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The Nature of Law Enforcement by the Police of the Republic of Indonesia in Eradication of Corruption Crime

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Abstract: The research was aimed: 1) to find out and analyze the essence of law enforcement by the Police of the Republic of Indonesia in eradicating corruption crime; 2) to find out and analyze the effectiveness of law enforcement by the Police of the Republic of Indonesia in eradicating corruption crime; and 3) to find out and analyze the ideal law enforcement efforts by the Police of the Republic of Indonesia in eradicating corruption crime. The type of research was descriptive research with juridical-empirical approach to examines positive legal rules in order to obtain answers to existing problems by linking with facts or phenomena about the effectiveness of law enforcement.

Keywords: Corruption Crime, Law Enforcement, Police of the Republic of Indonesia

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I. INTRODUCTION

The Indonesian state is based on law (*rechtsstaat*), and not based on mere power (*machtsstaat*). This means that the Republic of Indonesia is a democratic rule of law based on the Pancasila and The 1945 Constitution of the Republic of Indonesia, which upholds human rights and guarantees all citizens at the same time to be equal in law and government and must uphold the law and government without exception.

The government carries out development which is basically a positive change. These changes are planned and driven by an optimistic, future-oriented view that has a goal toward progress and has a strong desire to improve and improve people's lives in a better direction. But to achieve this goal, various obstacles or problems are ready to confront, one of which is the problem of corruption.

According to Jaya (2005), criminal acts of corruption, collusion and nepotism are not only carried out by state administrators, between state administrators, but also state administrators with other parties such as families, cronies and entrepreneurs, thus damaging the joints of life social, national and state as well as endangering the existence of the state. The spread of corruption, collusion and nepotism has become so widespread that it can be said to be radically corrupt.

Corruption is an act that not only can harm the country's finances but also cause losses to the people's economy. According to Muladi& Arief (1992), criminal acts of corruption are acts that are highly despicable, damned, and very hated by most people; not only by the people of Indonesia but also by the people of the nations of the world. Therefore, it is proper as a nation that has the spirit to create prosperity evenly and fairly, able to recognize and avoid any form of corruption that will only be able to create misery for all the people of Indonesia. By recognizing forms of corruption, corruption is also expected to be a common enemy that must be suppressed and eliminated from every surface of Indonesia.

Given the corruption that is happening today is very alarming. Corruption is not only carried out by civil servants, but also involves businessmen, the private sector, state officials, law enforcement officials and representatives of the people who sit in the DPR and DPRD. Corruption is an extraordinary crime and to eradicate it is not an easy case, so we need an extraordinary way with the support and commitment of all the people of Indonesia, the state apparatus and the professionalism of law enforcement officials which of course must also be supported by perfecting the law the law related to the eradication of corruption, especially in the South Sulawesi Regional Police Region.

II. STATEMENT OF THE PROBLEM

1. What is the nature of law enforcement by the Police of the Republic of Indonesia in combating criminal acts of corruption?
2. How is the effectiveness of law enforcement by the Police of the Republic of Indonesia in eradicating criminal acts of corruption?
3. What is the ideal law enforcement effort by the Republic of Indonesia Police in eradicating criminal acts of corruption?

III. THEORETICAL FRAMEWORK

A. Theoretical Basis

1. Rule of Law Theory

The development of the concept of the rule of law is a product of history, because the formulation or understanding of the rule of law continues to develop following the history of human development. Therefore, in order to understand correctly and correctly the concept of the rule of law, it is necessary to first know the historical picture of the development of political and legal thought, which encourages the birth and development of the concept of the rule of law. In addition, thinking about the rule of law is actually very old, far older than the age of the State Science or State Science itself and the thought of the rule of law is a modern idea that is multi-perspective and always actual (Thohari, 2004).

The concept of the rule of law according to Aristotle (384-322 S.M) is a state that stands on a law that guarantees justice to its citizens. Justice is a prerequisite for the achievement of happiness in life for its citizens, and as a basis for justice it is necessary to teach morality to every human being so that he becomes a good citizen. For Aristotle (384-322 S.M) who ruled in the state was not a real human being, but a fair mind, whereas the real ruler was only the holder of law and balance (Kusnardi & Ibrahim, 2000).

Conception of the State of Law according to Immanuel Kant in his book MethaphysicheAnsfangsgrunde der Rechtslehre, put forward the concept of a liberal rule of law. Immanuel Kant put forward the understanding of the rule of law in the narrow sense, which places the recht function on staat, only as a means of protecting individual rights and state power is passively interpreted, whose duty is to maintain public order and security. Immanuel Kant's understanding is known as nachtwachkerstaats or nachtwachterstaats (Husen, 2019).

Based on the description above, it can be concluded that the existence of an element of legality in the rechtsstaat element mandates that any government action must be based on law. In other words, in the Pancasila legal state element, the principle of legality becomes an important matter related to the existence of a security clause in a State.

2. Legal Function Theory

Syarifin&Jubaedah (2005) state that duties and authority are two interrelated things because no task can be carried out properly without any clear authority, so the task and authority have their own meaning. Whereas Tambunan states the function of a state agency is the environment of activities carried out by this agency in the framework of the overall activities that describe its role or usefulness in the life of the state (Muin, 2017).

Based on the description above, it can be concluded that the function has a meaning related to the duties, authorities and obligations or activities. If you pay attention to the meaning of the task word namely; something that must be done or determined to do; work which is the responsibility of a person for work that is charged; function/position; functions that can be done, and the meaning of authority; functions that may not be done and the meaning of the obligations of something relating to the task or job. So that the definition of function is the burden of responsibility or a task in the form of permanent interests to be devoted to the public interest, subjects or organizations.

According to Manan &Magnar (1994), the function of legislation can be divided into two main groups, namely internal functions and external functions. Internal function is the function of laws and regulations as a legal subsystem to the rule of law in general.

3. Legal Obedience Theory

Legal observance is inseparable from legal awareness, and good legal awareness is legal observance, and good lawlessness is disobedience. Statements of legal observance must be juxtaposed as the causes and consequences of legal awareness and obedience. Law is different from other sciences in human life, law is different from other arts, sciences and professionalism, the legal structure is basically based on obligations and not above commitment. Moral obligations to obey and the role of regulations shape the characteristics of society.

Obedience is divided into three types, citing H.C Kelman and L. Pospisil, Revealing Legal Theory and Judicial Prudence, including Interpretation of the Law (legisprudence), as follows (Ali, 2010):

a. Obedience that is compliance, that is if someone obeys a rule, just for fear of being sanctioned The weakness of this type of obedience, because it requires ongoing supervision.

b. Identification obedience, that is if someone obeys a rule, only for fear that his good relationship with another party will be damaged.

c. Internalization obedience, that is if someone obeys a rule, really because he feels that the rule is in accordance with the intristic values adopted.

4. Law Enforcement Theory

Law enforcement is a part of the legal system. According to Lawrence M. Friedman, without law enforcement (formeel recht) then material legal norms (material recht) will inevitably become stacks of paper (een papierenmuur) only. People who understand the law as a process of law enforcement (Hij denk bij recht dus dadelijk aan en process) (Husen &Thamrin, 2017).

Law enforcement is a series of activities in an effort to implement the provisions of applicable law both preventive and enforcement, including all technical and administrative activities carried out by law enforcement officials, so as to create a safe, peaceful and orderly atmosphere for the sake of legal certainty in society (Salle, 2018).

Factors that can affect law enforcement can function in society, namely: 1) the substance of the law or the rule of law; 2) law enforcers including those who form and implement the law; 3) community factors, namely the environment in which the law applies and applies; 4) culture, that is as a result of works, inventions, and tastes based on human initiative in the association of life; 5) education; and 6) economy (Kamran, 2020).

B. Criminal Law Policy

The term policy is taken from the words "*policy*" (English) or "*politiek*" (Dutch). The term "*criminal law policy*" can also be referred to as "*criminal law politics*". In foreign literature the term "*political criminal law*" is often known by various terms, including: criminal policy, criminal law policy, or strafrechtspolitiek (Arief, 1996).

Understanding the policy or politics of criminal law can be seen from legal politics or from criminal politics. According to Sudarto (2001), legal politics is:

1. Efforts to realize good regulations in accordance with circumstances and situations at one time;
2. The policy of the state through the authorized agencies to establish the desired regulations that are expected to be used to express what is contained in society and to achieve what is aspired.

Regarding the relationship between criminal policy (criminal law) with the development of crime, as stated by Atmasasmita (1996), there is a significant interplay between the development of crime and criminal policy that has been implemented by law enforcement officials. Furthermore Sudarto (2001) states that legal politics is an attempt to realize good regulations in accordance with the circumstances and situations at one time. Political law is also interpreted as the policy of the state through the authorized bodies to set the desired regulations that are expected to be used to express what is contained in society and to achieve what is aspired.

Criminal law policy is an act of overcoming crime by using the criminal (penal). Crime prevention efforts with criminal law are essentially part of law enforcement efforts, especially criminal law enforcement. So, criminal law policy is part of law enforcement policy (law enforcement policy).

According to Arief (1998), the formulation/legislative policy is one of 3 (three) series of criminal law policy processes. While the main substance/problem in formulation policy consists of 3 (three), namely:

1. Criminal Matters;
2. Error Problems;
3. Criminal Matters.

Furthermore Sudarto (2001) put forward 3 (three) meanings of criminal policy, namely: (1) in the strict sense is the whole principle and method which are the basis of reaction to violations of law in the form of crime; (2) in the broadest sense is the overall function of the law enforcement apparatus, including the workings of the court and the police; and (3) in the broadest sense, is the whole policy, which is carried out through legislation and official bodies, which aim to enforce the central norms of society.

C. Review of Criminal Acts

Based on etymological studies, the crime comes from the word "*strafbaarfeit*" in which the meaning of this word according to Simons that the behavior (*handeling*) which is threatened with crime, which is against the law, which is associated with errors and committed by people who are able to take responsibility (Moeljatno, 2003). Regarding the definition of "*Strafbaarfeit*" also means a criminal act, which is an act that is prohibited by a rule of law, a prohibition which is accompanied by threats (sanctions) in the form of certain crimes, for those

who violate the prohibition. While Prodjodikoro (2008), interpreted "*strafbaarfeit*" as a crime, which also indicated by him that "*nature against the law*" is part of "*criminal acts*".

The difference in terminology should not confuse everyone, because the use of different terms is not a problem, what is important to note is the content of that understanding. Although, the legislators prefer the term crime, it can be seen from the terms used in the law, namely the Eradication of Corruption as stated in Law of the Republic of Indonesia Number 20 of 2001 on Amendment to Law Number 31 of 1999 on Eradication of the Criminal Act of Corruption (hereinafter referred to as Law No. 20 of 2001).

The types of criminal offenses can be divided into several things as follows:

a. According to the Criminal Code system, the difference between crime contained in book II and violations contained in book III.

b. According to the way they are formulated, a distinction is made between formal criminal acts and material criminal acts.

c. Based on the form of error, distinguished between intentional and unintentional criminal acts.

d. Based on the types of actions, the distinction between active/positive criminal acts can also be called commission criminal acts and passive/negative criminal acts, also called commission crimes.

e. Based on the time and period of occurrence, it can be distinguished between criminal acts that occur instantaneously and criminal acts that occur in a long time or last long/continue.

f. Based on the source, it can be distinguished between general criminal offenses and special criminal offenses.

g. Based on the perspective of legal subjects, it can be distinguished between communia crime (a crime that can be carried out by everyone) and a propria crime (a crime that can only be carried out by a certain qualified person).

h. Based on whether or not a complaint is needed in terms of prosecution, it is distinguished between ordinary criminal acts and criminal offenses.

i. Based on the severity of the crimes that are threatened, it can be distinguished between the principal forms of crime, the aggravated crimes and the crimes that are commuted. Judging from the severity, there are certain criminal acts which are formed into: (a) In the basic form it is also called a simple form or can also be called a standard form; (b) In an aggravated form; and (c) In a mild form.

j. Based on the interests of the protected law, then unlimited crimes of sorts depend on the interests of the protected law.

k. From the standpoint of the number of times the act to become a prohibition is distinguished between a single crime and a serial crime.

Based on the description above, it can be concluded that whatever the reason for the distinction between crime and violation, what is certain is that the type of violation is lighter than crime, it can be seen from the criminal threat that violations are not threatened with imprisonment, but in the form of imprisonment and fines, while crime is more dominated by the threat of imprisonment.

D. Corruption Crime

The term corruption comes from the Latin word "*coruptio*" or "*corruptus*", meaning damage or depravity. Acts of corruption are always associated with dishonesty in the financial sector. Another opinion suggests that the word "corruption" comes from English, namely corrupt, which comes from a combination of two words in Latin, namely com which means together and rumpere which means broken or broken. The term "corruption" can also be stated as a dishonest act or fraud committed because of a gift (Prodjohamidjojo, 2009).

According to Harkrisnowo (2002), perpetrators of corruption are not arbitrary because they have access to corruption, by abusing their authority, opportunities or facilities. Furthermore according to IndriyantoAdji (2006) that it cannot be denied that corruption is a White Collar Crime with actions that always experience dynamics of the modus operandi from all sides so that it is said to be an invisible crime whose handling requires criminal law policies.

The etymological understanding of corruption according to Hamzah (2005), comes from Latin namely: "*corruptio*" or "*corruptus*" which then appears in many European languages such as English and French, namely "corruption", in Dutch "*korruptie*" which subsequently also appears in the Indonesian treasury: corruption, which can mean like being bribed. Furthermore, according to (Koeswadji, 2005), corruption comes from the word "*corrupteia*" which means "bribery" which means giving/surrendering to someone so that the person has done for the benefit of the giver, or also means seducation which means something interesting for someone to do deviate. This is usually associated with power which is generally in the form of bribery, embezzlement and the like.

Juridical understanding of corruption in accordance with Law No. 20 of 2001, that corruption is:

1. Article 2 paragraph (2), that every person who unlawfully commits acts of enriching oneself or a corporation that can harm the state finances.

2. Article 3, that every person with the aim of benefiting himself or another person or a corporation, misuses the authority, opportunity, or means available to him because of his position or position which can be detrimental to the country's finances or the country's economy.

Based on some of the opinions above, it can be concluded that corruption is a use of authority for its own interests that can harm the country. The basic element in a criminal act of corruption is the loss of state finances.

The existing laws and regulations do not yet have a common understanding of the understanding of state finances. Article 1 point 1 of Law of the Republic of Indonesia Number 17 of 2003 on State Finances (hereinafter referred to as Law No. 17 of 2003), explain that "the state finance as all rights and obligations of the state which are valued in money, as well as everything in the form of money and in the form of goods that can be owned by the state due to the implementation of these rights and obligations.

The financial loss from the aspect of an entity's assets is that there is a decrease or a lack in the value of the entity's assets that do not produce future economic benefits or as long as future economic benefits do not meet the requirements to be recognized in the balance sheet as assets. The calculation of state financial losses in corruption can only be done after the element of unlawful determination is determined as the cause of the occurrence of state financial losses

E. Eradication of Corruption

Atmasasmita (2004) said that to prepare an effective and efficient effort to eradicate corruption, the government has developed a National Strategy for Corruption Eradication that relies on four approaches, namely: (1) legal approach; (2) cultural approach; (3) economic approach and (4) approach to human resources and financial resources (human resources and financial resources).

In the legal approach, the government has succeeded in preparing five strategic laws and regulations, namely:

1. Law of the Republic of Indonesia Number 28 of 1999 on the State Organizer who shall be Clean and Free from Corruption, Collusion, and Nepotism;
2. Law of the Republic of Indonesia Number 31 of 1999 on Eradication of the Criminal Act of Corruption;
3. Law of the Republic of Indonesia Number 20 of 2001 on Amendment to Law Number 31 of 1999 on Eradication of the Criminal Act of Corruption;
4. Law of the Republic of Indonesia Number 15 of 2002 on the Crime of Money Laundering.
5. Law of the Republic of Indonesia Number 30 of 2002 on the Corruption Eradication Commission.
6. Law of the Republic of Indonesia Number 19 of 2019 on Second Amendment to Law Number 30 of 2002 on the Corruption Eradication Commission.

The formation of the six laws above, eradicating corruption will create new hope for the wider community, but also has an effect on the system of handling cases of criminal acts of corruption, especially concerning the authority and functions of law enforcement officers (the Police, Prosecutors' Office and the Corruption Eradication Commission).

F. Overview of the Indonesian National Police

According to Rahardjo (2009b), the Police of the Republic of Indonesia (abbreviated as the National Police) is a state tool whose task is to maintain public security and order, provide protection, and provide protection to the community. Furthermore Satjipto Raharjo, quoting Bitner's opinion, states that if the law aims to create order in society, including fighting crime. Finally, the National Police will determine concretely what is called order enforcement.

Article 1 point 1 of Law of the Republic of Indonesia Number 2 of 2002 on the State Police of the Republic of Indonesia (hereinafter referred to as Law No. 2 of 2002) explain that:

"the Police are all matters relating to the functions and institutions of the police in accordance with statutory regulations. The term police in this law contains two meanings, namely the function of the police and the police agency."

In Article 2 of Law No. 2 of 2002 regulates that:

"the function of the police as one of the functions of the state government in the field of maintaining public order and security, law enforcement, protectors, protecting and serving the public."

While the police institution is a government organ determined as an institution and given the authority to carry out its functions based on statutory regulations (Husen *et al.*, 2020a; Sampara, Qamar, &Syalman, 2020).

The task of investigation carried out by the National Police investigator is a single investigator for general criminal offenses, his task as an investigator is very difficult and requires great responsibility, because

the investigation is the initial stage of a series of criminal case settlement processes which will later affect the next stage of the judicial process.

Article 1 point 2 of Law of the Republic of Indonesia Number 8 of 1981 on the Code of Criminal Procedure (hereinafter referred to as Law No. 8 of 1981) explain that:

"the meaning of an investigation, that an investigation is a series of acts of an investigator in terms of and in the manner stipulated in this law to search for and collect evidence, which with this evidence makes clear about the criminal acts that occurred and to find the suspect".

The investigator of the State Police Officer was appointed by the Indonesian National Police Chief, who could delegate that authority to other police officials. Whereas investigators from the Civil Servants are appointed by the Minister of Justice at the suggestion of the Department in charge of these employees. This authority can also be delegated by the Minister of Justice. Before the appointment of the Minister of Justice must first ask for consideration of the Attorney General and the Chief of Police of the Republic of Indonesia (Hamzah, 2000).

Furthermore, based on Article 106 of Law No. 8 of 1981, regulates that:

"in investigators who know, receive reports or complaints about the occurrence of an event that is reasonably suspected of being a criminal offense must immediately take the necessary investigative actions."

Investigation is an attempt to find and gather evidence to make the case clear so that it can find the suspect. The series of investigations carried out by the police include arrest, detention, search and seizure.

For reasons such as those mentioned above, the investigator (at the investigation level) or the public prosecutor (at the prosecution level) has the right to detain. However, the suspect or defendant can suspend detention if they can convince investigators or prosecutors if the reasons/objectives of detention as mentioned above can be avoided. Thus, the hope is that the National Police can better fulfill its function as a law enforcer and community protector without being intervened by various outside interests, including from the government and the National Police leadership.

IV. DISCUSSION

A. The Nature of Law Enforcement by the Police of the Republic of Indonesia in Combating Corruption Crimes

Law enforcement efforts carried out by the government cannot be separated from the police. The main tasks of the National Police according to Law No. 2 of 2002 are to maintain public security and order, enforce the law, and provide protection, protection and services to the public. Furthermore, in the Criminal Justice System, the Indonesian National Police is authorized to carry out forced measures. The forced effort included arrest, detention, search and seizure activities.

Corruption criminal acts are all corruption cases whose reports are received directly by the South Sulawesi Regional Police from the community or other sources, plus corruption cases whose reports are received by the Attorney General from other communities or sources. Therefore, the total number of corruption cases reported are all corruption cases both in the investigation stage, at the Attorney General's Office and at the Police, as well as corruption cases that have been upgraded to the investigation and prosecution stage.

Efforts to eradicate corruption can not only be done partially but also carried out comprehensively. For this reason, it requires optimization of the performance of the legal apparatus, in addition to the participation of all elements of the community, in uncovering all forms of criminal acts of corruption that occur, especially through reports accompanied by sufficient preliminary evidence

In connection with the procedures for carrying out the duties and authority of the Police investigator, the following is an effort to provide law enforcement by investigators to several examples of corruption cases that caused huge losses to the state during 2015-2019 which were handled by the South Sulawesi Regional Police, as presented in the following this table.

Table 1. Corruption Crime Case handled by South Sulawesi Regional Police Investigators, 2017 – 2019

Years	Corruption Case	Information
2017	Information Report Number: R/LI-A/V/2017/Reskrim, May 29, 2017 Investigation Order No. Sprin Lidil/187/V/2017/Reskrim, May 29, 2017 Investigation Order No. Sprin Lidil/187.a/IX/2017/Reskrim, Sep. 29. 2017 (43 cases of P21 and 47 suspects)	The state loss amounted to Rp 16.29 billion.

2018	Investigation Order No. Sprin Lidil/187.b/I/2018/Reskrim, 24 Sep 2018 Investigation Order No. Sprin Lidil/187.c/VI/2018/Reskrim, May 23, 2018 Investigation Order No. Sprin Lidil/187.d/IX/2018/Reskrim, 26 Aug. 2018 Investigation Order No. Sprin Lidil/187.e/XII/2018/Reskrim, Dec. 24. 2018 (112 cases)	The state loss amounted to Rp 61.6 billion
2019	Investigation Order No. Sprin Lidil/187.f/IV/2019/Reskrim, 23 April 2019 Investigation Order No. Sprin Lidil/187.g/VIII/2019/Reskrim, 23 Agus 2019 Investigation Order No. Sprin Lidil/187.h/XII/2019/Reskrim, 20 Dec. 2019 The results of the case title January 20, 2020 in the South Sulawesi Regional Police Detkrimsus Meeting Room (120 cases with the number of corruptors sentenced to 118 cases)	The state loss amounted to Rp 102.12 billion.

Source: Primary Data, Sub-Section of Corruption Criminal Act of South Sulawesi Regional Police in 2020

From the table above it can be seen that the estimated total state loss from 2017 reached Rp 61.6 billion from 43 P21 cases and 47 suspects. Furthermore, state losses in 2018 reached Rp 61.6 billion from 112 cases, and then state losses in 2019 reached Rp 102.12 billion from 120 cases with a total of 118 convicted corruptors. This shows that South Sulawesi Regional Police investigators in carrying out the task of investigating cases of corruption have been in accordance with applicable laws and regulations.

According to the Sulawesi Anti Corruption Committee (ACC Sulawesi), there are a number of corruption cases causing state losses to reach around Rp 102.12 billion with 120 cases during 2019. When compared to 2018 there were 112 cases with losses of Rp 61.6 billion. Corruption cases registered as many as 120 cases, with the number of corruptors convicted as many as 118 cases. The decision was divided into two, namely from the highest six years in prison and a fine of Rp. 200 million and the lowest one year with a fine of Rp. 50 million. In addition, seven cases were acquitted. Furthermore, the number of corruption cases that stalled, such as the handling of corruption cases in the South Sulawesi Regional Police were included in the investigation stage as many as seven cases, investigating 17 cases with a total of 24 cases. Whereas in Polres throughout South Sulawesi there were 16 cases investigated, 20 cases investigated, with a total of 36 cases.

Between Corruption and bribery with money laundering, there is a series of crimes, where corruption and bribery can be said to be predicate offenses while money laundering is a follow-up crime. Crimes and the results of such crimes can be categorized as a series of corruption that should be included in corruption.

In connection with law enforcement by the National Police in eradicating criminal acts of corruption, where the ideal law enforcement seems to have not been reflected in the perpetrators of criminal acts of corruption, especially in the South Sulawesi Regional Police. The growing fertility of corruption to date has been one indicator of the ineffectiveness of law enforcement carried out so far. The government is trying to revise existing legal norms related to criminal acts of corruption in the hope that law enforcement can meet these ideal objectives.

In connection with the description above, there are several strategies carried out by the government in efforts to enforce the law against corruption in the South Sulawesi Regional Police, as follows:

1. Determination of Police Authority in Investigating Criminal Acts of Corruption

Many efforts have been made by the government in eradicating this Corruption Crime by giving authority to related institutions that are deemed capable of handling this matter, according to what has been done by the National Police as law enforcement officers who are given the authority to carry out investigations and investigations of corruption. This authority is regulated in:

a. Based on the Law No. 8 of 1981, explains that the investigator is an official of the Indonesian National Police.

b. Based on the Law No. 20 of 2001

c. Based on the Law No. 2 of 2002.

Based on the authority of police investigators in eradicating criminal acts of corruption it is clear and directed so that what is expected by the government/community to law enforcement officers in this case the police investigators in the South Sulawesi Regional Police can run well.

2. Limitation of Investigation

Investigations are actions that start an investigation to determine an event, including a crime. If it has been determined that the incident is a criminal offense, the aim of the investigation is to gather evidence to make the crime clear and to find the suspect.

Meeting an investigator's summons is a legal obligation (Legal Obligation). Suspects, witnesses or experts must come to meet the summons to be examined, except those who because of work, dignity or position are required to keep a secret can ask to be released from their obligation to provide information as a witness. Even people who do not obey the summons of investigators are threatened with crimes as mentioned in Article 216 of Law No. 8 of 1981.

Based on the description above, it is clear that the National Police has the authority to act as an Investigator to conduct an investigation of all criminal acts including corruption, one of which will be discussed by the author is the act of police investigators in conducting investigations of criminal acts of corruption in the South Sulawesi Regional Police. based on current positive law.

3. **Police Investigator's Understanding of the For Investigating Corruption**

Based on Article 2 of Law No. 2 of 2002 regulates that "the function of the police as one of the functions of the state government in the field of maintaining public order and security, law enforcement, protectors, protecting and serving the public".Furthermore, Article 13 of Law No. 2 of 2002 regulates that the main tasks of the Republic of Indonesia National Police are:

a. maintaining public order and security;
b. enforce the law; and
c. provide protection, protection and community service.

As a principle of legality and as an actualization of the rule of law supremacy, Article 14 section (1) point g of Law No. 2 of 2002 mandates that in carrying out its main tasks the National Police has the authority to "conduct an investigation and investigation of all criminal acts in accordance with criminal procedure law and other statutory regulations". Furthermore, Article 16 of Law No. 2 of 2002 regulates that "in the context of carrying out tasks in the field of criminal proceedings (including corruption), the National Police has the authority to make arrests, detention, search and seizure".

4. The Mechanism of Handling Corruption by Investigators in the South Sulawesi Regional Police

a. Sources of Case Reports and Handling

Written reports from Non-Governmental Organizations (NGOs), communities or even anonymous letters, the snacks; check the identity of the reporter if there is contacted and ask for their willingness to explain what was reported, making it easier to assess whether the case is corrupt or not. If there is no identity, conduct a closed and in-depth investigation of the material of the case, there is no need to look for who the real reporter is.

b. Making Law Enforcement Effective in Eradicating Criminal Acts of Corruption Against State Officials

The strategy to eradicate corruption, especially against officials, regional heads/deputy heads or state administrators, has been formulated with the formation of a law governing the problem of corruption, namely according to Law No. 20 of 2001.

In order to complete the formulation of the strategy to eradicate corruption, a corruption crime has been formulated in the latest Draft Book of Criminal Law (2008) formulated in Chapter XXXII specifically on Corruption Crimes starting from Article 680 to Article 689. The first part is about Bribery (Article 680, 681, 682), the second part concerning the abuse of authority which is detrimental to state finances (Articles 683, 684, 685, 686, and 687), the third part concerning criminal prosecution (Articles 688 and 689).

c. Empowerment of Assistance and Community and NGO Participation

Community participation in eradicating corruption is implicitly regulated in Article 41 of Law No. 20 of 2001 where everyone can play a role in efforts to prevent and eradicate criminal acts of corruption and Government Regulation of the Republic of Indonesia Number 43 of 2018 on Procedures for Implementing Community Participation and Awarding in the Prevention and Eradication of Corruption Crimes, where every community organization or non-governmental organization has the right to seek, obtain and provide information about allegations of corruption and to provide suggestions to law enforcement and or commission handling cases of corruption.

Citizens who deliver information are entitled to legal protection from the state through police or prosecutors. There are two forms of legal protection, namely (1) legal protection regarding security, (2) Regarding legal status, it is explained in the explanation of Article 5 paragraph (1) which states that "what is meant by legal status is the status of a person when delivering information, means or opinion on law enforcement or the commission is guaranteed to be fixed, for example status as a reporter is not changed to a suspect ". And the explanation of Article 5 paragraph (1), means that it is clear that the police or prosecutors are not allowed to become reporters or reporting witnesses as suspects as a result of their reporting. This is reasonable, because it is in accordance with the objective of establishing the provisions of community

participation in efforts to eradicate criminal acts of corruption, namely to help, facilitate, or expedite efforts to eradicate corruption, for which the reporting community must be guaranteed regarding legal protection against it.

B. Effectiveness of Law Enforcement by the Police of the Republic of Indonesia in Combating Corruption Crimes

Corruption problems are related to various complexities of problems, including: moral/mental attitude problems, problems of lifestyle and culture and social environment, problems of economic needs/demands and socio-economic gaps, problems of economic structure/system, problems of political systems/culture, problems of development mechanisms and weak bureaucracy/administrative procedures (including supervision systems) in finance and public services. Therefore, the police have the authority to act as investigators to carry out the process of investigating all criminal acts including corruption.

In connection with the reality of law enforcement against criminal acts of corruption in the South Sulawesi Regional Police, where the handling of corruption crimes by investigators is a very heavy task that the police must carry out. In their interactions with the community, the police must deal with a variety of individual behaviors. The level of compliance (compliance) of each person is different. Sometimes it is not enough for the police to show that he is a member of the police, for example by wearing a police uniform or displaying a badge. In society, there are individuals who are desperate or at the end of their decisions who then have the courage to fight or run away from the police.

Police officers are the main investigators in criminal cases. To support the duties of the Police as an investigator, it is also regulated in the Criminal Procedure Code the obligations and authority of Police Officers in investigative activities. This is further elaborated in Law No. 2 of 2002 and Regulation of the Head of State Police of the Republic of Indonesia Number 14 of 2012 on Management of Criminal Investigation (hereinafter referred to as Regulation of the Head of State Police No. 14 of 2012).

The police are given special powers by law to carry out investigations. The limitations of investigation as referred to in the Regulation of the Head of State Police No. 14 of 2012, states that: an investigation is a series of actions by an investigator in matters and according to the manner stipulated in law to seek and collect evidence which with such evidence makes clear about the criminal act that occurred and in order to find the suspect.

Officials of the State Police of the Republic of Indonesia in carrying out their duties and authorities throughout the territory of the Republic of Indonesia, especially in the jurisdiction of the officials concerned are assigned in accordance with statutory regulations. The authority of police investigators is regulated in Article 7 section (1) of Law No. 8 of 1981, which includes:

1. Receive reports or complaints from someone about a crime;
2. Take the first action at the scene;
3. Make a stop to a suspect and examine the suspect's identification;
4. Carry out arrests, detention, searches, confiscation;
5. Checking and confiscating letters;
6. Take fingerprints and take a picture of someone;
7. Calling people to be heard and examined as suspects or witnesses;
8. Bring in the necessary experts in connection with case examination;
9. Hold an investigation halt;

In connection with the description above, there are many powers of police investigators, however the powers that can demonstrate the professionalism of police investigators in handling non-criminal cases of corruption in the South Sulawesi Regional Police include: (1) receiving reports and/or complaints; (2) issue police regulations within the scope of police administrative authority; (3) take the first action at the scene; (4) carry out an arrest, examination and confiscation; (5) take fingerprints and other identities and take a picture of a person; (6) seeking information and evidence; (7) provide security assistance in the trial; (8) receive and keep the found items temporarily; and (9) Conducting an end to investigations.

C. Good Police Enforcement Efforts by the National Police in Eradicating Corruption

Law enforcement policy is part of social policy, which is strategically carried out in 3 (three) stages: namely the legal formulation stage by the Legislative Body, the law enforcement stage by the Court and the execution stage. In fact, the policy formulation of criminal law in an effort to tackle criminal acts of corruption at this time has actually undergone various changes, in which these changes were made considering the rapid development of corruption, especially in South Sulawesi Province.

Furthermore, good law enforcement efforts by the National Police in eradicating criminal acts of corruption include:

1. Penal Attempt

In general, efforts to tackle crime can be carried out by means of "penal" and "non penal". Efforts to overcome criminal law through means (penal) in regulating society through legislation are in essence a manifestation of a policy step (policy). Efforts to control crimes with criminal law (penal means) emphasize the "repressive" (suppression/eradication/suppression) after the crime or criminal act has occurred.

In the investigation process, if the police have become aware of an incident which can reasonably be suspected of being a criminal act, then there is an obligation on the part of the police to immediately carry out the investigation. Thus, if there has been an incident which can reasonably be suspected of being a criminal act, the investigator shall immediately conduct an investigation after receiving a report or complaint from the person or community who was injured, while the investigator is aware of the incident. Investigators who know, receive reports or complaints about the occurrence of an event which can reasonably be suspected of being a criminal act are obliged to immediately carry out the necessary investigative actions.

Respondents' answers regarding the effectiveness of law enforcement through penal efforts by the National Police in eradicating corruption in the South Sulawesi Regional Police can be seen in the following table.

Table 2. Respondents' Answers about the Effectiveness of law Enforcement Efforts by the National Police in Eradicating Corruption in the South Sulawesi Regional Police

No.	Answer Category	Frequency (person)	Percentage (%)
1.	Effective	36	43,9
2.	Less Effective	39	47,56
3.	Ineffective	7	8,54
Total		82	100

Source: Results of the 2020 Questionnaire Distribution

In the table above shows the respondents' answers about the effectiveness of law enforcement efforts by the National Police in eradicating criminal acts of corruption in the South Sulawesi Regional Police region, declaring effective as many as 36 people or 43.9%, which stated 39 people were ineffective or 47.56%, and stated that it was not effective as many as 7 people or 8.54%. This means that law enforcement efforts through penalties by the National Police in eradicating corruption in the South Sulawesi Regional Police are less effective.

2. Non penal effort

It is this limitation of the criminal law that Polri seems to have used criminal law as a basis for its work. Because the police anticipated this complex crime too late, so when a case with new dimensions occurred, they did not respond responsively. For this reason, crime prevention does not only have to use criminal law. So that the handling of this corruption crime can be carried out comprehensively, not only a juridical or penal approach is carried out, but it can also be carried out with a non-penal approach.

Currently, non-penal efforts in law enforcement to eradicate corruption are currently the main topic of discussion in the working meeting of the Chairman of the Corruption Eradication Commission and Commission III of the Indonesian Parliament. According to the Chairman of the Indonesian Corruption Eradication Commission, FirliBahuri explained that all efforts in the framework of preventing corruption would be better to save state money than to arrest someone but the money had already been lost first. Prioritizing preventive efforts to save state money will certainly be very effective and of course in accordance with the prevailing laws and regulations.The respondents' answers about the effectiveness of law enforcement can be seen in the following table.

No.	Answer Category	Frequency (person)	Percentage (%)
1.	Effective	40	48,78
2.	Less Effective	37	45,12
3.	Ineffective	5	6,10
Total		82	100

Source: Results of the 2020 Questionnaire Distribution

In the table above shows the respondents' answers about the effectiveness of law enforcement through non-penal efforts by the National Police in eradicating corruption in the South Sulawesi Regional Police, claiming to be effective as many as 40 people or 48.78%, which stated that 37 people or 45 were less effective. 12%, and stated that it was not effective as many as 5 people or 6.1%. This means that law enforcement efforts through non-penalties by the National Police in eradicating criminal acts of corruption in the South Sulawesi Regional Police are effective but not yet optimal so they must be improved, especially in socializing criminal acts of corruption to law enforcers, the community, inviting the participation of the community and related institutions. to provide information to each other about the occurrence of criminal acts of corruption, and foster legal awareness for the community. In addition, creating an environmental climate that supports the development of high morals or ethics in a professional environment, increases the moral standards of professionals through the application of democratic procedures in an internal professional environment because democracy contains values of divinity, humanity, justice and truth..

In connection with the description above, an integral policy through penal and non-penal efforts must continue to be carried out to tackle corruption in the South Sulawesi Regional Police because they are complementary in efforts to tackle corruption. Seeing the current culture of corruption, it is necessary to be firm and clear about operational practices. The operational practicality referred to is preventive and repressive measures must be in it. Because these two steps and actions will result in the administration of a country that is free and free from corruption.

Efforts to control crime by means of criminal law (penal means) emphasize more on the "repressive" (action/eradication/suppression) after the crime or crime has occurred. In addition, penal means are part of law enforcement efforts, therefore criminal law policy is part of law enforcement policies. Meanwhile, non-penal (preventive) means are efforts made prior to the occurrence of a criminal act of corruption by dealing with the driving factors for corruption, which are carried out in several ways, such as moralistic and abolitionic ways.

V. CONCLUSION

1. The essence of law enforcement by the Police of the Republic of Indonesia in eradicating criminal acts of corruption is that there are still some that do not reflect legal certainty, benefit and justice for the state and society, because most investigators do not understand the implementation of non-penal law enforcement against corruption.
2. Part of the law enforcement by the Police of the Republic of Indonesia in eradicating criminal acts of corruption is still ineffective because it is influenced by factors of legal structure, legal substance, legal culture and legal knowledge so that it tends to prioritize penal measures.
3. The ideal law enforcement effort by the Police of the Republic of Indonesia in eradicating criminal acts of corruption is the settlement through non-penalties, namely the return of state losses at the investigation stage and terminating investigations so as to create justice for the state and justice for the perpetrators.

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