



Law Enforcement against Corruption Crimes in the City of Makassar

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Abstract

This study aims to determine law enforcement against corruption in the city of Makassar and what the judge's consideration of the decision. The research method used in writing this thesis is the empirical method, with secondary and primary data coverage, this research was conducted at the Makassar District Court. The results of this study indicate that the defendant has been proven to have committed a criminal act of corruption, in deciding the case the Assembly has several considerations, ranging from the demands of the Public Prosecutor, the fulfillment of the elements according to the article charged and there is no justification so that he is found guilty. Then the aggravating and mitigating things for the defendant. some of these things become the basis for consideration in making decisions against the defendant and the factors of the public who are still unfamiliar with corruption knowledge. The research recommendation is that law enforcement officers, in this case the Police, the Prosecutor's Office, the Judiciary and the Corruption Eradication Commission (KPK), are not selective in dealing with corruption cases. The perpetrators of corruption crimes should be given the appropriate punishment, considering that corruption is an extraordinary crime that can have a broad impact and cause suffering to the community so that extraordinary handling is needed to create a deterrent effect against corruptors.

Keywords: *Law Enforcement; Criminal Act; Corruption*

Introduction

More and more crime is rampant in Indonesia, where there are rampant cases of corruption, collusion and nepotism. Therefore, in today's age of globalization and reform, which is a vast agenda that calls for a change in national and national governance, that is, the complete closure of all cases in court (ex aequo et bono).

Corruption is the reality of an act of perversion of social and legal norms unwilled by society and threats of sanctions by the state and one extraordinary crime. Corruption is a form of misappropriation of position (position), of power, of the opportunity to satisfy self-interest and or its opposing interests

(society). If corruption in social sautu is rampant and becomes the daily food of the people, then the result will be a chaotic society, with no social system that can behave properly. Each individual in society will only be self-absorbed.¹

Since Indonesia has been hit by a number of economic and monetary crises, it has been suggested that one of the most dominant causes or one of the most influential factors for the monetary crisis is corruption. This assessment does not feel excessive. It means that many indications or phenomena suggest that corruption is a major factor in the development of a multidimensional crisis that leads to a monetary crisis and the national economy seem to have good reason.

Student reforms since 1997 have been spearheaded, one goal is to combat corruption in this country. Then after President soeharto turned the presidency over to b.j. habibie, Indonesia had the great hope that total reform would be well carried out. Yet that reality still remains a timeless illusion.

In the democratic era of pancasila reform, Indonesia has already received the result of an unhealthy government against the disease corruption. Leaders and politicians have assumed and selfishly or class one another, leaving the masses confused and with corruption (corruption, collusion and nepotism) that grows longer and more difficult to collapse.²

A predominantly Muslim country should be more aware of and fearful of corruption because it has been warned in the surah of Al-Baqarah verse 188:

وَلَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ وَتُدْخِلُوا بِهَا إِلَى الْحُكَّامِ لِيَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

Translation: And ye shall not eat treasure among you by the path of batiatu, and (do not) ye bribe with it unto the judges, to the intent that ye may eat some of the treasure of another by the way of sin, while ye know.

The government has set up a special agency called the KPK (commission on corruption). According to the statement, the government had also issued state bonds worth rp1 trillion and state bonds worth rp2 trillion. The idea of forming the KPK was long earlier in the days of President b.j. habibie and abdurrahman wahid, then in the era megawati said the effort continued.

The commission to fight against corruption based on the 30 years of ri no. 30 year 2002. The KPK guide for the task comes from the five principles of legal certainty, openness, accountability, public interest and proportionality. The KPK will be accountable to the public and report to the President of the house and the speaker on a regular and open basis. The pec has some important tasks:

- Coordinate with authorized agencies to combat criminal corruption
- Monitor institutions that have authority to combat criminal corruption
- Carry out investigations, investigations and prosecutions of criminal corruption
- Prevent criminal corruption
- Monitor the state administration

The KPK aim to coordinate investigations, investigations and demands on corruption crimes, to establish reporting systems to combat corruption, to inform the agencies about the elimination of

¹Wicipo Setiadi. (2018). Korupsi di Indonesia. *Legisasi Indonesia*, Universitas Pembangunan Nasional, 18(3), hlm. 250.

²Kamri Ahmad. (2019). *Jalan Terjal Pemberantasan Korupsi*. Makassar: PT. UMITOHA UKHUWAH GRAFIKA, hlm. 79.

corruption. In addition, the government has asked for a report on the elimination of corruption in the first half of 2008.

But over time, people have not felt any significant effectiveness in the eradication of corruption. Many incidents or phenomena occur in Indonesia. According to the 2018, there are 112 cases in the year 2019 and 120 in 2020 the number of people in the 80 cases that have been committed to corruption. According to data from the data above, in the country of makassar, there have been a series of lapses in the past two years of corruption reported by m.liputan6.com, a case of alleged corruption which caused quite a surge in the first half of 2019, the case of alleged corruption targeting the country's former chairman of the Indonesian press union. In the case of the people involved in the case of the former pwi chairman, suddenly the following month, exactly February 2019, came back the rp49 billion in the Bulukumba project.³

Then in the middle of 2019, the sulsel society went back to yammering on a similar case. However, this time the rp40 billion alleged bribing case is rumored to involve the mayor. A well-known businessman in sulsel soedirjo aliman alias. He is a fugitive from the alleged corruption charter of state land located in the kelurahan of buloa, the fouling of tallo, makassar or the exact location of the construction of the new port national project.

Then, in late November 2019, sulsel communities went ruminating again with the statement of a member of the house of representatives sarifuddin sadding that revealed the sole role of a prominent businessman in sulsel, organizing contracts for a number of health supply activities (alkes) in sulsel. He said that if he became a real medium, he would be able to be a real asset to the state Referring to the above description, the author is interested in presenting asa thesis title: law enforcement of corruption crimes in the city of makassar (ruling study number: 23/pd.SUS.TPK/2020/PN.MKS).

The problem of this research is how law enforcement and judge's consideration of the court's verdict of criminal corruption on verdict number: 23/pd.SUS.TPK/2020/ PN.MKS? The purpose of this study is to know and analyze the law enforcement and judge's consideration of the court's ruling on corruption crimes on rule number 23/pd.SUS. TPK /2020/ PN.MKS. As well as the results of this study are expected to be subject to law enforcement of criminal corruption and to supplement the literature on corruption in criminal law. The result can also be considered a reference material in law writing regarding law enforcement against criminal corruption.

Formulation of the Problem

- 1) How is law enforcement of corruption crimes in the city of makassar on verdict number: 23/pd.SUS.TPK /2020/PN.MKS?
- 2) How does the judge's legal consideration of the court's verdict of criminal corruption on verdict number: 23/pd.SUS.TPK /2020/PN.MKS?

Research Methods

The writer USES empirical research methods, that is, by using field data as a primary source, such as interviews and observations. Empirical research is used to analyze the rules of law that apply to

³Eka Hakim. (2019, 4 Desember). Rentetan Kasus Korupsi yang Jerat Para Tokoh di Sulsel. *Liputan 6*. Diakses pada tanggal 20 Februari 2021.

people's lives. The study was carried out in Makassar, the district court of Makassar. The data used in this research is. 1. Primary data, data obtained from field research by either by verbally asking (interview) or by asking questions in writing. 2. Secondary data, data obtained from library research that is by collecting data found in the regulations of the law, books, and articles that relate to the issues to be examined.

Discussion

1. Law Enforcement of Corruption Crimes in the City of Makassar on Ruling Number 23/ Pd. SUS. TPK /2020/ PN.MKS

a. Law Enforcement Efforts Are not Criminal Corruption

In law enforcement there is also a preventive and repressive effort:

a. Preventative

The enforcement of preventive law means that active surveillance is done in compliance with regulations without direct incident involving concrete events.⁴

In the Republic of Indonesia Law Number: 31/1999 as amended with the Republic of Indonesia's Statute Number: 20/2001 on the Elimination of Criminal Corruption set others up or fear to commit Acts of Corruption or the punishment involved for reenacting them later.

b. Repressive

Law enforcement is repressive when it comes to deeds that violate rules and purpose to end the illicit act outright. To avoid repeated criminal bullying, the perpetrators must stop the situation themselves. As governed by the Constitution of the Republic of Indonesia Number: 31/1999 as amended with the Republic of Indonesia Act Number: 20/2001 on the Elimination of Criminal Corruption.

The Law Enforcement Table of Corruption Crimes in the Makassar District Court Based on the 2020 Activity Report

1) The number of corruption crimes in 2020

2019 Remaining	In 2020	2020 Causes Number
53	80	133

2) The remaining number of cases are disconnected

The Rest Is Not Severed	The 2020 Breakup	The Rest Of The 2020 Matter
53	103	30

⁴ Dindin M Haridman. (2016). Asas Ultimum Remidium Dalam Penegakan Hukum Administrasi Perlindungan dan Pengelolaan Lingkungan Hidup. *Jurnal Hukum*, Universitas Galuh, 4 (2), hlm. 154.

3) Appeal

The PN 2020 Break- Up	The Cause Of The 2020 Appeal	Causes That Don't Appeal To 2020	Target	Realization	Caption
103	41	62	90%	60,19	66,87

$$\text{Realization} = \frac{\text{The number of cases that make no appeal}}{\text{Verdict number}} \times 100\%$$

$$\text{Realization} = \frac{62}{103} \times 100\%$$

4) Cassia

2020 Legal Quit Causes	The Cause For 2020 Bias	Causes That Do Not Appeal To 2020	Target	Realization	Caption
31	29	2	90%	6,45	7,16

$$\text{Realization} = \frac{\text{The number of things that didn't file the case}}{\text{Number of appeals rulings}} \times 100\%$$

$$\text{Realization} = \frac{2}{31} \times 100\%$$

5) Review (PK)

2020's Cash Break- Up	The Cause Of The Peop 2020	Causes That Never Peop 2020
8	17	0

Source: Makassar District Court

According to the report on the 2020 activities of the makassar state court against the enforcement of corruption there are 103 breakups, cases that appeal 41, cases that file 29 and cases that refile a total of 17.

On Thursday, May 6, 2021, the dissenting judge panel said that ni putu sri indayani, sh., mh, said that the panel of judges in this case rendered a ruling on the issue of sociology. The judges say in law enforcement, the corruption crime should not be fair, should take note of what causes the accused to do so. In this case the accused admits that the act is wrong but does not know that it is corruption and does not know about corruption, whereas the accused of the underprivileged and the backbone of his family. The difference is made when the accused is a corrupt officer or official. But the judge remains convinced that the accused is legally and convincingly guilty of executing a forbidden will, committing a criminal corruption.

2. Judge's Legal Consideration Of The Court's Ruling Against Criminal Corruption On Ruling Number 23/ Pid. SUS. TPK /2020/ PN.MKS

The judge considers everything from the facts of the law revealed at the trial, whether from witnesses, expert statements, statements of the accused and evidence/evidence letters, or having been linked with each other to determine the extent of the facts laid before the trial to determine the extent of the legal judgment by the panel of judges in determining the deeds that meet the accused elements;

The public prosecutor presents the accused in court with charges framed on an alternative basis, where the accused is accused of breaking:

Unity: article 2 verse (1) Jo. Article 18 verses (1) the letter b of the republic of Indonesia act no. 31 in 1999, as was amended with the Indonesia republic's statute no. 20 in 2001, on the elimination of Jo's criminal corruption. Article 55 verses (1) Jo 1st. Article 64 verse (1) penal code;

Or

Second, article 3 Jo. Article 18 verses (1) the letter b of the republic of Indonesia act no. 31 in 1999, as was amended with the Indonesia republic's statute no. 20 in 2001, on the elimination of Jo's criminal corruption. Article 55 verses (1) Jo 1st. Article 64 verse (1) penal code;

Or

Third: article 8 Jo. Article 18 verses (1) the b letter of the republic of Indonesia act no. 31 in 1999, as amended with the constitution of the republic of Indonesia no. 20 in 2001, on the elimination of corruption of section 64 (1) section of the penal code;

Then the assembly will consider whether of the defendant's chain of deeds, the accused is found guilty or not of the chapters he is accused of;

To find the accused guilty of the charge, all the deeds of the accused must fill all the elements of the assigned chapter;

The accused was brought to trial by the prosecutor on an alternative charge, therefore the court would select one of the charges, which of the prosecutor fit the deed done by the accused;

Based on the facts of the law revealed at the trial, the defendant's conduct fulfilled the chapter elements of the prosecution's second alternative charge of violating article 3 of Jo. Article 18 verses (1) the b letter of the republic of Indonesia law number: 31 in 1999 as amended with the Indonesia republic's rule number: 20 in 2001 on the elimination of Jo's corruption crime. Article 55 verses (1) Jo 1st. Article 64 verses (1) the penal code of law is:

- a. Elements of everyone;
- b. Elements with a view to benefiting themselves or others ora corporation;
- c. Elements abuse their authority, opportunity or means because of office or position;
- d. Element could harm the financial or the economy;
- e. The elements of those who do, who say do and who participate in doing works;
- f. Elements of multiple ACTS have such a relationship, that it must be considered as one act continuing;

Based on article 18 verses (1) the b letter of the republic of Indonesia law no. 31 in 1999 as amended with the 2001 act of the republic of Indonesia on the elimination of criminal corruption, the court will consider whether the article 18 verse (1) is relevant to the defendant?

Based on facts of the law revealed in the court of witnesses, statements of the accused and expert ali ihsan, ac, ca, CFR. A for auditor of the BPKP for the CPPKP of the CPPKP representative of south sulawesi province No.: SR-075/PW21/5/2017, 2017 February 24, 2017. Sy as the home hope program companion (ec) of the ministry of social programs together with the accused hk selaku chairman e-balla lompoa non-cash food aid (BPNT) kelurate tallo and other non-cash food support (BPNT) kelassar district of makassar from November 2017 to March 2019 has cost the country financial amount: rp 84,326,000. - (eighty-four million three hundred twenty-six thousand rupiah), and from losses the country's accused hk has made an equivalent: \$19,408,000. - (nineteen million four hundred and eight thousand rupiah), Therefore under article 18 of this case (1) the b letter the defendant must be sentenced to an additional criminal that would be punished for paying a large sum of money to be made to amar for this verdict, under the condition that the defendant does not pay the double money 1 (one) months after the ruling has a fixed legal power, the goods can be confiscated by the prosecutor and auctioned to cover the replacement money. In the case of the defendant not having sufficient means to pay the reimbursement, the defendant is sentenced to a prison for which his length will be determined in amar's verdict;

Under article 3 of this provision, the law of the republic of Indonesia number 31 in 1999 as amended with the 2001 act of the republic of Indonesia on the elimination of corruption corruption, with the threat of prison crime as well as the punishment of criminal penalties, the provision of the judges of the accused should also be sentenced to a high fine as to amar the verdict;

In the defense of the accused's legal counsel, which basically states that the defendant is not legally convicted and convicted of how to commit felony in the prosecution's plea, and from which defense the defendant's legal counsel is unable to prove which elements are not proven, The ruling by the house of judges has been considered with conformity to the criminal corruption case a quo, and in accordance with the legal facts based on valid evidence, the accused has been found to be valid and convincingly guilty of criminal corruption, hence the defense of the legal counsel is unwarranted and should be ruled out;

With all criminal elements contained in section 3 of Jo chapter 18 (1) letter (b) the constitution of the republic of Indonesia no. 31 in 1999 as amended with the constitution of the republic of Indonesia no. 20 in 2001, on the elimination of corruption crimes, which are accused of the accused, the accused can be declared legally and convincingly guilty of committing criminal corruption as the prosecution subsidair charges are, "And in the accused, there is found no reason to absolve the crimes, the right reasons, nor the forgiving reason, to the accused, to be found the criminal commensurate with the guilt;

The intent of criminal insubordination to criminal ACTS is not only a restoration of a crime, but also to educate to prevent the accused from repeating his (educational purposes), and to prevent society from doing that sort of thing (preventive goals);

Because the accused is being held in jail, the prison term that the accused has spent will be reduced to the full length of the sentence;

Conclusion

The conclusion of the study is that the enforcement of the corruption penal law rendered against the accused has been consistent with the prosecution's indictment of article 3 Jo. Article 18 verses (1) the b letter of the republic of Indonesia law number: 31 in 1999 as amended with the Indonesia republic's rule number: 20 in 2001 on the elimination of Jo's corruption crime. Article 55 verses (1) Jo 1st. Article 64 verse (1) book of penal law. Therefore the judge sentenced the prison for 1 (one) years and a penalty penalty of \$50 million. And it is expected that law-enforcement officials in this case, the police, the prosecutors, the judiciary and the commission on corruption (pec), do not vote on corruption cases. The

perpetrators of corruption should be given a fitting punishment, given that extraordinary crimes (extraordinary crime) are an extraordinary crime that can take an extraordinary and social toll and thus require extraordinary treatment to create a lasting deterrent to corruption.

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