



The Role of Police Investigators in Treating Criminal Actions of Corruption

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Abstract

To further ensure the implementation of a corruption-free government, Law Number 31 of 1999 concerning Eradication of Corruption Crimes, as amended by Law Number 20 of 2001 concerning Eradication of Corruption Crimes, is in lieu of Law Number 3 of 1971. The birth of the law -this law is expected to accelerate the growth of people's welfare, with a countermeasure against the evil nature inherent in corruption. The author uses an empirical juridical approach, which is an approach that is carried out by studying the law in fact in the form of attitudes, judgments, behaviors, which are related to the problems being studied and which are carried out by conducting research in the field. Based on the results of the research, it can be concluded that the investigation activity is a follow-up to the investigation which has more or less found the construction of criminal corruption incidents that have occurred. Constraints faced with the authority of police investigators are the limited number of Criminal Investigators; information received regarding criminal acts of corruption is still unclear and in detail; operational costs that have not met; lack of public legal awareness. Efforts to overcome the obstacles faced include gradually increasing the number of criminal investigators; accelerate all access so that information related to criminal acts of corruption is quickly absorbed by police investigators; the government needs to increase the budget post for operational costs, in order to facilitate the running of investigative activities; and the need to provide outreach to the public either directly or through electronic media or social media.

Keywords: Investigators; Crime; Corruption

I. Introduction

Regarding the practice of Corruption, Collusion and Nepotism itself, Marzuki Darusman explained, basically the practice of Corruption and Collusion is the provision of facilities or special treatment by government officials / BUMN / BUMD to an economic unit / legal entity owned by related officials, their relatives or cronies.¹ So if these practices are allowed to continue, the people as the owner of state sovereignty will not get their constitutional rights, namely the right to justice and prosperity.

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¹ *Ibid.* p. 3

Corruption is an act that can not only harm state finances but also cause losses to the people's economy. Barda Nawawi Arief is of the opinion that the criminal act of corruption is an act that is very despicable, cursed and hated by the majority of society; not only by the people and nation of Indonesia but also by the people of the nations of the world.² Therefore, it should be, as a nation that has the spirit to create prosperity evenly and fairly, to be able to recognize and avoid every form of corruption which can only create misery for all Indonesian people.

Forms of corruption, especially in the scope of bribery are a very acute disease for the Indonesian nation, because in almost every public service institution, bribery has become a common thing, which in the end there are difficulties in detecting corruption, making prevention even more difficult. So that corruption continues to grow and spread in every aspect of life.

The development of corruption in Indonesia is still high, while its eradication is still very slow, Romli Atmasasmita stated that, Corruption in Indonesia is already a flu virus that has spread throughout the government since the 1960s.³ He further said that corruption is also related to power because with that power the authorities can abuse their power for personal, family and crony interests.⁴

The role of the police in overcoming criminal acts of corruption is to carry out investigations and investigations. The investigation is described by Law No. 8 of 1981 concerning the Law on Criminal Procedure, Article 1 point 5 of the Criminal Procedure Code: "An investigation is a series of actions by an investigator to search and find an event that is suspected of being a criminal act in order to determine whether or not an investigation can be carried out according to the method regulated in this law. Based on the description of the background above, the author is interested in writing "The Role of Police Investigators in Combating Corruption Crime".

II. Method

² Muladi dan Barda Nawawi Arief. (1992). *Bunga Rampai Hukum Pidana*. Bandung: Alumni. p. 133.

³ Romli Atmasasmita. (2004). *Sekitar Masalah Korupsi, Aspek Nasional dan Aspek Internasional*. Bandung: Mandar Maju. p. 1

⁴ *Ibid*, hlm. 1

This study uses an empirical juridical method, which is an approach that is not contradictory to written positive law (legislation) as secondary data, but from real behavior as primary data obtained from field research locations (field research). This study describes the condition of the object under study, namely the role of police investigators in tackling corruption crimes in the jurisdiction of the Central Java Regional Police.

III. Main Heading of the Analysis or Results

A. The Role of Police Investigators in Handling Corruption Crime in the Jurisdiction of the Central Java Regional Police

Police officers who perform investigative duties are called investigators. In the criminal act of corruption, the investigator, namely every police official who has been given the authority by law to complete their duties and responsibilities to resolve cases of theft by force. In accordance with Article 4 of the Criminal Procedure Code, police officers who have the right to handle criminal acts of corruption are the sole investigators mandated by the Criminal Procedure Code.

In order to carry out its mission, investigators of criminal acts of corruption must fully understand the rationale of the makers of the Criminal Procedure Law, such as the principles possessed by the Criminal Procedure Code itself, the obligations and powers that investigators have and the limits of their authority. Therefore, the legislators have explicitly provided whatever is the authority of the investigator of corruption, including:

- 1) Receiving a report or complaint from a person regarding the existence of a criminal act of corruption.
- 2) Looking for information and evidence of a criminal act of corruption.
- 3) To order a person who is suspected to stop and ask and check for identification.
- 4) Carry out other actions according to the law to carry out responsible actions.

In addition, at the order of the investigator, the following actions can be taken in the form of:

- 1) Arrest of the suspected perpetrator of corruption, prohibition from leaving the premises of the suspected perpetrator of corruption, searches for suspected perpetrators of corruption, and confiscation of evidence of corruption.
- 2) Examination of suspected perpetrators of corruption and confiscation of documents which can be used as evidence at trial.
- 3) Take fingerprints and take pictures of the suspected perpetrators of

corruption. 4) Bring and confront the suspected perpetrators of corruption to the investigator.

The legislators are of the opinion that the investigator's authority regulated in the Criminal Procedure Code is very clear and there is no need for further interpretation, this is proven by the way the legislators do not provide an explanation except in other words of action as formulated in Article 5 paragraph (1) letter. a number 4.

The powers given by the Criminal Procedure Code to investigators are already very large, but apart from the Criminal Procedure Code, Perkap 14/2012 on Criminal Investigation Management, also regulates matters relating to investigations that are technical in nature and only apply to the internal police and are not regulated by the Criminal Procedure Code, so Perkap 14 2012 concerning Criminal Investigation Management can be said to be an investigator's technical instructions in conducting an investigation. Based on Article 11 Paragraph (1) Letter a Perkap Number 14 of 2012 concerning Criminal Investigation Management states that investigations can be carried out before there is a Police / Complaint report and after a Police / Complaint Report or in the Context of Investigation so that the investigation functions to find out and determine what incident. which actually has occurred and has the duty to make minutes and reports thereof which will later form the basis for the initiation of the investigation. Investigation is carried out before the investigation or can be carried out jointly with the investigation.

Police officers who are in charge of conducting investigations must comply with the principles contained in Perkap 14 of 2012 concerning Criminal Investigation Management, namely Legality, Professional, Proposional, Procedural, Transparent, Accountable, Effective, and Efficient, which means that investigators must be able to carry out their duties appropriately and fast, each investigator carries out his / her duties according to their respective legality and authority, the investigator in carrying out their duties cannot be intervened by anyone, every action of the investigator takes into account the principles of openness and is informative to the parties concerned, and the investigator can be accountable for his actions juridically, administratively and technical.

B. Obstacles Faced by Police Investigators in Handling Corruption Crime in the Legal Territory of Polda Central Java and Efforts to Overcome Them

Constraint is a problem that causes an activity to be unable to run due to the factors that influence it, the author divides internal constraints and external constraints. Internal investigators' obstacles in dealing with criminal acts of corruption include:

- 1) The number of members of Criminal Investigation is limited.

The number of investigating members is insufficient when compared to the various modes of corruption.

- 2) Information received regarding criminal acts of corruption is still unclear and in detail.

Often the information received seems sudden and the information received by members of Reskrim is not clearly detailed. Sudden times made it difficult to gather members because of the varying distances of residence.

External obstacles faced by investigators include:

1. Often the perpetrators of criminal acts of corruption move from place to place.
2. Lack of evidence obtained from the suspect.
3. People are afraid to deal with the police.

The solution to the obstacles faced by the police regarding the Authority of Police Investigators in Eradicating Corruption is by:

- a. Increase the number of criminal investigators gradually.
- b. Speed up all access so that information related to criminal acts of corruption is quickly absorbed by police investigators.
- c. The government needs to increase the budget post for operational costs, in order to facilitate the running of investigative activities.
- d. It is necessary to hold outreach to the community either directly or through electronic media or social media.

IV. Conclusion

Based on the results of this research, it can be concluded that the people of Desa *Pakraman* still need a container in the form of regulations which regulate traditional activities, customary norms so that *Awig-Awig* is formed as written customary law. Where in the current era of globalization the position of *Awig-awig* as written customary law still exists

and is still obeyed by local indigenous communities, as well as the contents of these *awig-awig* also adjust to the development of the times so that the existing rules can still have relevance to the current state. The adjustments related to the contents of these *awig-awig* are inseparable from the appearance of violations against *Awig-awig* itself. Indigenous peoples generally solve problems related to violations of *awig-awig* through several stages. Although there are written sanctions in them, indigenous peoples prefer to resolve these violations by means of family relations. The existence of *Awig-Awig* as written customary law still needs further study, but an important role is needed by the government in supporting *awig-awig* as a basis for local wisdom as *awig-awig* has an important role as a guide in current globalization and it is hoped that Balinese people will be able to both understand the importance of applying *awig-awig*.

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