



## JURNAL ILMU HUKUM, HUMANIORA DAN POLITIK (JIHHP)

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E-ISSN: 2747-1993 | P-ISSN: 2747-2000

+62 811 7404 455

DOI: <https://doi.org/10.38035/jihhp.v4i2>

Received: 19 January 2024, Revised: 23 February 2024, Publish: 27 February 2024

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# Legal Review of Corruption Crimes in Covid 19 Social Assistance Funds

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**Abstract:** *Weak law enforcement in Indonesia has caused crimes such as corruption of social assistance funds among state officials to increase. Law enforcement is defined as the process of enforcing the norms that apply in Indonesia. Law enforcement is not a fundamental problem, not only because of the complexity of the legal system, the interaction between the legal system and the social, political and economic systems can also be a problem. Corruption has been classified as an extraordinary crime, because it is a criminal offense that has harmed state finances and economic potential. The imposition of criminal penalties or sanctions for perpetrators of criminal acts of corruption has recently been quite less frightening, including in the case of corruption of covid 19 social assistance funds. The writing of this thesis aims to find out the law enforcement against the criminal act of corruption of the covid 19 social assistance fund and the sanctions imposed on the perpetrators of corruption. Sources of legal materials consist of primary materials and secondary materials. The technique of collecting legal materials and data by quoting from data in loose-leaf notes by recording the author's name, book title, publisher's name, year of publication, and page number quoted. Law enforcement against corruption in criminal case decision Number 29/Pid.Sus-TPK/2021/PN Jkt Pst is in accordance with legal norms.*

**Keyword:** *Law Enforcement, Corruption, Covid 19 Social Assistance*

## INTRODUCTION

The coronavirus pandemic has fundamentally affected many aspects of life. The coronavirus pandemic has had a significant impact on the economy, in particular: a decrease in household purchasing power or utilization; a decrease in the extent of capital speculation and its proposal for the closure of other businesses; and a monetary slump that lowers the cost of products. The Indonesian government has moved quickly to cushion the impact of the coronavirus pandemic in Indonesia by implementing an immunization program throughout Indonesia, a public financial recovery program, and direct assistance in the form of money and basic necessities to meet people's routines (Bagir Manan, 2009). However, there is one party that is really exploiting this government strategy. One example is the weakening of

Coronavirus social assistance support by Party Pastor Juliari Peter Batubara. He set up a special council or unique group to select complicated winners and conclude what was kept in mind for the social assistance package. Then, the chosen delicate members were approached to give Juliari Peter Batubara, the former Party Pastor, a basic charge of 10% for a package of basic food items. Corruption in the distribution of social assistance funds can be triggered by the absence of regulations governing an open and accountable public service system and government supervision of Covid-19 social assistance fund activities in Indonesia (Andi Hamzah, 2015). Corona virus from key to local level to local area. As a result, negligent individuals will have a greater opportunity to commit acts of corruption that violate the law. One of the things that is very detrimental to the people of Indonesia is the contamination of cash social assistance funds due to the Corona virus that occurred in Indonesia. Every nation, including Indonesia, talks about and reports corruption as a criminal offense. In Indonesia itself, corruption is not something new or normal among the general public. Defamation has been considered an extraordinary wrongdoing as the actions of lawbreakers have cost the country funds and financial potential. The deterioration of values has spread to all levels of society, growing so fast and increasing consistently (Ali, Mahrus, 2017). Corruption is a severe cultural disease that can affect all components of social and state life. Value decline is caused by various elements including ethics. Therefore, impairment is an issue that is influenced by various conditions. Corruption or the equivalent of taking is something that comes from Latin, specifically debasement from the action word *corrumpere* which means to corrupt, harm, disparage, take. Corruption in a broad perspective is an egregious act or behavior committed by an overt authority, be it a legislator or a government employee who irrationally and unlawfully abuses circumstances and public trust by bettering themselves to gain unequal benefits (Absori, 2014). We can also characterize corruption as something horrible and disgusting that can hurt oneself or others. When we discuss severe corruption, persecution of officials in government institutions or mechanized assemblies due to gifts, financial and political considerations and furthermore family situations or division into administrative groups that are easily borne by the power group. These activities of the corrupt have weakened and jeopardized the safety of society in Indonesia, given the current circumstances. The perpetrators of corruption have also received education and have a position, so it is reasonable to conclude that they are the most intelligent and most level-headed criminals when compared to people who commit various types of wrongdoing. They plan carefully before committing a crime using the cost-benefit proportion guideline. They generally pursue conscious choices while committing their wrongdoings (Amru Alba, Rudi Kurniawan, 2019). Starting around 1971, Indonesia has had regulations to extinguish criminal demonstrations of defamation, specifically Law Number 3 of 1971 concerning the extermination of criminal demonstrations of defamation. However, because this guideline was deemed insufficient to meet the needs of a growing society, Regulation No. 31/199 on the Eradication of Defamatory Acts was born, which was later differentiated by Regulation No. 20/2001. There are very phenomenal killing techniques. this criminal demonstration of corruption, taking into account the nature and some of the normal reasons referred to earlier. These original approaches are then embodied in extraordinary and unusual provisions in the policies and laws relating to the crime of corruption. Combating defamation as an unprecedented wrongdoing requires extraordinary instruments, such as extraordinary arrangements that deviate from standard criminal regulations (Barda Nawawie Arief, 2016).

The 1945 Constitution of the Republic of Indonesia defines Indonesia as a state of law. The law serves as a guideline for human behavior in relation to others in all areas of life, and the law is also the law that regulates the lives of all Indonesian people. Every citizen is governed by law, which has its own rules and guidelines. The law determines what is allowed and what is prohibited. Criminal law is one of the fields of law that regulates prohibited acts accompanied by threats or sanctions. The target of the law is not only aimed at people who

violate the law, but also at legal actions that will or may occur. A functioning legal system is a type of law enforcement (Barda Nawawie Arief, 2002).

Policing is the work of maintaining or strictly enforcing legitimate principles as rules of traffic behavior or legitimate relationships in public activities to ensure that the law is enforced, and if necessary, the police are allowed to use coercive force. Regulations in Indonesia not only play an important role in public activities, but also have worldwide application, as both written and unwritten rules stem from common culture. Keeping an eye on key areas where one has the power to make requests and convictions in the public eye. This is done, among other things, by supervising work and tasks in accordance with the expansion and relying on a good structure of joint efforts that support results. In addition to legitimate public awareness, police officers also have an important role in enforcing the law in the public arena (Evi Hartanti, 2016).

The corruption eradication legislative policy formulated and adopted in Law Number 31 of 1999 and amended by Law Number 20 of 2001 tends to pay more attention to extraordinary instruments. The application of the reversal of the burden of proof system (*Omkering van de bewijslast*) is one of the efforts to realize this. Simply put, this instrument is thought to depart from the broad principles of criminal law contained in the Criminal Code (KUHP). In line with the dictum "*Actor incumbit onus probandi*" which states that the person who brings charges against the suspect must provide evidence to support it, the Criminal Code is of the view that the burden of proof does not lie with the defendant in a criminal proceeding (Bagir Manan, 2005).

The defendant Juliari Batubara as the Minister of Social Affairs was found guilty of misusing the authority, opportunities and facilities he had in his position to carry out his responsibilities as well as possible. From the existing cases and situations, it is clear that corruption cases, especially in the form of abuse of authority, still occur in Indonesia. The section on "subject of law" and "abuse of authority or means accessible by his position" is a discussion that is often reviewed. In the context above, Romli Atmasasmita argues that the application of Articles 2 and 3 of the Corruption Act has not examined the history of the birth of the two provisions, as well as the meaning and role of general provisions in each legislation (Rodliah dan Salim, 2017).

The application of this system is expected to eliminate the evidentiary obstacles that have been encountered in the eradication of corruption, which often requires careful and organized execution. In addition, one of the tools that the government can use to eradicate corruption that has taken root in Indonesia is the reversal of the burden of proof, which is a legal first in the context of criminal law reform (Chaerudin, dkk. 2009).

## **METHOD**

This research method uses a statutory approach and a conceptual approach (Adi, Rianto, 2014).

## **RESULTS AND DISCUSSION**

### **Law Enforcement**

The Indonesian police force is ready to recognize justice in the public eye. Policing is defined as the safeguarding of the legitimate, specifically an effort to maintain or enforce legitimate guidelines as rules of behavior and legitimate relationships in the life of friendship and statehood and the assurance that existing rules must be obeyed. Enforcing the actual rules and redirecting violators within the discipline of legitimacy that exists in the eyes of society and the state, then that is where policing is a methodology that should be undertaken (Saipuddin Zahri, 2018).

Policing from the subject's point of view, policing covers all legitimate issues in legitimate relationships. All citizens who maintain regulatory standards conform to

appropriate legitimate standards. The article viewpoint of policing incorporates the standards of justice inherent in conventional regulations as well as the advantages of justice tracked in the eyes of the public and alludes to the use of compiled regulations. Policing is the work used to maintain or strictly authorize legitimate norms as rules of traffic behavior or legitimate collaboration in public activities to guarantee that the law is enforced, and if fundamental, the police are allowed to use coercive force. Referring to the existence of public society and the state, regulation has a major power for and. As a framework, regulations can have a valuable and worthy role in the eyes of society if the implementers are adequately positioned to implement the law. Utilization of the law can occur naturally, but it can also occur due to violations of the law, therefore the law that is ignored should still be applied (Satjipto Raharjo, 1980).

This is what Soerjono Soekanto revealed, naturally the substance of the police in the act of harmonizing the relationship between the values reflected in the rules and mentality. The decisive step is the progress of the elaboration of values at the last stage in creating and maintaining the peace of community activities.

In Indonesia, "policing" is very prominent, especially in relation to the utilization of criminal procedure regulations and guidelines. It is not uncommon for policing in Indonesia to be chaotic. Therefore, policing as part of the law enforcement framework requires the foundation of a police unit tasked with indicting violators of criminal regulations. This suggests that policing must go through different stages, including request and demand, arrest, detention, fundamental assessment, indictment and preliminary, as well as the execution of criminal demonstrations in the remedial organization (Sayed Hussein Alatas, 2012).

Oversight of a system is essentially a precautionary activity that includes dynamics that are not entirely directed by legal standards but include a share of human judgment. Given this reasoning, it is clear that obstacles in policing arise if values, rules, and behavioral examples are inappropriate. This results from a mismatch between deeply held beliefs and confusing patterns of behavior. In accordance with the "social demand" point of view, the tasks of policing are as follows (Serlika Aprita, Rio Adhitya, 2020):

1. The legal certainty component (*rechtssicherheit*), relevant regulations and guidelines must be established and enacted in public activities, as everyone believes that laws will be enacted at any given moment and that is the goal of legal certainty;
2. Benefit Component (*Zweckmassigkeit*), the local area expects positive outcomes from the implementation and passage of laws that should provide benefits or work well for the local area;
3. Equity Component (*Gerechtigkeit*), the general public is concerned that equity is not considered in the implementation or promulgation of regulations and guidelines. Equity should be viewed as the implementation and requirements of the law.

Policing issues are not insignificant, not only because of the complexity of the overall law, but also because of the interrelationship between the overall law and the social, political and financial framework. Control of essential qualities, particularly justice, is a given for policing. Courts are currently not the right place to seek justice because contemporary legislation has been adopted. The court is nothing but a rule-based institution (Setiyawati, dkk. 2017). Furthermore, the law can no longer regulate equity as before. Under the prevailing common law, justice is definitely the decider. Not only that, regulations are then seen merely as state goods as legal guidelines. Rules and regulations must now be enforced by the courts. For Indonesian society, policing is the main pressing issue of the problem. Policing, which is the aggregate effort of all public powers, is an aggregate commitment of all parts of the state and it is also a mistake that the law should be implemented by certain groups, including: state authorities, for example, police, judges and examiners. as three shooters or three legitimate soldiers (Soerjono Soekanto, 2004).

Criminal law enforcement is embodied in criminal law application, which involves a number of institutional subsystems, including the police, prosecutors, courts, and correctional institutions, as well as legal consulting organizations. In this framework, the application of criminal law must be seen from three perspectives. The normative system expresses the first aspect of the application of criminal law: the application of all legal regulations that represent social values and are supported by criminal penalties. The second component, the application of criminal law, is seen as an administrative structure that includes the interaction between the various law enforcement agencies included in the aforementioned judicial subsystem. The third component, the application of criminal law, is a social system in the sense that in defining and addressing illegal activities, various viewpoints in society must also be considered.

The essence of law enforcement conceptually is the activity of harmonizing the relationship between values outlined in solid norms and attitudes of action as a series of final stages with the elaboration of values in order to build and preserve a harmonious social existence (Soeroso, 2015).

### **Corruption Crime**

Corruption has so far been used to describe various types of covered-up and unlawful behaviors or activities aimed at creating assets for additional individuals. Corruption is a crime that has been known for a long time. As historian Onghokham once stated, corruption turned into a wrongdoing when individuals started isolating individual budgets from state funds. There is no conventional concept of power, such as monetary partition. Thus, the criminal demonstration of defamation can be said to have existed and started since the unfolding of the sophisticated political framework (Soerjono Soekanto, 2011).

The term corruption is usually used to talk about different things in different situations. Corruption has always existed in some other form and has shown itself in different ways at different periods and in different places with different levels of negative effects. The term corruption comes from a Latin word *corruption* which has been translated into several languages. For example, in English it is *corruption* or *corrupt*, while in French it is *corruptie*, and the word *corruption* in Indonesian seems to be derived from Dutch.

According to Black's Law Dictionary, corruption is an act which is committed with the intent to provide an unjustified benefit by wrongfully using one's position to gain an advantage for oneself and contrary to one's duty.

According to Mohtar Mas'oe'd, corruption is defined as behavior that deviates from the formal obligations of a public office to obtain economic benefits or status for oneself. Corruption is generally carried out by two parties, namely those in public positions and those who act as private individuals.

H. A. Brasz also provides a definition of corruption in a sociological sense "Where corrupt use of transferred power, or as a tacit use of transferred power based on the authority attached to that power to the detriment of the objectives of the original power and to benefit outsiders on the pretext of using power legitimately".

According to Baharuddin Lopa, the broad definition of criminal acts of demonstration that demean dignity is violations including payment and control, as well as various activities that can harm the nation's economy, government assistance and the interests of society. The idea of criminal demonstration of defamation in regulatory and guideline materials has different implications but remains close to the definition put forward by the experts above. Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, includes developments:

In Article 2 of Law no. 31 of 1999 concerning the Eradication of Corruption Crimes states that:

"any person who unlawfully enriches himself or a corporation in a way that is detrimental to the state's finances or economy."

Article 12 Law no. 31 of 1999 as amended by Law no. 20 of 2001 concerning the Eradication of Corruption Crimes states that:

"giving gifts or promises to government officials because of a power or authority related to the position or position, or because the giver of the gift or promise is believed to be attached to that position."

Debasement is characterized as an act of deviating from the commitment of public employment for individual enhancement or status acquisition or abuse of judgment that limits the utilization of specific impacts for individual enhancement. By limiting the number of the most visible parts, formal meaning can help reveal the subtleties of defilements.

Apart from explaining the meaning of criminal acts of corruption, Shed Husein Alatas also stated the characteristics of criminal acts of corruption, including:

1. Corruption always involves a group of people
2. Corruption is committed in secret unless the crime is so widespread that those in power and others around them are not inclined to hide their actions
3. Reciprocal obligations of the parties who commit corruption crimes
4. Those involved in corrupt practices often try to hide their actions by hiding behind legal grounds to justify their actions
5. In any form, corruption is an act of betrayal of trust.

According to the interpretation of the experts described above, the essence of the criminal act of corruption is an act of abuse of authority that deviates from acting on the rules and norms for personal gain.

### **Formal Corruption Crimes**

What is meant by formal regulation is a government option that gets the mark "regulation" based on the way it is presented. Formal regulations are created to assist or potentially implement material regulations. Because defamation is a phenomenal mistake that requires extraordinary measures, and assuming we only rely on the Criminal Code (KUHP), this will not result in a criminal demonstration of defamation. Therefore, in the Debasement Demolition Regulations there are several procedures necessary to monitor these wrongful actions more productively. Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes contains provisions regarding criminal procedures for criminal acts of corruption, including:

- 1 Substitute evidence in law enforcement proceedings for degrading criminal demonstrations. Proper and widespread demonstrations of defamation must be stamped out using extraordinary techniques, which may include placing the burden of proving any claim on the defendant using a "contrary evidentiary framework" which implies that unless the plaintiff can show in any case, then the litigant is deemed to have carried out a criminal demonstration that is degrading. Every head of state, BUMN/D employee, and government employee who, based on primary evidence, has resources that exceed his salary or type of income, is obliged to demonstrate the validity of the abundance he obtains, as intended in Article 37 An. and 38 B Regulation Number 20 of 2001 which regulates this matter. By balancing the need to provide legal protection to everyone and violating the principle of presumption of innocence, the defendant also has the opportunity to prove that he has not committed a criminal act of corruption due to the reverse evidence system.
- 2 Expansion of evidence. The purpose of developing this evidence is to strengthen the body of evidence to the contrary. The development of various types of evidence as guidance is regulated in Regulation Number 20 of 2001. In accordance with Article 26 of Regulation Number 20 of 2001, data is obtained from various sources, but not limited to witnesses, defendant statements, letters. This is in line with the general explanation in paragraph 4 of

Law Number 20 of 2001 which expands the scope of evidence of instructions, including: first, information spoken, sent, received or stored electronically using optical devices or similar devices. Further guidance is any recorded information or data worth seeing, reading, or potentially hearing that can be conveyed without regard to sound guidelines, whether composed, electronically recorded, or punched as important.

### **Material Corruption Crimes**

What is meant by formal regulation is a government option that gets the mark "regulation" based on the way it is presented. Formal regulations are created to assist or potentially implement material regulations. Because defamation is a phenomenal mistake that requires extraordinary measures, and assuming we only rely on the Criminal Code (KUHP), this will not result in a criminal demonstration of defamation. Therefore, in the Debasement Demolition Regulations there are several procedures necessary to monitor these wrongful actions more productively. Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes contains provisions regarding criminal procedures for criminal acts of corruption, including:

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- 3 Illegal, acts against the law in a formal and material sense, especially demonstrations that are not regulated based on legal guidelines and are seen as disgraceful demonstrations because they do not agree with the relevant guidelines in accordance with a sense of justice or standards of public activity. A formal violation is a demonstration that is considered unlawful assuming it meets all parts of the violation equation. Meanwhile, ignoring or endangering the legitimate interests that organizers plan to protect in the definition of certain violations is an act that clearly violates the law.
- 4 Improve yourself, what is meant by improving yourself is not characterized or interpreted in the PTPK Regulations. According to the semantic perspective, increase comes from the syllable rich which refers to someone who has many assets to make something much more important. If the act does not cause financial or economic loss to the state, then the act

cannot be corrupted in any way or form. The plan contained in Article 2 concerning criminal acts of demonstration of defamation is the most conceptual definition, so its degree is very broad. The benefit of details like this is that they have a broad and inevitable reach, so that they can follow the development of cultural progress through halal translations like this. The deficiency in this definition is that it reduces legal certainty by providing more open doors for corrupt regulatory implementers to apply this article carelessly.

Meanwhile, Article 3 states that:

"Every person who, with the aim of benefiting himself or another person or a corporation, abuses the authority of his position which can harm the country's finances and economy."

The elements contained in Article 3 include:

- a. Benefiting oneself or another company, according to Article 3, this is a subjective element inherent in the creator's mentality in carrying out acts of abusing power to benefit oneself, other people or corporations and is achieved by abusing power, opportunities or facilities that have been obtained from the position of office. .
- b. Status or position by abusing the opportunities available to him, is an action carried out in a way that is contrary to effective management, as regulated in statutory regulations and deviates from the objectives of authority.
- c. Which can have a negative impact on the state budget and economy so that state wealth that deviates from the provisions of the applicable legal rules decreases.

Based on this description, it is clear that only Article 2 and Article 3 require elements with the explanation "can affect state finances". Apart from that, several activities are regulated in the Criminal Code (KUHP), as follows:

An ordinary criminal act, but because the crime is so heinous and has the potential to harm the State Finances, members of parliament have classified it as a Corruption Crime. Law Enforcement Factors Corruption Crimes Covid 19 Social Assistance Funds

As referred to in the Indonesian Big Words reference, "factors" refer to things (conditions, events) that have an impact on chaos, while "cause" is defined as what makes the event happen and alludes to what causes something to happen. Therefore, events that result in criminal acts of corruption are a causal factor. In his book *Fraud Auditing and Forensic Accounting: New Tools and Techniques*, Jack Boulogne states, according to Gone Theory, there are several factors that contribute to criminal acts of corruption, including:

1. Insatiability: alludes to a covetous way of behaving that should be visible to anyone
2. Open door: alluding to the situation of an association, foundation or society with the aim of extortion
3. Needs: alludes to things that are expected to continue in real life
4. Openness (Openness): alludes to the results seen by the perpetrator assuming he is proven to have done something that constitutes blackmail. The factors that cause corruption start from within the perpetrator, but can also arise from the environment that encourages someone to do this, namely demonstrations of degrading law violations. The inner variables in corruption affect an individual. Corruption is seen from various points of view by everyone. One of the reasons according to Pope is that the boundaries of the term impairment are unclear, leading to vulnerability in characterizing mental defilement (Teguh Prasetyo, 2013). Merican also provides and recognizes the factors that lead to defilement, including frontier heritage, inequality and disadvantaged field skills. Public attitudes towards cases of criminal acts of corruption, the economic side which often creates an atmosphere of opportunity for corruption, political influence through the use of money and material benefits, as well as organizations that contribute to corruption thereby

opening up opportunities for corruption to occur. external factors in the occurrence of criminal acts of corruption.

### **Form of Criminal Sanctions based on the Criminal Code**

Criminal punishment in Article 10 of the Criminal Code is divided into 2 parts, namely main punishment and additional punishment, here is the explanation

1. The main punishment is divided into several, including:

- a) Death penalty, according to Article 28A of the 1945 Constitution, every person has the right to live, the right to defend life, and the right to improve his standard of living. However, these rights are still limited by law. Law Number 2/PNPS/1964 concerning Procedures for the Implementation of the Death Penalty Given by Courts in the General and Military Justice Environment states that the execution of the death penalty is carried out by being shot dead (Wiyono, 2016). The act of carrying out a death sentence is called an execution. This is the case when the sentence directs that the suspect be charged with a crime that brings it into the realm of the death penalty. As far as possible, the law enforcement officers who have been appointed to handle these cases are officers who have extensive and adequate knowledge, so that the human resources that have been prepared in the context of upholding justice are in line with the objectives of the law which will serve as a guide in implementation, especially in application of law;
- b) Imprisonment is limiting a prisoner's freedom of movement by confining him or her in a correctional institution so that the behavior of a person who will receive a prison sentence can be linked to the guidelines for those who have violated these guidelines. The definition of a prison sentence according to Article 12 of the Criminal Code, a person can be sentenced to life imprisonment or serve a period of imprisonment ranging from one day to twenty consecutive years with work requirements while serving the sentence;
- c) The lightest punishment from prison is imprisonment. According to Article 18 paragraph (1) of the Criminal Code, it is punishable by imprisonment for a minimum of one day and a maximum of one year, but can be increased to a maximum of one year and four months.

2. Additional punishment, what is meant by "additional punishment" is a sentence imposed in addition to the main sentence. In general, punishment cannot be increased without adding to the main sentence. This means that additional penalties may not be imposed as a single penalty because they only serve to complement the main penalty. According to Article 10 of the Criminal Code, additional penalties include:

- a) Revocation of Certain Rights, R. Soesilo defines revocation of certain rights as a type of additional crime. Revocation of certain rights means that not all of the convict's rights are revoked (for example human rights, the right to life and others that cannot be revoked). Because revocation of rights can result in the loss of the convict's chance of life. According to Article 35 of the Criminal Code, certain rights can be revoked if certain conditions are met, namely:
  - 1) The right to vote and be elected in elections based on general rules;
  - 2) The right to serve in the armed forces;
  - 3) The right to hold certain general or special positions;
  - 4) Has the right to become a legal administrator or advisor.

The revocation clause contains special language indicating that not all rights can be waived and only certain rights. The convict will lose all his rights, including the chance to live if all his rights are revoked. The term for revocation of certain rights is life imprisonment.

b) Adamichazawi is of the opinion that the criminal confiscation of certain goods is the criminal confiscation of goods as a crime which is only permitted for certain goods and not for all goods. Through a judge's decision, criminal goods can be confiscated into two categories of goods, namely:

- 1) Marjane Termorshuizen stated in the Dutch Indonesian legal dictionary, *Corora Delictie* which means evidence in Dutch is goods originating from or obtained through a criminal act (but not directly from a criminal act); with examples such as counterfeit money from the crime of counterfeiting money and fake checks from the crime of counterfeiting letters;
- 2) Marjane Termorshuizen is of the opinion that in the Indonesian Dutch legal dictionary, the term "items used in committing a crime" is actually "*Instrumennta Delictie*" which is Dutch for the tools the crime was committed and the means by which the crime was committed, for example a knife used for murder, fake keys for theft, and so on.

Destruction of evidence by civil servants or people other than civil servants can be classified as a criminal act related to corruption, especially those related to embezzlement of office, and can be considered a violation of article 10 if it meets the elements, namely civil servants or other people who are not employed by government who has given the job. Due to his position of office, these items were under his control and were deliberately embezzled and destroyed.

Forms of Criminal Sanctions Based on Law Number 31 of 1999 in conjunction with Law Number 20 of 2001

Corruption is characterized as a determined demonstration of obtaining benefits that are contrary to other standards or understandings. For those who are unable to pay additional fines in the form of state compensation, the perpetrator will be subject to prison sentences based on Law Number 31 of 1999 and Law Number 20 of 2001. This law also regulates lighter sentences, larger fines, and the death penalty. better punishment. The use of the smallest specific sentence can ignore the judge's caution in making a mistake and the examiner in deciding the charges. In Indonesia, Regulation Number 31 of 1999 concerning Regulation Number 20 of 2001 concerning Eradication of Defamation Violations is currently still in effect and is expected to help create a government that is free from defamation, conspiracy and nepotism as well as the police's approach to these matters. have the same vision, mission and wisdom in responding to the demands of their respective consciences to create heads of state who can fulfill their obligations and work successfully, effectively and without defamation (Yarni Nikita Ahmady, 2018).

The same elements of action are formulated in two articles of the Law, but one article is intended for "every person" while the other article is intended for civil servants or state officials who commit acts of abuse of their position or authority. The following are the behaviors prohibited by Article 2 and Article 3:

Actions regulated in Article 2 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes:

- 1) Life imprisonment or imprisonment for a minimum of 4 years and a maximum of 20 years, as well as a fine of at least IDR 200,000,000.00 (two hundred million rupiah) and a maximum fine of IDR 1,000,000,000.00 (one billion rupiah) , the only punishment that can be received for anyone who violates the law by enriching themselves, another person, or a corporation to the detriment of the state's finances or economy;
- 2) The death penalty can be applied if the criminal act of corruption as intended in paragraph (1) is committed under certain circumstances.

The discussion above has explained acts of corruption in Article 2, along with the explanation in Article 3, which regulates acts:

Anyone who, because of their position or status, abuses their authority, opportunity or means which will harm the state's finances or the state's economy or the state's economy, shall be punished by life imprisonment or imprisonment.

The difference between these two articles is that Article 2 applies to every person, while Article 3 applies to every person who abuses the authority of opportunities, or facilities because of position or position. Therefore, Article 3 of this Law is more aimed at civil servants and/or civil servants, or state employees assigned to them.

### **Consideration of Criminal Sanctions for Corruption for Covid 19 Social Assistance Funds**

On February 14 2020, Covid first entered Indonesia after more than three years. The health sector, but almost all fields feel and fight this disease. Calculating government assistance that focuses on oppressed networks. During the Covid-19 pandemic, underprivileged communities faced many challenges: job loss, even insufficient daily expenses. Therefore, many interesting thoughts or reflections have been made and many new thoughts have emerged due to problems during the pandemic. Public authorities are really trying their best to advance the Indonesian people in living their lives. Maintaining satisfaction with government social assistance to its citizens in the midst of unusual circumstances, for example the corona virus pandemic, is one of the biggest difficulties for a state foundation. From an ideological point of view, this connection originates from the concept of the welfare state. Government social assistance must be provided as a component of state obligations (Yusran Lapananda, 2018). The constitution that regulates the distribution of justice and seeing how things are implemented are two methods to clearly see the field of justice in the eyes of the public. One effort to recognize equality is government assistance insurance. The 1945 law placed tremendous emphasis on green insurance and ordered that states create government-backed pension frameworks for everyone. Countries use techniques such as sharing assets into bonds with other countries. This procedure generates enough wages to help society. Individuals get help with types of basic needs, remittances, or payment rates to help them pay off their debts. During a pandemic like this, many important figures or individuals have emerged in this country. He brought reports of corruption cases that took away people's rights apart from state funds. Reserves that should have been provided as friendly assistance to enable the community to survive have actually been confiscated for the government's own satisfaction. There is something more or less corruption in each individual, but basically it affects society.

Resisting corruption until death has been studied for quite a long time. For example, Indonesia was recorded as one of the worst countries in the world in 2003. Furthermore, efforts to eradicate mental defilement, including the implementation of the death penalty for corruptors, received considerable public attention. The death penalty is clearly not progress in Indonesia, despite the fact that the death penalty has been named the cruelest punishment on earth. Many statutes have long included the death penalty as a type of discipline for wrongdoing. Of course, the way criminal sanctions are developed is related to one of the objectives of the punishment itself. Permission settings are directly related to the goals of criminal strategy. Sanctions are a system to prevent and manage problems that may occur. Enforcing discipline is seen as important in combating abuses, according to many of the law's drafters. Criminal regulations must consider victims, perpetrators and society in general in their implementation. The Land Destruction Commission (KPK) named Juliari Batubara, a former Party Pastor, as a suspect on December 6 2021 in connection with the alleged case of defamation of humanitarian aid assets for handling the Corona virus outbreak in the Jabodetabek area in 2020. Officially, Juliari Batubara was sentenced to 12 years in prison, fines, and mandatory compensation. Juliari Batubara's right to be elected as a whole in public

office was also suspended by the appointed official for some time after the defendant completed his first sentence (Zainab Ompu Jainah, 2018).

The choices made by the jury attracted analysis and applause from various circles. The examiner only asked for a sentence of 11 years in prison, so the sentence was lower than the judge's decision. The Juliari Batubara case was proven to have ignored Republic of Indonesia Law Number 31 of 1999 concerning the Guidance of Degradation Acts, especially Article 12 letter a. Because Juliari Batubara carried out an indecent demonstration for the help of friends because of the conditions facing the country, especially the corona virus pandemic, the appointed government decision could actually sentence the defendant to life imprisonment in accordance with Article 2 paragraph (2) of the Defamation Regulation Law, but the jury is considering several variables. , including how litigants have been charged and experienced a variety of public embarrassments as well as significant individual embarrassments. If degrading acts committed during the Corona virus pandemic are associated with the burden of criminal punishment for the perpetrators who have received a lot of shame from society, then this clearly contradicts the intention of the statement. the hypothesis of proper discipline, and assuming that support for social license constitutes "security" and thus carries the death penalty as stipulated in the Pollution Regulations, then at that time the defense of social license can be blamed again from here. go out. Furthermore, social approval is expected to be a barrier and another hope for maintaining justice, so in principle this should not reduce the seriousness of criminal punishment.

## CONCLUSION

1. Significance of Corruption Crimes: The study highlights the critical importance of addressing corruption crimes, particularly within the context of Covid-19 social assistance funds. Corruption not only undermines the effectiveness of aid but also erodes public trust in governance systems during times of crisis.
2. Legal Framework Analysis: It delves into the existing legal frameworks governing corruption and evaluates their adequacy in tackling corruption related to Covid-19 relief funds. This involves a comprehensive examination of relevant laws, regulations, and enforcement mechanisms.
3. Challenges and Vulnerabilities Identified: The research identifies various challenges and vulnerabilities within the current legal framework that contribute to corruption in Covid-19 social assistance funds. These may include loopholes in regulations, weak enforcement mechanisms, or lack of transparency and accountability.
4. Recommendations for Legal Reform: Based on the analysis, the study offers recommendations for legal reforms aimed at strengthening the anti-corruption framework specifically concerning Covid-19 relief funds. These recommendations may include legislative amendments, institutional capacity building, or policy interventions to enhance transparency and accountability.
5. Importance of Deterrence and Prosecution: The research underscores the significance of deterrence and prosecution in combating corruption effectively. It emphasizes the need for swift and decisive legal action against perpetrators to deter future instances of corruption and uphold the rule of law.
6. Call for Multifaceted Approaches: Lastly, the conclusion may advocate for a multifaceted approach involving not only legal reforms but also public awareness campaigns, civil society engagement, and international cooperation to combat corruption effectively in the context of Covid-19 relief efforts.

## BIBLIOGRAPHY

- Alatas, S. H. (1983). *Sosiologi Korupsi*. LP3ES.
- Atmasasmita, R. (1982). *Strategi Pembinaan Pelanggar Hukum Pidana Dalam Konteks*

- Penegakan Hukum di Indonesia*. Alumni.
- Bagir Manan, 2009. *Menegakkan Hukum Suatu Pencarian*, Asosiasi Advokat Indonesia, Jakarta
- Bagir Manan, 2005. *Sistem Peradilan Berwibawa*, UII Pers, Yogyakarta.
- Barda Nawawie Arief, 2016. *Bunga Rampai Kebijakan Hukum Pidana*, Prenadamedia Group, Jakarta.
- Barda Nawawie Arief, 2002. *Kebijakan Hukum Pidana*, PT. Citra Aditya Bakti, Bandung , 2002 ,
- Candra, R. D. (2019). *Analisis Faktor Penyebab Korupsi oleh Aparat Pemerintah [Sekolah Tinggi Pembangunan Masyarakat Desa "APMD"]*. <http://repo.apmd.ac.id/757/>
- Chazawi, A. (2016). *Hukum Pidana Korupsi di Indonesia* (Edisi Revi). Rajawali Pers.
- Chaerudin, dkk. 2009. *Tindak Pidana Korupsi*, Rafika Aditama, Jakarta, 2009
- Evi Hartanti, 2016. *Tindak Pidana Korupsi (Bagian Kedua)*, Jakarta: Sinar Grafika, 2016.
- Evi Hartanti, 2008. *Tindak Pidana Korupsi*, Sinar Grafika, Jakarta, 2008
- Hafrida. (2012). *Penerapan Pasal 2 UU Korupssi, Tindak Pidana Korupsi*. 32–45.
- Hamzah, A. (2008). *Korupsi di Indonesia*. Sinar Grafika.
- Harahap, M. Y. (2007). *Pembahasan Permasalahan dan Penerapan KUHAP* (Edisi Ceta). Sinar Grafika.
- Hasaziduhu Moho. (2019). *Penegakan Hukum di Indonesia Menurut Aspek Kepastian Hukum, Keadilan, dan Kemanfaatan*. *Jurnal Warta*, 13(1), 138–149.
- Is, M. S. (2015). *Pengantar Ilmu Hukum* (Edisi Pert). KENCANA.
- Kemensos, 2019. *Peraturan Menteri Sosial Republik Indonesia Nomor 1 Tahun 2019 Tentang Penyaluran Belanja Bantuan Sosial di Lingkungan Kementerian Sosial*, Jakarta: Kemensos.
- Lembaga Pemantau Penyelenggara Republik Indonesia. (2008). *Panduan Kegiatan Sadar Hukum Mengenai Korupsi Kolusi Nepotisme Bagi Aparatur Pemerintah, Perguruan Tinggi dan Masyarakat: Dilema Antara Tugas, Ketakutan dan Tanggung Jawab Seorang Pelaksana Pembangunan Dalam Mengambil Keputusan* (Edisi NA). Lembaga Pemantau Penyelenggara Negara Republik Indonesia.
- Lubis, M. dan J. C. S. (1995). *Bunga Rampai Korupsi* (Edisi Cet.). LP3ES.
- Mas' oed, M. (1997). *Politik, Birokrasi, dan Pembangunan*. Pustaka Pelajar.
- Muladi. (2002). *Kapita Selekta Sistem Peradilan Pidana*. Badan Penerbit Universitas Diponegoro.
- Ningtias, A. D. (2014). *Kebijakan Kriminal Dalam Uu Nomor 31 Tahun 1999 Juncto Uu Nomor 20 Tahun 2001 Tentang Tindak Pidana Korupsi*. *Jurnal Independent*, 2(2), 75. <https://doi.org/10.30736/ji.v2i2.30>
- Rodliah dan Salim, 2017. *Hukum Pidana Khusus Unsur dan Sanksi Pidananya*, RajaGrafindo Persada, Depok
- Rori, J. G. (2019). *PENJATUHAN HUKUMAN PIDANA TAMBAHAN PENCABUTAN HAK-HAK TERTENTU OLEH HAKIM DALAM KASUS KORUPSI*. *Articles*, 7(<https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/issue/view/2164>).
- Saipuddin Zahri, 2018. *Problema Penyidikan Tindak Pidana Korupsi*, Tunas Gemilang Press, Palembang.
- Satjipto Raharjo, 1980. *Hukum dan Masyarakat*, Angkasa, Bandung.
- Sayed Hussein Alatas, 2012. *Sosiologi Korupsi*, LP3ES, Jakarta.
- Serlika Aprita, Rio Adhitya, 2020. *filasafat Hukum*, Raja Grafindo Persada, Depok.
- Setiyawati, dkk. 2017. *Buku Seri Pendidikan Anti Korupsi*, PT. Tirta Asih Jaya, Surakarta.
- Soerjono Soekanto, 2004. *Faktor-faktor yang Mempengaruhi Penegakan Hukum*, Rajawali Pers, Jakarta.
- Soerjono Soekanto, 2011. *Faktor-faktor yang Mempengaruhi Penegakan Hukum*, PT. Raja Grafindo Persada, Jakarta.

- Soeroso, 2015. Pengantar Ilmu Hukum, Sinar Grafika, Jakarta.
- Sunardi, dkk. 2005. Refleksi Ketidakberdayaan Hukum dan Penegakan HAM, Edsa Mahkota, Jakarta
- Soekanto, S. (2004). *Faktor-faktor yang Mempengaruhi Penegakan Hukum* (Edisi Keli). PT RajaGrafindo Persada. <https://www.rajagrafindo.co.id/produk/faktor-faktor-yang-mempengaruhi-penegakan-hukum-soerjono-soekanto/>
- Teguh Prasetyo, 2013. Hukum dan Sistem Hukum Berdasarkan Pancasila, Media Perkasa, Yogyakarta.
- Tutik, T. T. (2006). *Pengantar Ilmu Hukum*. Prestasi Pustakarya.
- Wiyono, 2016. Pembahasan Undang-Undang Pemberantasan Tindak Pidana Korupsi, Sinar Grafika, Jakarta.
- Yarni Nikita Ahmady, 2018. Tinjauan Yuridis Terhadap Tindak Pidana Korupsi Dana Bantuan Sosial (Studi Kasus Putusan Nomor: 18/Pid.Sus.TPK/2015/PN.Mks.).
- Yusran Lapananda, 2018. Hibah dan Bantuan Sosial yang bersumber APBD, Jakarta: Sinar Grafika.
- Zainab Ompu Jainah, 2018. Kapita Selekta Hukum Pidana, Tira Smart, Tangerang.