
Criminal Sanctions Against Criminal Acts Of Fund Corruption Social Help

Kristiyadi¹, Vincentius Patria Setyawan²

¹Sebelas Maret University

²Atma Jaya Yogyakarta University

E-mail: christiadisutirta@gmail.com¹, vincentius.patria@uajy.ac.id²

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Abstract: *This study aims to analyze the legal arrangements for cases of corruption in social assistance funds and to examine the application of sanctions to perpetrators of corruption in social assistance funds. In this review, this study uses a normative type of research, using a statutory approach that investigates all legal aspects that arise. Primary law sources come from laws and regulations related to cases, while secondary law comes from legal books and journals that are correlated with issues in research. Data collection techniques by reading, recording, quoting, summarizing, and reviewing the information and explanations collected from both the law and the literature. The results of the study reveal that in legal guidelines Number 31 of 1999 amendments to Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption have not explicitly regulated violations of social assistance funds corruption cases, but perpetrators of social assistance corruption violations can be sentenced to death on the grounds that the suspect of social assistance funds corruption made the mistake of taking funds for social assistance for personal or group interests so as to fulfill the elements contained in Article 2 paragraph (2) of Law 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption.*

INTRODUCTION

Article 1 (3) of the 1945 Constitution states that Indonesia is a state based on law. The people's view of life and the source of all laws. Laws are made for reasons. The reason for the birth of law is to gain confidence, equality, and legitimate interests so that the individual interests of a nation can be guaranteed and recognized without harming different groups (Hamzah & Sumangelipu, 1985). The most important aspect of authorization law is criminal law itself. Criminal arrangements are defined as a set of laws that are mandatory, including what can be done and what can't be done, and the violation of which will be subject to criminal approval.

The strategy of legal needs is very important for a social approach, which is carried out firmly

so that a guideline can be enforced in a nation and obeyed by the local area to be implemented. One of the countries that adheres to criminal law is Indonesia, the strategy for regulating the corruption of social assistance funds in Indonesia is contained in Law Number 31 of 1999 as corrected, Law Number 20 of 2001. The impact of corruption in Indonesia can jeopardize social peace and security, damage social, financial and political events, as well as damage the dignity of the majority and public moral demands (Hartanti, 2007). Corruption affects the government, from the central government to the provincial/city governments in all government agencies, both administrative, legislative, and judicial. Therefore, corruption is classified as an anomaly or extraordinary crime.

Cases of corruption that were previously carried out by individuals have now become corruption in society and associations or groups. Corruption is a dirty or evil thing in Indonesian culture. The increase continues to increase every time, whether it's in terms of increasing cases to the level of lack of state wealth, even to the potential of a corruption case. The nature of the violations made more efficient and structured and the extent to which they occur in all aspects of people's lives.

Eliminating corruption cases is the basic plan of public or government authorities which however faces many challenges. More specifically, how to deal with and give punishment so that corruption cases are reduced and give fear to the perpetrators. Serious arrangements to deal with corruption cases make individuals unfit to fully understand the ways taken by the government to eradicate corruption.

Many studies on corruption have been carried out, this research also refers to several relevant previous studies. Research on criminal sanctions against corruption and grants (Yudana et al., 2020). Furthermore, research from Yahya & Risal (2020), on the criminal act of corruption of soybean social assistance funds in Gowa Regency in the perspective of Islamic law. Perpetrators of criminal acts of corruption are not only committed by individuals, but can also be carried out by legal entities or corporations. So that the next research, discusses the criminal liability of corporate corruption (Toruan, 2014). Then, the effectiveness of maximum sentencing decisions for perpetrators of criminal acts of corruption in the context of poverty alleviation needs to be carried out (Yanto, 2017). Based on the explanation of previous research, therefore this study aims to analyze the legal arrangements for cases of corruption in social assistance funds and to examine the application of sanctions to perpetrators of corruption in social assistance funds.

RESEARCH METHOD

This research is a normative approach, in which the researcher examines legal issues by obtaining information by analyzing, sorting through legal books based on legal regulations in force in Indonesia (Ahmad, 2008) in relation to case discourse, namely the approach to legislation. an invitation that investigates all aspects of the law that arise. This legal approach is, for example, an analytical law approach with a broad perspective and a calculated methodology by utilizing the consistency/compatibility, logical thinking or potential between one legal arrangement and another. Inductive to get and find objective truth. Primary legal sources come from laws and regulations related to cases, while secondary law comes from legal books and journals that are correlated with issues in research. The legal material collection strategy used in this examination is a documentary report conducted by reading, recording, quoting, summarizing, and reviewing information and explanations gathered from both legislation and literature.

RESEARCH RESULT AND DISCUSSION

Ubi Societas ibi ius is a well-known axiom that is still relevant today to clarify the existence of laws that are closely related to the social improvement of human existence and human behavior. In the same way, occurrences of wrongdoing, offenses, and social idiosyncrasies, whether the crime constitutes an offence or not, can be affected by various parts of public activity and illegal activity.

The law as a life guide must be obeyed by the community for the sake of survival to create prosperity. The law has prohibitions to orders that compel people or associations to do so. Obedience is a fundamental model that characterizes the image of law in the eyes of the public, including individuals who apply the law and those who enforce it themselves. Thus, the law continues to maintain control in the current relationship, enabling security and order, it is authorized by equality, the very basic motivation behind the law. A mistake is an action that an individual can account for with an intention or purpose (Chazawi, 2005).

The meaning of corruption in Latin "corruptus" is changed to "Debasement", in the Netherlands it is known as "Korruptie", and then "Korupsi" is known by the Indonesian people. This in a real sense implies an evil or rotten act (Hamzah, 2005). Law 31 of 1999, revised by Law 20 of 2001 concerning Eradication of Criminal Acts of Corruption, explains the meaning of acts of corruption as follows: Any person who unlawfully uses acts to enrich himself or others or a business substance that can harm state finances or the economy state, shall be sentenced to life imprisonment or imprisonment for 4 (four) times and a maximum of 20 (twenty) times and a fine of Rp. 200,000,000.00 (200,000,000 rupiah) and a limitation of Rp. 1.000.000.000,00 (one billion rupiah).

Based on the article, the elements of corruption can be clarified as follows: "all individuals." Individual meaning related to the feeling of criminal law is characterized as an individual or element of a legal entity. Actions that violate the law or in this way are considered cunning are carried out according to the law, sense of justice and standards in the eyes of the public. Advancing oneself or other subjects who use state assets for personal or group interests is an act against the law because of the fact. Damage to national finances or the national economy is a reduction in national wealth caused by intentional or unintentional wrongdoing.

Corruption is not a joke for the people of Indonesia, considering the procurement of goods and services, additional budgets, projects and bribes, and even government assistance for the poor (Bansos). Social security nets and assistance to disaster survivors cannot be separated from cases of corruption.

Discussing the problem of corruption is a disaster for any country, especially Indonesia. If the financial slump continues, the real outcome will be derailment of the country's progress. Moreover, the increasing need for a person to commit a criminal act of corruption, and corruption also receives special consideration compared to other issues, so that the Indonesian government says that the crime of corruption itself provides a tangible item with targeted criminal authorization.

Corruption is a social disease that is a major problem for the people of Indonesia. Corruption is a bad treatment of public power because there is no command over power and the opportunity to control that power. Before entering the realm of legalization of criminal acts of corruption, first explain the implications of social assistance in accordance with Permendagri Number 14 of 2016 and the rules for providing social assistance. Social Assistance in question is the provision of cash/goods assistance by the nearest local government to the community, families, associations, and the community. It aims to protect the public from social hazards that may occur.

The social hazards referred to above can cause social weakness for people, families, groups or communities as a result of social emergencies, financial emergencies, political emergencies,

natural phenomena and disaster events. Social assistance is given to people who are unable to live in normal or normal conditions. If the case of corruption in social assistance funds is clearly stated in Articles 2 (1) and (2) of Law 31 of 1999 revised by Law 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, it explains: He is given a minimum sentence of years in prison, (4) and a maximum of 20 years. (20) years long time in prison. Then a fine of Rp. 200,000,000.00 or a minimum of Rp. 1,000,000,000.00. The death penalty can be imposed under certain conditions with the assumption that the violations meet the elements as referred to in paragraph 1 above.

The death penalty for corruption in social assistance funds is regulated in Article 2 paragraph (2) of Law 31 of 1999, amendments to Law 20 of 2001. What is meant by "extraordinary circumstances" are when national natural events, repeated criminal cases, and when a country is in a state of financial and financial emergency and a time when the country is in danger according to lawful arrangements.

The death penalty is still felt in Indonesian law, especially in the Draft Criminal Code, and the Criminal Code includes the death penalty as a feature of general punishment according to Article 10 of the Criminal Code. There has been much discussion about whether the death penalty should be enforced in Indonesia, abolitionists opposed the death penalty for abusing public liberties, particularly the right to life and progress. However, some countries, including Indonesia, actually allow the death penalty. (Tina Asmarwati, 2013)

The death penalty in the Anti-Corruption Law is a serious effort to destroy corruption cases in order to create security, equity, and legal benefits for the community. With the assumption that a person is a suspect in corruption of social assistance funds, the perpetrator can be sentenced to death because it meets the criteria for "certain circumstances" in Article 2 paragraph (2) of Law 31 of 1999. However, regarding the implementation of Indonesian law, there has never been a corruption perpetrator who was sentenced to death. by a legally competent authority.

CONCLUSION

The explanation above provides a summary of guidelines for corruption cases directed by the legal framework in Indonesia related to social assistance assets according to a legitimate view that has clear legitimacy to impose legal arrangements for suspects in corruption of social assistance funds. However, the regulations that explicitly regulate the acts of corruption in social assistance funds have not been included in our positive legal instruments, this has resulted in a blurring of legal norms and multiple interpretations in the sentencing of alleged corruption in social assistance funds. The formation of laws and regulations should meet three main aspects, namely to create certainty, benefit, and legal justice for the community. However, until now acts of corruption in social assistance funds can be given a death penalty according to the Corruption Act in Indonesia.

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