

## THE ROLE OF THE DENPASAR STATE PROSECUTOR'S OFFICE IN OVERCOMING CORRUPTION CASES IN DENPASAR-BALI

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### Abstract

Corruption is an extraordinary crime (extraordinary crime), so far Criminal Corruption has caused damage in various aspects of the life of the community, nation, and state, therefore the eradication of corruption must be carried out continuously which must be carried out so that with this principle justice can be felt by the community. Law enforcement in Indonesia, which has been carried out to narrow the space for conventional corruptors, has proven to have experienced various obstacles that make people distrust the future of law enforcement in Indonesia, especially in terms of eradicating corruption. The Indonesian government seeks to eradicate corruption crimes by enforcing criminal laws related to corruption through the institution of the Judiciary tasked with supervising and enforcing the rule of law. Judicial power given to the Denpasar State Prosecutor's Office by the State of Indonesia to punish corruptors through investigations, audits, arrests, trials, and others.

**Keywords:** Corruption, Courts, Law Enforcement

### INTRODUCTION

Corruption should be viewed as an extraordinary crime. So far, the criminal act of corruption has caused damage in various aspects of the lives of the community, nation, and state, therefore the eradication of corruption must be carried out continuously and continuously and requires good human resource capacity and the existence of institutions, both prosecution institutions and judicial institutions that specifically examine, prosecute and decide cases of corruption by the national legal system in Indonesia (Bambang Waluyo, 2009, p. 32). The role of law enforcement in handling cases will have a positive impact when the decision is a fair decision according to the principle of equality before the law, but on the contrary, the role will have a negative impact when the decision reflects disparity and is far from the principle of equality before the law (Muhammad Nur Hadi, October 2012, pp. 44-45).

Law enforcement in Indonesia, which has been carried out to narrow the space for conventional corruptors, has proven to have experienced various obstacles that make people distrust the future of law enforcement in Indonesia, especially in terms of eradicating corruption. This decline in trust is due to the presence of rogue law enforcement officers so there is a judicial mafia (judicial corruption) in the judicial environment.

Therefore, a method of law enforcement is needed in a special body that has broad authority, independent and free from any power to eradicate corruption that is effective and professional (Ardilafiza, 2010, p.3).

Corruption has occurred in Indonesia since ancient times until today. The Indonesian government since ancient times until now has ceaselessly tried to eradicate corruption through criminal law. The Indonesian Government's efforts to eradicate corruption include the promulgation of provisions of the corruption eradication law. When viewed from the legal sanctions imposed, there is always a weight on legal sanctions threatened against perpetrators of criminal acts, even though corruption remains rife today (Tri Andrisman, March 2015, p. 135). Factors Affecting Law Enforcement of Criminal Acts of Corruption, namely:

Law enforcement carried out by the Attorney General's Office is closely related to corruption in practice facing various obstacles/obstacles, especially in optimizing the eradication of corruption. This is due to, among others:

1. The complexity of corruption cases, requires coordinated handling but, if coordinated with the leaders of the parties examined, the leaders concerned are not willing if their work units are checked;
2. Time constraints, the occurrence of corruption is generally long so it is difficult to prove. It is also possible that the evidence has been destroyed. This will make it difficult for investigators to find evidence and witnesses. So if corruption cases can be found early, it will be very helpful in handling them;
3. The intensity of inspection by the functional supervision apparatus is limited. The volume and intensity of supervision both by internal and external supervision units at the center and in the regions have so far provided less input from corruption investigation officers so that they do not contribute significantly to the number of corruption cases that can be revealed;
4. The spread of corruption cases through public policy. *The highest modus operandi* of corruption crimes today is through public policies, issued by legislative institutions, executive institutions, and decision-making institutions in SOEs/BUMDs, and banking institutions; (Romli Atmasasmita, 2008, p. 92).

## **IMPLEMENTATION METHOD**

Law enforcement is understood and believed as the activity of applying positive legal norms or rules (*ius constitutum*) to a concrete event, law enforcement works like an automatic machine model where the work of enforcing the law becomes an automatic subsumption activity, law is seen as a clear and definite variable that must be applied to concrete, clear and definite events. Law enforcement is constructed as a logical rationale that follows the presence of legal regulations (Satjipto Rahardjo, 2007, p. 173). Law enforcement of corruption crimes committed by the Denpasar State Attorney's Office, namely:

## KEJARI DENPASAR RECOVERS IDR 1.022 BILLION LOSS FROM OFFERINGS CORRUPTION



Denpasar (ANTARA) - The Denpasar State Prosecutor's Office recovered state losses of IDR 1.022 billion from a corruption case of offering shopping by former Head of the Denpasar City Government Office and Culture I Gusti Ngurah Bagus Mataram. "The recovery of the country's losses is by depositing Rp1,022,258,750.00 into the State Treasury as Non-Tax State Revenue (PNBP)," said Head of Intelligence Section (Kasi Intel) Kejari Denpasar I Putu Eka Suyantha as quoted from his written broadcast received in Denpasar, Friday. The money was deposited through the BRI Denpasar Gajah Mada Branch Office on Thursday (2/6). I Gusti Ngurah Bagus Mataram is a convicted corruption case of special financial assistance funds (BKK) whose allocation is to buy aci-aci and offerings for traditional villages, traditional banjars, and subak. The items for prayer and ritual purposes are for traditional villages, traditional banjars, and subak in urban villages throughout Denpasar in 2019-2020.

The Denpasar Corruption Court (Tipikor) in March 2022 sentenced the former city government official to 3 years in prison. The Tipikor Court's sentence was a year lighter than the prosecutor's demand that the perpetrator be sentenced to 4 years in prison. Not long after the verdict, prosecutors appealed to the Denpasar High Court. The panel of judges of the High Court in its appeal decision published on the SIPP PN Denpasar website last month did not change much in the content of the Tipikor Court's ruling.

However, there is an addition to the phrase that the defendant is proven to have committed corruption continuously as mentioned in the first indictment of the prosecutor's subsidiary. The panel of judges of the High Court also upheld the decision of the court of first instance which ordered I Gusti Ngurah Bagus Mataram to pay Rp1,022,258,750.00 within a month after the court decision with permanent legal force (inkrah). The money was taken from the perpetrators' partners, namely cash of IDR 80 million from Kadek Agustina Putra, a deposit of IDR 816,572,250.00, and the defendant's deposit of IDR 125,686,500.00. Law enforcement efforts to eradicate corruption by the Denpasar State Prosecutor's Office in the criminal justice system are prioritized in solving corruption cases compared to other cases are also extraordinary legal instruments.

## RESULTS AND DISCUSSION

Public guidance to eradicate corruption is a reflection of the problems of law enforcement in this country because corruption is a form of unlawful act that harms the state and society. The corruption that arises everywhere is an indication of the weakness of the function of law as a means of control, a means of change, and an integrative means. Hard efforts to eradicate corruption, collusion, and nepotism (KKN) both in the fields of general government and development have not been followed by concrete and serious steps by the Government, including law enforcement officials in implementing and enforcing the law. Similarly, the emergence of intervention and influence from other parties in the settlement of the judicial process weakens efforts to eradicate corruption to realize good governance (Martiman Projoamidjoyo, 2008, p. 84).

Corruption as a white-collar crime not only harms the country's finances or economy but also harms the community and undermines the belief system of a democratic state (Tri Andrisman, March 2015, p. 112). The form of corruption deviation occurs at several points prone to corruption in the budget management process. The vulnerable points according to Pratomo include the Planning process, Accountability process, Monitoring and evaluation process, Implementation process, Procurement process of goods and services, Distribution process, and fund management. Based on the results of ICW monitoring, 7 (seven) forms of corruption were identified that are generally carried out by Government Personnel, namely:

1. Embezzlement;
2. Misuse of budgets;
3. Abuse of authority;
4. Pungutan liar;
5. *Mark up*;
6. Fictitious reports;
7. Budget cuts; and
8. Bribery (Andi Hamzah, 2009, p. 36).

Law enforcement involves all Indonesian citizens, and the implementation is carried out by law enforcement. Law enforcement is carried out by authorized officials. State officials authorized in the investigation of criminal cases are the Police, Prosecutors, and Courts. Police, Prosecutors, and Judges are three elements of law enforcement who each have duties, authorities, and obligations by applicable laws and regulations (Marwan Effendy, 2007, pp. 22-23). One of the law enforcement agencies that has the authority to eradicate corruption is the Prosecutor's Office of the Republic of Indonesia which has other duties and authorities related to the role of the prosecutor's office in eradicating corruption for the criminal sector, namely:

1. Prosecuting (either cases originating from the internal prosecutor's office itself or products of the Indonesian Police) here the authority related to the position of the Indonesian prosecutor's office as the holder of the prosecution power (*Dominis lists*) of a case;
2. As a party who will then convene in court and as the executor of the case, the Attorney General of the Republic of Indonesia has the authority to make legal determinations and court decisions that have obtained permanent legal force";

3. Supervise the implementation of conditional criminal judgments, supervisory criminal judgments, and conditional release decisions; and
4. Conduct additional checks;

In carrying out its duties and authorities, the Prosecutor's Office is in a central position with a strategic role in strengthening the nation's resilience. Because the Prosecutor's Office is on the axis and becomes a filter between the investigation process and the examination process in court as well as the executor of court determinations and decisions. That way the Prosecutor's Office is the controller of the case process (*dominus litis*) because only the Prosecutor's institution can determine whether a case/case can be submitted to the Court or not based on valid evidence according to the Criminal Procedure Law. The Prosecutor's Office as a government institution consists of the Attorney General's Office, the High Prosecutor's Office, and the District Attorney's Office. The Prosecutor's Office is headed by the Attorney General who controls the duties and authority of the prosecutor's office. In carrying out his duties and authorities, the Attorney General is assisted by a Deputy Attorney General and several Young Attorneys General (Gunawan, 2009, pp. 94-95).

The role of the Denpasar State Prosecutor's Office in eradicating corruption was explained by Mrs. Dewa Ayu Tika Pramanasari, S.H. as the holder of the DATUN Sub-District Office stated: "Broadly speaking, the role of the Denpasar State Prosecutor's Office in eradicating corruption in the criminal field, namely conducting investigations, investigations, prosecutions and executions of corruption cases that are heard at the Denpasar State Attorney's Office."



Interview with Mrs. Dewa Ayu Tika Pramanasari, S.H. as DATUN Sub-District Officer when explaining the duties and roles of the Denpasar State Attorney in eradicating corruption in Denpasar.

Corruption is a criminal act whose development has a high potential to be reached by legal crimes. This is related to the nature of corruption crimes are invisible in the sense that it is not clear who is the victim as well as the perpetrators (M. Syamsudin, July 2010, p.408). To make it easier to understand certain concepts used in this research, it is necessary to explain as follows:

1. *First*, material law is positive law or laws that contain orders, prohibitions, and sanctions such as the Criminal Code (KUHP), and Civil Code (KUHPercivil).
2. *Second*, formal law is a positive law or law that regulates how to administer material law known as procedural law, such as the Code of Criminal Procedure (KUHAP), and Code of Civil Procedure (KUHPercivil).
3. *Third*, doctrine is the source of law that comes from the views of scholars.

4. *Fourth*, the court decisions in question are all decisions of district court judges who have permanent legal force, namely corruption criminal verdicts (Soerjono Soekanto, 2012, p. 55).

## **DISCUSSION**

The Prosecutor's Office is the only state institution that is a Government apparatus authorized to delegate criminal cases, prosecute perpetrators of criminal acts in court, and carry out the determination and decision of criminal judges, this power is a characteristic of the prosecutor's office that distinguishes other law enforcement agencies or agencies. In addition, in general crimes the Prosecutor is only a public prosecutor, but in a special crime in this case corruption the Prosecutor plays the role of an investigator and public prosecutor. As an investigator, special skills and skills are needed to search and collect evidence so that the suspect can be found. The investigation and investigation of every crime is the beginning of handling every crime, especially corruption (Robert Kligaard, 2007, p.3).

The success of law enforcement in efforts to eradicate corruption is also influenced by the factors of honesty, proficiency, and high integrity of law enforcement officials (Police, Prosecutors, Judges). This success is also closely related to the government's political will and public legal awareness as the main potential in actively participating in combating corrupt behavior (Robert Kligaard, 2007, p. 5).

One of the law enforcement institutions that has a central position and strategic role is the judicial institution. As stipulated in Law Number 4 of 2004 concerning Judicial Power. The existence of judges who have authority in court examinations and decision makers who have permanent legal force and other authorities based on the law are expected to be able to carry out their duties professionally and are dedicated to creating justice in law enforcement, especially in combating corruption crimes (Dimas Widiyanto Wahyudi, March 2008, p.211).

Based on the provisions of Article 30 of Law Number 11 of 2021 concerning Law Number 16 of 2004 concerning the Attorney General of the Republic of Indonesia, the following are the duties and authorities of the Prosecutor's Office:

1. The duties of the Denpasar State Prosecutor's Office in the criminal field, namely:
  - a. Conduct prosecutions;
  - b. Carry out the determination of judges and court decisions that have obtained permanent legal force;
  - c. Supervise the implementation of conditional criminal judgments, supervisory criminal judgments, and conditional release decisions;
  - d. Conduct investigations into certain criminal acts based on the Law;
  - e. Complete certain case files and for that can conduct additional examinations before being transferred to the court which in its implementation is coordinated with investigators;
2. The duties of the Denpasar State Attorney in the field of Civil and State Administration, namely: The Prosecutor's Office with special powers, can act both inside and outside the court for and on behalf of the state or government.
3. The duties of the Denpasar State Prosecutor's Office in the field of Public Order and Peace, namely:

- a. Increased public legal awareness;
- b. Safeguarding law enforcement policies;
- c. Surveillance of the circulation of printed goods;
- d. Monitoring the flow of beliefs that may harm society and the state;
- e. Prevention of abuse and/or blasphemy;
- f. Research and development of criminal law and statistics;

Law enforcement against criminal acts of corruption in Indonesia is essentially a crime reduction policy (including corruption) that can be carried out through two approaches, namely: The penal approach (application of criminal law) and the Non-penal approach (approach outside criminal law). This is motivated by the fact that crime is a social problem and a humanitarian problem. Therefore, crime reduction efforts can not only rely on the application of criminal law alone but also look at non-legal factors. This has been tried to be implemented by the Denpasar State Prosecutor's Office, starting with holding an Anti-Corruption campaign and arresting corruptors who are proven guilty.

Therefore, every rule of law, including the State of Indonesia, must have law enforcement institutions that function as upholding justice and creating a just and peaceful situation. The law enforcement officers consist of police, judges, prosecutors, and advocates. In carrying out their duties, they have their respective roles and duties that are interrelated and cannot be separated.<sup>1</sup>

## CONCLUSION

Corruption is a form of extraordinary crime, which is carried out to enrich and take advantage of oneself or others. Physically and visibly, the criminal act of corruption does not seem to have a direct effect on causing casualties, even if it does not directly harm someone. Corrupt behavior among public officials, especially in the judicial sector, has an impact on the effectiveness and efficiency of the implementation of litigation processes in the Judiciary. Various obstacles that factor into law enforcement of corruption crimes are related to the problem of implementing the law. Among these factors, law enforcement officials (prosecutors) play an important role in law enforcement. This has resulted in law enforcement against corruption crimes so far not being as satisfactory as expected and demanded by the community. The advice that the author gives to Law Enforcement and the Community, is as follows:

1. Law Enforcers as a form of law enforcement against criminal acts of corruption should be able to develop and study methods of preventing and eradicating corruption through comparative studies to several developed countries such as America, China, Japan, and others that are proven to eradicate corruption in a cruel and proven effective way.
2. For the public who find, see, and hear any indication of criminal acts of corruption immediately report to the authorities. The role of the community in preventing corruption in Indonesia is very important so the community is asked to participate in preventing corruption around the neighborhood.

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<sup>1</sup> Nyoman Sarekat Putra Jaya, 2008, *Beberapa Pemikiran ke arah Pengembangan Hukum Pidana*, PT. Citra Aditya Bakti, Bandung, hlm. 87.

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