

# Enforcement of the Death Penalty for Corruptors Who Perform Corruption Crimes During a Pandemic (Case Study: The Enrapture of Two Ministers Related to Corruption Cases During the Covid19 Pandemic)

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## Abstract

*The existence of corruption cases during the pandemic carried out by ministerial-class officials, namely the former Minister of Maritime Affairs and Fisheries, Edhy Prabowo, and former Minister of Social Affairs, Juliari Batubara, is enough to make the public angry. Considering his actions were carried out when the country was experiencing a crisis and the community had to work hard in dealing with the pressures of the COVID19 pandemic. This indicates that acts of corruption have entered an emergency or critical period so that heavier penalties must be applied immediately. This is necessary to answer the wishes of the community to provide legal firmness for the corruptors so that similar incidents do not happen again. Based on the above case, the relevance of the application of the death penalty to corrupt officials will be analyzed. This study uses a qualitative descriptive research method so that a solution is found to determine the death penalty according to and in line with the process of nation-building. The result is, the Corruption Eradication Law in the provision of legal quantity needs to be evaluated in this case applying the death penalty for criminals for public money. This will show the determination of the government in this case legal institutions in providing legal certainty to the community to minimize acts of corruption in the future.*

## Keywords

official; pandemic;  
corruption; corruptor



## I. Introduction

Corruption is an act that is not commendable considering that it is quite disturbing the development of a country. Corruption activities in the world are of course referred to as very shameful activities or also referred to as state traitors. He uses his abilities and position of office precisely to siphon off his country's wealth for personal gain. This is why the law for corruptors can be equivalent to the terrorist law given its existence which is enough to complicate state finances or hinder development. For example, in China, law enforcement for corruptors is quite strong, namely the death penalty, this has an impact on the minimum level of crime against theft of people's money, as is North Korea and Saudi Arabia. Then in Japan, the social law for corruptors is quite strong here. For officials who are known to have committed such disgraceful acts, then with a high culture of shame, the official will resign because he has embarrassed the nation and state.

From countries that apply strict laws, of course, it can minimize the occurrence of corruption. It can be seen that these actions have an impact on losses to a country due to delays in economic activity, poor quality development because it is replaced with substandard materials, to sudden changes in rules to smooth out a project. As for countries

that have a high level of discipline or legal compliance, they are also very helpful in eliminating the culture of a country. The people realize that a prosperous nation is those who obey the law. The people are disciplined in carrying out their duties according to their respective professions. Officials who are honest and clean will also be able to provide prosperity to their people. It can be seen how nations with legal discipline can become developed and prosperous countries. However, for a nation that has not been able to respect the law with shameless officials, then the country will find it very difficult, apart from developing countries, it will seem to be walking in place.

This is what happened to the country of the archipelago, where its development was always hampered by the behavior of its officials. The public is of course furious, even most of them have distrusted the official considering the actions that have been ingrained from the past. The existence of corruptors has contributed to the obstruction of the country's development so that Indonesia has difficulty in catching up. As for officials who have become corrupt, they do not feel ashamed to take such actions. The acts of corruption have penetrated to the regional level and even to the village level. This is because the punishment for the corruptors is still light so they are reluctant to take these actions even repeatedly. Next is the culture of discipline in obeying state rules is so minimal that officials who have no shame make such mistakes. This action was also carried out by high-ranking officials so that they set a very bad example for officials and the people below them. This is what causes the culture of the people who are less in obeying the rules, considering that only officials have contributed to the violation of these rules.

Corruption is a specific criminal act which is regulated outside of the Criminal Code, Corruption is a criminal act which involves bribery manipulation and acts against the law that are detrimental or can harm the country's finances or the country's economy, detrimental to the welfare or interests of the people / general. Acts that are detrimental to the country's finances or economy are corruption in the material field, while corruption in the political field can be realized in the form of manipulating the vote by bribery, coercion intimidation and or interference that affects the freedom of choice to vote-commercialize in the legislative body or in administrative decisions in the field of implementation government (Zulyadi, 2020).

There are 2 legal subjects in a criminal act of corruption, namely: (1) a person, that is, everyone means that the subject is a suspect of corruption. If you pay attention to the subject of corruption in Article 1 UUPTPK includes every person, civil servant, state administrators, and corporations (legal entities and non-legal entities). The purpose of every person in the UUPTPK is to include anyone, whether his position is a civil servant or a state official, but the element of each person defined in Article 1 number 3 only determines for individuals or corporations. (2) Corporations as Actors and those who can be held liable for criminal acts of corruption committed by their management (Purba and Syahrin 2019).

This country has a myriad of interesting problems to study, one of which is the case of corruption committed by the former Minister of Maritime Affairs and Fisheries and the Former Minister of Social Affairs. Edhy Prabowo, who served as Minister of Maritime Affairs and Fisheries at the time, was arrested on his return from the United States, where during his visit he and his wife spent a gratuity of Rp. 750 million from allegedly giving gifts in the case of exporting lobster seeds. The former Minister of Social Affairs, Juliari Batubara, took bribes related to the provision of social assistance (social assistance) for handling COVID19. He is said to have received bribes worth RP 32.4 billion from entrepreneurs working on the social assistance procurement project for handling the pandemic, including PT Pertani, PT Mandala Hamonangan Sude, and PT Tiga Pilar Agro

Utama. These two cases, of course, have tarnished the image of the government considering that the public is in difficult times trying to survive during the pandemic, but the officials have taken advantage of the people's difficulties by taking actions that can be said to be heinous. The Corruption Eradication Commission (KPK) has also warned officials that if they commit acts of corruption during the pandemic, they will be sentenced to death. This will answer the people's hope that the state will strictly provide severe punishment for the corruptors so that there is no gap for them to do what is not right.

So far, the government's firmness has always been maintained because of the corruptors who can still smile when they are caught and proven guilty. This indicates that they do not regret their actions, and do not even have the shame to steal people's money. Therefore, this study will examine law enforcement for corrupt officials during the COVID19 pandemic.

## **II. Research Methods**

The type of research used is descriptive qualitative research, namely the description of variable findings in the field from reliable or credible news sources in the mass media and online and laws that are relevant to the reinstatement of ex-corruptors in government agencies. This approach is used because the research data in the form of verbal data are qualitative which requires a descriptive explanation. In addition, the research support method that is also carried out is a literature study research system where research is carried out by searching, reading, recording, and analyzing findings in the news related to sources from credible media and journals that correlate with the study problem so that it can be evidence to strengthen the statement the arguments presented.

## **III. Results and Discussion**

### **3.1 Result**

In the law of criminal acts of corruption, this has been described in the Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, where such actions can cause great losses to the state as well as hampering national development so that eradication is necessary to create a just society and prosperous based on Pancasila and the 1945 Constitution. Based on the case of the former Minister of Maritime Affairs and Fisheries, Edhy Prabowo. He was found guilty of the gratification case in the lobster export license. In this case, Edhy is charged with Article 12 letter a which reads "a civil servant or state administrator who accepts a gift or promise, even though it is known or reasonably suspected that the gift or promise was given to mobilize to do or not do something in his position, which is contrary to the law. shall be punished with life imprisonment or imprisonment for a minimum of 4 years and a maximum of 20 years and a minimum fine of Rp. 200,000,000 and a maximum of Rp. 1,000,000,000." or Article 11 of the Anti-Corruption Law in conjunction with Article 55 paragraph (1) 1 in conjunction with Article 65 paragraph (1) of the Criminal Code which states "Civil servants or state administrators who accept gifts or promises even though it is known or reasonably suspected that the gift or promise was given because of their power or authority related to his position, or in the mind of the person giving the gift or promise that is related to his position, shall be punished with imprisonment for a minimum of 1 year and a maximum of 5 years and or a minimum fine of Rp. 50,000,000 and a maximum of Rp. 250,000.000".

Then furthermore, his government partner, the former Minister of Social Affairs, namely Juliari Batubara regarding bribes in the procurement of social assistance in the context of handling non-natural disasters of the Covid-19 coronavirus epidemic, has the right to be punished based on articles 12A and 12B or article 11 of Law No. 31 1999 / amended by Law 20 2001 concerning Corruption Crimes JO article 55 paragraph 1 of the Criminal Code (Book of Criminal Law). The two officials above certainly do not reflect the figure who practices the noble values of Pancasila and the 1945 Constitution considering the actions that are not commendable and embarrassing. As both have the same case, namely accepting bribes from third parties and carried out when the country is facing a pandemic crisis and its people are screaming. Because of the KPK's statement which states that acts of corruption during the pandemic will be rewarded with the death penalty in Indonesia, which is contained in Article 2 paragraph 2 of Law no. 31/1999 jo. UU no. 20/2001, which is an act of enriching oneself that is against the law, resulting in state losses, but under certain circumstances. However, in its implementation, it has not been carried out considering that the punishment for the most severe corruptors is life imprisonment which has been imposed on the former Chief Justice of the Constitutional Court and 6 (six) suspects in the mega corruption case of the Insurance Company, Jiwassraya.

### 3.2 Discussion

Committing acts of corruption when the community is experiencing difficulties, of course, has entered the realm of extraordinary crimes. Considering that at the time of the pandemic, people were suffering and needed the help of the government, it was officials who carried out shameful actions. This, of course, will tarnish the name of the government in the eyes of the public, considering that the actions of its officials do not reflect a high level of social concern. Instead, they have personal interests above the interests of the community. The country of Indonesia is currently experiencing a period of emergency, not only a pandemic, but also corruption. Not a few officials from top to bottom have cheated on people's and state's money because they were given a great responsibility in managing finances with a large nominal amount to distribute aid to the community. Therefore, law enforcement must be improved in this case the quantity and quality of punishment for these corrupt officials. The public views that the law for acts of Corruption, Collusion, and Nepotism in Indonesia still seems light so that it does not make officials afraid or deter.

They will always compare with countries abroad that have succeeded in prospering their country by implementing the death penalty for corruptors. Enforcement of Article 2 paragraph 2 of Law no. 31/1999 jo. UU no. 20/2001 still seems half-hearted because of human rights reasons. This is what makes it a bit difficult to enforce heavy penalties for these officials. They will continue to repeat or even expand due to fewer hitting penalties. The application of Article 2 Paragraph (2) can also only be applied at certain times such as during a pandemic so that in normal circumstances, the law based on Law no. 31 of 1999 was the one that was re-enabled. The theft case has a heavier punishment quantity than the corruptors, giving rise to an unfair impression in this country. A country that is experiencing a crisis due to the abundance of corruptors that thrives, of course, has created an emergency that requires the power of law to stop it. Article 2 Paragraph (2) should not only apply at certain times but also when under normal circumstances. The KPK Law, of course, needs to be re-evaluated after the previous revision of the KPK Law was carried out which in its points was considered to weaken the position of the KPK as an anti-corruption institution that should be independent.

However, apart from the revisions that have been made, the death penalty for corruptors is something that must be legalized as well. This will be in line with the expectations of the people who have been furious with the actions of these corrupt officials. The revision of the Corruption Eradication Law, in this case implementing the death penalty for corruptors, will slowly restore public confidence in the government. The synergy between the community and the government is needed to realize good governance. The community will be disciplined and obey the rules if the officials set a good example. But society will be anarchic if the government is broken and their democracy is constrained by political interests.

#### IV. Conclusion

Providing legal certainty to the community is expected to create a prosperous and advanced nation and state. The existence of corrupt officials is of course not much different from treasonous activities of the state because their actions can hinder the development and progress of the nation as stated in the Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Corruption Crimes. The punishments that still seem light to the corruptors give birth to new actors at the lower levels. This is a very bad example considering that getting wealth instantly will grow a generation that has an instant mentality. This nation will be weak if the instant character of its people is maintained. They will look in the mirror from their government officials that their actions are justified considering that their government has done this. However, the criminal act of corruption when people have to struggle during the pandemic crisis is an extraordinary crime so that heavy penalties must be imposed. The death penalty is the only answer that must be enforced for corruptors not only during a pandemic but even during normal times. This will answer the expectations of people who want legal certainty in the process of developing a nation and state.

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