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ENFORCEMENT LAWACT CRIMINAL CORRUPTION FUNDSOCIAL ASSISTANCE

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ABSTRACT

Writing this thesis in detailspecifically discusses: "law enforcement for criminal acts of corruption in social assistance funds". This research is based on the large amount of corruption carried out by state officials/administrators regarding social assistance funds provided by the government to citizens in order to alleviate poverty or help ease the burden caused by disasters. The method used in this research is the normative juridical method. This is based on the consideration that the specification of this research is analytical descriptive, namely explaining existing legal problems based on applicable laws and regulations linked to legal theories relating to the main research problem. The results of this research First, the criminal sanctions that can be imposed on perpetrators of criminal acts of corruption in social assistance funds are the provisions of Article 2 paragraph (1) and Article 3 of the PTPK Law, which carries the threat of life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years, as well rupiah)".

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INTRODUCTION

Currently, Indonesia is in an emergency response position for non-natural disasters, the Covid-19 pandemic. After the Covid-19 outbreak was declared a national disaster and pandemic, large-scale social restrictions (PSBB) had to be implemented in several areas. This causes quite a significant impact on the continuity of people's lives, because daily work becomes impossible, in addition to the many waves of layoffs by companies, due to the company's inability to retain employees in this situation. Hendric(2018: 89) pandemic, then finally the Government provides social assistance as a form of state responsibility to the community. Social assistance (Bansos) provided by the Government comes in at least several forms, including BLT (Direct Cash Assistance), Basic Food Assistance, Electricity Subsidies, beneficiaries of the Family Hope Program, pre-employment card incentives, and Smart Indonesia. Then the distribution mechanisms carried out also come from the Center and from the Regional Government. The government plans to continue providing social assistance to affected communities during the Covid-19 outbreak. The Minister of Finance of the Republic of Indonesia, in his statement to the press in various reports, stated that it is even possible that during 2020, the Government will still provide social assistance to residents affected by Covid-19. The budget allocated for handling the corona virus outbreak is around Rp. 677.2 trillion, which is divided into various treatment needs, such as for medical treatment, PPE and so on, including providing social assistance (bansos). At this time, the distribution of social assistance stage 1 (one) has been distributed with all its shortcomings and the next stage 2 (two) of social assistance will still be distributed, so evaluation and improvement of the distribution of social assistance needs to be carried out to minimize the occurrence of distribution errors/inaccuracies in distribution. Just look at the alleged corruption case carried out by Juliari Batubara, former Minister of Social Affairs. Results of the Eradication Commission's findingsCorruption(KPK) found that the social assistance package budget was cut by IDR 10,000 per package. Together with his subordinates, former cadresPDIPThey are working to undermine the rights of the people whose lives are hurting due to the pandemic. Not only officials within the central government. Corruption of social assistance funds for those affected by Covid-19

is also common in the area. This even happened up to the village head level. These people's representatives really have the heart. As if you no longer have a conscience. This insulting behavior was carried out by the Regent of West Bandung, Aa Umbara Sutisna. He is suspected of committing corruption in financing the response to Covid-19. The greedy nature of public officials is also visible at the lowest levels. The head of Musi Rawas Village, South Sumatra, Askari, is a bad example. Social assistance funds that should be for residents are actually used for gambling. Even more ridiculous, Askari used people's social assistance money to pay the down payment for his mistress' car purchase.

There was also corruption committed by the Secretary of Cipinang Village, Rumpin, Bogor Regency, West Java, Endang Suhendar. Holding technical control, he committed a criminal act of corruption by manipulating data on social assistance beneficiaries. Endang is suspected of making money of up to IDR 54 million, or IDR 1.8 million for each social assistance recipient account. Several educational institutions in Tasikmalaya, West Java, have also indicated that they want to reap profits from the distribution of social assistance. Based on the results of the initial investigation by the Tasikmalaya District Prosecutor's Office, the social assistance cut was 50 plus 5 percent. The 5 percent portion is an additional fee for preparing the report. Even though in the Corruption Crime Law, perpetrators are threatened with the death penalty. It is stated in Article 2 paragraph (2), that the death penalty can be imposed if the criminal act of corruption is committed under certain circumstances. Suwandi (2018: 98)

From the several examples of cases mentioned above, abuse of authority in handling disaster social assistance funds must be dealt with firmly. Article 2 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes states that maximum penalties can be applied in certain circumstances. A particular state is a state in which an action occurs

METHOD

The research method used in this research is normative juridical with a conceptual approach to the problem. The legal materials used are primary legal materials and secondary legal materials. The research approach uses a conceptual approach, a statutory approach and a case approach, while the

analysis of legal materials uses qualitative descriptive analysis.. Sugiono (2018: 90)

RESULTS AND DISCUSSION

LAW ENFORCEMENT AGAINST CORRUPTION CRIMES IN SOCIAL ASSISTANCE FUNDS

In the context of criminal law, law enforcement is an effort to realize ideas about justice in criminal law in legal certainty and social benefits into legal reality in legal certainty and social benefits into legal reality in every legal relationship.7 Criminal law enforcement is an effort carried out by law enforcement officers in accordance with statutory regulations in carrying out their main duties and functions in the criminal justice system.

According to Barda Nawawi Arief, criminal law enforcement is the entire activity of law enforcers towards upholding the law, justice and protection of human dignity, order, peace and legal certainty in accordance with the 1945 Constitution. 8 Criminal law should be maintained as a means for social defense in the sense of protecting society from crime by restore the creator without reducing the balance of community interests.

The development of criminal law is increasingly being used and relied upon in order to regulate and discipline society through statutory regulations. Legal dynamics can be seen from the policy of using criminal sanctions through the inclusion of a chapter on "provisions for criminal sanctions" at the end of most legislative regulations in Indonesia. Criminal law enforcement is part (subsystem) of the overall national law enforcement system/policy, which is basically also part of the national development system/policy. Criminal law policy, both in the sense of criminal law enforcement in abstracto and in concreto, is part of the overall policy of the national law (enforcement) system and is part of efforts to support national development policies.

In line with this, the reality of law enforcement often ignores the community's sense of justice considering that textually the substance of the law requires more legal certainty. This is a challenge for law enforcement officials in enforcing law in Indonesia. This lack of justice is the result of ignoring the law (regarding the law), disrespect for the law (disrespecting the law), distrust of the law (distrusting the law) and misuse of the law. Lilik Mulyadi (2004: 89)

A number of problemsworth noting regarding the legal field include:

a. A justice system that is seen as lacking independence and impartiality;
b. Inadequate legal instruments that reflect social justice;
c. Inconsistencies in law enforcement;
d. There is still interference with the law;
a. Weak legal protection for society;

Referring to the description above, at least conceptually there are several legal theories that can be used for law enforcement. Many legal theories teach that the law must be stable, but must not be silent or rigid. At first glance it seems that these statements contradict each other, but in fact they do not contradict each other. Because, that is one of the essential phases of law where on the one hand the law must contain elements of certainty and predictability, so that it must be stable. But on the other hand, the law must be dynamic, so that it can always follow the dynamics of the development of human life.

Law enforcement is considered successful if more and more corrupt people are put in prison and return state money. On the other hand, the lightness of sanctions imposed and the small number of corruption perpetrators who are caught clearly hurts society's values and feelings of justice. This encourages people to disobey the law and commit criminal acts of corruption, as an easy and low-risk way to gain wealth and power.

Eradicating criminal acts of corruption can be carried out by the National Police, especially in terms of investigations. This is regulated in Article 14 paragraph (1g) of Law no. 2 of 2002 concerning the Indonesian Police. Investigating criminal acts of corruption is not only owned by the National Police, but the Prosecutor's Office and the Corruption Eradication Commission (KPK) also have investigative authority. Mardjono Reksodiputro, stated that there are four components in the criminal justice system (police, prosecutors, courts and institutions Likewise, Muladi emphasized that the meaning of an integrated criminal justice system is synchronization or simultaneity and harmony which can be distinguished in:

1) Structural synchronization is synchronization and harmony in the context of relations between law enforcement agencies.

2) Substantial synchronization is (substantial synchronization), namely simultaneity and harmony which are vertical and horizontal in relation to positive law.
3) Cultural synchronization is the synchronization and harmony in understanding the views, attitudes and philosophy that thoroughly underlie the running of the criminal justice system.

The systems approach in criminal justice is:

1) The emphasis is on coordination and synchronization of criminal justice components (police, prosecutors, courts and correctional institutions).
2) Supervision and control of the use of power by criminal justice components.
3) The effectiveness of the crime prevention system is more important than the efficiency of case resolution.
4) The use of law as an instrument to strengthen "the *administration of justice*

Discussion

Criminal justice as a system has a set of structures or subsystems which should work coherently, coordinatively and integratively in order to achieve maximum efficiency and effectiveness. 15 If between subsystems cannot work simultaneously, it will cause predictable losses, including:

1) Difficulty in assessing the success or failure of each agency in relation to their shared tasks;
2) Difficulty in solving the main problems of each agency as a sub-system of the criminal justice system;
3) Because the responsibilities of each agency are often poorly divided, each agency does not pay much attention to the overall effectiveness of the criminal justice system.

The criminal justice system requires harmonious relations between administrative subsystems in the implementation of an integrated criminal justice system. If the problem of justice administration is not good in its concept and implementation then the goals to be achieved by an integrated criminal justice system will not be possible and what will happen is the opposite, namely the failure of the legal principles and principles which form the basis of the normative framework of the integrated criminal justice system.

Finally, no matter how good the existing laws and regulations are, it ultimately depends on the law enforcement officials.

Criminal Sanctions Against Corruption Social Assistance Funds for Poverty Alleviation.

Law is a series of regulations that control certain behavior and actions of humans in social life. The law itself has a fixed characteristic, namely that the law is a thing organ of abstract regulations, laws to regulate human interests, anyone who violates the law will be subject to sanctions according to what has been determined

Law is all regulations which contain regulations that must be obeyed by everyone and there are strict sanctions in them for those who violate them. Obedience is an attitude of complying with applicable rules. It is not caused by strict sanctions or the presence of state officials, for example the police. Obedience is an attitude that arises from the encouragement of responsibility as a good citizen.

In reality, obedience to the law is not the same as other social obedience, obedience to the law is an obligation that must be carried out and if it is not carried out sanctions will arise, this is not the case with social obedience, if social obedience is not carried out or carried out then social sanctions apply to society this is the judge. It is not an exaggeration that obedience to the law tends to be forced. In this case the law that has been violated must be enforced.

Rampant acts of corruption are a form of resistance to the law carried out by some communities or a small number of certain community members who hide behind power or authority for their personal interests by harming state finances. 19 Just look at the corruption case involving three sub-district coordinators (korcam) of the Handling Committee Poverty in Sukabumi City, West Java was sentenced to between one year and six months and one year and eight months in prison. They have been legally and convincingly proven to have corrupted poverty alleviation funds. In a trial presided over by Chairman of the Panel of Judges I Gde Ginarsa at the Sukabumi District Court, Tuesday (1/7), Cibeureum District Coordinator Ece Suhendi was sentenced to one year and six months.

Ece was also fined IDR 50 million, subsidiary to two months in prison and pay compensation of Rp. 5.4 million subsidiary to two months in prison. Lembursitu District Coordinator Yayat Ruhiyat was sentenced to one year and eight months, fined Rp. 50 million, subsidiary to two months in prison, and paid compensation of Rp. 14 million, subsidiary to two months in prison. Gunung Puyuh District Coordinator Saeful Malik was sentenced to one year and eight months in prison, a fine of Rp. 50 million, subsidiary to two months in prison, and paid compensation of 15.3 million, subsidiary to two months in prison. The three of them, together with three Korcam and one Korcam coordinator, carried out corruption in the poor community empowerment program in 2005. This case also involved the Head of the Labor Social Office who was the Chairman of the Corruption Eradication Commission, Endin Samsudin, and the Treasurer, Beni Mustari. The trial of the three Korcam officers is currently underway, while the trial of Endin and Beni is scheduled for next Thursday (3/6).

The next case, namely the Pematangsiantar City social assistance fund (Bansos) corruption case regarding cutting aid costs for Joint Business Groups (Kube) in decision Number: 72/Pid.Sus-TPK/2019/PN.Mdn. It is known that the social assistance funds for Kube came from the Director General of Social Empowerment and Poverty Alleviation, Ministry of Social Affairs of the Republic of Indonesia. The defendant in this case is the former Head of the Social Welfare, Bansos, Resos, Social and Employment Service (Dinsosnaker) Pematangsiantar City, Chasils Pelawi alias CH Pelawi (61). The alleged loss amounted to IDR 399 million which was accommodated in the 2013 budget. The trial agenda heard statements from 4 witnesses from the Indonesian Ministry of Social Affairs, including, PPK at the PKP Directorate of the Indonesian Ministry of Social Affairs, RR Etty Rachmiyati, Head of Administrative Subdivision of the Directorate of Urban Poverty Alleviation of the Indonesian Ministry of Social Affairs, Endang Muryani, Head of Sub-Directorate Capacity Development of the Directorate of Urban Poverty Alleviation of the Ministry of Social Affairs, Ganjar Basuki, and Expert Staff of the Minister of Social Affairs, Asep Sasa Purnama. In their statements, the four witnesses emphatically stated that they were applying for

increased assistance welfare based on applications from each Social Service in the district/city and province. And the aid was delivered in full without any deductions. However, the witnesses did not know about the cutting carried out by the defendant. “Because each group gets Rp. 20 million which is intended to improve welfare," said Ganjar. Ganjar said that the disbursement of funds in 2013 to 20 groups was allegedly carried out by the defendant, with values varying from IDR 9 million to IDR 10 million per group only becoming known after this case was revealed.

The case of corruption in social assistance funds was also carried out by the Chairman of BKM Ssk, Ciracas District, East Jakarta, MFP and its Treasurer, Az, which took place on August 24 2005. In this trial, 6 witnesses were presented, and two of them were witnesses against the defendant, namely the Chair of the BKM before the MFP, M. Asrofi, as well as a Public Accounting Auditor, Endang. In this testimony, it was revealed that MFP and Az had been accused of misusing government aid funds through a World Bank loan for the Urban Poverty Reduction Program (P2KP), which was taken from the local BKM amounting to 201 million. MFP is suspected of having used funds amounting to 90 million, while Az is suspected of using funds amounting to 88 million. Then, Az used around 20 million more funds. In the next session, an interesting thing happened when one of the KSM member witnesses who was confronted by the Public Prosecutor, Donna Sitorus and John EB, aroused the emotion of a Member Judge, Alfred Hartie, SH, because he was considered long-winded. The witness said that the initial intention was that the two defendants wanted to create an oil base. The BLM funds amounting to 201 million were used to arrange the DO to Pertamina. However, what happened was that the DO lobby failed, and in the end, the money was only intended for business in other sectors. Then, the Chief Judge, Erwit Soetardji, SH, asked for evidence from the witness, who he suspected was a close person, aka the second accomplice.

CONCLUSION

In enforcing criminal law, law enforcement officers in this case; The police, prosecutor's office, courts and correctional institutions must be able to work together and form an "integrated criminal justice system".

If the problem of justice administration is not good in concept and implementation, then the goals to be achieved by an integrated criminal justice system will not be possible and what will happen will be the opposite, namely failure.Sanctions for criminal acts of corruption in social assistance funds are regulated in Article 2 paragraph (1) and Article 3 of the PTPK Law, where the criminal threat is life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine. at least Rp. 200,000,000,- (two hundred million rupiah) and a maximum of Rp. 1,000,000,000,- (one billion rupiah)". If the corruption is carried out against social assistance funds for disaster management, the threat can be made worse, namely the death penalty can be imposed. This is in accordance with the provisions of Article 2 paragraph (2) PTPK Law, which is stated as follows: If the criminal act of corruption as intended in paragraph (1) is committed under certain circumstances, the death penalty can be imposed. For officials as state officials who are supposed to develop regions or countries so that they are not caught in criminal acts of corruption, in carrying out the activities they carry out they must always pay attention to applicable laws and regulations, including regulations as an employee or official.

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