

Socialization of Corruption Criminal Prevention with the Tulungagung State Ago

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ABSTRACT

That this research aims to find out to what extent the community and stakeholders play a role in eradicating corrupt behavior in order to prevent criminal acts of corruption through non-penal measures. Development as a planned effort for the people's welfare, it has been endeavored as efficiently and as possible as effectively as possible with funds and limited capabilities. However, is in active development held, news emerged about rampant corruption cases, which done with the modus operandi increasingly sophisticated, Corruption and abuse of office is an administrative disease can be eradicated as long as we have strong commitment to handle it. The research method in this case uses the empirical research method by displaying supporting primary and secondary data. The results of the research are corruption, constitutes abuse and misappropriation, which is committed by state administrators of money or state facilities, this is where the role of the prosecutor can be optimized to carry out administrative action, in the form of prevention that can be optimized to eradicate corruption which is expected to produce more tangible results.

INTRODUCTION

Legislation related to the eradication of criminal acts of corruption in Indonesia, namely Law No. 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission if you look at the treatise on the formation of the law and its academic texts, the law does not include thoughts about the existence of administrative sanctions as a prevention of criminal acts of corruption, Law number 19 of 2019 concerning the second amendment to Law Number 30 of 2002 concerning the Commission for the Eradication of Crime Corruption, hereinafter abbreviated as UU KPTPK, for example, is more directed to *Primum Remedium*, where criminal law is used as the main weapon in a law.

Corruption by the global community in the world is seen as an extraordinary crime because it requires extraordinary eradication as well. Even though the criminal act of corruption is seen as an extraordinary crime, it does not mean that Article 2 and Article 3 UUPTPK bActs as an all embracing act or law that can cover every act of government officials. An understanding of the elements of the two offenses must be sufficient to prevent "overcriminalization" of government officials who are exercising their authority within the scope of governance.

Eradication of corruption has been carried out through penal policies as well as policies on fines and returns for state losses or by prioritizing the function of prevention, but this prevention function has not been optimal in its implementation, especially within the Attorney General's office, because in the UUPTPK, eradication of corruption can be carried out with a prevention model.

The weakness of the formulation of criminal acts of corruption with penal means at this time is that the policy is still spread out in several laws and regulations so that this can cause problems, especially in the aspect of justice and a sense of justice in society.

The choice of corruption law enforcement with the prevention model is a non-penal tool that has more intellectual conscience, focuses on improving social conditions, but implicitly has a preventive effect on crime. These non-penal efforts, for example socialization and social education in the context of developing social responsibility of citizens, cultivating community mental health through moral, religious or other moralistic education, increasing efforts for the welfare of children and adolescents, patrolling and other supervision. Equally important is the promotion of efforts that are abolitionistic in nature, namely efforts that can directly erode the conducive factors that cause crime.

Another weakness of penal corruption law enforcement is that the KPK in law enforcement must share its authority with the police or vice versa, this can be seen from the aims and objectives of Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 Regarding the Corruption Crime Eradication Commission, it is inconsistent with the provisions of Law Number 2 of 2002 concerning the Police and Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office. For example, in the context of investigations and prosecutions which were originally the authority of the Police and the Attorney General's

Office, it seems that this has provided an opportunity for the unlimited powers of the KPK, even though the amount of one billion rupiah in the provisions of Article 11 of the KPK Law is quite clear, however,

This is really concerning when law enforcement, especially the police, prosecutors, and courts are not united in carrying out their duties of applying the law to a case that the community is dreaming of.

The inner attitude of legislators can be seen from the preambles of the PTPK Law which states that corruption needs to be classified as a crime whose eradication must be carried out broadly. The eradication that was carried out in an extraordinary way can be seen from several things, firstly a special court was formed to deal with corruption cases, namely the Corruption Crime Trial. Second, a new superbody state institution was formed, namely the KPK to investigate and prosecute corruption cases. Third, one of the offenses in the PTPK Law, namely gratuity deviates from procedural law in general, which uses the reverse burden of proof.

Concerns about over-criminalization are felt by various parties, the legislators in drafting the Government Administration Bill stated that regulations were needed to prevent government officials from being criminalized. Based on the background above, socialization or legal counseling is needed as a prevention of criminal acts of corruption with the Tulungagung district attorney.

IMPLEMENTATION AND METHODS

This study uses an empirical method, namely legal counseling, where law is a set of rules and doctrines adopted by a group or society that has legitimacy to ensure order, security and the fulfilment of a sense of justice, especially in preventing corruption in the community that needs to be socialized.

Socialization and counseling related to corruption prevention with the Tulungagung state prosecutor's office which was held on Thursday 29 November 2022 in Tulungagung, the counseling participants consisted of 3 law lecturers at Unipma Madiun, and 1 Tulungagung state prosecutor's personnel plus general participants from Bandung village, Bandung district, Tulungagung Regency through Online Google Meet <https://meet.google.com/jfz-ean-xna>. The population of Bandung Village is 3,203 people based on the 2019 BPS census, with a total attendance of 57 zoom participants.

RESULTS AND DISCUSSION

For carry out government functions, it is undeniable that the State requires a bureaucratic identity is a system of government run according to rules strict). It is impossible for the state to manage land, sea and air transportation efficient, paying employee salaries with fast, provides a telephone connection construction of roads and bridges, or simply preparing a KTP quickly, if not supported by the bureaucracy. Therefore, public service is impossible can occur without existence bureaucracy However, bureaucracy can

become source of public disappointment by many possibilities for abuse authority and corruption.

If the state's wealth is managed by less qualified people and irresponsible people responsibility, the bureaucracy can suppress rights citizen rights. However, face this reality, placement matter of actual proportions is the wisest attitude.

Article 34 in the Law on the Prosecutor's Office provides the authority for the attorney's office to make some kind of inputor counselling to other government agencies, this can be the basis for law enforcement agencies such as the Attorney General's Office of the Republic of Indonesia to be able to take some sort of preventive action in eradicating corruption in other institutions that may be known by the Attorney General's Office, so that the Prosecutor's Office can write letters directly to the Ministry of Law and Human Rights, for example if there are rules from government institutions that are indicated to create loopholes for corruption, so that on the recommendation of the prosecutor's office a new rule or revision of the rule can be made to close the gap for corruption, so there is no need to wait for a criminal act of corruption to occur, but a model for changing or revising laws and regulations by such a recommendation model of the Attorney General, does not yet exist in the Indonesian legal model, instead everything has to be a long process so that corruption prevention cannot be done immediately.

MDeveloping an anti-corruption culture and growing a sense of shame in enjoying the results of corruption are important upstream in preventing corruption. Anti-corruption education must be expanded to give birth to a future generation that is anti-corruption. However, building a system that closes opportunities for criminal acts of corruption is also the main key. This was conveyed by President Joko Widodo when giving a speech at the commemoration of the 2020 World Anti-Corruption Day (Hakordia).

It is clear that the state's expectation that eradicating corruption must also prioritize the establishment of a new system that can close loopholes for corruption, or in this case efforts to strengthen preventive measures is one of the main keys in eradicating corruption.

As in the revision of the new KPK Law, Article 6 letter a of Law No. 19 of 2019 concerning the second amendment to the KPK Law, clearly states that the KPK is tasked with carrying out preventive measures so that corruption does not occur, while in the Attorney General's Law there is no such function, so this should not only be given a mandate to the KPK, the Prosecutor's Office should also have some kind of rule that mandates a prevention system such as the mandate in the KPK Law the.

In the Attorney General's regulation Number 14/A/JA/11/2016 of 2016 there is actually a preventive authority for certain prosecutors teams in overseeing development in all government sectors, so that legal settlements related to corruption in government institutions must go through administrative coordination and punishment first as in articles 13, 14 and 15 of the regulation, however the Attorney General's Regulation is no longer valid so

that the prosecutor's office in this case does not actually have the authority to prevent corruption as is the function of the KPK.

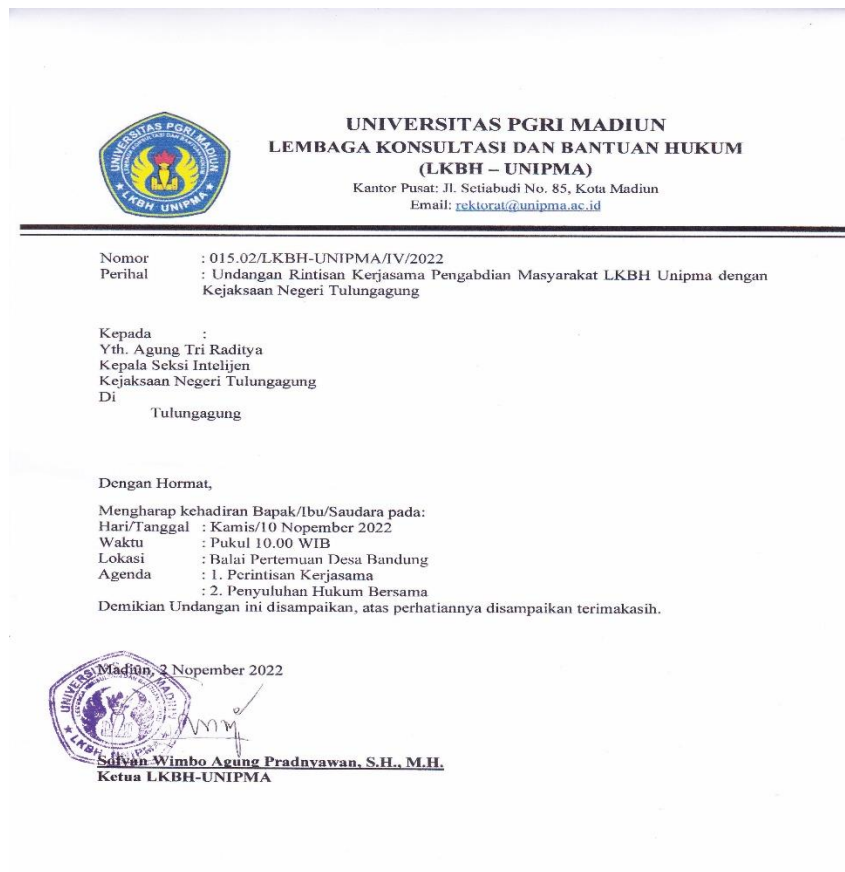
The authority granted by the Prosecutor's Law as in Article 30 does not include Prevention Measures as part of the Attorney's authority, whereas in Article 34 of the Prosecutor's Law there is the authority to provide some kind of recommendation to other law enforcement agencies related to law enforcement, so this would be counterproductive if not supported by an article which authorizes the attorney general to have the authority to make efforts to prevent criminal acts of corruption in accordance with the authority possessed by the KPK and recommendations from the President of the Republic of Indonesia regarding the importance of preventive or preventive efforts to close corruption loopholes that may occur in government institutions from a regulatory standpoint which are out of sync or open up opportunities for corruption, whether realized by these government institutions or not.

Given the function of criminal law which is the mainstay in the enforcement of criminal acts of corruption, in fact the principle of *ultimum remedium* applies where criminal enforcement should be the last resort after other efforts have been taken that can resolve the problem in a more comprehensive manner, one of which is of course with efforts to prevent criminal acts of corruption through enforcement efforts. Administrative law, which was created by a new system, especially in relation to the authority of the Attorney General's Office as a law enforcement element that has the most role in enforcing criminal law in Indonesia. Because whether you realize it or not, the role of the Attorney General's Office in enforcing corruption is very large and bigger than other law enforcement agencies.

The big role of the Attorney General's Office requires strong support, especially in strengthening the Prosecutor's Law so that it is more able to provide accommodation in efforts to prevent criminal acts of corruption, so that the return of the aggrieved State's finances does not have to be a protracted process that takes a long time because it uses a repressive law enforcement system. through the current justice system.

The Attorney General's Office together with academics from FH Unipma carried out community service in the form of legal counseling related to corruption prevention. The aim of this collaboration is to gain constructive understanding for participants in terms of practice by the state prosecutor and in terms of science and theory by academics.

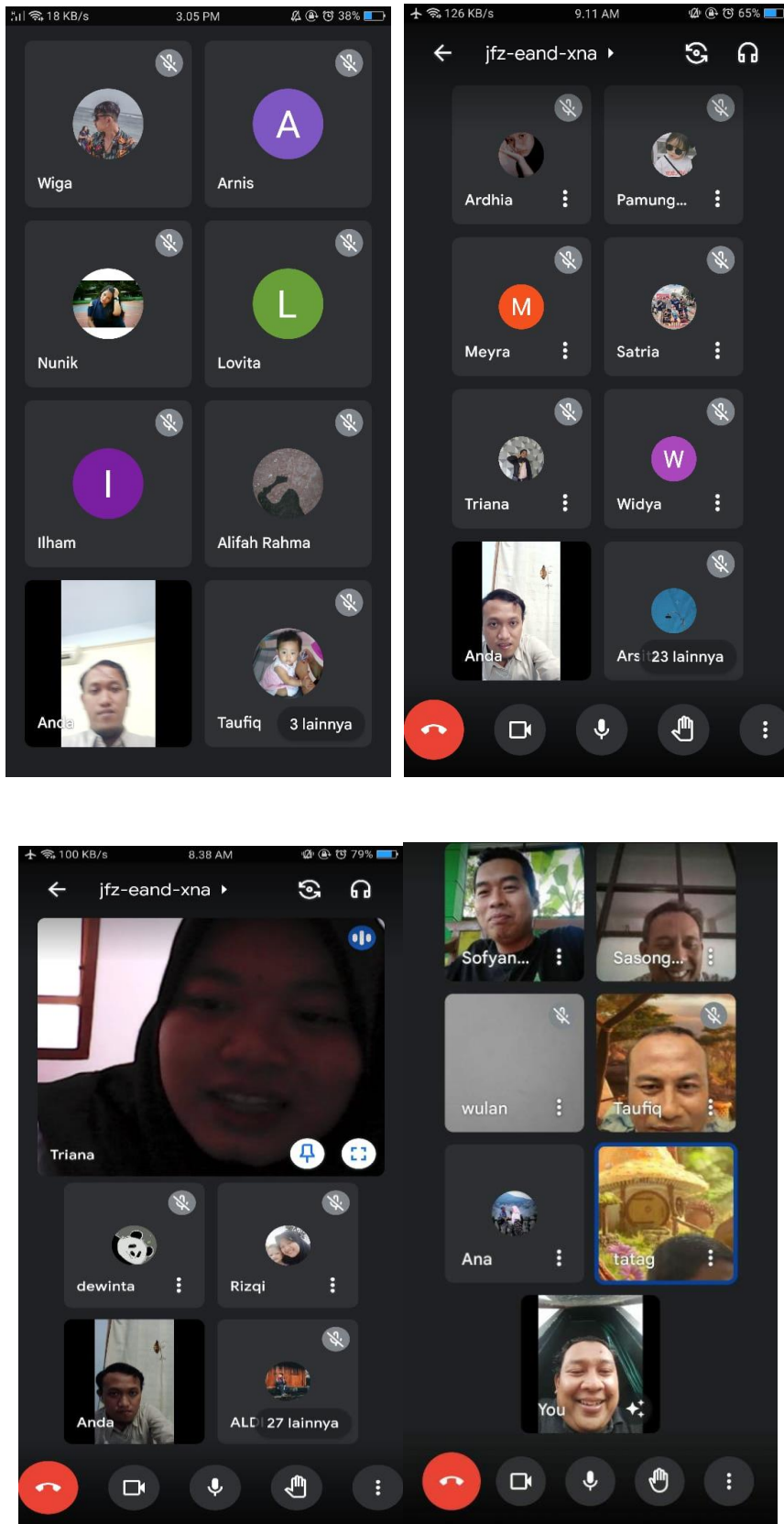
The possibility and legal consequences of eradicating corruption with a non-penal policy in the form of prevention is the decline in corruption cases that occur in Indonesia in the future due to the many parties who almost made the mistake of committing a criminal act of corruption. non penal with a prevention system which was formulated in the concept of the new Attorney Law after the expected revision, by including the provision of prevention authority with a clear system.



Picture 1. Cooperation Initiative Invitation



Picture 2. Joint Meeting to Prepare for an Extension Webinar on Optimizing the Role of the Prosecutor's Office in Prevention of Corruption Crimes



Picture 3. List of Participants Participating in the Webinar

CONCLUSIONS AND RECOMMENDATIONS

The legal consequence of eradicating corruption with non-penal policies or with a prevention approach through the extension function is that there will be a reduction in corruption cases that will occur in Indonesia in the future due to the large number of parties who almost make the mistake of committing criminal acts of corruption. eradicating corruption non-penal with comprehensive counseling.

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