, "Investigation, prosecution, and examination at the trial court in case act criminal corruption must come first from other things for use settlement as soon as possible. " This is in line with the spirit of police reform, which makes the grand strategy of the police with the strategic policies of the police leadership, namely that eradicating criminal acts of corruption is a priority for the police. The role of the Police here is vital because the Police are the spearhead of law enforcement. Looking at the cases that occur, the Police as law enforcers, protectors, and guardians of the community, must be able to be pioneers in handling criminal acts, especially in corruption cases, so that they can be more proportional. In reality, investigators must handle criminal acts of corruption, which is a challenging task that must be carried out by the police, especially in resolving

corruption cases carried out by Banten regional officials. In this case, the Police experience difficulties because they have to go through bureaucratic problems if they have to conduct examinations, investigations, and inquiries into regional officials. In addition, the perpetrators are public officials who carry out their functions or roles in connection with their positions. The financial situation and power of the perpetrators are relatively strong, allowing them to commit acts that are qualified by law and the general public as crimes because, with their strong finances, they can be immune to the law and other means of social control. It is not easy to imprison the perpetrators of white-collar crimes because of the weaknesses of their victims. The Police, in handling corruption crimes, are faced with systemic crimes that are packaged in such a way that the Police are unable to touch the corruption cases, especially the officials.

The prosecutor's office is the second element in the criminal justice law enforcement system. Law and law enforcement are some factors that cannot be ignored because if ignored, it will fail to achieve the expected law enforcement. Therefore, the existence of the prosecutor's office as one of the elements of the criminal justice system has an important position and strategic role in a state of law because the prosecutor's office is a filter between the investigation process and the examination process in court so that its existence in society must be able to carry out the task of law enforcement. Article 1 Number 1 of Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia stipulates that a prosecutor is a functional official who is authorized by this law to act as an investigator, public prosecutor, and implementer of court decisions that have obtained legal force and other authorities based on Law of the Republic of Indonesia Number 16 of 2004. The Prosecutor's Office of the Republic of Indonesia, as a government institution that exercises state power in the field of prosecution, must be free from the influence of any party's control. In prosecution, it is carried out independently regardless of the impact of government power and the influence of other powers. As a law enforcement agency, the Prosecutor's Office is required to play a more significant role in upholding the supremacy of law, protecting public interests, enforcing human rights, and eradicating corruption, especially corruption in the regions.

The prosecutor's office plays a role in carrying out preventive measures to eliminate symptoms that lead to criminal acts that cause disturbances to public security and order. From the perspective of the criminal justice system, the role of the prosecutor's office is evident as part of the criminal justice system. The most basic role of the prosecutor's office in the criminal field is to conduct investigations into particular crimes, namely corruption, that occur in society. According to Article 1 Point 5 of the Criminal Procedure Code, the investigation is a series of investigator actions to search for and find an event suspected of being a crime to determine whether or not an investigation can be carried out according to the method regulated by law. Meanwhile, investigation, according to Article 1 number 2 of the Criminal Procedure Code is a series of investigator actions in terms of and according to the method regulated by this law to search for and collect evidence that with this evidence makes clear the crime that occurred and to find the suspect. Thus, it can be explained that before determining whether the suspect is in an event, it will first be investigated whether it is a legal event with elements of a crime. Suppose it turns out that information obtained in the investigation shows that the incident contains elements of a criminal act. In that case, the prosecutor will follow it up at the investigation stage. However, there are various obstacles to regional officials enforcing criminal acts of corruption, especially in the Banten region. The barriers faced by law enforcement officers,

especially the Prosecutor as a public prosecutor and also an investigator are:

- a) In the event of a criminal act of corruption, there is someone who knows that a criminal act of corruption has occurred but does not report it to the authorities. This is because the person is afraid of his superiors.
- b) In the event of a criminal act of corruption, there is someone who knows that a criminal act of corruption has occurred but is prohibited by fellow perpetrators of the criminal act of corruption.
- c) In the event of a criminal act of corruption, someone knows that a criminal act of corruption has occurred but does not dare to report it.
- d) In the event of a criminal act of corruption, there is someone who knows that a criminal act of corruption has occurred but does not want to report it.
- e) Witnesses and defendants take too long because they often move from place to place, so the investigation takes a long time.
- f) The difficulty arises in terms of investigators finding the suspect's or his family's property obtained from the proceeds of corruption to be confiscated as evidence. This confiscation is very important, namely to return state finances that have been corrupted to be used to carry out development. Handling corruption is prioritized to return state finances.

The third element in Indonesia's judicial system is the judiciary. A judge is a position that has the task of examining and deciding a case. A person who holds the position of judge certainly also carries out the task of reviewing and deciding a case. Examining and deciding a case is not as easy as someone determining a goal. Examining and deciding a case is a task carried out by someone who stands in the middle between those in dispute. Standing in the middle between those in dispute certainly stands upright, not leaning, and balanced. The primary key to carrying out the role in the middle is that the decision he takes is a decision that can be accepted by both parties to the case happily. This is the core of the issue of justice in a judge's decision. Judges in Indonesia should have a good understanding of justice in this case. Therefore, the terms "lose" and "win" must be avoided when deciding a case. However, in reality, judges in the regions, especially in Banten, tend to acquit perpetrators of corruption by regional officials. One of the contributing factors is the welfare of the judges, which is minimal compared to the very dense volume of trials. This encourages judges to be involved in corruption. This is a critical issue in the law enforcement agenda, especially corruption because judges reveal and show a fundamental weakness in the law enforcement agenda in this country. Indirectly, judges in the regions want to say that if the government continues to neglect or does not care about the welfare of judges in the areas, their existence, role, and responsibility can become a weak point and destroy the law enforcement agenda in this country. Currently, the law enforcement agenda has indeed experienced minor damage here and there. For example, let's say the case of the Corruption Court's acquittal of dozens of corrupt defendants invited public anger. Or the case of a judge who was caught red-handed because he was suspected of accepting bribes. Indeed, no matter how high a position or profession a person holds, if his welfare is below average standards, there will always be a push to improve welfare in other ways—for example, by looking for and pursuing side jobs. It could also be doing illegal work by violating the code of ethics of the position or profession, aka commercializing the position. In several Corruption cases involving law enforcement officials, the chosen mode is generally

commercializing the position from bargaining over the articles of the indictment to buying and selling the proposed charges.

Based on this tendency, it is inevitable that the regional judge community can be very vulnerable. This is because they are an easy target for the judicial mafia. As is typical with mafia work, they will eventually reach the realm of judges' duties after first entering the daily lives of unsophisticated judges whose means are not commensurate with the risks they bear. If this continues, the law will be difficult to enforce because it will become a commodity traded behind the doors of unsophisticated judges. Therefore, before the damage to the law enforcement agenda gets worse, the initiative of the regional judge corps should be responded to with a positive attitude and thinking. If we respond clearly, it will be seen that in the complaints of the judges, some more excellent intentions and goals are much more strategic, namely a new impetus for the realization of synergy in law enforcement between the Police-Prosecutor's Office on the one hand and the judges and judicial institutions on the other. Referring to Jeremy Bentham's opinion in his book *The Principles of Morals and Legislation* (1780), "the law aims to realize what is beneficial, the greatest happiness for the majority is to conduct investigations, investigations into specific criminal acts, namely Corruption Crimes that occur in society. According to Article 1 point 5 of the Criminal Procedure Code, investigations are a series of investigators' actions to search for and find an event suspected of being a criminal act to determine whether or not an investigation can be carried out according to the methods regulated by law.

According to Article 1 number 2 of the Criminal Procedure Code, an investigation is a series of actions by investigators in terms of and according to the methods regulated in this law to seek and collect evidence that with this evidence makes clear the criminal act that occurred and to find the suspect. Thus, it can be explained that before determining whether the suspect is in an event, it will first be investigated whether the event is a legal event in which there are elements of a criminal act. Suppose it turns out that the investigation obtains information that the event contains elements of a criminal act. In that case, the prosecutor will follow it up at the investigation stage. However, in reality, regional officials, especially the Banten region, experience various obstacles in enforcing criminal acts of corruption. The barriers law enforcement officers face, especially prosecutors as public prosecutors and investigators, are profession, aka commercializing positions. In several corruption cases involving law enforcement officers, the mode generally chosen is the commercialization of positions, from bargaining over articles of indictment to buying and selling plans for prosecution. Based on this tendency, it is inevitable that the community of regional judges can be very vulnerable. This is because they are easy targets for the judicial mafia. As is typical with the mafia, they will eventually reach the realm of judges' duties after first entering the daily lives of unsophisticated judges whose lives are not commensurate with the risks they bear. If such things continue, the law will be difficult to enforce because it will become a commodity traded behind the doors of unsophisticated judges. Therefore, before the damage to the law enforcement agenda gets worse, the initiative of the regional judge corps should be responded to with a positive attitude and thinking. If we respond clearly, it will be seen that in the complaints of the judges, some more excellent intentions and goals are much more strategic, namely a new impetus for the realization of synergy in law enforcement between the Police-Prosecutor's Office on the one hand and the judges and judicial institutions on the other. Referring to Jeremy Bentham's

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2. Lack of Political Will of the Government

Eradication of corruption is not enough, and it can only be done by basing it on existing legal instruments. Still, it must be supported by a strong political will from all branches of state power (executive, legislative, and judiciary). It is undeniable that corruption is closely related to abuse of power. With adequate legal instruments today, eradicating KKN should be relatively more straightforward. It's just that the solution is very dependent on political will. Eradication of corruption will only be achieved when people hold political power and law enforcement with integrity and courage. Various cases involving public officials whose endings are unclear not only insult the law but also insult the community's sense of justice. Therefore, every law enforcement officer must have the same commitment to eradicating corruption; borrowing Satjipto's term, when a law enforcement officer handles a corruption case, he must not come neutrally but must come with a certain predisposition with the spirit to eradicate corruption. Thus, law enforcement will be in touch with certainty and justice for the community.

Anti-corruption reforms must be driven from outside the government. This still shows the level of state capture type of corruption and corruption in the same bureaucracy (petty corruption), the severity, and the state of governance being poor (poor to fair). An essential thing in eradicating corruption is political will (will) serious politics) from the state, including the political will of the DPR, which is not seldom impressed cover-up case corruption when the corruptor is related closely to party politics. In addition, political will is needed from the

government not to protect its officials who commit corruption. The officials involved are generally willing and dare to commit corruption because they are assigned/ordered (either directly or indirectly or implicitly) to commit corruption. As a government money machine so that the perpetrators feel confident that they will get protection from the government.

Lastly is the law enforcers' political will (Police, Prosecutors, and Judges, including Lawyers). The police conduct investigations and inquiries but lack evidence and seem to be forced until the corruptor is not submitted to the prosecutor's office. Or the Police issue SP3 (Letter of Termination of Case Investigation) as the ultimate weapon. The prosecutor may be weak in making the indictment, so the corruptor is easily released. And the lawyer, with his motto: "Move forward without fear to defend those who pay," so that he tries to justify any means to be able to free the corruptor.

Political will is not political rhetoric. That is different words and different actions. In words with enthusiasm and passion and earnestly stating: "Eradicate corruption. Destroy corruptors, and so on", but in practice, it is the opposite because it turns out that corruption is still carried out without feeling afraid, uncomfortable, let alone ashamed.

In Indonesia, especially in the Banten region, corruption has become an acute disease challenging to eradicate. Years under corrupt government from Governor Joko Munandar to the present Ratu Atut Chosiyah have made the spread of corruption increasingly widespread and systemic. Widespread corruption can easily be found in almost all public service offices. Corruption has become part of the state management system. Unfortunately, corruption often involves high-ranking officials in this country. The Chairman of the Banten Provincial DPRD, the first Governor of Banten, Djoko Munandar, and the former mayor of Cilegon Aat Syafaat are convicts languishing in prison like other convicts. One argument that can explain why the eradication of corruption is faltering is the lack of political will from the government. However, political will is still a general understanding that needs to be translated into various indicators. A critical prerequisite in eradicating corruption is the political will of the government—especially the president because of his strategic position in eradicating corruption. In court, the prosecutor's role as a prosecutor is vital, and the President is the direct superior of the Attorney General. Therefore, if the President wants, he should only order the Attorney General to enforce the law without discrimination.

Several indicators can be used to measure the government's political will, namely:

- a) Initiative: where does the initiative to eradicate corruption come from? Does the government have an initiative to eradicate corruption?
- b) Priority has the government conducted an in-depth study and determined which sectors will be the primary targets for eradicating corruption. The selection of priorities is essential because corruption in Indonesia is systemic and widespread in various sectors.
- c) Mobilization of political support, the presence or absence of political will, also depends on the willingness and ability to rally support for anti-corruption programs. Anti-corruption programs run by the government must receive support from other political forces. Without support, the government's history will be short because a new government will replace it. Without political support, corruption eradication can stall because the government must compromise with other political forces.
- d) Law enforcement in the form of severe punishment for corruptors, without severe sanctions, people will not be deterred from committing corruption. Corruption basically

has high benefits or advantages. If the cost or consequences are high, such as punishment sanctions, people will be afraid. But if there is none or the price is low, people will dare to commit corruption.

- e) Sustainability of the business, whether the anti-corruption program is an ongoing effort or only for short-term interests, for example, before the election.

From the five indicators above, it can be concluded that the government's political will is very low, if not non-existent. Regarding initiatives, for example, students and other elements in the 1998 reform movement pushed for eradicating corruption. Furthermore, international pressure, such as through the IMF and CGI, can force the government to be serious. Regarding political support, corruption cases show the collusion of political elites to protect each other. Instead of eradicating corruption, all political forces seem to look the other way so as not to expose others. Also, the sustainability of efforts and priorities is essential. The government has no clear priority regarding which sector will be the main target for cleaning up corruption.

The government's political will is decreasing when law enforcement is an indicator. The government's law enforcement report card is red. Several corruption trials and their final verdicts are genuinely disappointing. Corruptors were given light sentences in the BLBI (Bank Indonesia Liquidity Assistance) corruption case, the Century Bank case, and various other corruption cases that have destroyed the foundations of the country's economy. Some were even acquitted. Finally, the Samadikun Hartono case mocks the law very nakedly. The convict, the Attorney General's Office, sought out to have received permission from the Attorney General's Office several months earlier to seek medical treatment abroad. Several years ago, Syamsul Nursalim fled abroad, seeking permission to receive medical treatment from the Attorney General's Office.

3. Transparent and Conflict-Free Eradication of Corruption

The policy of accelerating the eradication of corruption is necessary because the state must immediately realize the welfare of the people and carry out convergence between the sovereignty of the people and the sovereignty of the law simultaneously to learn the realization of a democratic state of law. An essential thing often forgotten is building a joint supervision strategy between the DPR, the KPK, and other supervisory institutions. The KPK has the authority and competence to conduct studies on the potential for corruption and collusion in law enforcement institutions, public service institutions, and various government agencies. The BPK conducts financial audits with specific objectives in almost all state and government institutions, including local governments. The DPR should use both supervision results to strengthen and optimize its supervisory function. The Inspectorate and Bawasda, which are supervisory institutions at the government level, can also be an essential part of jointly carrying out supervision with the BPK, DPR, and KPK. For this reason, the focus and priority of supervision in certain areas can be carried out together. The KPK can conduct studies to determine the mapping of potential corruption, and then the results can be used together with the above institutions and the government to carry out mainstreaming, focusing, and synergizing to accelerate the eradication of corruption in several strategic areas.

Eradicating corruption is not easy, but it must also be believed and optimistic that there are enough ways and strategies to eliminate corruption, such as the examples above. There is

sufficient social capital, and many parties have a strong desire and are willing to dedicate some of their time, knowledge, and experience to eradicate corruption jointly. If corruption eradication can be accelerated, it will be better because it will immediately realize welfare and a democratic legal state. Many people are dissatisfied with law enforcement in Indonesia; this is very reasonable considering the many significant cases that have not been resolved until now. Such as the Gayus Tambunan corruption case, the athlete's dormitory scandal, the Bank Century scandal, the BI deputy governor bribery case, and the fat account cases. These are the things that make law enforcement in Indonesia considered flawed. For this reason, honest, competent and professional law enforcers are needed so that law enforcement for corruption can run effectively.

The ranks of law enforcement officers must work together and coordinate so that efforts to prosecute and prevent corruption are better. Corruption is too big to be handled alone. The establishment of the KPK is to increase the effectiveness and efficiency of efforts to eradicate corruption. As an agency that is expected to act extraordinarily in eradicating corruption, the KPK is entrusted with 5 (five) tasks as regulated in Article 6 of Law of the Republic of Indonesia Number 30 of 2002 concerning the Corruption Eradication Commission, namely:

- a) Coordination with agencies authorized to eradicate criminal acts of corruption
- b) Supervision of agencies authorized to eradicate criminal acts of corruption
- c) Conducting investigations, inquiries, and prosecutions of criminal acts of corruption
- d) Taking preventive measures against criminal acts of corruption
- e) Monitoring the implementation of state governance.

Currently, the public has more hope for the Corruption Eradication Commission (KPK) to overcome corruption. The high level of public trust is not balanced with the KPK's resources to handle all incoming reports. In this case, the KPK coordinates and supervises cases to be handled by the Police and the Prosecutor's Office. The tasks of coordination, supervision, enforcement, prevention, and monitoring cannot be separated from each other. Between one and the other, they are intertwined in eradicating corruption. It's just that in implementation, specific tasks may be more prominent than others. In this case, public observation looks more at the KPK in its enforcement duties. At the same time, other tasks, such as coordination and supervision, are not so visible. This is the main task of the KPK in supporting other law enforcement institutions, such as the prosecutor's office and the police, in accelerating the eradication of corruption.

The 2010 KPK annual report stated that from 2004 to December 2010, the KPK received 45,301 public reports from 33 provinces and even from abroad. Not all reports could be followed up. Of the 45,301 reports on corruption received, only 2,849 reports (6.29%) could be handled by the KPK. The rest (42,452 reports or 93.71%) were forwarded to authorized agencies or returned to the reporter because they had to complete evidence, there was insufficient evidence, or it was not corruption. Based on these conditions, it is tough for the KPK to handle all corruption reports throughout Indonesia. The KPK only handles a small portion and must forward them to other agencies or agencies that are related to the report.

This shows that the task and authority of coordination and supervision of the KPK is one of the strategic authorities given to the KPK. In addition, the task and authority of coordination and supervision are appropriate to support the design of the KPK as a trigger

mechanism for other bodies or institutions to accelerate the eradication of corruption.

The KPK is not designed to handle all corruption cases and should not monopolize the handling of corruption cases. This can be seen from the explanation of the KPK Law, which shows that coordination and supervision are the main tasks of the KPK. The explanation states, "With the provisions in this Law, the Corruption Eradication Commission:

- a) Can build a strong network and treat existing institutions as conducive "counterparts" so that corruption eradication can be carried out efficiently and effectively.
- b) Not monopolizing the duties and authority of investigation, inquiry and prosecution.
- c) Functions as a trigger and empowerment of existing institutions in eradicating corruption (trigger mechanism)
- d) Functions to supervise and monitor existing institutions, and in certain circumstances, can take over the duties and authority of investigation, inquiry and prosecution (superbody) which are being carried out by the police and prosecutor's office.

There is a decentralization of corruption, going hand in hand with the decentralization of power. The KPK will not be able to handle everything and must cooperate with the Police and the Prosecutor's Office. The importance of cooperation between law enforcement officers is quickly uncovering corruption cases. Coordination has been carried out effectively in handling the corruption case of misuse of Pandeglang Regency regional cash funds for the 2005-2007 fiscal year with a state loss of Rp. 43.84 billion. The Banten Police have named nine suspects, one of whom is the Pandeglang Regent. When the handling of the Regent's files was difficult to complete due to being hampered by presidential permission, the Police handed it over to the KPK which does not require presidential permission.

Coordination and supervision, unfortunately, cannot be carried out on all cases handled by the KPK, the Prosecutor's Office, and the Police. Among the inhibiting factors are the large sectoral egos of law enforcement officers to work together. Several parties consider the KPK to be too dominant and monopolize the handling of cases. Therefore, more detailed regulations are needed regarding when a case can be taken over or supervised. Coordination and supervision have been carried out between the KPK and the Prosecutor's Office. However, in many instances, coordination is complex because authority is arrogant between law enforcement officers. This coordination is essential in the investigation and inquiry process to make the evidence collected more substantial and complete. Many defendants in corruption cases are free because the quality of the investigation is inferior. The success of a case is determined during the investigation. If the evidence is not perfect, the evidence is not strong, the Public Prosecutor cannot present a substantial charge.

Meanwhile, Director III of Tipikor Bareskrim Mabes Polri Brigadier General Ike Edwin stated the importance of aligning the legal system so that the Police can work more effectively. Currently, the police are constrained by the legal system and the low budget for investigation and inquiry. Police performance has improved; despite limited funding, as of October this year, it has handled 94 percent of the target for handling cases up to the P21 stage.

The legal system that weakens the Police, for example, only has authority up to the investigation and inquiry stage and must delegate to the Prosecutor's Office for the prosecution stage. In addition, the Police are also constrained by presidential permission when handling regional head cases. Regarding handling regional head cases, the police asked the KPK to help

the process be faster because they do not need to wait for presidential permission. The KPK does not need to take over; it only coordinates. One or two people are included in the sprindik team, so the process is faster (joint investigation). The condition of handling the eradication of corruption, especially concerning regional officials in Banten, can be considered less than optimal. This is influenced by several factors, including the weak role of law enforcement in prosecuting regional officials, the lack of supporting facilities and infrastructure for handling corruption at the regional level, the lack of community participation in efforts to eradicate corruption, the lack of political will of the government and the absence of transparency in handling corruption so that it does not cause a conflict of interest.

Interesting developments related to corruption prevention efforts in Indonesia occur both at the level of government policy, the formation and consolidation of institutions, and the increasingly critical public awareness of the importance of eradicating corruption. The government policy in question has not only been formulated in the National Action Plan for Eradicating Corruption, but several regions have also developed Regional Action Plans for Eradicating Corruption, and pioneered efforts to develop innovative policies that have proven to prevent corrupt practices within the government bureaucracy.

CONCLUSION

The condition of handling the eradication of corruption, especially concerning regional officials in Banten, can be considered less than optimal. This is influenced by several factors, including the weak role of law enforcement in prosecuting regional officials, the lack of supporting facilities and infrastructure for handling corruption at the regional level, the lack of community participation in efforts to eradicate corruption, the lack of political will of the government and the absence of transparency in handling corruption so as not to cause conflicts of interest. Interesting developments related to efforts to prevent bribery in Indonesia have occurred at the level of government policy, the formation and consolidation of institutions, and the increasingly critical awareness of the community about the importance of eradicating corruption. The government policy in question has not only been formulated in the National Action Plan for Eradicating Corruption, but several regions have also developed Regional Action Plans for Eradicating Corruption, and pioneered efforts to develop innovative policies that have proven to prevent corrupt practices within the government bureaucracy.

About the effectiveness of eradicating criminal acts of corruption committed by regional officials in the Banten region, both before and after there was a corruption court, but the Banten Corruption Court Recording Team did not record it, it can be said that it is not yet effective. In contrast, there was a Banten Corruption Court Recording Team, which was carried out in collaboration with the KPK and the UNTIRTA Faculty of Law, and it can be said that it was pretty effective.

Recording trials has been effective in creating honest and dignified trials; this is indicated by the judges' decisions, which are generally in line with the demands of the public prosecutor. Recording trials has also encouraged the proper functioning of social control so that law enforcers, especially judges, act professionally and avoid attitudes and behaviors that are socially deviant in handling and examining corruption cases. Recording trials of corruption crimes can also encourage law enforcers to realize the basic values of law, namely certainty,

benefit, and justice, to realize the objectives of criminal law, namely the protection and welfare of society. The problem of the ineffectiveness of eradicating corruption crimes committed by regional officials in the Banten region is due to the following factors: Weaknesses in the laws and regulations governing corruption crimes.

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