

# Effectiveness of Corruption Eradication Commission (KPK) in Handling Corruption Crime in Indonesia

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***Abstract**--The effort to eradicate corruption in Indonesia is not a new issue. Corruption is an extraordinary crime and also a crime against humanity, therefore corruption is a special concern for the country. The hopes of the Indonesian people to live in a country free of corruption are largely dependent on the Corruption Eradication Commission. The purpose of this study is to explore how efficiently the KPK is handling corruption cases in Indonesia. This study uses a qualitative juridical analysis method research method, which is a research method that starts from the norms, principles and regulations that exist as positive legal norms which are then analyzed qualitatively. Problem formulation discussed 1. How is the effectiveness of the Corruption Eradication Commission (KPK) in dealing with corruption. 2. What are the efforts made to optimize corruption eradication. The strategy taken so that the Corruption Eradication Commission can carry out its duties effectively is to make the Corruption Eradication Commission as a guardian of good governance that is independent and independent.*

***Key words**--Effectiveness, KPK, Corruption.*

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## I. INTRODUCTION

The ideas of the founding fathers of Indonesia is the realization of a just and prosperous society based on Pancasila and the Constitution of 1945, but until now the ideals of the founding fathers has not fully realized. One of the things that lead to not achieving the ideals of the founding fathers is still the number of corruption in Indonesia. Corruption, etymologically derived from the Latin, corruptus, Which is unchanged from a fair condition, true and honest being the opposite condition [1]. Samuel Huntington defines corruption as follows [2]: "Behavior of Public Officials with deviates from accepted norms in order to serve private ends.

Corruption is the behavior of public officials who deviate from the norms in force in order to satisfy personal interests. Corruption is also a violation of human rights. This was expressed by Anna Peter as follows : Corruption is not a technical term, it is typically not considered a criminal offence in criminal codes around the world, and it also does not have a legal definition in international treaties. That most common definition is the one by the non governmental organization (NGO). Transparency International, according to which corruption is the abuse of entrusted power for private gain. Such abuse may happen on the level of day to day administration and public service (petty corruption) or on the high level of political office (grand corruption) [3].

Corruption in fact originated from a habit which is not recognized by the authorities, starting from the habit of receiving tribute, gifts, bribes, provision of certain facilities and others that eventually grew into a habit of seeds of corruption are real and could harm the country's finances. Corruption is one of the most important issues, not only in Indonesia, but also in the world. Therefore, The United Nation (UN) in 2003 formed the

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United Nations Convention against Corruption (UNCAC) which aims to prevent corruption globally. The convention is an international agreement that binds the countries that signed the convention, including Indonesia. . The United Nations Convention Against Corruption represents the first binding global agreement on corruption. It has elevated anticorruption action to the international stage [4]. Corruption is a crime against humanity, therefore corruption has an impact on human rights. The role of the State in the modern era is much wider compared to the past activities of it. Thus the state and its authority need to be more aware about the corruption activities whatsoever prevailing. As the role of the state should always be lie in the welfare and accustomed to the welfare of the general public at large and guarantee them without any type of discrimination, the all human rights of which they are being prescribed by the law of land [5].

Efforts to eradicate corruption in Indonesia is not a new issue. Corruption is a crime outstanding (extraordinary crimes) and also crimes against humanity (crimes against humanity), therefore, corruption is of particular concern for the country. It is seen from the enactment of Law No. 19 Year 2019 concerning the Second Amendment on Law No. 30 of 2002 on the Corruption Eradication Commission. Expectations of the people of Indonesia to live in a country free of corruption much hung on the Corruption Eradication Commission. Article 1 paragraph 3 of Law No. 19 Year 2019 regarding the Second Amendment to Law Number 30 of 2002 on the Corruption Eradication Commission stated that: Corruption Eradication Commission, hereinafter referred to KPK is a state institution in a clump of executive power entrusted with the prevention and eradication of corruption in accordance with this Act.

Issues raised by the author in this study are: 1. how the effectiveness of the Corruption Eradication Commission (KPK) in dealing with corruption? 2. how the efforts made in order to optimize the eradication of corruption.

## **II. METHOD**

This study used a qualitative descriptive approach, which is a procedure to solve the problem was investigated by describing a subject or object at the present time based on specific facts [6]. The main source in qualitative research data, both primary data and secondary data [7]. Researchers used several methods to collect the data, namely: interviews, observation, and documentation [8]. Data analysis was performed using qualitative juridical analysis method, the method of research that starts from the norms, principles and regulations that exist as a positive legal norms which are then analyzed qualitatively.

## **III. RESULT AND DISCUSSION**

### **Effectiveness of the Corruption Eradication Commission (KPK) for Handling of Corruption**

Corruption is a main threat in many countries around the world. Therefore, the main causes for corruption are :

- a. The size and structure of governments
- b. The democracy and the political system
- c. The quality of institutions
- d. Economic freedom/openness of economy
- e. Salaries of civil service.

- f. Press freedom and judiciary
- g. Cultural determinants
- h. Percentage of women in the labor force and in parliament
- i. Colonial heritage
- j. The endowment of natural resources.

And Corruption has an impact on [9]:

- a. Investment in general
- b. Foreign direct investment and capital inflows
- c. Foreign trade and aid
- d. Official growth
- e. Inequality
- f. Government expenditure and services
- g. Shadow economy and crime

A significant impact of corruption on future efficiency is the effect that official corrupt practices have on the average citizen's perception of social equity. Homans shows that in any human group, the relative status given to any member is determined by the group's perception of the member contribution to the relevant social domain. Homans further states that changes in his social contribution will face open hostility by the other members of society. Therefore, within Homans's view, in cases of corrupt practices, a socially unjustified increase in the wealth related status of those who offer and accept bribes represents a violation of the average citizen's notion of what constitutes an equitable hierarchy of status within society. Homans's theory of ethics.

One of the efforts made by Indonesia to eradicate corruption is to establish a Corruption Eradication Commission. The Corruption Eradication Commission (KPK) was formed in 2003 because it was considered the main agency enforcement justice (police and prosecutors) are not able to perform the function of combating corruption. The Corruption Eradication Commission (KPK) in the state system is an auxiliary organ, which enabled aid agencies to encourage the role of police and prosecutors. Therefore, the purpose of the establishment of the Corruption Eradication Commission (KPK) is to make Indonesia as a country that is clean.

Article 6 of Law No. 19 Year 2019 regarding the Second Amendment to Law Number 30 Year 2002 on Eradication Commission Corruption stated that Corruption Eradication Commission tasked with:

- a. These preventive measures so as to avoid corruption.
- b. Coordination with the relevant authorities conduct the eradication of corruption and the agencies in charge of implementing public service.
- c. Monitoring the implementation of state government.
- d. Supervision of institutions authorized to eradicate corruption.
- e. Investigation, investigation and prosecution of corruption; and
- f. Measures to implement the establishment of judges and court decisions that have obtained permanent legal force".

Combating corruption in addition to meaning the prosecution, also implies the prevention of corruption. Prevention efforts undertaken by the Corruption Eradication Commission is associated with several

partners in efforts to accelerate the eradication of corruption in Indonesia, including the United Nations Convention against Corruption (UNCAC) and the Anti-Corruption Working Group of G-20 [10].

The mechanism for the review of implementation of the United Nations Convention against Corruption (hereinafter “the mechanism”) includes a review process that shall be guided by the principles. The mechanism shall [11]:

- a. Be transparent, efficient, non-intrusive, inclusive and impartial
- b. Not produce any form of ranking
- c. Provide opportunities to share good practice and challenges
- d. Assist states parties in the effective implementation of the convention
- e. Take into account a balanced geographical approach
- f. Be non-adversarial and non-punitive and shall promote universal adherence to the Convention
- g. Base its works on clear, established guidelines for the compilation, production and dissemination of information, including addressing issues of confidentiality and the submission of outcome to the Conference, which is the competent body to take action on such an outcome
- h. Identify, at the earliest stage possible, difficulties encountered by State parties in the fulfilment of their obligation under the Convention and good practice adopted in efforts by states parties to implement the Convention
- i. Be of a technical nature and promote constructive collaboration, inter alia in preventive measures, asset recovery and international cooperation
- j. Complement existing international and regional review mechanisms in order that the Conference may, as appropriate, cooperate with those mechanisms and avoid duplication of effort

Achievement and productivity KPK that have often succeeded in dismantling corruption was a lot of challenge. Bureaucratic and political circles of corrupt acts are more protective and use various ways to limit and reduce the space for the Corruption Eradication Commission by cutting the basic functions of the Corruption Eradication Commission (investigations, wiretaps and arrests). Therefore, it needs to be improved the effectiveness of the KPK in eradicating corruption.

The effectiveness of the prevention of corruption requires a synergy between the Corruption Eradication Commission state organs which the eradication of corruption and the strong support of the community. State organs which are related include the National Police, the Attorney General, the Supreme Audit Agency (BPK), Financial and Development Supervisory Agency (BPKP), the Center for Financial Transaction Reports and Analysis Center (PPATK).

The effectiveness of the eradication of corruption needs to be supported by the implementation of a number of legal mechanisms such as the application of inverted authentication, social sanctions such as social labor that the perpetrators of corruption learn to work responsibly for society and beneficial to the environment and the sanctions refund the proceeds of corruption.

The Corruption Eradication Commission (KPK) has not been effective enough in dealing with corruption that occurred in Indonesia. This is caused by several things, namely:

1. Many parties who deliberately want to hamper the performance of the Corruption Eradication Commission (KPK).

Many parties are of the opinion that the promulgation of Law Number 19 Year 2019 regarding Amendments to the KPK Law as an effort to hamper the work of the Corruption Eradication Commission (KPK).

2. The current legal system is not completely clean of corruption, collusion and nepotism (KKN).

The current legal system in Indonesia is seen as not deterring perpetrators of corruption. The current legal system is also considered not able to provide a sense of justice for the community. Law enforcement that has not been combined with satisfying commitments and steps between the police, prosecutors and the judiciary also causes weak enforcement of anti-corruption laws. Corruption is an extraordinary crime, so the handling must also be done with extraordinary efforts. In fact, of the three extraordinary types of crimes, namely corruption, drugs and terrorism, extraordinary handling is only on drugs and terrorism. For example, in arrests, narcotics can be more than 3 (three) days, terrorism can be extended to 21 (twenty one) days but corruption remains 1 (one) day. In addition, in the case of wiretapping, narcotics and terrorism are not complicated in wiretapping, but for corruption, wiretapping is complicated and disputed.

3. Mental legal culture of the state apparatus that is still weak in preventing corruption.

Lawrence M. Friedman emphasized that legal culture is an atmosphere of social thought and social forces that determine how law is used, avoided or abused. Legal culture is closely related to public legal awareness. the higher the legal awareness of the community will create a good legal culture that can change people's mindsets about law [12].

A legal culture needs to be developed among law enforcement officials. This is very important considering that the prevention and eradication of corruption is highly dependent on how strong the ethics, integrity and commitment of law enforcement officials themselves [13]. The National Ombudsman Commission points out that the bluntness of law enforcement in Indonesia is partly caused by maladministration by state apparatuses, especially law enforcement officials such as protracted case handling, officials who are still acting arbitrarily, document falsification, and others. others [14].

This is in line with the opinion of Romli Atmasmita who argues that one of the fundamental problems that is urgent and must be resolved immediately is bureaucratic engineering [15]. Maladministration from a legal apparatus or a government agency can be seen from the existence of decisions or actions that are inappropriate, arbitrary, and deviating, even violating the provisions of the law and abuse of authority (abuse the power). Corruption causes inefficient state apparatus or bureaucracy and increases administrative costs. Corruption has become so widespread that almost all state apparatus, both executive, legislative and judiciary, have been infected with the corruption virus.

### **Efforts to Do in Order Optimization of Corruption**

In the book entitled "Fighting Corruption in Developing Countries :Strategies and Analysis", the authors want to provide strategic insight for policy makers to be effective, related to the misuse of public authority for personal gain. When corruption manifests in various ways, a good and effective anti corruption

strategy is needed. According to Kaufman, an appropriate anticorruption strategy is to focus on developing law, strengthening law enforcement agencies, and establishing government institutions. The approach used is a sectoral or decentralized approach, because a sectoral approach offers one of the best way to understand corruption behaviour and develop strategic anti-corruption [16]. Combating corruption is a top priority for the welfare of the people who represents the ideals of the Republic of Indonesia, therefore, to optimize the efforts to eradicate corruption required a comprehensive strategic, integral and holistic so that the desired results can be achieved.

Corruption can be associated with various aspects, whether human, regulation, bureaucracy, *political will*, Commitment and consistency as well as the law enforcement culture, therefore, the efforts made to optimize the eradication of corruption includes various aspects as follows:

a. Integrity and Ethics Improved Operator in Order To Achieve State for Administrative Professional and Integrity

Lack of integrity and ethics of government officials is the main thing that led to the occurrence of irregularities and abuse of authority or power. Therefore, the apparatus of integrity and ethics is one of the requirements the realization of good governance, clean and free from corruption, collusion and nepotism (KKN).

b. Stabilization and Accelerate Reforms in Order To Achieve Good Governance, clean and free of corruption

Bureaucratic reform is an effort to reorganize the government bureaucracy in order to provide optimal service to the community.

c. Development of Anti-Corruption in Public Culture in Order to Build Community Mental Attitude and Anti-Corruption

Efforts to realize good governance, clean and free from corruption, collusion and nepotism (KKN) basically can not just be done by state officials. This is because the government stakeholders were good, clean and free from corruption, collusion and nepotism (KKN) essentially consists of three (3) elements, namely the state, private and public sectors. Therefore, the mental attitude of society towards the practice of corruption, collusion and nepotism (KKN) is critical to the efforts to achieve good governance, clean and free from corruption, collusion and nepotism (KKN).

d. Enforcement Law Firm, consistent and integrated in Order To Achieve Justice, Rule of Law and the usefulness and Potential Effects for Corruptor won't do anymore

Law enforcement is consistent and integrated is essential for the realization of justice and legal certainty which is the main foundation for the operation of the process of democratization. Law enforcement is consistent and unified will also bring benefits to the community, that would be deterrent for criminals or for those who would commit acts of corruption.

e. Maximizing the role of APIP (short for Government Internal Supervisory Apparatuses) or Internal Oversight in other institutions, which are organizational units within the Regional Government, State Ministries, State Institutions, and Non-Departmental Government Institutions that have the task and function of conducting supervision.

As regulated in Government Regulation No. 60/2008 concerning the Government's internal control system, one of the roles of which is to provide early warning and improve and improve the effectiveness of risk management in carrying out the duties and functions of government agencies. If this APIP is maximized, it is expected to reduce the potential loss of the State.

#### IV. CONCLUSION

The effectiveness of the prevention of corruption requires the synergy of the Corruption Eradication Commission with the state organs terait the eradication of corruption and the strong support of the community. state organs which terkait include the National Police, the Attorney General, the Supreme Audit Agency (BPK), Financial and Development Supervisory Agency (BPK), the Center for Financial Transaction Reports and Analysis Center (INTRAC).

Efforts are being made to optimize the eradication of corruption includes various aspects as follows:

- a. Integrity and Ethics Improved Operator in Order To Achieve State for Administrative Professional and Integrity
- b. Stabilization and Accelerate Reforms in Order To Achieve Good Governance, clean and free of corruption.
- c. Development of Anti-Corruption in Public Culture in Order to Build Community Mental Attitude and Anti-Corruption
- d. Enforcement Law Firm, consistent and integrated in Order To Achieve Justice, Rule of Law and the usefulness and Potential Effects for Corruptor Jera
- e. Maximizing internal oversight of government agencies.

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