

Regulation Factors Policy: Increased Government Policy in Eradication of Corruption

¹Einil Rizar, ²RizkaYani, ³Juheri Riski Viki Pratama, ⁴Erfan Effendi, ⁵Awliya Afwa

^{1,2,3,4,5}Universitas Islam Riau, Indonesia

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Abstract: This article tries to expose the policy of correction through the concept of improving government policies. The role of Indonesian stakeholders in overcoming corruption is still impressed, but the implementation of regulation in combating corruption has not been able to be realized optimally. Judging by the Phenomena. Indonesia is experiencing corruption starting from the new order until now. For the people of Indonesia, the problem of corruption seems to be commonplace. Due to the lack of political culture in the community, the people from the beginning made the corruption criminal activity increasingly rampant. This article aims to demonstrate the effectiveness of the Government in making new regulations to eradicate corruption. The method of study used in this paper is a qualitative descriptive based on the study of the literature through an indication of explanations taken through journals, books and articles related to corruption. The results found, there are still indicators that are lacking relevant pattern greetings and the regulatory implementation factor in the elimination of corruption issues. In addition, the related stakeholders are used as the reference of the society in a few criminal acts of corruption due to public interest and the acquisition of power.

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I. INTRODUCTION

In 2018, Indonesia ranked 89th out of 180 countries judged by the level of corruption issued by Transparency International, a global non-profit network that combats corruption. In Indonesia itself the practice of bribery, bribes rolling from the village level to the center [1]. The regulations issued by the government also vary in their effectiveness to combat acts of corruption. The programs and efforts that have been designed have been carried out, as reported by Kompas news sourced from bpkp.go.id, the commitment of the Indonesian government in eradicating corruption has also been actualized in the form of a

comprehensive strategy. That includes aspects of preventive, detective and repressive.

The government regulations are also clearly exposed, the government regulation for the eradication of corruption in Indonesia is Law No. 20 of 2001, referred to as the Anti-Corruption Act, is present as an amplifier to fight corruption [2]. Establishment of the Corruption Eradication Commission (KPK) as a derivative to strengthen the Corruption Act. Throughout the establishment of the KPK, there have been recorded various cases and corruptors who were successfully arrested by the KPK, in 2018 30 times in twelve months the KPK succeeded in catching hands and this was not

an achievement for the KPK. Throughout 2018 the KPK recorded 121 total suspects. Transactions are carried out by various professions, including: Head of region 24, Private 46, DPR 2, DPRD 5, Hakim 4, Echelon1 16, Echelon2 2, Echelon3 1, Advocate 3, Others 11. Total evidence Rp. 24.47 M USD 14 thousand, Thousand SDG310 [3].

Various kinds of corruption cases that occur in Indonesia and continue to show numbers moving upwards, increasingly questioning government regulations against corruption, given that corruption is not an ordinary crime, but an extraordinary crime (extra ordinary crime). Corruption is the focus of the government [4]. This encourages the optimization of government policy regulations in combating corruption optimizing the eradication of corruption is the right answer in responding to rampant corruption. Current government regulations need to pay attention to their effectiveness, the government needs to try to form new regulations. The government as the organizer of state life needs to provide protection and welfare for the community through various policies that are organized and effective [5].

II. LITERATURE REVIEW

In the past 10 years, a wave of amazing changes has occurred in Indonesia. The government has chosen the path to implement the decentralization program and has chosen direct elections to elect the president, governors, regents and mayors. This must be seen as a process of transition from an authoritarian regime to a democratic regime followed by changes in protection and transformation of coordination. In this conflict the problem of corruption in Indonesia needs to be studied. Corruption likes something unique to Indonesia. Almost in most countries, corruption always occurs. Corruption is widespread in almost all countries in the world both in industrial countries and in developing countries. The survey conducted by Transparency International shows that Indonesia is one of the most corrupt countries

in the world. In the area of eradicating corruption, Indonesia's score is only on par with Nigeria and Bangladesh and lags far behind that of the Philippines and Malaysia (World Bank, 2004: 17). The results of this survey reflect greater transparency about corruption in Indonesia and show Indonesian people to be one of an open society.

III. METHOD

This paper uses a descriptive qualitative method whereby data collection techniques and analyses are obtained through the process of filtering information focusing on library studies, reading, and processing information then based on data analysis techniques In the form of a descriptive argumentative data is narrated as to which the phenomenon is happening today. The main types of references used in this method are books, journals, scientific articles, and trusted websites. This paper uses an individual and state actors level analysis which examines government policies and individuals in the role of combating corruption [6].

IV. RESULT AND DISCUSSION

The community acknowledged that Corruption was carried out in various sectors and the community participated that's corruption is a crime that must be eradicated. Corruption is a big problem for the political and economic transition in Indonesia because corruption weakens the ability of the state to provide public goods and reduces the country's credibility in the eyes of the people. In the long term corruption is a challenge for the sustainability of democracy. A national survey conducted by the Partnership for Governance Reform in Indonesia presents a rich source of information about the perception of 2,300 households, public officials and entrepreneurs. The survey results revealed that 75% of respondents stated that corruption is very prevalent in the public sector. In addition, 65% of households reported an increase and 70% of

respondents saw corruption as "a disease that must be eradicated. The survey also revealed levels of public resolution and disgust towards corruption. 80% of respondents want corrupt officials to be imprisoned and confiscated. A small number of respondents want the official to be publicly humiliated. There is almost no support to provide amnesty or forgiveness to supporters of corruption in the past (World Bank, 2001). This survey offers three significant findings. First, people do not really trust state institutions. The institutions considered to be the most corrupt include in the justice sector (Police, Courts, Prosecutors' Office and Ministry of Justice), revenue institutions (Customs Service and Taxation agencies), Ministry of Public Works and Bank Indonesia. Second, the institutions that are ranked most corrupt are also considered to be less efficient in service delivery. Third, this survey provides insight into the actual causes of corruption in Indonesia. However, the survey results show a strong belief in corruption, accountability, low personal morale, and the absence of controllers and accountability, but careful analysis of the data shows that there are four variables that correlate with high management, anti-corruption organizational values, high quality staffing management and high quality goods procurement management (World Bank, 2001).

In explaining the phenomenon of corruption in the region, many variables and the various factors affect it. At least there are several indicators that can be used to explain the corruption of the various sectors both legislative, executive and judicial, which also penetrated the private sector, and foreign officials. First, the corruption that occurred in the legislative and executive environment both centered and district today, not regardless of the trend of the DPR/DPRD which more play the function of "budgeting" than the function of legislation and supervision [7]. At present there are trends from ministries and institutions of central/regional government to conduct various "approaches" in order to discussion of its institutional budget plan with the DPR/DPRD.

When not aware, the phenomenon is very vulnerable and prone to bribery because each will strive in various ways to make a plan for their institutional budgets [8].

If the budget submission alone raises a variety of insecurity, it is feared to be able to affect the implementation of the intended budget. Moreover, with weak supervision and poor accountability in various agencies. The phenomenon as revealed from corruption by Regent Dompu Abubakar, which uses the APBD to smoothen the decline of funds from the center. Only the Deprecator by the KPK at the time, was not thoroughly able to dismantle the involvement of officials and touts at the center which was condemned APBD funds by Abubakar [9]. Similarly, the investigation conducted by Ciamis state attorney, indirectly has shown that "lobby" in terms of budget allocation from the center to be a phenomenon that has been coloring the rule of government in the region. To make one of the factors of the corruption of legislative and executive ranks. Secondly, the implementation of the regional chief elections (the owner) and the mischief of regional autonomy, made the rise of corruption involving local officials [10].

Regional autonomy that is not followed increased participation and supervision of the community becomes one of the causes of more corruption in the region, so that regional autonomy even strengthens oligarchs at the local level through an elite conspiracy on the basis of Family Ties (nepotism), tribal (narrow primordial) to business associations (collusion) in draining the district budget for their own personal interests [11]. Even autonomy seems to be an attempt to move corruption that was once in the center of the region and fertilize collusion between district officials and black entrepreneurs, through the commitment fee or the bonded system in the implementation of a regional project. The sorting patterns that require a lot of cost, make the prone point of the emergence of money politic which became the beginning of the growth of conspiracy between district officials with

black entrepreneurs [12]. Usually in the last two years of his tenure, Officials who will nominate to be regional heads again or incumbent (prisoners) will be Jorjoran seeking money from the project and looking for a black businessman who wants to sponsor his leadership session, but there is no "lunch" for free.

Thirdly, the implementation of a "decentralized" and "deconcentration" system has resulted in the impact of new regional expansion. In the introductory speech of the RAPBN financial Note 2012 in front of the plenary session of DPR RI and DPD RI on 16 August 2011, the president of INDONESIA Susilo Bambang Yudhoyono, among others, said that from the year 1999 until now there is a new regional expansion As many as 205 consisting of 7 provinces, 164 districts and 34 cities. Fourth, the legal instrument in the management of regional finances is diverse and raises the open opportunity of multiple interpretations [13]. The issuance of legislation in the field of state finance followed by various rules of implementation, is essentially intended to create an orderly budget in accordance with the spirit of financial management reform and regional autonomy. However, on the other side, There are difficulties in the overall financial cycle of the local government, from the preparation of the budget and its approvals to the preparation phase of the financial statements [14].

In terms of regulation of the Minister of Home Affairs No. 13 of 2006 For example, which among other things govern that the DPRD issued a general budget policy (KUA) similar to the general policy direction (AKU) through a much more detailed program and activities. On the other hand, the decree of the interior Minister No. 29 year 2006 mandated that DPRD also prepare ME, which serves as a guide for general policy for executives in drafting a budget plan (RAPED). This will result in a draft of the budget produced will look different from the KUA, so it sometimes poses a conflict between the DPRD and executives [15]. Fifth, delayed APBD authentication is a common

phenomenon, so that many activities and projects carried out in the area were first held by "stealth costs". State speech from the president of INDONESIA Susilo Bambang Yudhoyono in the plenary session of DPR RI and DPD RI on 16 August 2011. The uncertainty of the source of funds and the allocation of fund activities and projects carried out first, making one of the triggers of various irregularities in the management of budgets in the region. In addition it is still happening at the end of the year the project's unfinished budget has been engineered in such a way as if it had been completed as a payment term [16].

Law enforcement for Communities

Especially in the corruption eradication the effectiveness of law enforcement is not only determined by the law enforcement, but also determined by the factor of abuse (legal substance) and legal culture factor (legal culture). In addition to these three factors, Romli Atmasasmita sees other factors that play an important role in the context of the function and role of the law in development, namely bureaucracy (Bureaucratic engineering) [17]. As for the important pillars of law enforcement, especially in order to eradicate corruption crimes that need attention, namely: 1. Statutory regulations objectively, legal norms to be enforced include the legal sense Formal and legal materiel. First, formal (written) law is only in accordance with the legislation that is written in both the scope of the regulation of the formil abuse of LAW No. 8 year 1981 on criminal events Law; Laws and regulations, Law No. 31 year 1999 Jo. LAW No. 20 of 2001 on the Eradication of corruption crime and other related legislation [18]. Secondly, the law of Materiel (unwritten) includes the understanding of the values of justice that live in society. Indonesia as the country of the peratification of the United Nation Convention Against Corruption (UNCAC) year 2003, the harmonization of national legislation regarding the

eradication of corruption crimes with the Convention, is the main reference Eradication of corruption in the future, remembering criminal corruption is a transnational crime [19].

Related to Criminal program law in practice is often already left behind with the development of information technology, for example the means of trial by using teleconference, electronic evidence tools, tapping signs (wire tapping) is not yet regulated in Criminal event Law. In the practice that runs so far related to the matters is based on specific rules in various legislation such as the terrorism ACT, corruption criminal eradication ACT, money laundering LAW, information and electronic transaction LAW By passing the rules regarding criminal proceedings [20]. The reality proved that LAW No. 8 year 1981 on criminal proceedings should be revised immediately. 2. Law enforcement apparatus in relation to eradication of corruption in the future, the legislation on law enforcement apparatus must be harmonised, especially with regards to 2 (two) things. First, task and function of investigation/investigation [21]. More corruption investigators/investigators are the better in the task of eradicating corruption, because one agency alone will not be able to investigate the corruption/investigation considering the vast area can even be said to be infinite, as article 31 paragraph (2) BILL of PPTPK [22].

The problems that often arise regarding the presence of several investigation agencies/investigators criminal acts of corruption, namely the police, prosecutors and KPK is the overlap in the implementation of investigation/investigation, the existence of arrogance and mutual suspicion between the investigation agencies, there is a different perception of the provisions of legislation, there are differences in the authority given by the law, the treatment of different countries related to the welfare of investigators and others, it is necessary to synergy. Second, the task and prosecution function of criminal acts of corruption [23]. In practice, the prosecution control by two different

agencies will bring about the disparity of criminal prosecution due to the absence of clear criminal prosecution guidelines. The benchmark used during this time is only a special minimum provision and a special maximum in each criminal formula in the PTPK ACT, for example imprisonment of at least 1 year and a maximum of 20 years. The range of criminal sanctions is so wide that a variety of possible criminal demands may occur, not to mention related to the imposition of fines, substitute fines and additional criminal [24].

In addition, the validity of the law No. 46 of 2009 on the corruption Court of Crime stating that the Tipikor court is not a court that specifically examines and disconnects the results of the investigation. KPK, because the results of the investigation of the Prosecutor and police were bestowed to be examined and heard in the court of Tipikor [25]. This resulted in a dualism of prosecution control, i.e. prosecution by the prosecutor controlled by the KPK and prosecution by the Prosecutor under the control of the prosecutor. 3. Facilities and infrastructures related to the establishment of the Tipikor court, demanded also the improvement of technical problems and facilities and infrastructure, which concerns some things [26].

Firstly, the juridical technical issues that should be expected to include the authorization of the granting of permits and approval/foreclosures, the renewal of state court detention, the pre-trial proceedings of criminal acts of corruption occurred whether to be in a local district court where corruption crimes occurred or in the court of Tipikor [27]. This gave rise to the problem of practice because there was no strict rule. In current practice, prosecutors take steps that the authority remains in the state court where criminal acts of corruption occur [28]. Secondly, the energy problems, timing and costs of trial litigation criminal acts. A simple example can be conveyed is the public prosecutor in the district attorney of Manado, the prosecution of the Tipikor court in

Kotamobagu will certainly drain the manpower, time and costs of the public prosecutor [29].

Thirdly, the principle of a limited Rutan/prison. With the detention of the trial stage for corruption cases is in Rutan or Lapas where the court of Tipikor is located, then at least the party will be flooded with prisoners who inevitably will cause new problems. Fourth, the budget law enforcement is minimal. There will be no budget when the corruption trial is conducted in the court of the capital [30]. Fifth, the welfare of law enforcement officers. Discrimination of welfare between investigators and prosecutors as law enforcement officers from various institutions, when they have the same task in the handling of TPK, can cause jealousy and reduce the spirit and work ethic, etc. [31]. Community participation terminology participation or participation is gaining elaboration in the form of concrete in the 1970 years when several international institutions promote it as a method of planning and implementing development. Good and clean governance has eight elements, one of which is a community participation in the pace of governance. [32] Community participation begins with the process of recognizing problems, planning, activities, carrying out activities. The two fundamental strategies undertaken by prosecutors in law enforcement, particularly the prevention and eradication of corruption, are:

1. Repressive action of repressive approach in the form of enforcement and handling of criminal acts of corruption is done professionally and proportionally [33]. In conducting legal action against the Corruption criminal Act, prosecutors apply the principles of optimization and quality and prioritise the cases of corruption that big fish and still going on is by placing an action for Major matters and criminal acts are carried out continuously and working to the fullest possible return or rescue of the state's finances. [34] The repressive efforts of the Prosecutor, after going through a series of research activities, investigation, prosecution and execution according to the

prevailing operational standards of procedures and regulations.

2. Preventive efforts in a theoretical level, the use of a means of penal in the form of criminal sanctions against criminals has also undergone a very significant development. The conceptions that initially emphasized more on the repressive function, as adopted by the classic criminal law, have shifted towards restorative functions that put forward the aspect of the balance of importance and Recovery of circumstances caused by violations of the law. [35] Other preventive measures that are reasonably strategic in order to prevent corruption crimes in Indonesia include: (1). Improving the effectiveness of policies and institutional, especially related to public body included also include the policy of population Identification Number (NIK) integrated in the program Single Identity Number (SIN). (2). Improving the oversight of the government body, so that it can be accessed by a Couple and accountable public. (3). Improve the financial management of the area included procurement management of government goods/services. (4). Strengthen its anti-corruption, (included through the educational institutions on the site) related to national integrity for members of the community, business people and apparatus government/state. 10 attachment regulation of MENPAN number: PER/IS/M. PAN/7/2008 on general guidelines on bureaucracy reform. (5). Bureaucracy reform, liquid UDI to make updates and fundamental changes to the government administration system, especially concerning institutional aspects, governance and human resources apparatus. (6). To implement WASKAT effectively for each leader at all levels/units of work and give good cooperation and obey all existing legal regulations [36].

V. CONCLUSION

Corruption is believed seriously by all nations in the world as a disease that must be faced together. Efforts to prevent and eradicate corruption must be done systematically, thoroughly, involving the

entire community by building a culture of shame when corrupting. Conceptually, norms and plans, the Government has sufficient tools to prevent and eradicate corruption. Because we have spread into all sectors of life, we all believe that eradicating corruption will surely face obstacles. However, so that the life of this nation can become more prosperous, there is no reason to accept corrupt behavior. We must build a new legal culture so that we do not engage in corrupt acts, both active and passive by silencing the occurrence of corrupt acts around them.

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