

Synchronization of Corruption Criminal Handling in Indonesia

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Abstract: This study analyzes the duties and authorities of the Police, the Attorney General's Office, the Corruption Eradication Commission in handling corruption in Indonesia, the factors causing the conflict of authority, especially between the Police and the KPK in handling corruption in Indonesia, and efforts that need to be made to prevent collisions, Conflict of Authority Implementation between the Indonesian Police and the Corruption Eradication Commission in handling corruption in Indonesia. This research is socio-juridical descriptive, through quantitative analysis techniques of primary and secondary data, then described qualitatively.

Keywords: Corruption, Corruption Eradication Commission, Police, Attorney General

Date of Submission: 11-03-2020

Date of Acceptance: 26-03-2020

I. INTRODUCTION

For Indonesia, corruption is a chronic disease that infiltrates all aspects of life and appears as an image of the bad culture of the Indonesian people. Cynically, one can call Indonesia's identity a corrupt behavior.¹ Corruption has caused great poverty and social inequality. The community cannot enjoy the equitable distribution of development outcomes and does not enjoy the rights that should be obtained and overall, corruption has weakened the social and economic resilience of the Indonesian people.

One of the fundamental elements in corruption is the loss of state finances. Therefore, the term State Finance in Law No. 31 of 1999 as amended by Law No. 20 of 2001 concerning Amendment to Law No. 31 of 1999 concerning Eradication of Corruption Criminal Action.

So that State Losses can occur due to violations of the law or negligence of state officials or non-treasury public servants in the context of exercising administrative authority or by the treasurer in the context of exercising the authority of the treasury. The settlement of state losses needs to be immediately carried out to restore lost or reduced state assets and increase discipline and responsibility answered public servants/state officials in general, and financial managers in particular.² Therefore, with the enactment of Law No. 30 of 2002 as amended by Law No. 19 of 2019 concerning Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission the investigation of corruption is carried out by 3 (three) law enforcement agencies, namely:

- a. Attorney General's Office of the Republic of Indonesia;
- b. Indonesian republic police; and
- c. Corruption Eradication Commission

Whereas the prosecution of corruption is carried out by 2 (two) law enforcement agencies namely the Indonesian Attorney General's Office and the Corruption Eradication Commission, each of which is independent of one another. In addition to these institutions, in an effort to improve capacity in overcoming corruption, several new institutions have also been formed such as the Financial Transaction Reports and Analysis Center (PPATK), institutions which are also related to their duties and authorities in overcoming corruption are the BPKP and BPK and each Inspectorate General Every Department/LPND or BAWASDA in each Province, Regency and City.

II. STATEMENT OF THE PROBLEM

1. What is the duty and authority of the Police, the Attorney General's Office, the Corruption Eradication Commission in handling corruption in Indonesia?

¹Pujiyono. (2007). *Kumpulan Tulisan Hukum Pidana*. Bandung: CV. Mandar Maju, p. 124.

²VideArticle 59 paragraph (1) of Law No. 1 of 2004.

2. What factors cause a conflict or a Conflict of Authority, especially between the Police and the KPK in handling corruption in Indonesia?
3. What efforts need to be taken to prevent collisions, the Conflict of Authority Implementation between the Indonesian Police and the Corruption Eradication Commission in handling corruption in Indonesia?

III. THEORETICAL FRAMEWORK

A. Theoretical basis

1. Legal System Theory

The legal system theory put forward by Lawrence Meir Friedman is called the three elements of the legal system (Three Elements of Legal System). The three elements of the legal system are:³

- a. Structure;
- b. Substance;
- c. Legal Culture.

Law of a system, system of norms. As a system, law has the general nature of a system, at least there are characteristics: whole (wholes), has several elements (elements), all elements are interrelated (relations) and then form (structure). Therefore, the legal system has its own way of working to measure the validity of a legal system.⁴

2. Theory of Authority

Ridwan H. R stated that semantically the term power comes from the word “power” meaning ability or ability (to do something; power) while “authority” is:⁵

- a. The right and power to act or do something;
- b. The power of making decisions governs and delegates responsibility to others.

Regarding government authority, UsepRanuwijaya argued that the highest authority for the Indonesian people originated from:⁶

- a. Sovereignty of the people, the exercise of state power is based on the granting of power by the people as contained in Article 1 paragraph (2) of the 1945 Constitution;
- b. Sovereignty of the law: the law becomes the basis of state power derived from public awareness as stated in the memory of the explanation of the 1945 Constitution, and after the third amendment stated Article 1 paragraph (3);
- c. Sovereignty of the state: the state as the source of its own power because the state is the highest form of unity of life.

3. Theory of Effectiveness

a. Legal Effectiveness

According to Selo Soemardjan, legal effectiveness is related to the following factors:⁷

- 1) Efforts to instill law in the community, namely the use of human labor, tools, organizations and methods so that community members know, respect, acknowledge and obey the law;
- 2) Community reaction based on the prevailing system of values. That is, the community may reject or oppose or may obey the law because compliance, identification, internalization or their interests are guaranteed fulfillment;
- 3) The period of legal implantation, which is the length or the short period of time in which the efforts are made and is expected to produce results.

Satjipto Rahardjo believes that the police are required to carry out the law, which means it is bound by strict legal procedures, while on the other hand, it is a position that must maintain order.⁸ That between law and order is not always in line. One bases its legitimacy on regulation, the other on sociological considerations. From the viewpoint of the sociology of law, the police are both judges, prosecutors and even lawmakers. Within the police, the law is directly confronted with the people governed by the law.

³Ali, Achmad. (2008). *Menguak Tabir Hukum* (2 ed.). Bogor: Ghalia Indonesia, p. 9.

⁴Nurdjana, I G. M. (2010). *Sistem Hukum Pidana dan Bahaya Laten Korupsi: Perspektif Tegaknya Keadilan Melawan Mafia Hukum*. Yogyakarta: Pustaka Pelajar, p.46. *Vide also* Kelsen, Hans. (1973). *General Theory of Law and State* (Anders Wedberg, Trans.). United Kingdom: Russell & Russell, Inc., pp. 398 – 400; Sampford, Charles. (1989). *The Disorder of Law: A Critique of Legal Theory*. Britania Raya: Basil Blackwell, p. 16.

⁵Ridwan, H. R. (2007). *Hukum Administrasi Negara*. Jakarta: PT. Raja Grafindo Persada, p. 100.

⁶Darumurti, Krishna D., & Rauta, Umbu. (2003). *Otonomi Daerah: Perkembangan Pemikiran, Pengaturan dan Pelaksanaan*. Bandung: PT. Citra Aditya Bakti, p. 43.

⁷Soekanto, Soerjono. (1989). *Kegunaan Sosiologi Hukum bagi Kalangan Hukum*. Bandung: PT. Alumni, p. 55.

⁸Rahardjo, Satjipto. (1996). *Ilmu Hukum*. Bandung: PT. Citra Aditya Bakti, p. 331. *Vide also* Abdussalam, R. (1997). *Penegakan Hukum di Lapangan oleh Polri*. Jakarta: Dinas Hukum Polri, p. 103.

B. Conceptual Foundation

1. The Concept of Law Enforcement

a. Definition of Law Enforcement

Jimly Asshiddiqie, stated that law enforcement in the broadest sense includes activities to implement and apply the law and take legal action against any violations or legal deviations committed by legal subjects, either through judicial procedures or through arbitration procedures and other dispute resolution mechanisms (alternative disputes or conflicts resolution).⁹ In fact, in a broader sense, law enforcement activities include all activities that are intended so that the law as a normative set of rules governing and binding the legal subjects in all aspects of community and state life is truly adhered to and truly -really run as it should.

b. Criminal Law Enforcement

The process of law enforcement in overcoming crime through a penal policy or criminal law is very important. This aspect is implied through the 3rd Criminology seminar in 1976 where it was stated that “criminal law should be maintained as a means of social defense in the sense of protecting the public against crime (rehabilitative) by improving or restoring the maker without reducing the balance of individual interests (the maker) and society”. Crime prevention efforts with criminal law are in essence also part of law enforcement efforts (especially criminal law enforcement). Therefore, it is often also said that politics or criminal law policies are also part of law enforcement policies (law enforcement policy).¹⁰

The Code of Conduct of the Criminal Procedure Code¹¹ states that law enforcement is an effort to create order, security and peace in society, both as an effort to prevent or eradicate or act after a violation of the law, in other words, both preventive and repressive. If the law which is the legal basis for the actions and actions of the law enforcement tools is not in accordance with the basic philosophy of the state and the view of our nation’s life, of course law enforcement will not achieve the target.

c. Integrated Criminal Justice System in Law Enforcement

Gradually and substantially, the terminology of the criminal justice system is a term that shows the mechanism of action in overcoming crime by using a system approach basis. Remington and Ohlin expressly state as follows:¹²

“criminal justice system can be interpreted as the use of a system approach to the administration of criminal justice, and justice as a system is the result of interaction between legislation, administrative practices and social attitudes or behavior. Understanding the system itself contains the implications of an interaction process that is prepared rationally and efficiently to provide certain results with all its limitations.”

The process of handling criminal acts, institutions or law enforcement tools incorporated in the criminal justice system is guided by the Criminal Procedure Code and certain statutory regulations that specifically regulate criminal procedural law.

2. Police General Overview

The term police comes from the Dutch politie which takes from the Latin politia comes from the Greek word polytheia which means citizens of the city or city government. In the century before Christ, the Greek state consisted of cities, not only concerning the city state government, but also included religious matters. Only after Christianity emerged did the understanding of the police as a city state government be reduced to religious matters.¹³ Long before the term police was born as an organ, the word “police” as derived from the Greek word “polytheia”, by Plato was used as the title of his book “polytheia” which implies an ideal state in accordance with its ideals, a country free from the leader of a greedy and evil country, where justice is held in high esteem.¹⁴ The definition of police according to Article 1 number 1 of the National Police Law is all matters relating to the functions and institutions of the police in accordance with statutory regulations. The term police in the National Police Law contains two meanings, namely the function of the police and the police agency. As stipulated in Article 2 of the National Police Law, that the function of the police force is one of the functions of the

⁹Asshiddiqie, Jimly. (2009). *Menuju Negara Hukum yang Demokratis*. Jakarta: PT. Bhuna Ilmu Populer, p. 221. *Vide also* Utsman, Sabian. (2008). *Menuju Penegakan Hukum Responsif: Konsep Philippe Nonet & Philip Selznick, Perbandingan Civil Law System & Common Law System, Spiral Kekerasan & Penegakan Hukum*. Yogyakarta: Pustaka Pelajar, pp. 30 – 31.

¹⁰Mulyadi, Lilik. (2004). *Kapita Selekta: Hukum Pidana, Kriminologi & Victimologi*. Jakarta: Djambatan, p. 30.

¹¹Decree of the Minister of Justice No. M.01-PW.07.03 of 1982jo. Decree of the Minister of Justice No.M.14-PW.07.03 of 1983.

¹²Mulyadi, Lilik. (2004). *Op. Cit.*, p. 7.

¹³Utomo, Warsito Hadi. (2005). *Hukum Kepolisian di Indonesia*. Jakarta: Prestasi Pustaka, p. 5.

¹⁴Sadjijono. (2010). *Memahami Hukum Kepolisian*. Yogyakarta: LaksBangPRESSindo, p. 2.

government in the field of maintaining security and public order, law enforcement, protectors, protecting and serving the community. applicable laws and regulations. Thus, when talking to the police means to talk about the functions and institutions of the police. The meaning of the police is influenced by the concept of the functions of the police that are carried out and formulated in the duties and authority.¹⁵

a. Universal Police System

In democratic countries the police system is broadly classified into 3 (three) models, namely:¹⁶ First, Fragmented system. The police body grows from the bottom (the community). Very decentralized according to the conditions of society. This system is seen in the United States, Canada and Belgium. The National/Federal Police such as the Federal Bureau of Investigation (FBI) only handles certain Criminal Laws, the Secret Service only handles national financial and tax matters, and the Drug Enforcement Administration (DEA) only handles Narcotics and drugs. The weakness of this system is that the work standards are not uniform and coordination and sectoral arrogance are a problem. Second, Centralized System. Centralized systems such as in France and Italy, the two countries are bordered by countries that are politically very vulnerable so that a strong police force is needed in a centralized system in addition to supervision and transparency, so that the police does not become a political tool. Third, Integrated System. Combined between the first and second, such as in the UK and Japan. Even though the work standards are set nationally, the application is decentralized and based on the needs/uniqueness of the local community.

b. The System and Role of the Republic of Indonesia's National Police Today

The Indonesian National Police has a role to carry out the main tasks of maintaining security and public order, enforcing the law, and providing protection, protection and services to the community. To carry out these basic tasks as referred to in Article 14 of the Indonesian Police Law, the National Police is tasked with:

- a) Implementing arrangements, guarding, escorting, and patrolling community and government activities as needed;
- b) Carry out all activities in ensuring security, order and smooth traffic on the road;
- c) Fostering the community to increase community participation, community legal awareness and community adherence to laws and regulations;
- d) Participate in the development of national law;
- e) Maintaining order and ensuring public security;
- f) To coordinate, supervise and provide technical assistance to special police, civil servant investigators, and forms of self-help security; carry out investigations and inquiries into all criminal acts in accordance with criminal procedural law and other statutory regulations;
- g) Carry out police identification, police medicine, forensic laboratories and police psychology for the benefit of police duties;
- h) Protect the safety of body and soul, property, community and the environment from disturbance of order and/or disaster, including providing assistance and assistance by upholding human rights;
- i) Serving the interests of the community for a while before being handled by the agency and/or the authorities;
- j) Providing services to the community in accordance with their interests within the scope of police duties; and
- k) Carry out other tasks in accordance with statutory regulations.

Based on the duties carried out by the Indonesian National Police as mentioned above, the Indonesian Police in general have the following authority:

- a) Receive reports and/or complaints;
- b) Help resolve community disputes that can disrupt public order;
- c) Preventing and overcoming the growth of community diseases;
- d) Oversee the flow that can cause division or threaten national unity;
- e) Issue police regulations within the scope of administrative authority of the police;
- f) Carry out special inspections as part of police actions in the framework of prevention;
- g) Take the first action at the scene;
- h) Taking fingerprints and other identities and photographing someone;
- i) Looking for information and evidence;
- j) Organizing the National Criminal Information Center;
- k) Issue permits and/or certificates needed in the context of community service;

¹⁵*Ibid.*, p. 5.

¹⁶Editor. (1999). *Reformasi Menuju Polri yang Profesional*. Jakarta: Kepolisian Negara Republik Indonesia, pp.9 – 10.

l) Providing security assistance in the hearing and implementation of court decisions, activities of other agencies, and community activities;

m) Receive and store findings for a while.

The police system, both universally and the development of the role of the Indonesian National Police, has seen a marked difference in history. However, from these differences, it has universal similarity that the police, both universally and the police in Indonesia, have roles, duties and functions in the tactics and techniques of the police, namely as a law enforcement tool specifically as investigators and criminal investigators.

c. Eradication of Corruption

In Chapter IV of the 2003 Anti-Corruption Convention, forms of international cooperation in the prevention and eradication of corruption are:

- a) extradition;
- b) transfer of prisoners;
- c) mutual assistance in criminal matters;
- d) transfer of criminal proceedings;
- e) law enforcement cooperation;
- f) joint investigation;
- g) special investigation techniques (stalking);
- h) asset recovery (confiscation and return of assets)

3. Attorney General Review

a. Definition of Attorney General of the Republic of Indonesia

The Indonesian Attorney General's Office is a government institution that exercises state power specifically in the field of prosecution, and as an authorized body in law and justice enforcement. The Prosecutor's Office is led by the Attorney General who is elected by and is responsible to the President. The Attorney General's Office, the High Prosecutor's Office and the Public Prosecutor's Office are state powers, especially in the field of prosecution, all of which constitute an inseparable whole (Law No. 16 of 2004). The term Prosecutor's Office was officially used by the Japanese Government Law No. 1 of 1942 which was later replaced by Osamu Seirei No. 3 of 1942, No. 2 of 1944 and No. 49 of 1944.

b. Republic of Indonesia Attorney Organizational Structure

The Junior Attorney General scope Development has the duties to conduct planning, infrastructure and facilities development, organizational and administrative procedures, human resources and financial administration, management of state assets, provision of legal opinions, preparation of legislation and regulations, overseas collaboration engagement, and provision of other technical services and support.¹⁷

The Junior Attorney General scope Intelligence has investigative, security and support duties concerned with the prevention of crime so as to support law enforcement of a preventive or coercive nature in the areas of ideology, politics, economics, finance, socio-cultural, defense and security; imposing travel bans, and helping to uphold public order and security.¹⁸

The Junior Attorney General scope General Crimes has the duties and powers in the management of general crimes encompassing per the prosecution, additional investigation, prosecution, appeal, and enforcement of judicial orders and decisions of final and conclusive effect; examination and supervision of those serving a conditional sentence, placed under supervision orders, or released on parole, and other legal actions.¹⁹

The Junior Attorney General scope Special Crimes has the duties and powers in the management of general crimes that are governed by special criminal procedures encompassing investigation, examination, pre-prosecution, additional investigation, prosecution, appeal, and enforcement of judicial orders and decisions of final and conclusive effect; examination and supervision of those serving a conditional sentence, placed under supervision orders, or released on parole, and other legal actions.²⁰

The Junior Attorney General scope Civil and Administrative has the duties and powers in the management of civil, and state administrative and constitutional cases encompassing law enforcement, state attorneys, provision of legal advice and other legal actions to the state and government including state

¹⁷*Vide* Article 8 paragraph (2) of Regulation of the Attorney General No. PER-006/A/JA/07/2017. *Vide* also Editor. (2015). *Annual Report: Attorney General R.I. of 2015*. Jakarta: Attorney General's Office of the Republic of Indonesia, p. 8.

¹⁸*Vide* Article 145 paragraph (2) of Regulation of the Attorney General No. PER-006/A/JA/07/2017. *Vide* also Editor. (2015). *Ibid.*

¹⁹*Vide* Article 268 paragraph (2) of Regulation of the Attorney General No. PER-006/A/JA/07/2017. *Vide* also Editor. (2015). *Ibid.*

²⁰*Vide* Article 356 paragraph (2) of Regulation of the Attorney General No. PER-006/A/JA/07/2017. *Vide* also Editor. (2015). *Ibid.*

institutions/ agencies, central and local government institutions/agencies, and state and regionally owned enterprises, in order to the safeguarding and recovery of state assets, preservation of government authority, and provision of legal services to the public.²¹

The Junior Attorney General scope Supervision has the duties and powers in the management of effective internal supervision through planning, implementation and controlling the implementation of Attorney Service internal performance and financial supervision, and implement supervision on particular purposes as assigned by the Attorney General in accordance to the laws and regulations in effect.²²

4. Eradication of Corruption

Before the formation of an institution or commission that had a role in combating corruption in Indonesia, the prosecutor's office had carried out this function since the enactment of Regulation of the Central War Ruler No. PRT/Peperpu/013/1958 jo. Government Regulation in Lieu of Law Number 24 of 1960 jo. Law No. 3 of 1971.

In principle, the role of the Prosecutors' Office in various countries is grouped into 2 (two) systems, first, called the mandatory prosecutorial system, and second, called the discretionary prosecutorial system. The Indonesian Attorney General's Office or commonly called the Adhyaksa Corps is included in both groups, both the mandatory prosecutorial system in handling general criminal cases, and the special discretionary prosecutorial system in handling corruption, referring to Article 284 paragraph (2) of the Criminal Procedure Code in conjunction with Article 26 of Law No. 31 of 1999 jo Law No. 20 of 2001 in conjunction with Article 44 paragraph (4) and Article 50 paragraph (1), (2), (3) and (4) of Law No. 30 of 2002 jo Law No. 19 of 2019 in conjunction with Article 30 letter d of Law No. 16 of 2004 concerning Attorney General's Office Republic of Indonesia, while relating to human rights violations referring to Article 21 paragraph (1) of Law No. 26 of 2000 concerning the Human Rights Court.

a. General Review of the Corruption Eradication Commission (KPK)

The Corruption Eradication Commission of the Republic of Indonesia (commonly abbreviated as KPK) is a state institution formed with the aim of increasing the effectiveness and effectiveness of efforts to eradicate corruption. KPK is independent and free from the influence of any power in carrying out its duties and authorities. This Commission was established based on Law No. 30 of 2002 jo Law No. 19 of 2019. In carrying out its duties, the KPK is guided by five principles, namely: legal certainty, openness, accountability, public interest, and proportionality. The KPK is responsible to the public and submits its reports openly and periodically to the President, Parliament and Supreme Audit Board.

The KPK is led by a KPK Chairperson consisting of five people, one chairman and member and four deputy chairmen and members. KPK leaders hold positions for four years and can be re-elected only for one term. In decision making, KPK leaders are collegial in nature. The Corruption Eradication Commission has the following tasks:

- a) Coordination with agencies authorized to eradicate corruption;
- b) Supervision of agencies authorized to eradicate corruption;
- c) Carry out investigations, investigations and prosecutions of corrupt acts;
- d) Take measures to prevent corruption; and
- e) Monitor the implementation of state government.

In carrying out the coordination task, the Corruption Eradication Commission has the authority:

- a) Coordinating the investigation, investigation and prosecution of criminal acts of corruption;
- b) Establish a reporting system in the eradication of corruption;
- c) Request information about activities to eradicate corruption from related agencies;
- d) Carry out hearings or meetings with agencies authorized to eradicate corruption; and
- e) Requesting reports from relevant institutions regarding the prevention of corruption.

b. Corruption Criminal Action

1) Definition of Corruption

The term corruption comes from the Latin word "corruptie" or "corruptus",²³ then the word corruptio comes from the word corrumpere (an old Latin word). From Latin it is then followed in European languages such as

²¹*Vide* Article 444 paragraph (2) of Regulation of the Attorney General No. PER-006/A/JA/07/2017. *Vide* also Editor. (2015). *Ibid*.

²²*Vide* Article 521 paragraph (2) of Regulation of the Attorney General No. PER-006/A/JA/07/2017. *Vide* also Editor. (2015). *Ibid*.

²³Algra, Nikolaas Egbert, & Gokkel, H. R. W. (1983) in Hamzah, Andi. (2008). *Pemberantasan Korupsi Melalui Hukum Pidana Nasional dan Internasional*. Jakarta: Rajawali Pers, p. 4.

English: Corruption, corrupt; France corruption; Dutch Corruptie (korruptie).²⁴ In the Indonesian encyclopedia it is stated that corruption (from latin corruption = bribery; and corrupore = damaging) is a symptom that officials of State agencies abuse the occurrence of bribery, forgery and other irregularities.²⁵

2) Cause and effect of Corruption

The problem of corruption is a problem that is very difficult to eradicate because it is very complex, according to Barda Nawawi Arief that this is because corruption is closely related to the complexity of other problems such as:²⁶

“Problems of mental/moral attitudes, problems of patterns/attitudes of life and social culture, problems of economic needs/demands and economic structures/systems, environmental problems and social inequalities - economics, structural problems/political culture, problems of opportunities that exist within development mechanisms or bureaucratic weaknesses/administrative procedures (including the supervision system) in the fields of finance and public services.”

The cause of corruption can occur if we look at the provisions of Articles 2 and 3 of Law No. 31 of 1999 jo Law No. 20 of 2001 can be said that corruption is carried out on the basis of getting personal, family, group, and other people. In addition, if it is associated with the misuse of the position he is carrying out to commit a criminal act of corruption we cannot be separated from the desire to gain personal or other benefits for the position he is holding.

IV. DISCUSSION

A. Duties and authorities of the Police, Attorney General’s Office, Corruption Eradication Commission, in handling corruption in Indonesia

Legally handling corruption in Indonesia is currently mandated to 3 (three) institutions which are then given the authority to investigate corruption, the three institutions namely the Police, Attorney’s Office and the Corruption Eradication Commission. That these three institutions are expected to handle corruption cases can work well together to clean up and eradicate corruption in Indonesia to the root of the problem.

That throughout the course of the Institutions that deal with corruption problems as referred to above can not deny the fact that both the KPK, the Police and the Attorney’s Office in handling corruption cases mutually have a very fundamental relationship conceptually, but of several good cases in the KPK stronghold consisting the prosecutors and the police in taking action against criminal acts of corruption do not always have the same opinion and sometimes even disputes occur between these three institutions because this is still too much love for the institution of origin as a result when corruption cases involve their respective institutions have an effect on the tendency to handle corruption which is filled with intrigue and intervention, therefore there is a need for institutional harmonization between the three Institutions both the KPK, the Police and the attorney’s office for the effectiveness of eradicating corruption in Indonesia. Because corruption is a behavior that threatens the principles of democracy, which contradiction can be seen with the practice that does not match the wishes of the people who want a government that is transparent, accountable, and integrity.²⁷

That to clarify the position of these three Institutions and their authority, the author makes a chart for handling corruption cases as below:

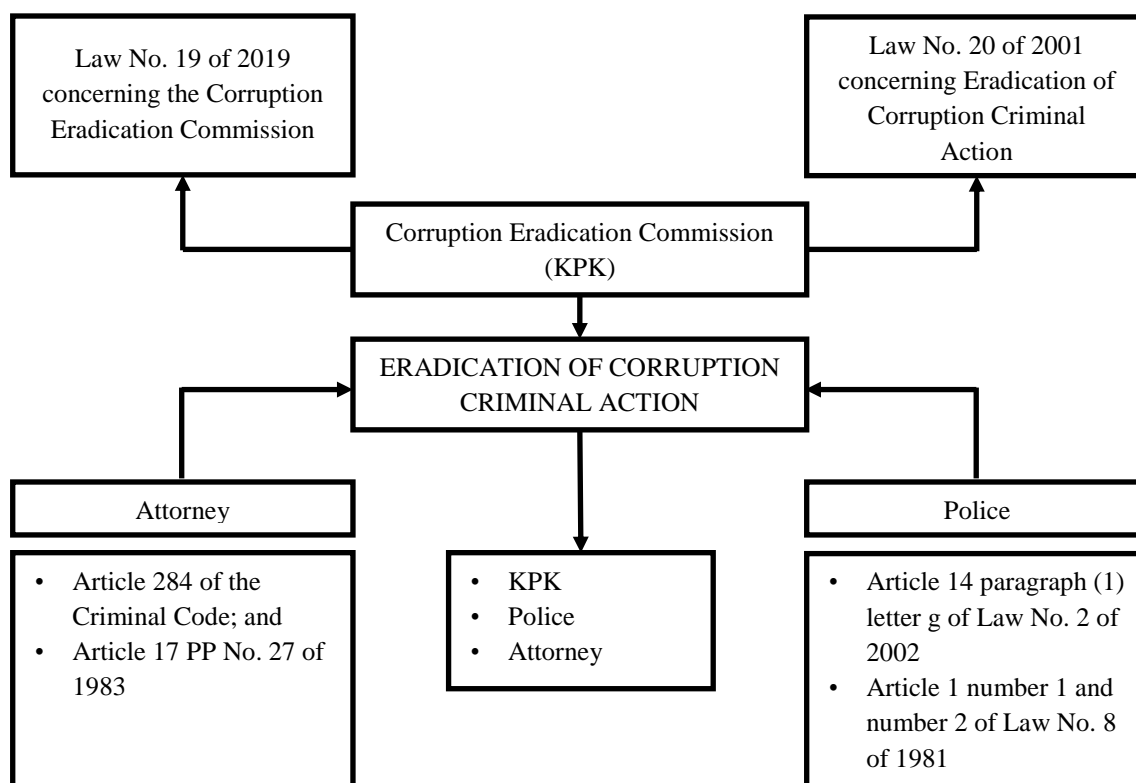
²⁴Nurdjana, I G. M. (2010). *Op. Cit.*, p. 14. *Vide also* Hamzah, Andi. (1984). *Korupsi di Indonesia: Masalah dan Pemecahannya*. Jakarta: PT. Gramedia Pustaka Utama, p. 9.

²⁵Shadily, Hassan. (1983). *Ensiklopedi Indonesia: KOM – OZO* (Vol. 4). Jakarta: PT. Icthiar Baru Van Hoeve, p.1876.

²⁶Arief, Barda Nawawi. (1997, August 13). Beberapa Pokok Pemikiran Kebijakan Penanggulangan Tindak Pidana Korupsi. Paper presented in the *Looking for Solutions and Models to Eradicate Corruption, Collusion, and Manipulation in Indonesian Law Enforcement Institution*, organized by Faculty of Law, Universitas Islam Sultan Agung, at Semarang, p. 4.

²⁷Koesoemo, Cindy RizkaTirzani. (2017). Eksistensi Komisi Pemberantasan Korupsi (KPK) dalam Penanganan Penyidikan dan Penuntutan Tindak Pidana Korupsi. *Lex Crimen: Jurnal Elektronik Bagian Hukum Pidana, Universitas Sam Ratulangi*, 6(1), p. 62.

Chart 1. Position and Authority between the Police, the Prosecutors' Office and the Corruption Eradication Commission (KPK)



That if it is observed in the chart, these three institutions are basically in the body of the KPK and at the same time indirectly outside. It is within the author's intent because these three Institutions directly play a role in conducting investigations in gathering evidence in handling corruption, being outside because these three Institutions are legally governed by different regulations and the mechanisms and procedures for handling are based on limitations the accompanying authority.²⁸

Furthermore, in practice, the history of handling and eradicating corruption often triggers disputes between the Police and the KPK. The KPK in dealing with acts of corruption can determine the Police as a suspect, and vice versa where the police can also set KPK members as suspects in general crimes. Disputes between the two institutions in handling corruption cases will be explained through the following table:²⁹

Table 1. Feuds and Differences in Views between the Corruption Eradication Commission (KPK) and the Police in Handling of Corruption Criminal Action

No.	Description	Year	Solution
1	This dispute began with an issue related to the wiretapping by the KPK against the Police Headquarters Criminal Investigation Police Commissioner, related to the release of funds from Century Bank customers. not long after the Police Headquarters set two KPK leaders as suspects and arrested the two KPK leaders on charges of accepting bribes. The National Police insisted on continuing the case, but politically the action taken by the National Police Headquarters was a counter-attack on the KPK who had dared to do wiretapping of the Police Criminal Investigation Unit.	2009	Seeing this condition, Team 8 immediately held a quick meeting to prevent the Attorney General from first announcing to the public that the case file was complete and the evidence was sufficient to be submitted to the Court. Finally, Team 8 acted quickly by sending results and recommendations temporarily that said that there were no sufficient legal reasons to continue

²⁸Chazawi, Adami. (2016). *Hukum Pidana Korupsi di Indonesia*. Jakarta: PT. Raja Grafindo Persada, p. 99.

²⁹*Ibid.*

No.	Description	Year	Solution
	<p>Seeing this condition, President SBY decided to form TEAM 8 to look for legal facts regarding the alleged violations that had been alleged to the KPK leadership.</p> <p>Whereas on 9 November 2019 the police stated that the case files of the KPK leadership were ready to be forwarded to the Prosecutor's Office and this was justified by the attorney general's office where Hendarman Supanji said that the case files of the KPK leadership were complete and accompanied by evidence that was considered sufficient.</p>		<p>detaining and convicting the two KPK leaders.</p> <p>Whereas the KPK's recommendation SBY brought the recommendation to the National Police and the Attorney General for Consultation.</p> <p>A few days later the Attorney General issued SKP2 (Certificate of Terminating Prosecution).</p>
2	<p>KPK VS Polri feud resumed after the KPK announced the appointment of the Former Head of the Traffic Korps (Korlantas) as a suspect in the corruption case in the SIM test simulator project. Previously the National Police Headquarters stated that it had conducted an internal investigation and the results of the investigation did not find any element of corruption in the SIM test simulator project in which the KPK investigated the same case but had named five suspects.</p> <p>That this incident then provoked a polemic about who was authorized to handle the alleged corruption case.</p> <p>Not enough there on October 5, 2012 a number of police officers surrounded the KPK Building to arrest one of the KPK investigators who played an important role in the disclosure of the 5 suspects above.</p>		<p>That on the case on October 8, 2012 in his speech especially about the KPK VS Polri correspondence, President SBY stated five points that must be obeyed by all parties, namely: the first case of alleged corruption of a SIM simulator must be handled by the KPK. in terms of time and in terms of ways, the Three Governments will make new rules regarding the placement of police investigators in the KPK, Fourth, the Law Revision that weakens the KPK is not right, the Fifth Polri, KPK, and the Attorney General's Office are expected to renew the Memorandum of Understanding ever made.</p>
3	<p>The dispute between the KPK and the National Police again occurred at the beginning of January 2015. That this case began with the determination of Budi Gunawan as a suspect in the Corruption case.</p> <p>That on January 13, 2015, a shocking event occurred because the KPK leader announced the appointment of Budi Gunawan as a suspect.</p> <p>On January 19, 2015, the National Police Headquarters filed a pretrial lawsuit over the determination of Budi Gunawan by the KPK.</p> <p>On January 22, 2015 the KPK leadership was reported back to the Indonesian Police Headquarters Criminal Investigation Body by a Legal Attorney. That the KPK leaders were reportedly committed to the act of giving away state secrets in the form of a PPATK trace report on the accounts of Budi Gunawan and his family.</p> <p>On January 23, 2015, the National Police Headquarters sent fully armed forces to arrest the Deputy Chairperson of the KPK.</p>		<p>Whereas on February 2, 2015 the trial of Budi Gunawan's Pre-trial Case began at the South Jakarta District Court. On 16 February 2015 the South Jakarta District Court panel of judges granted Budi Gunawan's claim by stating that the determination of Budi Gunawan was invalid and not legally binding.</p>

Source: ICW Annual Report of Case Action Trends 2015 – 2018

Whereas based on the above table, it can be seen throughout the course of practice in handling corruption in Indonesia. The disharmony between law enforcement agencies such as the Corruption Eradication Commission (KPK), the Police and the Prosecutor's Office often occurs when the suspects or cases under investigation involving police and or Prosecutors, that matters This will of course have an effect on conflicts of

interest because the elements of the KPK consist of the Police and Prosecutors Office involving individuals from both institutions such as what Jhering once said in the Fusion of Interest theory that:³⁰

“Whether the State, Society, or individuals have the same goal, which is to hunt for benefits. In the pursuit of these benefits, an individual puts “self-love” as a cornerstone. That collaboration runs in the logic of reciprocity and it’s natural for humans.”

1. The Authority of the KPK, POLRI and the Prosecutors’ Office in Corruption Criminal Investigations

The authority has an important position in the study of constitutional and administrative law in which rights and obligations are contained. The ability to take certain legal actions, which are actions intended to cause legal consequences which include the arising and disappearance of certain legal consequences, the right to contain the freedom to do or not take certain actions or according to other parties to take certain actions, while the obligation includes the obligation to do or not take certain actions. then the definition of authority is an action or right to act or not to do what is done by a state administration official in this case is an act of law enforcement, that is, an investigator to take legal actions that have legal consequences and force other parties to take certain actions that refer to the provisions already determined.³¹

Whereas in practice based on the results of the search, the author has recorded several times of investigations as a form of handling corruption, which furthermore the writer makes a table in relation to this matter:

Table 2. Enforcement of Corruption Cases by the Attorney and the Police in 2015 – 2018

No.	Office	2015	2016	2017	2018
1	Attorney’s Office	369	307	315	235
2	Police Department	151	140	216	162

Source: ICW Annual Report of Case Action Trends 2015 – 2018

The author believes that it is important to explain through the basic table of authority of the three Institutions as mentioned above as the table below:

Table 3. Authority of Investigations, Inquiries and Prosecutions by the Police, Attorney General’s Office and Corruption Eradication Commission (KPK)

No.	STAGE	Law Enforcement Agencies			
		Police	Attorney’s General Office	KPK	TAP Corruption
1	Investigation	1. Law No. 8 of 1981 - Article 1 point 4 - Article 1 Point 5 - Article 4 - Article 5 2. Law No. 2 of 2002 - Article 14 paragraph (1) point 7 3. Law No. 31 of 1999/20 of 2001 - Article	-	1. Law No. 30 of 2002/19 of 2019 - Article 6 point (e) - Article 11 - Article 12 - Article 43 paragraph (3) - Article 44 paragraph (1) and (3) 2. Law No. 31 of 1999/20 of 2001	1. Republic of Indonesia's Presidential Decree No. 11/2005The third point letter a

³⁰*Ibid.*, p. 98.

³¹Wiyono, R. (2012). *Pembahasan Undang-Undang Pemberantasan Tindak Pidana Korupsi*. Jakarta: Sinar Grafika, p. 89.

No.	STAGE	Law Enforcement Agencies			
		Police	Attorney's General Office	KPK	TAP Corruption
		26		- Article 43 point 2	
2	Inquiries	1. Law No. 8 of 1981 - Article 1 point 1 - Article 6 paragraph (1) point letter a - Article 7 2. Law No. 2 of 2002 - Article 14 paragraph (1) point 7 3. Law No. 31 of 1999/20 of 2001 - Article 26	1. Law No. 16 of 2004 - Article 30 paragraph (1) point d	1. Law No. 30 of 2002/19 of 2019 - Article 6 point (e) - Article 11 - Article 12 - Article 45 paragraph (3) 2. Law No. 31 of 1999/20 of 2001 - Article 43 point 2	1. Republic of Indonesia's Presidential Decree No. 11 of 2005 - The third point letter a
3	Prosecution		1. Law No. 8 of 1981 - Article 1 paragraph (6) point a dan b - Article 1 point 7 - Article 14 point 7 - Article 137 2. Law No. 16 of 2004 - Article 30 paragraph (1) point a 3. Law No. 31 of 1999/20 of 2001 - Article 26	1. Law No. 30 of 2002/19 of 2019 - Article 6 point (e) - Article 11 - Article 12 - Article 51 paragraph (2) 2. Law No. 31 of 1999/20 of 2001 - Article 43 point 2	1. Republic of Indonesia's Presidential Decree No. 11 of 2005 - The third point letter (a)

Source: Kurniawan, Ardeno. (2015).

2. Mechanism of Investigation and Investigation of Corruption Crimes by the Police, Attorneys and KPK in Investigating and Investigating Corruption Crimes

That if referring to Article 1 point 5 of the Criminal Procedure Code, Investigation is a series of investigative actions to search for and find an event that is suspected of being a criminal offense to determine whether or not it can be carried out in the manner stipulated in this law.

Whereas, an investigation is a series of investigative actions and matters and in the manner stipulated in this law to search for and collect evidence which with the evidence makes clear about the criminal acts that occurred and to find the suspect.

That based on the results of the search by the KPK authors, a survey which will then be presented as the table below:

Table 4. KPK Supervision Results for 2015 – 2018

No.	Result	2015	2016	2017	2018	Information
1	Supervision Result	82	201	289	256	
2	HR Enhancement Training	3	12	503	458	

Source: Annual Report KPK of 2015 – 2018.

In carrying out the coordination task, the Corruption Eradication Commission has the authority:³²

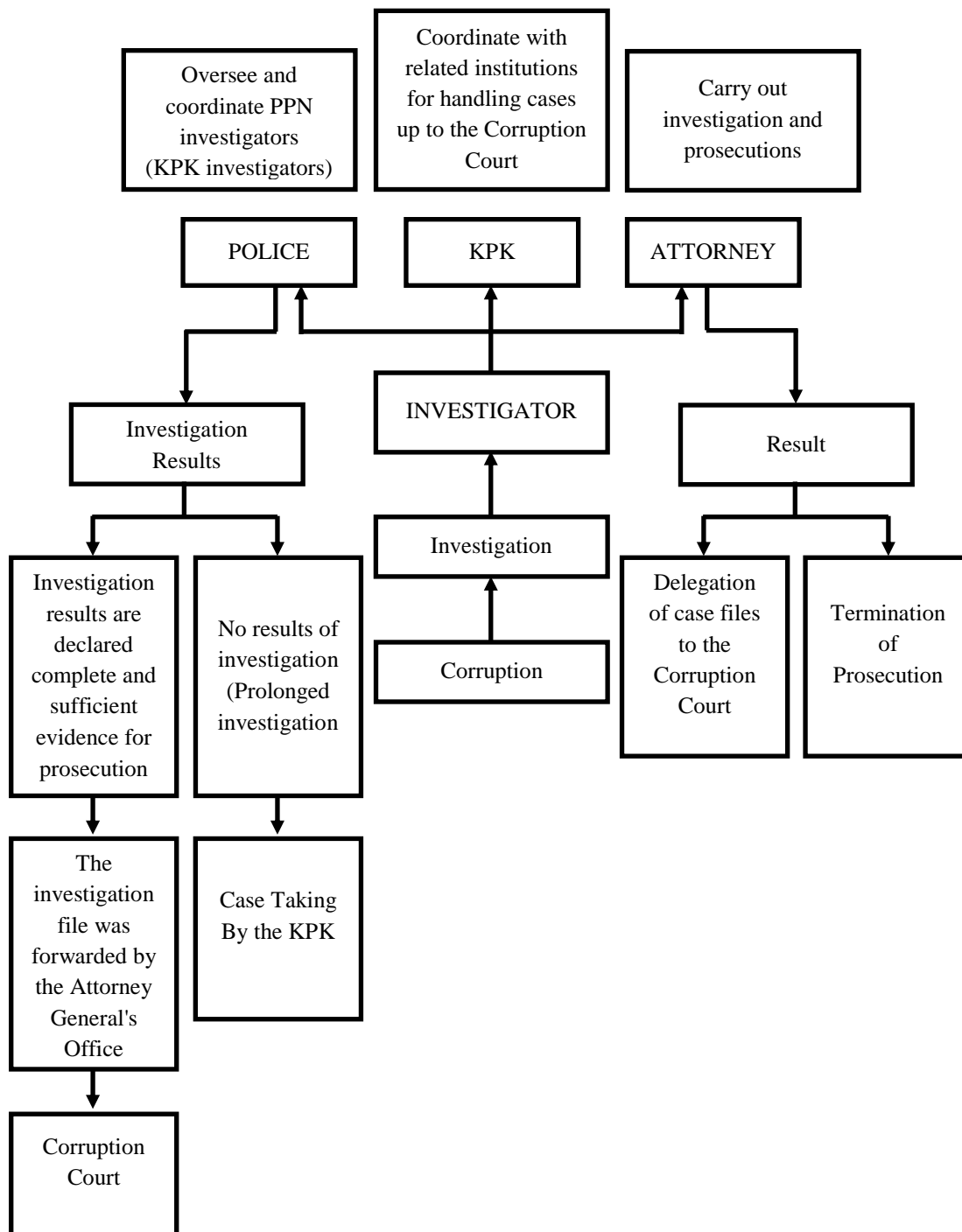
- a. Coordinating the investigation, investigation and prosecution of criminal acts of corruption;
- b. Establish a reporting system in the eradication of corruption;
- c. Request information about activities to eradicate corruption from related agencies;
- d. Carry out hearings or meetings with agencies authorized to eradicate corruption; and
- e. Requesting reports from relevant institutions regarding the prevention of corruption.

In carrying out its supervisory duties, the KPK has the authority to conduct oversight, research, or study of agencies that carry out their duties and authority relating to eradicating criminal acts of corruption, and agencies that carry out public services. In carrying out the authority of supervision, the KPK has the authority to also take over investigations or prosecutions of perpetrators of criminal acts of corruption that are being carried out by the police or prosecutors.

That to review the coordination path above, the author made a simple chart to clarify the exercise of authority of each institution:

³²*Vide* Law No. 19 of 2019.

Chart 2. Implementation of the Authority of Each Institution



B. Factors Affecting the Handling of Corruption in Indonesia by the Police, Prosecutors and the KPK

Various efforts to eradicate corruption have been carried out for a long time, both preventive and repressive, but have not produced the results as expected. The problem of corruption is actually universal, because no one country is “immune” to facing corruption. Only, for developing countries the struggle to eradicate corruption is felt as a difficult endeavor, due to the social system and the political system of the government that has not been supported.

1. Obstacles in Eradicating Corruption

The author believes it is necessary to explain in more detail about the potential implementation of authority by the two obstacles in eradicating criminal acts of corruption which are classified between the authority of the police, KPK and prosecutors. The obstacles in the investigation of the police and prosecutors are as follows:

a. Detention

Detention consists of three types, namely detention of a state detention house, house arrest and city detention. Detention in a detention house is carried out in a detention house of the National Police investigator or a local penitentiary. City detention is carried out in the city of residence or residence of the suspect or the defendant with an obligation for the suspect/defendant to report themselves at the specified time, while house arrest is carried out at the residence or the residence of the suspect or defendant by supervising him to avoid anything that could cause difficulties in investigating the prosecution and examination at a court hearing.³³

b. Search and Confiscation

A search consists of a house search or a clothing search or body search. a house search is an act of the investigator to enter a house of residence and other closed places to conduct an inspection and or seizure and/or arrest in certain cases and in the manner stipulated in this law a body search is an act of the investigator to carry out a physical examination and or clothing of the suspect to look for objects that are allegedly hard on the body or underneath as well, to be confiscated.³⁴

c. Termination of Investigation

Article 7 letter i of the Criminal Procedure Code gives the authority to the investigator to stop the investigation. The cessation of the investigation is carried out in the event that there is not enough evidence or the event turns out not to be a criminal act or the investigation is terminated by law.

According to ICW records, as reported in the Daily Indonesian Newspaper (SINDO), in the period 2002 – 2006, there were at least 50 corruption cases with 292 suspects investigated by the Prosecutors and the police. 7 cases were stopped by the police and the remaining 43 cases were stopped by the prosecutor's office. The following are a number of cases of corruption which were investigated with the alleged state loss exceeding Rp. 100 billion.

Table 5. List of Suspected Corruption Cases above Rp. 100 Billion Recipients of SP3

No.	Suspect	Corruption case	Losses	Investigator
1	Ginanjartasmita	Technical Assistance Contract (TAC)	US \$ 24.8 million	Attorney General's Office
2	Faisal Abda'oe	Technical Assistance Contract (TAC)	US \$ 24,8 million	Attorney General's Office
3	Praptono Hong Tjitrohupojo	Technical Assistance Contract (TAC)	US \$ 24,8 million	Attorney General's Office
4	SjamsulNursalim	Misuse of BLBI Funds	IDR 10 Trillion	Attorney General's Office
5	DjokoRamiaadji	Commercial Paper Issuance by PT Hutama Karya for the JORR Project	US \$ 105 million and IDR 181.35 billion	Attorney General's Office
6	Siti Hardiyanti Indra Rukmana (Tutut)	Piping in Java	US \$ 20,4 million	Attorney General's Office
7	Faisal Abda'oe	Piping in Java	US \$ 20,4 million	Attorney General's Office
8	Rosano Barack	Piping in Java	US \$ 20,4 million	Attorney General's Office
9	PrajogoPangestum	Forest Planting Project by PT MHP	IDR 331 billion	Attorney General's Office
10	Johanes Kotjo	Bapindo-Kanindotex Credit	IDR 330 billion	Attorney General's Office

³³Djaja, Ermansjah. (2010). *Meredesain Pengadilan Tindak Pidana Korupsi: Implikasi Putusan Mahkamah Konstitusi Nomor 012-016-019/PPU-IV/2006*. Jakarta: Sinar Grafika, p. 70.

³⁴Kristian, & Gunawan, Yopi. (2015). *Tindak Pidana Korupsi: Kajian terhadap Harmonisasi antara Hukum Nasional dan The United Nations Convention Against Corruption (UNCAC)*. Bandung: Refika Aditama, p. 56.

No.	Suspect	Corruption case	Losses	Investigator
11	Robby Tjahjadi	Bapindo-Kanindotex Credit	IDR 330 billion	Attorney General's Office
12	Prijadi	Credit at BRI	IDR 572,2 billion	Attorney General's Office
13	Darmawan Sutanto	Credit at BRI	IDR 572,2 billion	Attorney General's Office
14	The nin King	Credit at BRI	IDR 572,2 billion	Attorney General's Office
15	Joko S. Tjandra	Credit at BRI	IDR 572,2 billion	Attorney General's Office
16	MarimutuSinivasan	Providing credit facilities to PT Texmaco	IDR 1,8 Trillion	Attorney General's Office
17	SukamdaniSahid Gitosarjono	Misuse of BLBI by PT BDI	IDR 418 million	Attorney General's Office
18	Adriansyah	Misuse of BLBI by PT BDI	IDR 418 million	Attorney General's Office
19	LanyOngkoSubroto	Misuse of BLBI Bank Sewu International	IDR 495 million	Attorney General's Office

Source: Mas, Marwan. (2013).

Whereas a similar matter was expressed by the KPK investigator, based on the results of the author's interview with the KPK investigator, it was explained that:

"Regarding this KPK is a special authority given by the legislators of the corruption eradication commission not authorized to issue Warrants to stop the investigation and prosecution in corruption cases (Law No. 30 of 2002 jo Law No. 19 of 2019) and is different from the provisions stipulated in the procedural law. criminal code (KUHAP), Over time today is a "burden" for KPK investigators, one example is that the KPK investigator once named a person a suspect, 2 two days later the person or suspect died while the examination process) Has not been done while the suspect has died, while notification of the start of the investigation or SPDP has not been made to be forwarded to the Prosecutor even the suspect has not had time to appoint a legal advisor, while KPK investigators only want to submit the letter of determination concerned as a suspect."

2. Potential Abuse of Authority by the KPK in Implementing Corruption Crime Handling

a. Tapping

In Law No. 19 of 2019, it is stated that in carrying out the investigative and prosecution investigation tasks as referred to in article 6 letter c, the Corruption Eradication Commission has the authority to, for example, "conduct wiretapping and recording of talks". However, in the Corruption Eradication Commission Law, it is not regulated further. How the wiretapping authority is carried out by the Corruption Eradication Commission, Can wiretapping be carried out against anyone who, according to the KPK's subjective judgment, is a criminal offender or anyone reported to the KPK or only someone who is supposed to be suspected has committed a criminal act of corruption based on sufficient preliminary evidence that the implementation of wiretapping authority is said to be regulated through internal KPK regulations, but this Rule is difficult to access by the public.³⁵

The authority of wiretapping has indeed proven successful in dismantling corrupt practices. In fact, it can be said that the extraordinary existence of the KPK lies in this authority. however, the weakness of the regulation regarding wiretapping actually often delegitimizes the existence of the KPK because the KPK is considered to be abusing authority in combating corruption so that there are reasons for people who are not happy with the existence of the KPK to demand the dissolution of the KPK. Therefore, it should be clarified the guidelines for the use of wiretapping authority of the KPK without losing this authority to the KPK.

That it is proven by the existence of an authority arrangement in the form of wiretapping by the KPK, it is recorded that the KPK has handled the handling of criminal acts of corruption which will be presented in the table below:

³⁵*Ibid.*

Table 6. Case Enforcement by the KPK 2015 – 2018

No.	Official	2015	2016	2017	2018
1	Investigation	87	96	123	164
2	Inquiry	57	99	121	199
3	Prosecution	62	76	103	151
4	Inkracht	38	71	84	106
5	Execution	38	81	83	113

Source: Annual Report KPK of 2015 – 2018.

Regulations regarding the implementation of the authority of wiretapping KPK must be clarified at what level it can be used, although the KPK Law gives that authority to the KPK from the level of investigation, investigation and prosecution. investigation according to article 1 point 5 of the Criminal Procedure Code is a series of investigative actions to search for and find an event that is suspected of being a criminal offense to determine whether or not an investigation can be carried out in the manner stipulated in this law.

b. Coordination and Supervision

In carrying out coordination tasks the Corruption Eradication Commission has the authority to coordinate investigations, investigations, and prosecutions of corruption. Komang establishes a reporting system in the eradication of corruption acts to request information about activities to eradicate corruption from related agencies, carry out hearings or meetings with authorized agencies eradicate corruption and request reports from relevant agencies regarding the prevention of corruption.

In carrying out its supervisory duties, the KPK has the authority to conduct supervision, research, or study of agencies that carry out their duties and authorities relating to eradicating criminal acts of corruption and agencies that carry out public services. against perpetrators of criminal acts of corruption that are being carried out by the police or prosecutors.

c. Case Takeover

The takeover of the investigation and prosecution as intended, was carried out by the Corruption Eradication Commission on the grounds of:

- 1) The public report regarding corruption was not followed up;
- 2) The process of handling corruption acts in a protracted or delayed without reason that can be accounted for;
- 3) Handling of corruption is intended to protect the actual perpetrators of corruption;
- 4) The handling of criminal acts of corruption contains elements of corruption;
- 5) Obstacles to handling corruption due to interference from the executive, judiciary or legislature, or
- 6) Other conditions which according to police or prosecutor's consideration, the handling of corruption is difficult to carry out properly and can be physically responsible.

C. Efforts that need to be done to prevent collisions, Conflict of Authority Implementation between the Indonesian Police and the Corruption Eradication Commission in handling corruption in Indonesia.

1. Harmonization between the Police, the Prosecutors' Office and the Corruption Eradication Commission (KPK) in the Efforts of Handling Corruption

Institutionally, the handling of corruption in the field of investigation and investigation there are three authorized institutions namely the police, prosecutors and the Corruption Eradication Commission while in the field of prosecution there are two institutions namely the prosecutor and the Corruption Eradication Commission. Corruption, to try cases investigated and prosecuted by the KPK.

Harmonization of laws and regulations also needs to be done in relation to the authority to investigate corruption. Currently there are three institutions that have the authority to investigate corruption cases, namely the Police, the Attorney General's Office and the Corruption Eradication Commission. So that each institution does not feel most entitled to investigate corruption cases, especially those that occur in the institutional environment and to avoid tensions between institutions, rules should be made: If corruption occurs in the police, the right to investigate is the KPK; if it happens at the KPK, the prosecutor is entitled to investigate; and if it happens at the prosecutor's office, the KPK has the right to investigate. Rules like this are needed so that the legal process is really intended to enforce law and justice, not for other purposes especially intended to protect the real perpetrators of corruption.

2. Synchronize the authority of the Indonesian National Police, the Attorney General's Office and the Corruption Eradication Commission in the Process of Investigating and Investigating Corruption Actors

Vertical synchronization is the first step to handle cases of corruption, because it starts from the level of investigation to the implementation of judges' decisions. Because each sub-system in the criminal justice system in order to achieve satisfactory results in handling corruption cases must have the same view in determining which articles have been violated by a suspect who has committed corruption.

This effort can be done by means of a case title both starting at the level of investigation and prosecution to determine whether the case can be forwarded to the court.

After vertical synchronization is achieved, each sub-system in the criminal justice system synchronizes horizontally in order to meet the formal requirements of the criminal proceeding process.

This horizontal synchronization determines the success of non-work of the sub-systems in the criminal justice system as explained by Ismail Saleh, that one of the elements of supervision is integration or togetherness in coordination, then the relationship between the Prosecutor's Office and the police is reflected in Supreme Court - Judiciary-Prosecutors-Police which is a forum for the leadership of each institution that has links with law enforcement in Indonesia, to exchange information, discuss solving problems that require joint handling.³⁶

If this vertical and horizontal synchronization can be realized, then none of the perpetrators of corruption will be sentenced to be free, because each sub-system in the criminal justice system has worked optimally and is always open to legal issues relating to criminal acts of corruption. handled from the start of the investigation to the implementation of court decisions.

3. Supervision carried out on the Corruption Eradication Commission and the Authority to Supervise the Corruption Eradication Commission in the Indonesian Administrative Structure

a. The Authority That Oversees the KPK

1) People's Representative Council

In general, it is understood by the public that the function of the DPR includes the legislative function, the oversight function and the budget function. Among these three functions there is a supervisory function that the DPR can use to supervise the KPK. The DPR can oversee a policy and carry out general tasks of government and development.

The DPR can not only summon KPK Leaders, call KPK investigators and staff to do it. When in the hearing, there are allegations of criminal acts or ethical violations, the DPR can forward them to the judicial institution. inquiry right.

2) Audit Board of the Republic of Indonesia

The financial audit function associated with this institution is actually closely related to the oversight function by the parliament. Therefore, the institutional position of the Supreme Audit Board (BPK) is actually in the realm of legislative power or at least coincides with the oversight function carried out by the DPR. Therefore, the audit report conducted by the Supreme Audit Board must be reported or submitted to the Parliament for proper follow-up.³⁷

With regard to oversight of the KPK, the BPK can supervise by supervising the use of state finances including auditing the use of state money and auditing the performance of the KPK itself both in the areas of repression and prevention.

3) KPK Supervisory Board

In the context of internal oversight of the Corruption Eradication Commission has been explained in the previous point, with the existence of independent supervision without being under the auspices of the political infrastructure that monitors and even has to ask permission from the Supervisory Board in conducting wiretapping, it will not injure and weaken the principle that is special to the Commission Corruption Eradication is the principle of Independence as long as the supervision is under social control. According to one member of the Gajah Mada University Anti-Corruption Study Center, FarizFachryan. He said oversight would not weaken the independence of the Corruption Eradication Commission because independence would be maintained because of supervision, as long as the oversight was not responsible to those who had the potential to carry out political intervention that undermined the Independence of the Corruption Eradication Commission.

³⁶Kaligis, Otto Cornelis. (2006). *Pengawasan terhadap Jaksa Selaku Penyidik Tindak Pidana Khusus dalam Pemberantasan Korupsi*. Bandung: PT. Alumni, p. 39.

³⁷The financial audit function associated with this institution is actually closely related to the oversight function by the parliament. Therefore, the institutional position of the Supreme Audit Board (BPK) is actually in the realm of legislative power or at least coincides with the oversight function carried out by the DPR. Therefore, the audit report conducted by the Supreme Audit Board must be reported or submitted to the Parliament for proper follow-up.

4) Optimizing the Eradication of Corruption in Indonesia

One of the policy directions and strategies for preventing corruption is to increase corruption prevention. In the preventive aspect, it is necessary to increase efforts to prevent corruption by raising awareness and understanding of anti-corruption of the public and state administrators through anti-corruption education strategies ranging from basic education to tertiary institutions as well as education for law enforcement officials, and state administrators. In this regard, several prevention efforts that need to be optimized again in order to prevent corruption, include the following:

- a) Enhancing the Integrity and Ethics of State Administrators;
- b) Strengthening and Accelerating Bureaucratic Reform;
- c) Strengthening Community Anti-Corruption Culture; and
- d) Firm, Consistent and Integrated Law Enforcement

V. CONCLUSION

1. That the Corruption Eradication Commission has the authority to investigate, investigate and prosecute corruption as well as the prosecutors and the police, where on the other side the prosecutor's office and the police also have authority as executors of criminal acts including corruption, and in the exercise of authority both the prosecutor, the police and the KPK this means that in regulating the authority to investigate, investigate and prosecute corruption acts against institutions authorized to carry out law enforcement against criminal acts of corruption overlapping and can not be carried out ideally because institutions or agencies still adhere to the juridical foundation that regulates the authority of agencies in carrying out their respective duties and authorities.

2. Factors faced by the three institutions that deal with corruption cases namely the Police, Prosecutors' Office and the Corruption Eradication Commission especially in conducting investigations are the first structural factors, which are factors that have been going on for a long time and are sourced from the practices of State administrators who make handling criminal acts of corruption does not work as it should, the two factors that are cultural are the factors that originate from negative habits that have long been growing and developing in the community, the three factors that are Instrumental are originating from supporting instruments in legislation and the fourth is the factor Management, namely lack of commitment by the Government (Government) in following up on the results of supervision; weak coordination between the supervisory apparatus and between the surveillance apparatus and law enforcement officers; lack of information technology support in the administration of government; not independent monitoring organization; and the lack of support systems and monitoring procedures for dealing with corruption.

3. The police and prosecutors will always have a coordinating relationship, both in handling corruption cases and in the execution of cases handled by the KPK, that the coordination relationship can achieve maximum results if each sub-system in the criminal handling system is an institution that has the function of each and not one of the sub-systems is higher than that of the other sub-systems. The Police, the Prosecutors' Office and the Corruption Eradication Commission must be a cohesiveness within the system framework in handling corruption cases.

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