



The Role of the Central Bengkulu Police Secretariat in Investigating Corruption of Local Original Income from the Levy of Foreign Workers at the Central Bengkulu Manpower and Transmigration Office

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Abstract

Thus, corruption-related problems can be overcome through social, economic, and cultural improvements. Likewise, technological advances have increased demand for conjectures goods, forcing him to deviate from his duty, which is to take state money unlawfully. Investigations into alleged criminal acts of corruption in the Regional Original Revenue (PAD) retribution of Foreign Workers (FOREIGN WORKERS) at the Manpower and Transmigration Office of Central Bengkulu are continuing. Most recently, the Central Bengkulu Police Secretariat will immediately coordinate with the Financial and Development Supervisory Agency (BPKP). The research method used is an empirical juridical research method, which is a study in addition to looking at positive legal aspects and their application or practice in the field. The role of the Central Bengkulu Police Secretariat in the investigation and investigation of the Criminal Act of Corruption of Local Original Revenue from the Foreign Worker Levy at the Central Bengkulu Manpower and Transmigration Office has examined witnesses and brought in expert witnesses such as expert witnesses in Criminal Law, expert witnesses from the Ministry of Finance, Auditors of the Audit Agency, and others. From the examination of witnesses, overall, the information obtained further strengthens the allegations of corruption in the Foreign Workers Retribution Area in Central Bengkulu, and the Investigator has determined three suspects. The results of the investigation and investigation have been declared P-21 and have been forwarded to the Court. The obstacles faced by the Central Bengkulu Police Secretariat in investigating and investigating the Criminal Act of Corruption of Local Original Revenue from the Foreign Worker Levy at the Central Bengkulu Manpower and Transmigration Office are divided into two (two): technically and non-technically.

Keywords: *Foreign Workers; Corruption; Bengkulu; Law*

Introduction

Amid national development efforts in various fields, people's aspirations to eradicate corruption and other forms of deviation may increase because corruption has caused considerable losses to the State (Di Liddo & Morone, 2022). Therefore, efforts to prevent and eradicate corruption must be further enhanced and intensified while upholding human rights and community interests (Ahwan & Santoso, 2022). It seems that efforts to eradicate increasingly intensified corruption have not been a prominent indication in that direction, even though many parties allege that corruption is even more so in this reform era (Nguyen et al., 2020). We must admit that corruption, collusion, and nepotism cannot rely on laws and regulations alone (Sahama et al., 2019). Through various opinions in the mass media, it turns out that many also admit that corruption cannot be eradicated. Therefore, some say that corruption is entrenched (Borsky & Kalkschmied, 2019).

Thus, corruption-related problems can be overcome through social, economic, and cultural improvements (Agarwal et al., 2020). In general, it is experienced by people with unfavorable economic conditions and mental, administrative, and management crises that can result in convoluted procedures (Morcatty et al., 2020). Likewise, technological advances have increased demand for conjectures goods, forcing him to deviate from his duty, which is to take state money unlawfully (Naeem & Khan, 2021). Investigations into alleged criminal acts of corruption in the Regional Original Revenue (PAD) retribution of Foreign Workers (FOREIGN WORKERS) at the Manpower and Transmigration Office of Central Bengkulu are continuing. Most recently, the Central Bengkulu Police Secretariat will immediately coordinate with the Financial and Development Supervisory Agency (BPKP) (Hutabarat, 2020).

The investigation team has asked for expert witnesses from the Ministry of Manpower, the Ministry of Home Affairs, and the Ministry of Finance (Chan et al., 2019). Furthermore, former officials in the Transmigration Manpower Office Central Bengkulu are the former Head of Service to the former Head of Field. The main task of the National Police Investigation is to carry out investigations, investigations, and coordination and supervision of Civil Servant Investigators (PPNS) based on Law number 8 of 1981 concerning the Code of Criminal Procedure (KUHAP) and other laws and regulations (Ariman et al., 2021).

The function of the Investigator is to carry out all efforts, activities, and work related to the implementation of the police investigation function in the context of investigating criminal acts, which include general crimes, particular crimes, corruption crimes, drug crimes, certain crimes and as the National Criminal Information Center. In the operational system of the National Police, the Investigator acts as the ultimate function tasked with overcoming/carrying out action against crimes that occur (Factual Threats) (Kouadio & Gakpa, 2022). In Law Number 8 of 1981 (KUHAP), which regulates the Criminal Justice System, an investigator's authority is entirely handed over to the National Police (all officials of the State Police of the Republic of Indonesia), including the developer of the Investigation function (Kurnia et al., 2021).

An investigator has the authority stipulated in Article 5, paragraph 1, letter an of the Criminal Procedure Code: receiving reports/complaints, seeking information and evidence, ordering a suspected person to stop checking personal identification, and conducting other actions according to responsible law. Based on the results of the investigation, if it turns out that sufficient information and evidence are obtained for investigation, then an event will be carried out by the Investigator (Rusmana et al., 2021).

Methods

The research method used is an empirical juridical research method, which is a study in addition to looking at positive legal aspects and their application or practice in the field. In this case, the approach

is used to qualitatively analyze the role of the Central Bengkulu Police Secretariat in investigating the Criminal Act of Corruption of Local Original Revenue from the Foreign Worker Levy at the Central Bengkulu Manpower and Transmigration Office.

Result and Discussion

The Role of the Central Bengkulu Police Secretariat in the Investigation and Investigation of Regional Original Revenue Corruption from Foreign Worker Retribution at the Central Bengkulu Manpower and Transmigration Office

Investigation as explained in Article 1 Point 2 of the Code of Criminal Procedure, namely: "Investigation is a series of actions of investigators in terms and in the manner provided for in this law to search for and collect evidence that by that evidence makes light of the criminal act that occurred and to find the suspect." Especially for the Indonesian Prosecutor's Office and the Corruption Eradication Commission; in addition to having the authority to investigate and investigate criminal acts of corruption, it also has absolute authority to belong to the prosecutor, and some prosecutors are also seconded to the Corruption Eradication Commission. The consequence of giving the authority to handle cases of criminal acts of corruption to more than one law enforcement agency is handling cases by more than one law enforcement agency against the same object of the case.

Central Bengkulu Police Chief AKBP. Ary Baroto, S.IK, MH explained, based on information from the Central Bengkulu Police Secretariat, the progress of the investigation into the case of alleged corruption in the Foreign Workers' retribution PAD in Central Bengkulu at this time investigators are continuing to examine witnesses to collect data. Finally, his party inspected the company and the Disnakertrans of Bengkulu Province. For calls to companies, we make calls to the management of PT. Kusuma Raya Utama (KRU) and PT. Prime Coal Core (IBP). After asking this question, the two companies turned out to have indeed transferred the foreign workers' levy since 2016 to the Transmigration Manpower Office account.

The results of the examination of witnesses and other evidence further strengthen the allegations of corruption in the form of Misappropriation of the Compensation Fund for the Use of Foreign Workers in the extension of the Permit to Employ Foreign Workers in Central Bengkulu Regency at the Manpower and Transmigration Office of Central Bengkulu Regency from 2018 to 2019, based on the results of an investigation that my colleagues and I conducted related to Fund collection activities Compensation for the Use of Foreign Workers carried out by Individuals in the Field of Manpower at the Manpower and Transmigration Office of Central Bengkulu Regency. Before a case of corruption is transferred to the Corruption Court, in handling the case of Corruption Crime by the Police, the investigation stage, investigation stage, and prosecution stage will first be carried out. Then, of course, cannot be separated from the stages of handling cases, as stipulated in the provisions of the Regulation of the Chief of Police of the Republic of Indonesia Number: PERKAP-039/A/KP/10/2010 concerning Administrative Governance and Technical Handling of Special Criminal Cases.

If the public prosecutor returns the results of the investigation to be completed, the Investigator must immediately conduct additional investigations following the instructions of the public prosecutor. Within 14 (fourteen) days, the Investigator must complete the additional investigation following the instructions of the public prosecutor. If the case file is complete formally or materially, the Public Prosecutor issues P-21 and must immediately make an indictment. The investigation period is limited to 4 (four) months, but in practice, it drags on even up to 1 (one) year and even more. Within 4 (four) months, the investigation is complete or has not been completed, and an expose will be held at the High Prosecutor's Office. If it has not been completed within the specified time, then every 30 days, a report on the progress of the investigation will continue to be requested.

Obstacles faced by the Central Bengkulu Police Secretariat in investigating criminal acts of corruption of original local income from foreign labor levies at the Central Bengkulu Manpower and Transmigration Office

To solve corruption crimes in the regions, the Police often face obstacles from inside and outside the Police. These obstacles exist in line with the situation and condition of the Police in eradicating corruption in each region. In general, obstacles that arise in efforts to resolve corruption crimes at the Central Bengkulu Police Secretariat include three main obstacles, namely: 1) Obstacles to the limited number of human resources of Investigators; 2) Obstacles to limited sources of funds/budgets for handling cases in an investigation, investigation, and prosecution activities; 3) Obstacles to limited facilities/facilities and infrastructure that support and support investigation, investigation, and prosecution activities.

Non-technical obstacles: The documents sought are missing. Before the suspect is examined or searched, it is usual for the suspect to cross old documents. So usually, this document can not be revealed again. Obstacles in the investigation process of criminal corruption cases that have a value of State financial losses so that the Investigator requires audit assistance in calculating the value of State financial losses arising from the criminal act of corruption and requires assistance from other agencies such as the Financial Audit or the Provincial Audit Agency. In this case, of course, goes through a process starting from submitting a request for assistance in calculating State financial losses to the Audit Board or the Provincial Audit Agency, answering the request for assistance, presenting the case/title of the case, to issuing an audit report on the calculation of State financial losses from the criminal act of corruption, this takes a very long time to more than two months So that in the process of investigating the criminal case of corruption seems protracted.

From the results of interviews that have been conducted by the author, the most influential obstacle in investigations is often encountered when investigating corruption cases by the Central Bengkulu Police Secretariat is technical obstacles. The technical obstacle is the calculation of auditors from the Audit Board. Parties from the Central Bengkulu Police Secretariat requested assistance from the Audit Board for calculating state money losses. It is done by the Satreskrim Polres Bengkulu Tengah so that the data on state money losses is more accurate. The calculation of this auditor is an obstacle in the investigation stage of corruption cases often encountered by the Audit Board asking for additional data to complete financial details. From the Satreskrim Polres, Central Bengkulu immediately requests and seeks data related to the financial audit of an agency (if a government agency checks it). This is done to make accurate financial auditor data from an agency that has harmed state finances. From the back and forth asking for data, this auditor's calculation took a long time, plus the Audit Board was located in the province, namely in Bengkulu. The calculation of this auditor was completed in more than 4 (four) months, which exceeded the investigation period of corruption cases. The Central Bengkulu Police Secretariat has tried to resolve corruption cases to be resolved as soon as possible; the efforts that have been made are to request developments from the results of the auditor's calculations and urge the Audit Board to be resolved as soon as possible.

Conclusion

The role of the Central Bengkulu Police Secretariat in the investigation and investigation of the Criminal Act of Corruption of Local Original Revenue from the Foreign Worker Levy at the Central Bengkulu Manpower and Transmigration Office has examined witnesses and brought in expert witnesses such as expert witnesses in Criminal Law, expert witnesses from the Ministry of Finance, Auditors of the Audit Agency, and others. From the examination of witnesses, overall, the information obtained further strengthens the allegations of corruption in the Foreign Workers Retribution Area in Central Bengkulu,

and the Investigator has determined three suspects. The results of the investigation and investigation have been declared P-21 and have been forwarded to the Court.

The obstacles faced by the Central Bengkulu Police Secretariat in investigating and investigating the Criminal Act of Corruption of Local Original Revenue from the Foreign Worker Levy at the Central Bengkulu Manpower and Transmigration Office are divided into two (two): technically and non-technically. Technically, the obstacles: Suspects and witnesses are not domiciled, not in place, and moved to a place of residence whose whereabouts are unknown; The calculation of auditors from the Audit Board or the Provincial Audit Board is relatively long. Because the Audit Board or the Provincial Audit Board also requires documents from relevant agencies that commit criminal acts of corruption. Parties from the Audit Board or the Provincial Audit Board also find it difficult if the suspect omits the documents sought; The witness concerns the superior/employer. If the suspect who committed this corruption crime is his superior, in this case, the head of an agency/government, this is also an obstacle in the investigation because the witness is his subordinate. Non-technical obstacles: The documents sought are missing. Before suspects are questioned or searched, ordinary suspects will cross old documents. So usually, this document can not be revealed again.

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