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Submission date: 09-Oct-2024 06:08PM (UTC+0100)

Submission ID: 240283879

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Word count: 3156

Character count: 17826

Police Involvement in Corruption Crime Investigations

I Putu Edi Rusmana

Universitas Pendidikan Nasional

Sp. (ETS)

Sp. (ETS)

Article Info

Article history:

Accepted: Date, Month, Year

Publish: Date, Month, Year

Sp. (ETS)

Keywords:

Corruption
Crime
Police Investigator

ABSTRACT

Various rules and regulations enacted to replace prior legislation have not ensured success in combating corruption in Indonesia. The existence of several laws governing the authority and obligations of each law enforcement officer, such as the police, prosecutors, judges, and the Corruption Eradication Committee (PK), has resulted in ambiguity in their authority or over-lapping authority granted by the state, creating a false perception. For example, the police as investigators believe they are authorized to investigate corruption cases in addition to prosecutors and the KPK. This research focuses on two issues. The first is what is the role of the police in investigating corruption cases? And the second question is what procedures do the police carry out in investigating corruption crimes? The findings show that there has been no cooperation in the form of laws and regulations between police investigators and other law enforcement agencies such as the Prosecutor's Office and the KPK, so it is urgent that a law be enacted that clearly and in detail regulates the authority, cooperation, and coordination in investigating corruption, so that it becomes more effective and can be implemented.

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Sp. (ETS)

Corresponding Author:

I Putu Edi Rusmana,
Universitas Pendidikan Nasional

Email: edirusmana@updn.ac.id

Sp. (ETS)

1. INTRODUCTION

As a developing country, Indonesia undoubtedly faces developmental challenges. The Republic of Indonesia is a law-abiding country, according to Article 1 paragraph (3) of the Republic of Indonesia Constitution Amendment of 1945 [1]. To achieve the principles of a law-abiding country, legal norms, rules, and regulations, as well as professional, integrity, and disciplined law enforcement and implementation machinery, are required to support the enforcement of law and good conduct in society. As a result, law and law enforcement are two parts of law enforcement that cannot be overlooked; Ignoring them will result in a failure to attain the desired level of law enforcement. Corruption falls within the category of extreme crimes [2]. This was expressed in the United Nations (UN) International Convention in Vienna. Several suggestions were proposed at the conference to release a series of Corruption Laws, including the formation of the Corruption Eradication Commission, which has extensive jurisdiction to pursue corruption cases.

The prosecutor and the police have various opposing interests when it comes to investigating corruption [3]. The Prosecutor's Office operates under the legislative framework of Law No. 3 of 1971, which was modified by Law No. 31 of 1999 and then changed to Law No. 20 of 2001, while the Police operate under Law No. 2 of 2002. The succession of rules and regulations that have been enacted has failed to result in success in eradicating corruption in Indonesia [4]. The proliferation of

several law enforcement agencies in Indonesia has resulted in a lack of power or overlapping jurisdiction granted to them by the state, leading to a misleading perception [5]. Given that corruption is a major concern for the public at large and for criminal law enforcement in particular, the presence of this confusion and overlapping authority creates the impression that investigations into corruption are being handled haphazardly and a priori [6].

The police have the authority to look into corruption crimes, even though there is already a KPK agency that looks into corruption cases explicitly. This does not take away from police investigators' ability to look into corruption cases [7]. Since upholding security and order in society is a primary responsibility of the police, they are also authorized to investigate non-corruption-related matters.

The Criminal Procedure Code assigns the police a role in investigations and inquiries, granting them the general authority to look into all kinds of criminal acts. Law No. 2 of 2002 concerning the Republic of Indonesia National Police regulates this, and it includes the ability to look into crimes involving corruption as defined by Article 14 paragraph 1 letter g.

From this background, there are two problem formulations in this research, namely: what is the role of the police in investigating corruption cases?; how is the regulation of police authority in eradicating corruption?.

2. RESEARCH METHOD

The normative legal research type, or legal research done by looking at secondary data or library resources, was employed to write this study. Although the conceptual method and the legislative approach are the problematic approaches that are employed conceptual methodology.

The classification of legal material sources, followed by technique of recording, summarizing, and evaluating in accordance with the primary problem, is the method of gathering legal material sources employed in this study.

Following the conversation, the gathered legal materials will be processed and analyzed using legal interpretation, legal argumentation, deductive reasoning, and legal materials that have been received in order to attempt and understand the truth before being poured descriptively in the form of research.

3. RESEARCH RESULTS AND DISCUSSION

3.1. The Role Of The Police In Investigating Corruption Cases

The Latin term for corruption, *Corruptio* or *Corruptus*, indicates depravity, rottenness, immorality, betrayal, departure from holiness, and disparaging or slanderous speech. The term "corruption" encompasses embezzlement [8]. The word corruption, used broadly, refers to misuse as well as damage or violation. The occurrence of corruption in Indonesia is influenced by multiple factors. These include the political factor, which is linked to power; the legal factor, which is related to the law; and the cultural factor, which is a holdover from feudal views and represents a conflict between family loyalty and state obligations.

Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption regulates the components of corruption. The first element is the subject, or the one who is committing the offense. Formally and substantively, the second is illegal. Enriching oneself, other people, or businesses is the third [9]. The ability to damage the nation's finances or economy is fourth. Article 2 paragraph (1) governs each of these components, and paragraphs (1) through (7) of Article 20 can be related to them [10].

Legally speaking, the Military Authority Regulation for the Army's power No. PRT/DM06/1957 concerning the Eradication of Corruption was issued [11]. However, it was not as effective as it could have been. It was later reinforced by Military Regulation No. PRT/PMD08/1957, which governs military authorities who acquire assets and wealth in an unexpected or dubious way. the adoption of Central Army War Authority Regulation No.

PRT/Peperpu/013/1958, which addresses asset ownership and criminal corruption investigation, prosecution, and elimination [15].

It was thought that Law No. 3 of 1971, which dealt with the abolition of criminal acts of corruption, would not be effective in eliminating corruption in Indonesia. A Financial Audit Agency has existed even in accordance with Article 23 paragraph 5 of the 1945 Constitution (BPK). Additionally, the President established the Financial and Development Supervisory Agency (BPKP), a supervisory organization that served as an auditor throughout the New Order.

The Corruption Eradication Commission and other law enforcement agencies have conflicting or overlapping sets of principles when it comes to fighting corruption [13]. The establishment of a new organization, the Corruption Eradication Commission, has further enhanced Law No. 8 of 1981 concerning Criminal Procedure Law, which has regulated the functions, duties, and authorities of law enforcement in dealing with crimes, including eradicating corruption. The Commission has independent authority in eradicating corruption, surpassing the authority of the Police and Public Prosecutors in investigations, inquiries, and prosecutions, which are the duties of the Police and Public Prosecutors according to the Criminal Procedure Code [14]. Although the growing number of organizations authorized to combat corruption can really be addressed in the best way possible, law enforcement officials suffer psychologically as a result.

Investigators who work as civil servants and support the Indonesian National Police are outlined in Law No. 8 of 1981, which relates to the Criminal Procedure Code [15]. The Corruption Eradication Commission actually coordinates, oversees, and supervises law enforcement efforts involving the Indonesian National Police, the Prosecutor's Office, and the Courts. This is in accordance with Article 3 paragraph (1) b of Law No. 2 of 2002 concerning the Indonesian National Police, which mandates that they report to the Indonesian National Police in the course of performing their duties. Law No. 2 of 2002 governing the Indonesian National Police, Chapter II, Article 13, governs the primary responsibilities and powers of the police force. The responsibilities of the Indonesian National Police, as mentioned in Article 13, are explained in paragraph 1 of Article 14. The Law No. 2 of 2002 governing the Indonesian National Police grants the Indonesian National Police power and provides regulations for the enforcement of its tasks in Articles 14 to 16.

Preventive and repressive responsibilities are possible for police officers, according to their job description and authority [16]. Protection and prevention against threats and disturbances to public order are the goals of the preventive function. In contrast, the police must look into criminal matters, make arrests, and turn over the offenders so that they may be looked into and punished as part of their repressive role.

The National Police were granted the power to look into any criminal behavior, whether it was covered by the Criminal Code or not, including corruption, prior to the KPK's formation [17]. In addition, as per Article 14 letter g of Law No. 2 of 2002 governing the National Police of the Republic of Indonesia, the police are also considered investigators of all criminal crimes. Arrest, custody, search and confiscation are all included in the scope of an inquiry into a corruption offense. Law No. 8 of 1981, which deals with the Criminal Procedure Code, regulates this.

3.2. Procedures Carried Out By The Police In Investigating Corruption Cases

The criminal procedure legislation that applies in Indonesia, namely legislation Number 8 of 1981 covering the Criminal Procedure Code (KUHP), provides the basis for the investigation of corruption crimes [18]. On the other hand, some Civil Servant Officials and State Officials of the Republic of Indonesia are designated as special investigators with the power to carry out investigations in compliance with the law [19]. According to the Criminal Procedure Code, Article 1 Point 5 of the Code regulates the Police's ability to conduct

investigations and detective work [20]. Although there isn't a single provision in the Criminal Procedure Code that explicitly says that the police are the only ones who may conduct investigations, it is strongly implied that they can do so when looking into corruption charges, which shows how the Corruption Eradication Division came to be [21].

Law No. 8 of 1981 regulating the Criminal Procedure Code (KUHAP) continues to be referenced in the criminal justice system's investigation procedures by the police while investigating corruption crimes. Although the KUHAP has technically controlled the investigative operations, the police nevertheless confront a number of challenges when investigating accusations of corruption [22]. These challenges turn into tasks that need to be completed in order to handle corruption cases and ensure that investigating corruption cases is not hampered in any way.

Generally speaking, there are a number of barriers that the police have to overcome while looking into corruption-related offenses. These barriers may be broadly classified into two categories: legal and technological [23]. The first barrier is the legal barrier, which is broken down into two sections. The first is the overlap in the agencies' investigative powers to look into corruption crimes (which includes the Police, Prosecutors, and KPK). Because each regulation has a separate set of guidelines for conducting investigations, it is evident that this presents a challenge for the police. The second is that financial transactions are often made in cash without using a bank, which makes it challenging to locate evidence in these cases. Since most cash transactions lack witnesses and evidence, it can be challenging to determine where the money's proceeds are. The second barrier is the Technical Barrier, which governs technical aspects of comprehension, the bravery of investigators in conducting the investigation and inquiry process, the integrity of investigators and assistant investigators, the deficiency in the quality of investigators' comprehension skills, the lack of investigators' proficiency in using information technology, and insufficient resources in terms of infrastructure, funding, and facilities for the purpose of investigating corruption crimes.

The police have encountered various challenges in their investigation of corruption crimes. Among these are legal impediments, which they have addressed by collaborating with various agencies, including the Police Operations, the Prosecutor's Office, and the Corruption Eradication Committee, and by questioning relevant witnesses to gather more precise information [13]. Providing education and training for investigators on handling corruption crimes, conducting information technology training to better understand current technological developments, enhancing infrastructure and budget submissions, and cultivating the mental attitude and courage of investigators in investigating corruption crimes are some solutions to the technical challenges faced by police investigators. It is hard for law enforcement to undertake investigations into corruption offenses effectively without sufficient resources or facilities [24].

4. CONCLUSION

One of the primary responsibilities of the police is to uphold security and order in society, and this includes the power of police investigators to investigate offenses involving corruption. The Criminal Procedure Code's provisions provide the Indonesian National Police the primary role in investigations and inquiries, granting them comprehensive jurisdiction to look into all offenses, including crimes involving corruption. They do, however, continue to respect and uphold the jurisdiction of other investigators, such as the Corruption Eradication Commission and the Prosecutor's office, in compliance with the laws and rules that serve as their respective legal foundations. According to Law No. 2 of 2002 about the Indonesian National Police, National Police investigators are tasked with and authorized to look into all kinds of crimes, including crimes involving corruption.

The process through which police investigators look into corruption crimes begins at the outset. First, they gather evidence in compliance with Article 184, paragraph 1 of the Criminal Procedure Code. Once the evidence is gathered, it is entered into the Investigation Report (BAP). If the police investigator's investigation is deemed sufficient, they submit the Investigation Report to the Public Prosecutor, who looks over and evaluates it within seven days of receiving it and notifies the investigator if the investigation is completed. If the investigation yields unsatisfactory results, the public prosecutor sends the case file back to the investigator along with instructions on how to finish it. The investigator has fourteen days from the date the file was received to return the case file to the public prosecutor. If the Public Prosecutor does not provide the investigator with the inquiry's findings, then the investigation is deemed adequate. Therefore, the investigator submits the Investigation Report (BAP) to the public prosecutor in the first step, and the suspect and evidence are submitted to the public prosecutor in the second stage.

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