

## **Implementation of the Role of Investigators at the Maros District Attorney in Revealing Corruption Crimes**

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### **ABSTRACT**

The research aims to analyze the Effectiveness of Law Number 16 of 2019 concerning Marriage in Minimizing Marital Problems in Makassar City (Case Study of the Makassar Class IA Religious Court). This study uses the type of empirical legal research. The results of this study indicate that Effectiveness Efforts are based on effectiveness theory where to achieve the results and objectives to be achieved according to their level, the effectiveness of Law Number 16 of 2019 concerning marriage concerning the minimum age limit of 19 for both men and women has not been implemented and implemented to the fullest / Not implemented effectively, this is evidenced by the many requests for dispensation (granted) according to certain reasons, mediation efforts have also been carried out by mediators but public awareness is lacking, so that divorce occurs.

**Keywords:** Marriage; Dispensation; Mediation

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### **I. INTRODUCTION**

The criminal act of corruption is a crime that is often committed by state officials who are entrusted by the public to be able to provide welfare to the community but instead cause state losses because of their actions (Toule, 2013). In various parts of the world, corruption has always received more attention than other crimes. This phenomenon is understandable considering the negative impact caused by this crime. The resulting impact can touch various areas of life (Lubis, 2017). Corruption is a serious problem, where this crime can endanger the stability and security of society, endanger socio-economic development, and also politics and can damage democratic values and morality because gradually this action seems to become a culture. Corruption is a threat to the ideals of a just and prosperous society (Flowers, Maroa, Arief & Djanggih, 2019).

The eradication of corruption is a problem that hinders national development, so it needs to be handled seriously because it significantly hinders the progress of the nation. The habit of corruption looks so big and extraordinary that it is outside the control of the government, however, steps to eradicate corruption are often hindered by various complex problems. However, all elements of the nation must be able to stop this corrupt practice (Symbolon, 2020).

In Indonesia, corruption is widely accepted as an endemic disease, some even think it has become a culture of society. Corruption in Indonesia today is systemic and endemic so it not only harms state finances and the country's economy but also violates the economic and social rights of the wider community. Corruption in Indonesia has penetrated all aspects of life, all sectors, to all levels, both at the central and regional levels. Along with the increasing efforts to eradicate criminal acts of corruption which shows a tendency to increase, both in quality and quantity Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (Ismail, 2021).

In this regard, even though the rules are clear, there are still many cases of corruption that are difficult to disclose, because the perpetrators used sophisticated tools, and were carried out by more than one person in a covert and organized manner. As a result of these actions, the progress of national development is hampered to improve people's welfare (Afif, 2018).

Acts of corruption start from procuring goods and services that violate procedures, abuse of authority, bribes, use of funds that are not by budget postings and others, all of which have the potential to harm state finances and the country's economy (Shamsuddin, 2020).

Some of the cases that occurred in the city were corruption cases that were handled directly by the Maros District Attorney, namely the Village Fund corruption case of 1.4 billion which was carried out by the

Bonto Manurung Village Head. The suspect will then receive a maximum sentence of 20 years in prison," said the Head of Intelligence at the Maros District Attorney, Raka Bintasing Pajonko.

It is known, based on the results of the investigation, Suryani is suspected of having abused ADD and DD in 2019-2020. Suryani uses ADD and DD for personal gain. Even though the Rp. 1.4 billion budget should have been used to build his village, Suryani did not do this. The budget from the government has been disbursed, but there is no physical or other development. Based on the results of the Inspectorate's calculations, it was found that the potential loss to the State was IDR 1,408,581.06.

Based on the examples of these cases, it is necessary to make efforts to take action to eradicate it so that the perpetrators can be aware, as well as people who will commit corruption as therapy for them not to do it.

Many laws and regulations have been issued in terms of eradicating criminal acts of corruption such as Law Number 31 of 1999 and Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, Law Number 28 of 1999 concerning the Implementation of a Clean and Free State from Corruption, Collusion and Nepotism, Law 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, thus until now there are still many corruption cases that have not been revealed, while many that have been revealed are still unresolved. In this regard, the government has instructed through Presidential Instruction No. 5 of 2004 concerning the Acceleration of Corruption Eradication to order all apparatus at the central and regional levels to take any steps to eradicate corruption (Fatah, Jaya & Juliani, 2016).

The working system of such a law is one form of legal recognition. Ali bin Abi Talhib narrated, from Ibnu Abbas, that today it concerns a person who has responsibility for the property but there is no witness against him in this matter, so he denies the property and disputes it to the ruler, while he knows that the property is haram and not his right and knows that he is sinning, eating haram goods. Thus it was narrated by Mujahid, Sa'id Bin Jubair, Ikrimah, Hasan Al-Basrhi, Qatadah, As-Suddi, Muqatil Bin Hayyan, And Abdur Rahman Bin Zaid Bin Aslam, they all said, 'don't argue when you know that you are unjust. '. As the word of Allah SWT.

## **II. RESEARCH METHODS**

This type of research is empirical legal research, namely research that examines the phenomena that occur in society related to eradicating corruption, especially regarding law enforcement carried out by the prosecutor's office against eradicating corruption. This research was carried out within the jurisdiction of Maros City, to be precise at the Maros District Prosecutor's Office because this research area deals with many Corruption Crimes in Maros City.

## **III. DISCUSSION**

### **A. Implementation of the Role of Investigators at the Maros District Attorney in Revealing Corruption Crimes in Kab. Maros.**

Based on the enactment of Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia as a replacement for Law Number 5 of 1991 concerning the Attorney General's Office of the Republic of Indonesia, it is getting stronger about its work as an investigator in corruption cases. So far, the function of the prosecutor's office in investigating corruption cases has been regulated in the Attorney General's Law.

Law enforcement in certain criminal justice processes will certainly be related to cases being handled by law enforcement agencies, including the Attorney General's Office.

Article 30 paragraph (1) letter d Law Number 16 of 2004 The Attorney General's Office of the Republic of Indonesia stipulates that in the field of crime, the prosecutor's office has the duty and authority to investigate certain criminal acts based on the law. Furthermore, in the explanation, it is explained that the authority in this provision is the authority as regulated in Law Number 31 of 1999 and renewed by Law Number 20 of 2001 concerning the Eradication of Corruption Crimes (Sarah, 2017).

The inclusion of the authority of the prosecutor's office in conducting investigations into corruption cases in Law Number 6 of 2004 at the Attorney General's Office of the Republic of Indonesia by the legislators is intended to eliminate doubts that have often occurred so far both between legal practitioners and judicial institutions such as the courts. (Samosir, 2021).

The ratio of the inclusion of Law number 30 of 2002 concerning the Corruption Eradication Commission in its explanation of Article 30 paragraph (1) letter d of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia as mentioned above is nothing but so that the Attorney General's Office conducts investigations of criminal acts of corruption must pay attention to the provisions of Law number 30 of 2002 concerning the Commission for the Eradication of Corruption.

- a. Notification to the Corruption Eradication Commission no later than 14 (fourteen) working days from the start of the investigation,
- b. Coordinate with the Corruption Eradication Commission on an ongoing basis,
- c. Stop the investigation if the Corruption Eradication Commission has started to conduct an investigation,

d. Submitting the suspect along with the case files and evidence no later than 14 (fourteen) days when the investigation is taken over by the Corruption Eradication Commission

The juridical obligations that must be carried out by the Prosecutor's Office in carrying out investigations into corruption cases mentioned above are regulated in Article 8 paragraph (3) and Article 50 of Law Number 30 of 2002 concerning the Commission for the Eradication of Corruption Crimes. Article 30 paragraph (1) letter d Law Number 16 of 2004 includes Law Number 30 of 2002 concerning the Corruption Eradication Commission or in other words, the Prosecutor's Office in carrying out juridical investigations of corruption cases must remind or refer to the provisions that contained in law number 30 of 2002 concerning the Corruption Eradication Commission.

Based on the description above, law enforcement carried out by the Attorney General's Office against corruption eradication is an investigation and prosecution in court proceedings.

### **1. Investigation**

According to Andi M. Ikbal Ilyas, S.H., M.H, as Head of the Corruption Crime Section at the Maros District Attorney's Office (interview 2 January 2023):

"The prosecutor has the authority to conduct investigations and investigations of certain criminal acts. This is intended to accommodate several statutory provisions that give authority to the prosecutor's office to conduct investigations and investigations such as the corruption law."

The information above shows that the Prosecutor is an official who is authorized by law to act as a public prosecutor and carry out court decisions that have permanent legal force.

The investigator's investigation emerged from information obtained from outside the prosecutor's friends, findings from the community, NGOs and findings obtained by the investigators themselves. After receiving a report or there is suspicion that a crime has occurred as mentioned above, especially corruption, an order is issued from the Head of the District Attorney's Office to investigate the place where information is received.

According to Andi M. Iknbal Ilyas, S.H., M.H., as Head of the Corruption Crime Section at the Maros District Attorney's Office (interview 2 January 2023):

"The investigator's investigation is still confidential. At this stage, data, information and evidence are being searched as material to determine the follow-up of the investigation process being carried out. Then, after collecting sufficient accurate data from a closed investigation, a pre-exposure was held at the prosecutor's office before heading to an open investigation. That is, if at the beginning what was obtained from the field turned out to be supportive, then an open investigation would be carried out.

The information above shows that it is during the open investigation stage that potential witnesses and potential suspects will be summoned. This summons is only an invitation so that potential witnesses and potential suspects have the right to accept or refuse to appear before the Attorney General's Office. The cooperative suspect candidate will show the evidence requested by the investigator and provide information to prove the failure of his actions. Meanwhile, potential suspects who are uncooperative will usually give convoluted and closed statements, which will likely raise the suspicions of the Attorney General's investigators about the truth of the alleged accusations.

According to M. Alatas, S.H, as the Corruption Crime Section Staff at the Maros District Attorney's Office (interview 3 January 2023):

"Investigating officials who expand their duties in an investigative order after receiving the order immediately make an investigation plan (Rendik) While studying/understanding the results, not all cases of criminal acts of corruption that are investigated and regulations related to criminal acts of corruption that are being so that it will be able to determine the deviations that have occurred and the supporting evidence regarding the existence of irregularities so that the modus operandi can be determined."

In connection with this, not all criminal cases investigated can be escalated to the prosecution stage. If any of the elements are not supported by evidence or there are reasons for forgiveness based on jurisprudence, among others, because the nature of being against the law is not proven, then the case is issued with an order for dismissal. or investigation (SP3).

If the case is supported by evidence, the investigator proceeds to the prosecution stage. However, before it is determined that a case is escalated to the prosecution stage or SP3 is carried out, exposure is carried out. In this presentation, it will be clear and visible the results of the investigation. Preferably before the exposure, a summary material has been prepared which helps the participants to explain so that they can easily understand the results of the investigation because with this matrix it can be seen that each element and all available evidence has been collected.

Investigations into corruption cases, especially at the Maros State Prosecutor's Office, have carried out the educational process as they should, but there are still things that are not desirable, but they are still trying to enforce the law to eradicate corruption. Even so, the function of the Attorney General's Office has not been fully

implemented properly considering that there are still ongoing investigations into corruption cases that have not been transferred to the prosecution or court proceedings.

Eradication of criminal acts of corruption is greatly influenced by the investigative process because the results of investigations into criminal acts of corruption are then delegated to the public prosecutor to be further examined in court hearings. The investigative process is also a process that determines that there is sufficient evidence for a criminal act of corruption and is a crime because it fulfils the elements of criminal provisions. Therefore, the professionalism of investigators is important because misapplication of the article will be fatal for the subsequent law enforcement process, and the inability to Apply normative rules of criminal law to concrete legal events that occur will have implications for piles of law enforcement or rampant acts of corruption. so that the dream of upholding the rule of law will be far from expectations.

Eradication of criminal acts of corruption which is extra *Ordinary Crime* has a more complicated complexity compared to conventional crimes or even other special crimes. In the investigation stage of corruption, there are several investigative institutions authorized to handle the investigation process of perpetrators of criminal acts related to corruption, in this case, it was found that corruption was difficult to prove, so a joint team was formed under the coordination of the Attorney General. This provision indicates that in the framework of law enforcement against criminal acts of corruption, the institution that is prioritized is the prosecutor's office. Thus, in addition to being poorly as educators who are given authority based on Article 6 and Article 7 of the Criminal Procedure Code, the Attorney General's Office is also given the authority to conduct investigations into criminal acts of corruption apart from the police and institutional prosecutors who also have the task of carrying out investigations into criminal acts of corruption, namely the Corruption Eradication Commission. (KPK) as stipulated in Article 6 letter b of Law Number 30 of 2002 that the Corruption Eradication Commission conducts investigations, investigations and prosecutions of corruption crimes, and even the KPK has the authority to also take over the investigation or prosecution of perpetrators of corruption crimes. is being carried out by the police or the Attorney General's Office if there is a legal reason as explained in Article 9 of Law number 30 of 2002 concerning the commission for the eradication of criminal acts of corruption;

Law enforcement against criminal acts of corruption in the educational process Not only in the three institutions mentioned above but in terms of potential criminal acts. Corruption will be regulated in other legislation by the legal provisions which form the legal basis of each. There are several educational institutions according to existing legislation that are given the authority to conduct investigations, namely POLRI investigators, civil servant investigators, prosecutor investigators and investigators from the Indonesian Navy, civil servants consisting of various agencies, each of which has authority in the field of education based on legislation which forms the legal basis for each education according to the special criminal procedure as referred to in the law as referred to in Article 284 paragraph 1 of the Criminal Procedure Code, carried out by investigators, prosecutors and investigating officials who other authorities based on further laws and regulations stated based on the provisions mentioned above, in general there are 4 educational institutions that have the authority to conduct investigations into criminal acts, namely police investigators becoming civil servants based on The elements of the department concerned are appointed by the minister of law and human rights, maritime investigations appointed by the TNI commander and prosecutor investigators appointed by the Attorney General. some directly submit their case files to the public prosecutor based on the provisions of the law which form the basis of their respective laws.

According to Haryadi, with the presence of four fully staffed officers and 4 officials who have the authority to appoint as well as the applicable working mechanism as explained above, there are different authorities in the investigation stage, namely the authority to carry out investigator duties by the scope of their respective tasks, so that it is seen from the unity of the system. which is integral, this does not describe the existence of an independent and integrated educational body or institution, therefore situations like this tend to cause conflict and complications and stagnation in law enforcement.

The existence of institutions with their respective working mechanisms by the laws which form the legal basis of each as described above, in practice allows for overlapping authorities, especially in cases related to criminal acts of corruption. Without a certain institution that integrates the distribution of authority in the education process, the coordination and supervision mechanisms in the education process are very difficult in practice. Each investigator often runs separately so it has the potential to create conflicts between the investigators themselves due to overlapping authorities.

Based on this description, law enforcement against criminal acts of corruption handled by the Maros District Attorney can be seen in the following table.

**Table 1 Corruption crimes that have occurred in the last 4 years handled by the Maros District Attorney from 2019 to 2022.**

Year	Action			Total
	In force	Investigation	SP3	
2019	2	1	-	3
2020	-	6	-	6
2021	-	6	3	9
2022	2	3	5	10
<b>Amount</b>	<b>4</b>	<b>16</b>	<b>8</b>	<b>24</b>

*Data source; from PIDSUS Kejari Maros in 2022*

The data above illustrates that corruption cases handled by the Maros District Prosecutor's Office in the last 4 years have increased, this is because apart from the prosecutor's investigators in the last 4 years, they have started to actively investigate criminal acts of corruption.

In the process, the examination is carried out by statutory regulations with the SOP (Standard Operational Procedure) of the Prosecutor's Office which goes through the stages of investigation, investigation and prosecution, for the examination to be carried out at the Maros District Attorney's office by summoning the parties being questioned. In the inspection process, some actions were not escalated to the investigation stage, because some of these alleged reports were not have sufficient evidence or investigative elements, and if there was a state loss recovery it would be returned to the investigating agency and then to the state treasury through the treasurer, besides that a location survey was also carried out by a team from Chase Maros.

One expert on criminal procedural law from the University of Indonesia, Teuku Nasrullah, thinks about the time to return the proceeds of a crime. Specifically in the context of criminal acts of corruption, returning state losses before the investigation can erase criminal acts. One element of corruption, he continued, is the element of state loss. If it is reversed, it means that the element is missing. But the conditions must be before there is an investigation. If an investigation has started, he believes that refunding money will only reduce criminal sanctions. The reason is that the return of State losses is considered reciprocity because it has lightened the State's duties. It does not make it difficult in terms of cost, time, effort and the mind of the State. Return is also considered as an admission of guilt of the defendant.

According to M. Alata, SH., MH. Investigating Prosecutor, (interview 3 January 2023).

"The investigative team is appointed based on an Investigation Warrant issued by the Head of the District Attorney's Office or a technical official at the lower level on behalf of and with the knowledge of the Head of the District Attorney's Office by prioritizing prosecutors who are members of the investigation team. The investigation team at least consists of the Head of the Special Crimes Section as the team coordinator concurrently a member of the investigation team and prosecutors who are appointed directly by the Head of the Maros District Prosecutor's Office.

After the start of the investigation, the investigator must notify the Public Prosecutor of the Maros District Attorney that the investigation has started. Likewise, investigators from the Attorney General's Office must do this, in this case, the investigator still has to submit the SPDP to the Public Prosecutor at the Maros State Prosecutor's Office through an official memorandum. After receiving the SPDP, the Head of the Maros District Prosecutor's Office issued an order for the appointment of the Public Prosecutor to follow the progress of the criminal case investigation or commonly referred to as P-16, followed by an order for the appointment of an administrative officer for handling criminal cases.

The purpose of receiving stage I case files is to receive the results of investigation files from investigators, so the case files are sent by investigators if the investigation that has been carried out is declared complete. The provisions above it state that the investigator is obliged to immediately submit the case files resulting from the investigation to the public prosecutor. After the filing carried out by the investigator is complete, the investigator sends the case file to the Maros District Prosecutor's Office. After receiving the case dossier from the investigator, the public prosecutor is obliged to immediately study and examine the case dossier that has been submitted by the investigator. The Public Prosecutor examines the formal and material completeness of the investigation case dossier for a maximum of 14 days. Within 7 (seven) days, the Public Prosecutor must determine whether the case file is complete or incomplete. If the public prosecutor believes that the formal/material completeness of the file is not complete, then the public prosecutor issues P-18 (notification

of the results of the investigation is incomplete) and returns the case dossier to the investigator. The issuance of P-18 is also accompanied by instructions to be completed by investigators, commonly referred to as P-19.

If the public prosecutor returns the results of an investigation to be completed, the investigator is required to immediately carry out additional investigations by the instructions of the public prosecutor. Within 14 (fourteen) days, the investigator must complete the additional investigation by the general prosecutor's instructions. If the case file is formally and materially complete, the Public Prosecutor issues P-21 and must immediately draw up an indictment. The period of investigation is limited to 4 (four) months, but in practice, it drags on even up to 1 (one) year and even more. Within 4 (four) months, whether the investigation has been completed or has not been completed, an expose will be held at the SULSEL High Prosecutor's Office. If it has not been completed within the allotted time, then every 30 days a report on the progress of the investigation will continue to be requested.

## **2. Prosecution**

The role of the Prosecutor's Office in the judicial process is very important because one of its powers is the prosecution of a case that has completed its investigation and has been delegated to the Prosecutor's Office as the public prosecutor. Since the receipt of the Notice of Commencement of Investigation (SPDP), the prosecutor's office has appointed the Public Prosecutor to follow the course of the investigation process. The coordination process between investigators and the public prosecutor is then carried out intensively with the intention that the results of the investigation meet the juridical requirements to be able to proceed to the prosecution process in trials at the Court.

The public prosecutor has the authority to give instructions to investigators to complete the investigation case file by the provisions in Article 138 and Article 139 of the Criminal Procedure Code. According to Article 140 paragraph (1) of the Criminal Procedure Code if the public prosecutor thinks that from the results of the investigation, a prosecution can be carried out and in time to file an indictment.

According to the author, the meaning described above is a formal understanding, namely explaining the act from the aspect of the procedure for its implementation or the proceedings, while the nature of prosecution can also be understood materially that prosecution is an act of the Public Prosecutor to prove the fulfilment of the elements of criminal provisions, which was violated by the defendant as a result of the actions that have been committed or concretization of criminal rules that are abstract in the fact of the actions that have been committed by the defendant, thus giving confidence to the judge that the actions of the defendant have violated the criminal provisions for which he was charged.

To determine the size of the prosecutor's charge against a suspect in a corruption crime, several criteria become a reference for the public prosecutor in planning charges, including that the role of the suspect in a crime shows the capacity of the act committed to realizing a crime, which differs from one suspect to another. another suspect.

The suspect can act as the main actor in a corruption offence, participate in committing the offence of order to commit, assist an actor who by giving/agreeing/incorrectly uses power or influence, violence, threats of violence, threats or deception or by giving opportunity, effort or information, deliberately persuaded to commit offences. In a cooperative crime, the role of the suspect in an offence can also be identified from his position, duties and responsibilities within the company, position in the organizational structure, the number of shares invested and all roles that reflect the size of the influence or contribution of its existence in achieving a goal.

To find out the impact of the role of the suspect in a criminal act committed, it can also be evaluated from the results of the crime that occurred, existing evidence or other direct or indirect consequences of the crime, whether it concerns the economic, social, cultural, political and defence aspects and national security and ideology. The size of the state lost as a result of the crime committed is one of the considerations of the public prosecutor to determine the size of the criminal charge against the perpetrator or suspect.

Assessment of mitigating and aggravating aspects of suspects in the judicial process is very subjective depending on the assessment of each public prosecutor who handles a case of corruption.

In connection with this, previously that investigation is a key stage in the criminal justice process because success in the investigative stage to collect evidence of a crime greatly influences the subsequent process including the prosecution process because it is the evidence collected by investigators that are then used as the basis by the Public Prosecutor to determine his charges against the perpetrators of corruption. Therefore, the condition of the available evidence also influences the Public Prosecutor's considerations in determining the size of the charges to be made against the perpetrators of corruption. If the evidence which constitutes the facts of the occurrence of a criminal act of corruption is complete, valid and convincing, the elements of the suspect's guilt, then the public prosecutor will also not hesitate to charge the perpetrator with maximum criminal charges, but if the evidence is available but incomplete or not convincing enough, then the demands may be minimal.

Law enforcement efforts against corruption through law enforcement mechanisms cannot be expected to provide a deterrent effect for perpetrators. This is because, in addition to the substance of the criminal law on

corruption eradication which still overlaps with one another, the condition of the legal structure is also inadequate, especially when viewed from various aspects such as; the human resources of law enforcement officers, especially in understanding and implementing the applicable legal substance, the level of welfare of law enforcement officials and supporting facilities and infrastructure.

This condition opens opportunities for deviations that cannot be avoided by certain individuals who factually utilize the authority of their subjectivity. The practice of collusion and nepotism then becomes very vulnerable to occur by certain elements, which are factually needed to support the law enforcement efforts themselves.

According to M. Alatas, S.H. as Investigating Prosecutor, (interview 3 January 2021).

“The number of investigators in the Special Crimes Division of the Maros Prosecutor's Office is in proportion to the number of reports that have come in. The current number of investigators is sufficient to handle a large number of cases. However, there are also reports that it takes a long time to complete for various reasons in each case. Thus it can be seen that the sufficient number of investigators at the Maros State Prosecutor's Office cannot guarantee optimization because it is influenced by several factors.”

**B. Factors Influencing the Role of the Maros State Prosecutor's Office in Investigating Corruption Crimes.**

Several factors greatly influence the eradication of corruption, including

**1. Legal Structure Factors**

Weaknesses in law enforcement against criminal acts of corruption, it is necessary to examine the weaknesses of the criminal law system in the criminal law system associated with Friedman's theory, so the criminal law system is divided into three elements namely substance (substance) that is related to the legal material, *structure* (structure)it is the criminal *justice system*) and culture namely concerning the legal culture of the society in the context of law enforcement against criminal acts of corruption.

The element of the legal structure turns out to be the aspect of law enforcement which is the subject of law enforcement, or elements that implement or apply the law can be one of the factors that influence law enforcement against criminal acts of corruption as shown in the following table:

**Table 2 Respondents' responses to the influence of the legal structure on corruption.**

Indicator	Frequencies (people)	Presentation %
Influential	22	73,33%
Less effect	5	16,67%
No effect	3	10.00% 1
<b>amount</b>	<b>30</b>	<b>100%</b>

*Source: Data processed from the 2023 questionnaire*

Based on the table above, the legal structure greatly influences corruption, because, without reliable law enforcers such as the prosecutor's office, it is impossible to eradicate corruption. Thus, this is where the role of law enforcers such as the prosecutor's office can eradicate corruption. This means that the development of corruption cannot be separated from the intervention of law enforcement factors in carrying out their duties.

Furthermore, due to the weak integrity of law enforcers, there are several obstacles faced in eradicating corruption, including

a. Legal education and legal research

Legal education, especially about material criminal law and litigation practices in court, still requires fundamental renewal by the needs and developments of society and development. Legal research, both its activities and socialization, is still very limited.

This aspect of legal education and research greatly supports the improvement of the quality of human resources for law enforcement officers. This must develop dynamically along with the development of science and technology, bearing in mind that the crime of corruption develops with the times.

b. Legal professional organizations

Legal professional organizations, both practitioners and academics, have so far not shown activities that can support law enforcement activities against criminal acts of corruption and still do not reflect legal professional organizations that can be relied upon in legal development.

Legal professional organizations should have unity and the same vision and mission in enforcing the law against criminal acts of corruption so that achieving the goals does not experience significant obstacles, but in reality, it is still full of fulfilment and influenced by various interests or tendencies, both political, economic and socio-cultural.

c. Bureaucratic work orientation.

The work orientation of the bureaucracy, which has always been known as the “as long as you are happy” paradigm, is still adhered to and colours the working mechanisms of the bureaucracy. The report, which is oriented to you being happy, is still ongoing and is still adhered to in the existing bureaucratic working mechanisms. The tendency to report to superiors is not by what has to be reported or is unrealistic.

d. Ethics of the Legal Profession

So far, existing legal professional organizations have not consistently implemented professional ethics by the standards of the legal profession, both nationally and internationally. The legal profession so far tends to prioritize personal interests over professional ethics.

e. Coordination between law enforcement agencies

To be able to enforce the law against criminal acts of corruption, extraordinary efforts are needed and are not only the responsibility of law enforcement officials or the government alone, but all levels of society should have a sense of *crisis* against corruption. Thus, in reality, coordination between law enforcers is included in the level of coordination criminal *justice system* showing that there is no common vision in the direction of law enforcement. This is possible because there are various interests and different interpretations and perceptions of the existence of the corruption case itself, resulting in back and forth of cases or not mutually supporting corruption case documents or cases that are difficult because it is influenced by the intervention of various interests and other aspects such as politics, economics and social culture.

## 2. Legal Culture Factors

Another factor of the legal structure that is part of the criminal law system as previously described is the element of a legal culture or legal culture. The cultural aspect in general is the foundation or basis for the formation of the legal culture of society. This means that the cultural concept and cultural perspective on efforts to enforce the law on corruption will greatly determine the level of effectiveness of law enforcement against corruption itself.

Many parties fully support the government in law enforcement efforts against criminal acts of corruption, even by imposing the most severe legal sanctions as one of the efforts to tackle corruption. However, there are not a few parties who try to block law enforcement efforts for various reasons, various ways and the last effort is certainly possible from parties who are included in corruption agents or networks.

The cultural aspect is one of the factors that influence the development of corruption as the respondents respond in the following table:

**Table 3 Respondents' responses to the influence of legal culture on corruption**

Indicator	Frequency	Percentage
Influential	20	66,67
Less Influence	6	20,00
No effect	4	13,33
<b>Amount</b>	<b>30</b>	<b>100</b>

*Source: data processed from the 2023 questionnaire*

Referring to table two above, legal culture influences the crime of gratification because 66.67% of respondents answered that it influences because the cultural aspect is one of the factors that influence the development of corruption. When the sociocultural values of a society are strongly rejected, corrupt practices. This is because the community will always try with various local wisdom so that other social institutions prevent all forms of corruption. However, if the cultural aspect which indirectly accepts corrupt practices as a new culture even becomes a new pattern of needs, then no matter how hard law enforcement officials make efforts to enforce the law, they will not be able to tackle the development of corruption.



Corruption in the political realm is highly correlated with the feudal social order because the structure of a society with a feudal culture provides an opportunity for the emergence of a moral vacuum so that social interaction does not proceed in an egalitarian way. An inegalitarian society denies the social need and interest in effective control of power.

Consumptive culture can trigger the emergence of excessive fulfilment of material needs and an attitude of always being more than others in all kinds of ways even though it violates moral and legal norms to fulfil the lust for material excellence. In this case, there are factors of vertical mobility and materialism-oriented culture. Therefore, cultural aspects are important in seeking opportunities that can be exploited in efforts to uphold the law against criminal acts of corruption in terms of cultural aspects, including:

- a) Cultural pluralism in areas that deviate locally includes methods of conflict resolution and prevention of various forms of crime and social problems including social pathology. Empowerment of central figures in the regions through the application of the concept of community policing helps overcome various obstacles to law enforcement by the local wisdom of the local area.
- b) Cultural values such as gotong-royong, a courtesy that is rooted in the cultural structure in the regions, need to be actualized in building a healthy democratic system through a political culture that is not trapped by the sectoral class conflict of interest so that in law enforcement against criminal acts of corruption, society is expected to develop its security system and participate in law enforcement efforts against corruption.
- c) High emotional connection with society

Building the values of closeness, participation and community initiatives in the regions is an opportunity to create a harmonious and synergistic partnership between the legal structure and the community in a close emotional relationship, so it is very strategic in the framework of empowering the potential of the community to assist law enforcement officials in law enforcement efforts against acts of corruption.

The aspect of legal culture in the applicable legal system is the weakest point in the implementation of the legal system, especially by institutions administering the criminal justice system, so that the implementation of law enforcement on corruption is not systemic even though the perpetrators of corruption or corruptors are organized mafia networks with a systemic pattern and are supported by the ability and supported at a reasonable cost.

To create a positive legal culture and be able to support people's way of life, two components are needed, namely: (1) the government can convince the public that the law formed is people-oriented and socially just. (2) law enforcers, in carrying out their duties are non-discriminatory.

If these two things are considered, then of course the community will provide support and at the same time will follow this pattern. Thus, the government creates an educated society so that people understand well and implement the legal rules that have been made, while at the same time being able to provide advice and opinions to the competent authorities, in making legal products needed to regulate society.

The legal culture of the community is one of the determining factors regarding the implementation of a legal system because the legal culture is nothing but the overall attitude of the community and the value system that exists in society which will determine how the law should apply in society. So that Lawrence M. Friedman (1969: 9) said "*the legal culture provides full for the motor of justice*" Meaning that legal culture is the fuel for the engine of justice. Therefore, the legal culture and legal awareness of the community are an inseparable unit, because they are closely related to the implementation of law in society. Thus the legal culture of the community is one thing that can be well developed in an integrated manner so that the legal reforms carried out can be accepted by the community as a guideline of behaviour that must be obeyed.

#### **4. Community Awareness Factor**

Public legal awareness has a strong influence on the implementation of eradicating corruption. The most important part of society in determining the implementation of law enforcement on corruption is public awareness to report a crime that occurs in their environment. Thus the legal awareness of a nation is a view of life in society. This view develops and is influenced by various factors, namely religion, economics, politics and so on.

The existence of public legal awareness enables the implementation of law enforcement against corruption eradication because it is a more dominant factor than legal regulations and law enforcement officials. After all, legal regulations and law enforcement themselves are determined by legal awareness. It can be seen in the following table:

**Table 4 Respondents' responses to the influence of legal awareness on corruption**

Indicator	Frequency	Percentage
Influential	21	70,00%
Less Influence	5	16,67%
No effect	4	13,33%
<b>Amount</b>	<b>30</b>	<b>100%</b>

*Source: data processed from the 2023 questionnaire*

Based on the description of the table above, public awareness greatly influences law enforcement against criminal acts of corruption, because the community participates in reporting if a criminal act of corruption or gratification occurs around it. Respondents' responses said that community participation is needed if there are crime incidents in the vicinity, then based on the table it is 70.00% say that public awareness influences law enforcement of criminal acts of corruption.

Some members of society comply with the law because there is coercion or because they have no other choice. Such legal compliance is not compliance based on one's legal awareness. Only then can one be said to have legal awareness if one obeys the law because of his sincerity, and feels that the law is useful and protects. Legal awareness is not an assessment of concrete events. Legal awareness is the law of assessment of what is considered good or bad law. Judgment of the law is based on its purpose, namely whether the law is fair or not, because justice is what society expects.

In this regard, legal awareness is a psychic process contained in humans that may arise. However, awareness of the law will lead to a sense of justice. A fair assessment of at least a law always depends on the standard of living by the formation of law and the sense of justice in society. Logically the process is that someone understands the law before having legal awareness.

Legal awareness requires knowledge of the law, especially regarding the procedures and techniques for administering it so that it is not too simple for the majority of the legal community to understand, but public awareness of a sense of justice is much simpler.

Public legal awareness is still low because, in the context of law enforcement against criminal acts of corruption in particular, it can be measured from the tendency of the public to be reluctant to report criminal acts of corruption that have occurred even though they know about the incident. Such an attitude does not support the importance of the social control function and hinders law enforcement efforts against criminal acts of corruption.

Community legal awareness is very important and determines the enactment of a law in society. If the legal awareness of the community is high in implementing the provisions regulated by law and complied with by the community concerned, then the law can be said to be effective. But if the legal provisions are ignored by the community then the legal rules are not effective.

Community legal awareness concerns the factors of a legal provision that are known, understood, recognized, respected and obeyed by the community as users of the law. Community legal awareness is the main elements that must be taken into account in the effective functioning of law in society.

In this regard, public legal awareness becomes a guideline for law enforcement and law obedience. This means that people's legal awareness is the main parameter in the process of the legal arrangement. Not because of sanctions or because of that feeling, but because of awareness (awareness) that the law is by the values that grow and develop in society, so it must be obeyed. This can be measured through several indicators, each of which is a process of stages that determines the formation of legal awareness in society, both individually and collectively, such as legal knowledge, legal understanding, legal attitudes and patterns of legal behaviour.

Legal knowledge is a person's level of knowledge regarding certain behaviours regulated by law, while legal understanding is the amount of information that a person has regarding the materials contained in a regulation. In the sense of legal understanding, there are no conditions to know that must be met by legal subjects. The focus of legal understanding is the public's perception in dealing with various matters relating to the norms that apply in society. In connection with these factors, it is very supportive to reveal criminal law enforcement, especially in terms of investigations and investigations.

#### **IV. CONCLUSION**

1. Law Enforcement is carried out by the Prosecutor's Office against the Eradication of Corruption Crimes if there is a suspicion, the prosecutor's office will conduct investigations, investigations and prosecutions. However, enforcement is less effective.
2. The factors that influence law enforcement by the prosecutor's office in eradicating criminal acts of corruption are legal structure, cultural factors and public awareness.

#### **V. SUGGESTION**

1. The government (attorney) must be professional in carrying out investigations and prosecutions of corruption crimes that they handle.
2. The government (Attorney's Office) consistently upholds moral values in handling criminal acts of corruption, so don't be easily tempted by the lure of corrupt actors if an investigation or prosecution is held.

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