

IMPLEMENTATION OF CORRUPTION CRIMINAL SANCTIONS AGAINST COUNTRY OFFICERS WHO CONDUCTED CRIMINAL ACT OF CORRUPTION DURING COVID 19

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Abstract

Corruption has caused damage to various lives of the people, nation, and country. Pandemic Covid 19 is currently increasingly infecting the Indonesian economy. Corruption is one of the causes of the nation's economic system's decline very rapidly. The purpose of this study is to determine the implementation of criminal sanctions against corruption against unscrupulous state officials who commit criminal acts of corruption during the Covid 19 pandemic. The method used in this study is the Normative Juridical Method. The Corruption Eradication Commission (KPK) will provide stricter penalties for those who commit criminal acts of corruption committed during the corona covid-19 pandemic. Disaster management is an activity or effort carried out in the context of prevention, mitigation, emergency response, and recovery related to disasters carried out before and after a disaster.

Keywords: *Covid-19, Corruption, economy*

Introduction

Corruption is a behavior of public officials, whether political or civil servants, which is inappropriate and illegal to enrich themselves or by abusing a public trust that has been empowered to them to gain profit unilaterally. Corruption also comes from the Latin word *corruption* from the verb *corrumpere*, namely rotten, damaged, shaken, twisted, bribed.

Corona, or what is often called covid 19, is currently increasingly infecting the Indonesian economy. Initially, the economic impact of the virus only eroded the external side of the Indonesian economy. The Corruption Eradication Commission (KPK) has issued two circular letters stating that SE Number 8 of 2020 concerning the use of all budget for the implementation of the procurement of goods/services in order to accelerate the implementation of the procurement of goods and services in order to accelerate the handling of covid-19 related to the prevention of criminal acts of corruption. The KPK encourages three main points in preventing corruption in the procurement of goods and services, often referred to as PBJ, to accelerate the handling of Covid-1 at the central and regional levels. The procurement of goods and services shall still observe the prevailing laws and regulations, including the rules specifically issued by LKPP. The corruption eradication commission strongly encourages the involvement of APIP or BPKB in providing oversight and assistance related to implementing the procurement of goods and services and consultation with LKPP.

Corruption is one of the causes of the nation's economic system to decline rapidly. Corruption in Indonesia is widespread, so it is detrimental to its economy or state's financial condition. For this reason, it is necessary to eradicate criminal acts of corruption in a very extraordinary way and need to create a special method. Corruption is an act carried out with the intention of providing an unofficial advantage with the rights of another party wrongly, who uses his position or character to gain an advantage for himself or others, contrary to his obligations and the rights of the party other.¹

¹ Aziz Syamsuddin, *Tindak Pidana Khusus*, (Jakarta: Sinar Grafika), 2011

Corruption is bribery, bribery, embezzlement, evil deeds or is often called accepting bribes, official authority for one's own interests, committing criminal acts with the intention of enriching oneself directly or indirectly where the act is detrimental to the finances and economy of the country.² Corruption Crime With the predicate of extraordinary crimes, there are special regulations or laws that regulate corruption. Corruption Crime is more specifically regulated in Law No. 20 of 2001 concerning amendments to Law No. 31 of 1999 concerning the Eradication of Corruption Crime. With the existence of Law no. 20 of 2001, in the eradication of criminal acts of corruption that is used as law, namely "lex specialis derogat legi generali," namely the principle of legal interpretation which states that special laws (lex specialis) override general laws (lex generalis). Efforts that can be made are to form a special court for regional corruption in Law No. 46/2009 Article 2 states that the Corruption Crime Court is a special court within the General Court. In the case that the Corruption Crime Court is the only court that examines, hears, and decides on criminal acts of corruption. Mafia practices most often interfere with the principles of crime or the criminal court system in Indonesia, starting from the investigation, prosecution, termination of execution, and society.³

According to this, many people are cynical about every effort made to eradicate corruption cases by the government, but the efforts made by the government to eradicate corruption have failed. However, this shows that the community becomes lowly and always becomes the person of injustice in taking legal action against every corruption case. The public really hopes that the perpetrators of criminal acts of corruption will receive the appropriate punishment. The strategy of giving heavy punishments is needed in corruption because this is not a form of misconduct. After all, corruption is a planned crime that is calculated profit and loss by an offender who has an honorable status.

² Firdaus wiwin Yulianingsih, *kamus hukum kontemporer*, 2015,(sinar Grafika,Surabaya)

³ Evi Hartanti,*Tindak pidana korupsi edisi kedua*, (Jakarta : penerbit sinar erlangga), 2009 hal.11

Based on the background that has been described, the authors conclude the formulation of the problem as follows: how is the implementation of the criminal sanctions of corruption against individual state officials who commit corruption during the Covid 19 and the purpose of this research is to see the implementation of corruption criminal sanctions against country officers who conducted a criminal act of corruption during covid 19

Research Methods

This research method uses the normative legal method, which includes various secondary data such as statutory regulations, legal theory, and the opinions of scholars. ⁴and uses a statutory approach. Data analysis techniques that can be used in research are qualitative analysis.

Implications of Corruption Criminal Sanctions Against Individual State Officials Who Commit Corruption Crimes During the Covid 19 Period.

The Covid-19 pandemic has greatly disturbed the economic conditions of countries in the world. Thus, many economic losses for daily workers are lost due to enforcing rules related to activities from home. In the last few months of efforts that the government can make in dealing with the spread of covid-19, then the issuance of Perppu No.1 of 2020 concerning state finance policy and financial system stability to handle natural disasters, which this disaster must show at certain times. So we need countermeasures that must increase comprehensiveness. ⁵The Covid-19 pandemic in Indonesia has yet to find out how to deal with it. Until now, the number of those infected has to increase. The Indonesian nation is still struggling with a pandemic. The government's efforts in overcoming the spread of covid-19 are that the issuance of Perppu No.1 of 2020 concerning state finance policy and financial system stability to provide handling of the Covid-19 pandemic. The laws and regulations in Indonesia already have a statutory regulation that regulates assistance or policies

⁴ Bambang, *Penelitian Hukum*, Sinar Grafika, Jakarta, 1996

⁵ Yayasan, *pennanggulangan bencana berbasis masyarakat*, (Bali) 2007,

for criminal acts of corruption committed during the Covid-19 pandemic.

The government and the Corruption Eradication Commission (KPK) are doing their utmost to enact regulations and emphasize that there are not many criminal acts of corruption. Certain channels must be carried out in social media to anticipate problems that occur during the Covid-19 pandemic. Government regulations in Law No.1 of 2020 concerning state financial policies in the financial system in handling the 2019 coronavirus disease pandemic or often referred to as covid-19 to face the national economy and financial system stability, are seen as one of the obstacles in overcoming criminal acts committed. during the covid-19 pandemic

Law Number 24 of 2007 concerning disaster management which follows several related regulations. To support the development of a disaster management system that includes central and regional governments. The disaster management system in Indonesia recommends strategic policies in disaster management. A well-developed disaster management system is anchored at the national and regional levels. (Moeljono, 1987) Some ministries and institutions are not directly under the authority or main duties of the BNPB. It will be difficult to coordinate and give a bat to carry it out if a natural disaster occurs. Disaster management organizers based on Law No.24 of 2007 resulted in a relatively large impact in the form of casualties along with the loss of objects that should have been. Disaster management law concerning disaster management. Even though natural disaster management administrators are regulated by law and its implementers, disaster management law helps regulate disaster management.⁶

Speaking of the Law on corruption eradication, the Law is very clear, but the problem is that the legal consequences for corruption actors are not yet guaranteed by the Law and law enforcement actors who have moral problems because the problem of corruption is inseparable from bribery, bribery of reality and it is not an open secret anymore. The reverse proof law must be enacted to thoroughly clean

⁶ <https://nasional.kompas.com/read/2021/03/03/12515101/kasus-korupsi-di-tengah-pandemi-covid-19-yang-berujung-pada-wacana-hukuman?page=all> diakses April 21, 2021

up the perpetrators of corruption, and the law must use common sense, not only on paper evidence.

The formulation of criminal acts of corruption according to Law Number 3 of 1971 includes actions that are intended to enrich themselves or other people or an entity that commits illegally, which directly or indirectly can harm the state and the country's economy.

The formulation requires a *pro parte dolus pro parte culpa* error, which means that the form of the error is required due to an intentional existence but sufficient negligence in the form of suspicion and can harm the country's finances or economy. The formulation of evidence against the law is to enrich oneself or other people and legal entities that are criminal acts of corruption that meet the provisions to prove the existence of crimes or violations as contained in Law Number 24 of 1960. Normatively, the government makes policies to form regulations. laws that began with the formation of various laws and regulations began with the enactment of Law Number 8 of 1999 concerning clean and safe state administration. Subsequently, Law number 31 of 1999 was amended by amendments to Law Number 20 of 2001 concerning amendments to Law number 31 of 1999 concerning eradicating criminal acts. On December 27, 2002, it was also promulgated that Law 3 of 2002 on the commission to eradicate corruption crimes.⁷

The current Criminal Code does not yet recognize the so-called criminal guidelines; therefore, judges in deciding a case are given the freedom to choose the type of crime they want in connection with the alternative system of threats in the law. Furthermore, the judge can also choose the severity of the punishment (*strafmaat*) to be imposed because what is determined by law is only the maximum and minimum penalties. In this regard, what often creates problems in practice is the freedom of judges in determining the severity of the punishment given. It is stated that the law only determines the maximum and minimum limits of punishment; as a consequence of this problem, what is called criminal disparities will occur. What is detrimental to the state and the country's economy, to enrich oneself

⁷ Barwan *Penegakan Hukum Dan Pengembangan Hukum Pidana*, (Bandung: PT Citra) , 2008,hal 20

or other people or a corporation that unlawfully or waderrechtelijk should be handled as much as possible. Because corruption related to state finances, namely against the law and detrimental to state finances, misuses authority to benefit oneself and harm state finances.⁸

The formulas for the provisions of the death penalty for corruptors related to several problems are as follows

- a. The position of the death penalty in the current criminal law system
- b. There are conditions in the imposition of the death penalty for corruptors
- c. There are alternative types of the death penalty in the form of the commutation of the death penalty.⁹

Capital punishment in positive law is defined as one of the main crimes. However, in formulating policies so far, capital punishment has never been formulated singly (which contains imperative/absolute characteristics) but has always been formulated alternatively with other types of principal crimes and is only threatened for certain offenses. Even though the death penalty is a principal punishment, its essence is "a principal punishment specific in nature and is always punishable by an alternative means."

When focusing on corruption in Indonesia, prior to COVID-19 attacking our local corruption, it has caused enormous destruction to the survival of the nation and state. Not only is it detrimental to all State finances, but the crime of corruption has also taken away the social and economic rights of society at large. These crimes are very difficult to eradicate because they are often carried out systematically and involve people in power. We can also do how great and extraordinary the dangers caused by this crime. It is very natural that the crime of corruption is classified as an extraordinary crime that must be eradicated in an extra way as well, as one of them - by putting to death the criminals in this country. Corruption has become a severe disease of this country, and it is very difficult to cure. Various efforts to prevent and eliminate various corrupt practices have been carried

⁸ Mahrus Ali, *Praktek Hukum Pidana Korupsi*, (Yogyakarta) 1998 hal.31

⁹ Absori, *Pengembangan Ilmu Hukum Diindonesia*, (Yogyakarta;Genta Publishing), 2017

out very often—both with laws and regulations and the establishment of a commission or agency to combat corruption. However, corruption does not want to leave the Indonesian nation. In the executive branch, there is corruption, as well as in the legislature and the judiciary. not to mention in several state-owned enterprises and non-ministerial State institutions. As we all know that the COVID-19 outbreak is a very extraordinary epidemic. Various corruption crimes related to the misuse of various budgets in handling COVID-19 in Indonesia are a crime that is very and very extraordinary. In principle, the death penalty for corruptors must be maintained based on punishment's imposition.

Conclusion

The formulation of the death penalty against perpetrators of corruption during the corona period must be addressed seriously by the need for new regulations on the Corruption Law so that the policies that are expected to emerge from it make a final ultimatum for the perpetrators of corrupt candidates in humanitarian aid funds. Even though, even in a normal situation, there has not been a single corruption case that has been sentenced to death. There is only one Article that regulates the regulation of the death penalty in the Law on the Eradication of Corruption, namely Article 2 paragraph (2). In some of these articles, it is stated that the death penalty can be imposed for perpetrators of criminal acts of corruption in “certain circumstances. . In the last few months of efforts that the government can make in overcoming the spread of covid-19, then the issuance of Perppu No.1 of 2020 concerning state finance policy and financial system stability to provide handling of the Covid-19 pandemic Indonesia is a country prone to natural disasters, where this disaster must be faced at certain times.

There is the authority of several ministries and institutions that are not directly under the authority or main duties of the BNPB, and if a natural disaster occurs, it will experience difficulties in coordinating and cause delays in implementing it. Disaster management organizers based on Law No.24 of 2007 resulted in a relatively large impact in casualties and property losses that should have been reduced. Disaster management law regulates the implementation of disaster management from the basis of values, institutions to authority. Although natural

disaster management administrators have been regulated by law and its implementers. Disaster management law is useful for carrying out disaster management that can be well coordinated.

Talking about article 3 of Law Number 7 of 2020 concerning the task force for the acceleration of handling Covid-19 is quite clear, health and for the budget for funds issued by the government for handling Covid-19 up to hundreds of trilies. However, in fact, many imbalances occur, but they have not been exposed to the public. President Joko Widodo said that the Covid-19 health budget funds were very disappointing. The government disbursed tiny funds to the community.

In article 3 of Law Number 7 of 2020 concerning the task force to accelerate the handling of the 2019 coronavirus disease (covid-19), it is clear that increasing national resilience in the health sector is very clear, but the reality of the facts seen is far from what was expected. Talking about Covid-19 is not enough to just talk about health because the nation's economic sector must also be considered by the education sector as well.

In article 3 of Law No 7 of 2020, it is quite precise. However, supervision is needed to handle covid-19 operations to pay attention to the flow of the budget for funds disbursed for handling Covid 19 to minimize gaps. We all know that the impact of Covid 19 has affected all parts of the world in health, education, economy, and so on. So, according to the author, to issue regulations or laws regarding Covid-19 requires careful consideration.

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