

The Prosecution by the Pidie State Prosecutor Against the Criminal Action of Corruption *Gampong* Income and Shopping Budget

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Abstract

Law Number 6 of 2014 also strengthens the allocation of Village funds (ADD) originating from the Regency/City balancing funds. If previously there were almost no districts/cities that provided ADD at least 10 percent of the balancing fund without any sanctions, then Article 72 of the Village Law gives the government the right to impose sanctions by delaying and even deducting the balancing fund in the amount of the allocation of funds not given to Village. Aim for knowing the prosecution process by the Pidie State Prosecutor's Office against the perpetrators of corruption in the *Gampong* Revenue and Expenditure Budget (APBG) and obstacles in the prosecution process by the Pidie State Prosecutor's Office. This research is a type of empirical juridical normative research, data collection in research is carried out through library and field research. Literature research by studying books, laws and regulations. Field research by interviewing respondents and informants. The results showed that the prosecution process by the Pidie State Prosecutor's Office against perpetrators of corruption in the *Gampong* Revenue and Expenditure Budget (APBG). Technically, the receipt of the case is recorded in the register of receipt of case files, and the report is reported using the LP. In the event that the investigation is considered complete, the investigator hands over the responsibility for the suspect and evidence to the public prosecutor. At this stage, the examination of the suspect is intended to avoid making mistakes in persona being prosecuted before the trial. Obstacles in the prosecution process by the Pidie District Attorney against perpetrators of corruption in the *Gampong* Revenue and Expenditure Budget (APBG).

Keywords

prosecution; crime; corruption; APBG



I. Introduction

Corruption in large numbers has the potential to harm state finances so that it can disrupt development resources and endanger the political stability of a country. Various efforts have been made to eradicate corruption, but the results are still far from satisfying (Zulyadi, 2020). Both actions (against the law and abuse of authority) are important to distinguish the boundaries of corruption and are also interesting to talk about (Purba and Syahrin, 2019). Eradication of corruption by criminal law (penal) by relying on the consistent implementation of the provisions of the law regarding the eradication of corruption and various related repressive provisions. The law in question is Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, as amended to Law Number 20 of 2001. In handling corruption crimes, the Prosecutor acts as an investigator as well as a public prosecutor. Therefore, the role of the prosecutor in eradicating corruption by criminal law (penal) is very dominant. In addition to penal handling of

criminal acts, it is also known as non-penal handling, namely non-criminal law means, for example administrative law and civil law. The Duties and Authorities of the Prosecutor's Office of the Republic of Indonesia refers to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, in the Preamble letter b, it is stated that the Prosecutor's Office of the Republic of Indonesia is one of the bodies whose functions are related to judicial power according to the 1945 Constitution. The Prosecutor's Office is a government institution who exercise state power in the field of prosecution and other authorities based on the law. In relation to the duties and authorities of the Prosecutor, it has been stipulated in Law Number 16 of 2004 concerning the Prosecutor of the Republic of Indonesia. The forms of criminal acts of corruption are increasingly diverse and have entered in all lines, including law enforcement agencies which should be the foremost pillars in law enforcement itself. Corruption has also become rampant, not only occurring in executive and legislative institutions, but even worse for the judiciary, conditions like this tend to injure people's sense of justice. The increase in uncontrolled corruption will bring disaster not only to the life of the national economy but also to the life of the nation and state in general. The widespread and systematic crime of corruption is also a violation of the social rights and economic rights of the community, and because of that, corruption can no longer be classified as an ordinary crime but has become an extraordinary crime. Likewise, in efforts to eradicate it, it can no longer be carried out normally, but extraordinary methods are required. The widespread and increasingly difficult crime of corruption because it is carried out by intellectuals and using sophisticated methods has become the dominant factor as a form of failed law enforcement efforts. In accordance with the provisions of Article 72 of Law Number 6 of 2014 concerning Villages, village revenues sourced from APBN allocations, or Village Funds, are sourced from central expenditures by making village-based programs more effective and equitable. The amount of the budget allocation that is allocated directly to the village is determined at 10 percent of and outside the transfer funds to the regions (on top). In addition, Law Number 6 of 2014 also strengthens the allocation of Village funds (ADD) originating from district/city balancing funds. If previously there were almost no districts/cities that provided ADD at least 10 percent of the balancing fund without any sanctions, then Article 72 of the Village Law gives the government the right to impose sanctions by delaying and even cutting the balancing fund in the amount of the allocation of funds that are not given to Village. With this sanction, it is certain that all regions will allocate ADD at least 10 percent of the APBD. From the two sources of village income above (ADD APBN and ADD APBD). Meanwhile, villages outside Java, which in fact receive greater balancing funds from the center, will of course receive even larger allocations. The village funding sources above do not include the other 3 sources of village income, including 10% of the regional retribution revenue-sharing fund, financial assistance from the provincial and district budgets as well as village original income. Such a large source of village funding is a consequence of the enactment of the 2014 Village Law. The village head as the holder of village financial management power must be ready to provide reports and accountability. As for PP Number 43 of 2014 concerning Villages, it is emphasized that the village head is obliged to submit a report on the realization of the Village Revenue and Expenditure Budget (APB) every year at the end of the budget to the Regent / Mayor.

II. Research Methods

To carry out the research, the author uses the following research methods:

a. Types of Research Approach

The approach to the problem used in this research is juridical-sociological (sociological research) which emphasizes the practice in the field associated with the legal aspects or legislation in force regarding the object of research discussed and seeing the applicable legal norms and then connecting them to reality.

b. Research

This research is descriptive, which is a study that seeks to obtain data to obtain a complete picture and then analyze it to answer the existing problems.

c. Research Sites

This research was conducted in the jurisdiction of the Sigli District Attorney's Office.

d. Operational Definition of Research Variables

- a) PA process is a sequence of interrelated actions or events that together convert input into output. This implementation can be done by humans, nature, or machines using various resources.
- b) Prosecution is the action of the public prosecutor to delegate the case to the competent district court in terms of and according to the method regulated in the Criminal Procedure Code with a request to be examined and decided by a judge in a court session.
- c) Prosecutors are officials who are authorized by this law to act as public prosecutors and carry out court decisions that have permanent legal force.
- d) A criminal act is an act that violates the law that has been committed intentionally or unintentionally by a person who can be held accountable for his actions, and which by law has been declared a punishable act.
- e) Corruption is committing fraud or irregularities regarding finances.

e. Population and Sampling

The population is the whole of the object of research, then the population in this study are:

1. population
 - Sigli County Prosecutor's Office
 - Corruption Crime Suspect
 - Sigli District Court Judge

2. Sample determination

The determination of the sample in this study was carried out by purposive sampling. From the entire population, several samples were selected consisting of respondents and informants:

Informant

Informants are people who are in the scope of research, meaning people who can provide information about the situation and conditions of the research setting. Therefore, the informants in question are as follows:

- Pidie District Attorney
- Tesuspect corruption crime
- Hakim Sigli District Court b. Respondent

The respondents in this study are:

- 1) Head of the Pidie District Prosecutor
- 2) Tesuspect in the Criminal Act of Corruption

f. Sourcer Data

The types and sources of data that will be used in writing this thesis are divided into 2 (two), namely:

1. Primary data is data obtained directly from sources through interviews with the Sigli District Attorney's Office, especially those who are tasked with uncovering criminal acts of corruption. Primary data is also data that has a high level and reliability in solving problems raised and supported by secondary data.
2. Secondary data is data obtained and collected through literature or literature studies, books, writings, research results, laws and regulations and so on that are closely related to the problem to be studied.
3. Tertiary law, namely materials that are related to the writing of this thesis. It is in the form of the Big Indonesian Dictionary, Legal Dictionary, Law Encyclopedia and others.

g. Data Collection Method

Data collection technique is a method used to collect data in the research area so as to obtain the necessary data. As mentioned above, there are several types of data that come from several data sources. Each of these data sources requires appropriate data collection methods or techniques, in order to obtain the data needed to answer the problem. The data collection used in this study are:

1. Interview Techniques

Interview is a method used to obtain information orally which aims to collect information about human life and their opinions. In an interview there are two parties who have different positions, namely the information chaser who is usually called the interviewer or interviewer and the information giver called the informant or respondent.

It can be concluded that the interview is a face to face interpersonal role situation, when someone, namely the interviewer, asks questions designed to obtain answers that are relevant to the research problem to a respondent, namely parties directly related to the problem. researched.

2. Observation

Observation is a technique used for legal research to record behavior (law) as it occurs in reality. With this observation, the researcher will be able to obtain the desired data regarding behavior (law).

3. Literature Research

Literature research is a data collection technique that is carried out through literature books, laws and regulations, archives and other materials in written form relating to the problems in the writing of this law.

h. Data Analysis Technique

The data obtained, both primary data and secondary data were analyzed by qualitative techniques and then presented descriptively, namely explaining, describing, and describing in accordance with the problems that are closely related to this research.

III. Results and Discussion

The Prosecution by the Pidie State Prosecutor Against the Criminal Action of Corruption Gampong Income and Shopping Budget (APBG)

3.1 The Prosecution Process by the Pidie District Attorney against the Actors Gampong Revenue and Expenditure Budget (APBG) Corruption

Based on the results of the research that the author has conducted at the Pidie District Attorney's Office, which has prosecuted several defendants of APBG corruption, it can be seen that the indictment of corruption crimes was made by the Pidie District Attorney. Based on the case file submitted by the investigator. Where the Pidie District Prosecutor issued a notification of incomplete investigation results along with the return of case files to be completed to investigators. Furthermore, the Prosecutor's Office will issue a notification that the results of the investigation are complete. The final result of the prosecution process is an indictment transferred to the court along with the defendant and the evidence. attorney The State (Kejari) of Pidie handles cases of alleged misappropriation of village funds in Gampong Cut, Delima Subdistrict, Pidie Regency based on the report Public. Prosecutor's Office Pidie Efendi suspects the misappropriation of village funds in the gampong local, which is related to the remaining budget over budget financing (Silpa) for the year 2017. The 2017 Silpa budget is Rp. 203 million, but it is suspected that only included in the Village Revenue and Expenditure Budget (APBG) of Rp. 43 million. Of the total misappropriation of Rp. 203 million, Rp. 43 million was entered and the rest is suspected spent outside the budget for the following year. Prosecutor Pidie has requested information from the Keuchik and the local gampong treasurer regarding the budget The 2017 Silpa was not included in the APBG in its entirety.⁴⁰ In addition, the Pidie Resort Police (Polres) delegated the suspect along with the goods evidence of cases of alleged corruption in the management of budget funds Gampong Expenditure Revenue (APBG) for the 2017 fiscal year to the Attorney General's Office Pidie Country. Cases of alleged criminal acts of corruption in the management of gampong funds in Gampong Mesjid, Muara Tiga District, Pidie Regency is the second stage which was delegated to the Pidie District Attorney's Office (Kejari).

3.2 Obstacles in the Prosecution Process by the Prosecutor's Office of the Pidie District against Perpetrators of Corruption Crimes Gampong Revenue and Expenditure Budget (APBG)

Based on the results of the research that the author did, it can be seen that several obstacles/obstacles arise in the prosecution carried out by the Prosecutor's Office the State of Pidie against the perpetrators of the APBG Corruption Crime. Systematically, the obstacles faced by the Pidie District Attorney's Office can be divided into two things, namely technical juridical obstacles/obstacles and non-technical juridical obstacles.

1. Juridical technical constraints

The obstacles faced by the Pidie District Attorney's Office in the process of prosecuting the perpetrators of APBG corruption from a technical juridical point of view can be stated, among others:

a) Witness testimony

Based on the results of the research, it is known that there are differences in the information contained in the BAP with the facts that occurred in the field which were submitted by investigators to the Pidie District Attorney as the basis for the preparation of the indictment, as it was said that the council budget had increased,

but in fact the increase was not the council budget. which has increased but which has increased is the salary of board members.

b) Sveins

Based on the results of the study, it can be seen that in handling the APBG corruption, the problems that arise are: The number of confiscations of letters that were used as evidence was not carried out systematically by investigators, so in this regard, the Pidie District Attorney had to re-sort the evidence. a letter to prove the existence of state losses.

c) Defendant's statement

In the process of prosecuting the corruption crime of APBG Pidie the statements of the defendants in principle deny or do not admit that had committed the crime of corruption that he was charged with. However against some of these obstacles, the Pidie District Prosecutor's Office has added evidence of expert testimony. The expert testimony by the Pidie District Attorney was obtained from legal experts/experts.

2. Obstacles of a non-technical juridical nature

In addition to the obstacles that fall into the juridical technical category,

The Pidie District Prosecutor's Office also encountered non-technical juridical obstacles, among others:

a) The complexity of the case in the Pidie APBG Corruption crime

b) The crime of corruption in the Pidie APBG was carried out by a group of people.

The occurrence of a criminal act of corruption in the Pidie APBG which was only revealed after a long grace period was an obstacle for the investigators and the Pidie District Attorney in collecting evidence. evidence that has been lost or has been destroyed.

IV. Conclusion

Based on the results of research and detailed discussion, in closing conclusions can be drawn that can provide a brief description of the prosecution process by the Pidie District Attorney against perpetrators of APBG corruption. These conclusions include:

1. The prosecution process by the Pidie District Attorney against perpetrators of corruption in the Gampong Revenue and Expenditure Budget (APBG) the prosecution process carried out by the Pidie District Attorney against perpetrators of corruption, is based on the case file that was transferred from the investigator Based on the provisions in Article 8 paragraph (2) and paragraph (3) points a and b in conjunction with Article 110 paragraph (1) of the Criminal Procedure Code, the submission of case files is carried out in 2 (two) ways:

a) First Stage Investigators Only Submit Case Files The receipt of files in the first stage is based on the provisions of Article 8 paragraph (3), Article 110 paragraph (1) and Article 138 of the Criminal Procedure Code. Technically, the receipt of the case is recorded in the register of receipt of case files, and the report is reported using the LP.

b) In the event that the investigation is considered complete, the investigator hands over the responsibility for the suspect and evidence to the public prosecutor. At this stage, the examination of the suspect is intended to avoid making mistakes in persona being prosecuted before the trial. Upon the submission of the case file from the investigator, the public prosecutor of the Pidie District Attorney issued a notification letter of incomplete investigation results along with the return of case files to be completed to the investigator. Furthermore, the Prosecutor's Office will issue a

notification that the results of the investigation are complete. The final result of the prosecution process is the indictment to the court along with the defendant and evidence. to the District Court with a request to immediately try the case (Article 143 paragraph (1) of the Criminal Procedure Code).

2. Obstacles in the prosecution process by the Pidie District Attorney against perpetrators of corruption in the Gampong Revenue and Expenditure Budget (APBG), namely:
 - a) There are differences in the information/facts contained in the BAP with the facts that occurred in the field which were submitted by the investigator to the Pidie District Attorney as the basis for the preparation of the indictment.
 - b) In handling the APBG corruption, the problem that exists is that so many confiscations carried out on documents that are used as evidence are not carried out systematically at the time of the investigation, so related to this the Pidie District Prosecutor's Office has to sort out the documentary evidence. required as evidence of state losses.
 - c) In the process of prosecuting the criminal act of corruption in the APBG Pidie, the reporting witness was also used as a witness in the process of investigating and prosecuting the criminal act of corruption in the APBG Pidie. In the provisions of the existing laws and regulations, the protection of witnesses has not been clearly/detailedly regulated, so that by becoming a reporting witness in a corruption case, it turns out that there are risks that the person concerned must be prepared to bear.
 - d) In the crime of corruption in the Pidie APBG when the occurrence of a corruption crime that was only revealed after a long period of time was an obstacle for the investigators and the Pidie District Prosecutor's Office in collecting evidence that had been lost or had been destroyed.

Suggestion

1. Considering the impact of the existence of criminal acts of corruption that are very detrimental to the state and society, it is necessary to hold a meeting attended by the components of the investigation, prosecution, court, and correctional institutions and invite several legal practitioners to re-unite perceptions about procedures for handling corruption crimes uniformity of views between the four components of the judiciary in dealing with corruption.
2. For the prosecutor's office to apply the provisions of Article 30 paragraph (1) letter e of Law No. 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia which states that the prosecutor's office has the authority to complete certain case files and for that can carry out additional examinations before being transferred to the court which in its implementation coordinated with investigators. This is intended as a step to anticipate the possibility of alternating cases between public prosecutors and investigators/police in an unlimited pre-prosecution system, so that the prosecution of corruption crimes proceeds quickly and optimally.

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