

## The Implementation of Investigations on Persons of Crime of Corruption at Rembang Polres

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**Abstract.** *This study aims to find out and analyze the implementation of investigations into perpetrators of corruption at the Rembang Police Station and obstacles in carrying out investigations against perpetrators of corruption at the Rembang Police. This study uses a sociological juridical approach, the research specifications are analytical descriptive, the type of data used is primary data and the data analysis method is qualitative analysis. Based on the results of the study, it can be concluded that the implementation of the investigation into the perpetrators of corruption at the Rembang Police is in accordance with the provisions of Act No. 20 of 2001 concerning the Eradication of Corruption Crimes and the Criminal Procedure Code. However, in its implementation there are several obstacles, namely coordination between investigators and the prosecutor's office is not optimal, suspects are not cooperative.*

*Keywords: Crime; Corruption; Investigation.*

### 1. Introduction

The State of Indonesia is a state based on law, therefore all aspects of the implementation and administration of the state are regulated in a system of statutory regulations.<sup>1</sup>This is as stipulated in Article 1 paragraph (3) of the 1945

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<sup>1</sup>Sri Endah Wahyuningsih and Rismanto, Criminal Law Enforcement Policy Against Money Laundering in the Context of Reforming Criminal Law in Indonesia, Journal of Legal Reform, Volume II No 1 January-April 2015, p.46  
url:<http://jurnal.unissula.ac.id/index.php/PH/article/view/1414/1087>

Constitution of the Republic of Indonesia which states that Indonesia is a country based on law.<sup>2</sup>

Indonesia's rule of law state is a modern rule of law state, in connection with that, the main task of the government is the welfare of its people.<sup>3</sup>The consequence of a rule of law state is that every citizen's actions are governed by law, each aspect has its own rules, regulations and regulations. The law defines what must be done, what can be done and what is prohibited. One of the prohibited acts is corruption which is very detrimental to the state.<sup>4</sup>

Corruption is a serious problem in many countries in Asia. Indonesia based on a research conducted by the Political and Economic Risk Consultancy (PERC) since 2005 has been in the first rank of the most corrupt country in Asia. A similar predicate is also given by Transparency International which always places Indonesia as the most corrupt country in the world.<sup>5</sup>

Data from Indonesia Corruption Watch (ICW) reveals that throughout 2021 there have been 553 prosecutions of corruption cases with 1173 suspects and state losses of up to 29.438 trillion carried out by law enforcement officials. This is known from the results of monitoring trends in the prosecution of corruption cases carried out by the Corruption Eradication Commission (KPK), the Attorney General's Office (Kejagung) and the Police.<sup>6</sup>

Efforts to prevent and eradicate criminal acts of corruption in Indonesia are basically legally indicated in MPR Decree No. IV/MPR/1999 concerning the Outlines of State Policy (GBHN) 1999-2004, which regulates the direction of state policy, between cleaning up state administration and practices of corruption, collusion, nepotism by imposing the most severe sanctions in accordance with applicable legal provisions, improve the effectiveness of internal and functional controls as well as community oversight and develop ethics and morals.<sup>7</sup>

The application of law enforcement to cases of criminal acts of corruption is based on the provisions of Act No. 31 of 1999 concerning the Eradication of

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<sup>2</sup>Angga Dwi Arifian and Sri Kusriyah, The Investigation on Criminal Acts of Corruption in the Jurisdiction of Rembang Police, Law Development Journal, Volume 3 Issue 3, September 2021, p.460 url:<http://jurnal.unissula.ac.id/index.php/ldj/article/view/16086/5838>

<sup>3</sup>Miftakhul Khobid, Gunarto, Lathifah Hanim, Policy Analysis of Criminal Law Formulations in Combating Corruption Crimes, Journal of Khaira Ummah Law, Volume 13 Number, 1 March 2018, p.37 url :<http://jurnal.unissula.ac.id/index.php/jhku/article/view/2581/1937>

<sup>4</sup>Angga Dwi Arifian and Sri Kusriyah, Op.Cit., p.460.

<sup>5</sup>Saldi Isra and Eddy OS Hiariej, 2010, Legal Perspectives on Corruption Eradication in Indonesia in Corruption Corrupts Indonesia, Jakarta: Gramedia, p. 554

<sup>6</sup>ICW: There will be 533 prosecutions for corruption cases in 2021, potential state losses of IDR 29.4 trillion,<https://nasional.kompas.com>, accessed October 15, 2022.

<sup>7</sup>MPR RI Decree No. IV/MPR/1999 concerning GBHN, Sinar Graphic, Jakarta 2002, p.22.

Corruption Crimes which was later amended by Act No. 20 of 2001. Based on the provisions of Article 26 of Act No. 20 of 2021 it regulates investigations, prosecutions, and examination in court of criminal acts of corruption, carried out based on the applicable criminal procedure law, unless otherwise specified. Thus the investigation of corruption is regulated based on the provisions of Act No. 8 of 1981 concerning the Criminal Procedure Code (KUHAP), unless specifically stipulated in Act No. 31 of 1999 in conjunction with Act No. 20 of 2001.

At the stage of investigation into corruption cases, according to the provisions of Article (1) and Article 6 paragraph (1) of the Criminal Procedure Code, law enforcement officials who are authorized to carry out investigations consist of Polri officials and certain Civil Servant Officials. The authority of the Police in conducting investigations into corruption cases is basically one of the duties of the Police as regulated in the provisions of Article 14 paragraph (1) letter g of Act No. 2 of 2001 concerning the Indonesian National Police, which stipulates that the Police's duties include conduct investigations and investigations into all criminal acts in accordance with the Criminal Procedure Code and other laws and regulations. These provisions imply that Polri has the authority to conduct investigations of all types of criminal acts.

In principle, investigations into corruption cases conducted by the National Police are not much different from investigative activities conducted into general criminal cases. In accordance with the provisions of Article 1 paragraph (2) of the Criminal Procedure Code, investigation is a series of investigative actions in matters according to the methods regulated by law to seek and collect evidence with which evidence makes clear about the crime that occurred and to find the suspect.

Investigators in carrying out their investigative activities base the existence of criminal acts that have occurred in the community or are suspected of criminal acts that have been or are being committed by the perpetrators. The investigator's suspicion or knowledge regarding the existence of the crime can be obtained from four possibilities, namely being caught red-handed, reports, complaints and known by the investigator himself.<sup>8</sup>

Investigations into cases of criminal acts of corruption began after the occurrence of these crimes, which were aimed at gathering facts explaining the following matters:<sup>9</sup>

1. What crime occurred.

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<sup>8</sup>Suryono Sutarto, 1993, Criminal Procedure Law, Semarang: FH. Unissula.

<sup>9</sup>Harun M. Husein, 1991, Investigation and Prosecution in the Criminal Process, Rineka Cipta, Jakarta, p. 85.

2. When and where did the crime occur.
3. How the crime was committed and what were the consequences.
4. What evidence and evidence can be used to prove the truth of the crime.
5. Who can be held accountable as the perpetrator of the crime.

Considering that corruption is a type of crime that is generally committed by bureaucrats and state administrators and is carried out in a planned manner over a relatively long period of time, it is possible for investigators to face difficulties in gathering evidence and finding suspects so that the case can be delegated to the public prosecutor or examination of the case in court. At the Rembang Polres, the target for solving corruption crimes is 3 cases, but every year they are only able to resolve 1 corruption case. This is because investigators experience difficulties in seeking and collecting evidence of corruption.

This research aims to find out the implementation of the investigation of the perpetrators of corruption in the Rembang Police and the obstacles in carrying out the investigation.

## **2. Research Methods**

This study uses a sociological juridical approach, namely research based on normative legal science and the reactions and interactions that occur in society.<sup>10</sup> The research specifications are analytical descriptive. The type of data used is primary data obtained through field research and secondary data obtained through library research. Methods of data analysis using qualitative analysis, namely analysis that is non-statistical or non-mathematical.

## **3. Results and Discussion**

### **3.1. Implementation of Investigations against Corruption Crime Actors at the Rembang Police Station**

Corruption is rottenness, ugliness, dishonesty, can be bribed and deviation from what it should be.<sup>11</sup> Syed Husain Alatas stated that corruption is a dishonest

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<sup>10</sup>Mukti Fajar ND and Yulianto Achmad, 2013, Dualism of Normative and Empirical Legal Research, Student Library, Yogyakarta, 2013, p. 47.

<sup>11</sup>Moch. Faisal Salam, 2004, Eradication of Corruption, Library, Bandung, p. 66.

transaction that can cause loss of money, time and energy from other parties in the form of bribery, extortion, and nepotism.<sup>12</sup>

Corruption has developed in accordance with the development of society and information technology since the old order era until the reformation period. This was also followed by changes and adjustments to the law on corruption eradication in Indonesia in accordance with developments in the mode of occurrence of acts of corruption.<sup>13</sup>

The criminal act of corruption is formulated in 13 articles in Act No. 31 of 1999 in conjunction with Act No. 20 of 2001, namely Article 2, Article 3, Article 5, Article 6, Article 8, Article 11, Article 12, and Article 13. In addition, other criminal acts related to corruption are also formulated, namely Article 21, Article 22 jo 28, Article 22 jo 29, Article 22 jo 35, Article 22 jo 36, and Article 24 jo 31. These articles explain in detail in detail regarding acts that can be subject to imprisonment for corruption.

The implementation of investigations into perpetrators of corruption by the Rembang Police is based on provisions Act No. 20 of 2001 concerning Eradication of Corruption Crimes and the Criminal Procedure Code. However, in accordance with the provisions of Article 26 of Act No. 20 of 2001 and Article 1 paragraph (1) as well as Article 6 paragraph (1) of the Criminal Procedure Code, the authority to investigate corruption also belongs to the Prosecutor in his position as a Civil Servant investigator. On the basis of this article, the Rembang Regional Police only targets 3 cases of corruption every year, because the prosecutor's office also handles investigations of corruption.

Based on the results of research at the Rembang Polres, the implementation of investigations into criminal acts of corruption which are specific crimes in nature is the same as the process of investigating criminal acts in general because they still refer to the Criminal Procedure Code. The purpose of investigations into criminal acts of corruption is intended to find out who has committed the crime and provide evidence regarding the mistakes that have been made.<sup>14</sup>

Based on the results of an interview with IPDA Widodo Eko, before carrying out an investigation, the investigator first made an investigation plan that was submitted to the Rembang Police Criminal Investigation Unit and then forwarded

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<sup>12</sup>Syed Husain Alatas, 1992, *Sociology of Corruption An Exploration with Contemporary Data*, Jakarta: LP3ES, p. 1.

<sup>13</sup>Hulman Siregar, *Formulation of Crime and Punishment of Corruption Crimes that are Harmful to State Finances and Problems in Their Application*, *Journal of Daulat Hukum*, Vol. 1.No. 1 March 2018, p. 129.

<sup>14</sup>Gerson W. Bawengan, 1990, *Investigation of Criminal Cases and Interrogation Techniques*, Jakarta: Pradnya Paramita, p.11.

to superiors. This is as stipulated in Article 15 Police Perkap Number 16 of 2019. Police Perkap Number 16 of 2019, investigators are given the authority to carry out coercive measures, namely in the form of summons, arrest, detention, search, confiscation, and examination of letters. In this case, efforts were made to summon witnesses and experts, efforts to arrest and detain suspects, efforts to confiscate evidence in the form of documents related to the case, examination of witnesses and experts.<sup>15</sup>

Investigation of corruption that begins with a complaint is first carried out by an audit from the BPK or BPKP or the inspectorate to determine the amount of loss first and then.<sup>16</sup>The collection of evidence obtained information or the results of Polri's findings from investigative activities, reports from the general public, and reports from the BPKP (Financial and Development Audit Agency). The results of collecting evidence can be in the form of information about the type and form of corruption, the time and place the crime was committed, the tools used to commit the crime, the motive for committing the crime, and then the information is used by investigators to find the suspect.

The results of the investigation are then set forth in the minutes of examination to be submitted to the Public Prosecutor for prosecution purposes through two stages, namely, the first stage the investigator only submits the case file to the Public Prosecutor and the second stage transfers responsibility for the suspect and his evidence to the Public Prosecutor . After the case files and suspects as well as evidence are submitted to the public prosecutor, the investigation process is declared complete.

### **3.2. Obstacles in Carrying out Investigations of Corruption Offenders at the Rembang Police Station**

Obstacles in carrying out investigations into perpetrators of corruption at the Rembang Police Station are:<sup>17</sup>

1. Coordination between investigators and prosecutors is not optimal

The investigation process is declared complete after the case files, suspects and evidence are received by the public prosecutor. However, in this case the case files are often returned to the investigator with the reason that they still need to be completed and corrected. This can slow down the judicial process, because

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<sup>15</sup>The results of the interview with AKP Heri Dwi Utomo, as Head of Criminal Investigation Unit of the Rembang Police, January 3, 2023.

<sup>16</sup>The results of an interview with Ipda Widodo Prasetyo as Investigator of the Criminal Investigation Unit of the Rembang Police, January 3.

<sup>17</sup>Ibid

sometimes files are not returned immediately even though there are still several revisions.

## 2. The suspect was uncooperative

In most corruption cases, suspects are often uncooperative when giving statements. When asked convoluted in answering or if not often answer forget.

## 3. Evidence is difficult to collect

In the criminal act of corruption, sufficient evidence is needed that there has been a loss to the state. In order to collect evidence, it is not uncommon for investigators to leave the region or even outside Java, because it is not uncommon for corruption funds to spread everywhere. This resulted in the investigation of corruption taking longer than other crimes.

## 4. Conclusion

The implementation of investigations into perpetrators of corruption at the Rembang Police Station is in accordance with the provisions of Act No. 20 of 2001 concerning the Eradication of Corruption Crimes and the Criminal Procedure Code. However, in practice there are several obstacles, namely coordination between investigators and the prosecutor's office is not optimal, suspects are not cooperative, and evidence is difficult to collect. The implementation of investigations into perpetrators of corruption at the Rembang Police Station still needs to be optimized by means of training investigators, building positive collaboration with the prosecutor's office so that investigations can be more optimal, so as to achieve the target of case handling.

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