

Law Enforcement Of Corruption Crime Cases In Jayapura

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ABSTRACT

The purpose of this research is to analyze the law enforcement of corruption, law enforcement efforts and the factors that influence the law enforcement of corruption in Jayapura. The research method used is normative juridical and empirical juridical research types. The results of this study indicate that: first, the essence of law enforcement on corruption (Studies in Jayapura) in principle is to prevent irregularities or misappropriation of state finances to realize social welfare. However, in practice, it is not optimal because of the minimal application of criminal sanctions against corruption convicts and the lack of oversight of state financial management.

Keywords: Law Enforcement; Criminal act; Corruption.

Introduction

Corruption in Indonesia is developing systemically and has become a global problem between countries so that it is no longer classified as a conventional crime but is categorized as a transnational crime even as a result of multidimensional bad implications for large economic and financial losses to the country as well as violations of social and human rights. -the economic rights of the people, so this condition is the reason for the predicate of corruption to increase extraordinary crime which must be eradicated with extraordinary steps and carried out by an extraordinary institution as well.^[1]

Corruption is not a habit that is considered a culture. However, bad behaviour is committed by a group of people in corporations who have the power or authority as state apparatus. This bad behaviour can be detrimental to state finances and some even suspect that corruption could be the

cause of the downturn in the Indonesian economy in recent years.^[2]

Corruption is a criminal phenomenon that undermines and hinders the implementation of development. Its significant development has become the centre of attention as well as a concern not only for Indonesia but has become an international issue so its prevention and eradication must be prioritized.^[3] Even though the handling of criminal acts of corruption is a type of case that is difficult to overcome or eradicate. The facts that are happening now are not just a figment of the imagination, the corruption case that occurred in 2018 has dragged the former Head of Yokiwa Village, East Sentani District, Jayapura Regency, who was involved in a corruption case of Village Fund Allocation worth 1 billion, which was later sentenced to 7 years in prison and a fine of Rp. 50 million (Fifty Million Rupiah) subsidiary of 3 (three) months in prison by the Panel of Judges of the Jayapura Class I A Court. This indicates that corruption always begins with the abuse of power (abuse of power) of a person holding a certain position. If an officeholder cannot maintain commitment and loyalty to his position, then the latent danger of corruption will easily affect his power.

Corruption in Jayapura is already a very dangerous social pathology that threatens all aspects of community life, nation and state. Indonesia is known to the world as one of the first corrupt countries. According to the results of the Transparency International survey which is issued periodically every year, Indonesia is always ranked among the top ten most corrupt countries in the world. In the last decade of 10 years, Indonesia has become the fifth most corrupt country in the world and is sometimes in the number two position in Southeast Asia after Myanmar.

The eradication of criminal acts of corruption has become a separate agenda for the government and is a mandate for reform, which is not only the joint responsibility of all Indonesian people. However, like viruses in general, finding a cure or vaccine is not easy, as is the case with corruption. Various attempts have been made, but the regulations promulgated by the government have not been able to suppress the rate of development of corruption, and even seem to have continued to increase from year to year.^[4]

The government's seriousness in eradicating criminal acts of corruption can be seen from the juridical aspect by issuing

various policies related to eradicating and preventing criminal acts of corruption. These policies include: TAP MPR number XI/MPR/1998 concerning the administration of a clean state, free of corruption, collusion and nepotism, the TAP MPR was the first legal product at the beginning of the reform order, Law number 28 of 1999 concerning state administration which clean, free from corruption, collusion and nepotism, Law number 20 of 2001 concerning the eradication of criminal acts of corruption, Law number 30 of 2002 concerning the corruption eradication commission, and Law number 46 of 2009 concerning the Corruption Court, the regulation indeed it was formed within the framework of how to ensnare corruptors into "jail", bearing in mind that before the promulgation of this Law, many corruptors were sentenced to acquittal.

Apart from being in the form of a law, various other regulations have been promulgated by the government to eradicate corruption, as a form of "right to establish" to be able to restore Indonesia's slumping economic situation which is predicted to be due to corruption. As has been issued several Presidential instructions including, issuance of Presidential Instruction No. 5 of 2004 concerning the Acceleration of Corruption Eradication, Presidential Instruction No. 9 of 2011 concerning Actions to Prevent and Eradicate Corruption 2011, Presidential Instruction No. 17 of 2012 concerning Actions to Prevent and Eradicate Corruption 2012, Presidential Instructions number 1 of 2013 concerning actions to prevent and eradicate corruption in 2013. Furthermore, Presidential regulation number 55 of 2012 concerning the National strategy for preventing and eradicating corruption in the long term of 2012-2025 and the medium term of 2012-2014.

Efforts to eradicate corruption by the government are still ongoing, although various strategies have been implemented, acts of corruption are still widespread in various sectors of life. The government's active repressive efforts have been ineffective so instead of reducing corruption in Indonesia, it has only flourished.

Based on the juridical foundation that has been echoed by the government, it should be a mouthpiece for law enforcers in carrying out their duties to eradicate corruption. However, the legal facts on the ground are inversely proportional to the existing conditions, where corruptors grow at dawn and freely carry out their actions to undermine the country's wealth and

finances, which incidentally are the rights of Indonesian citizens but are illegally seized by irresponsible people.

The conception of law enforcement against criminal acts of corruption becomes very rigid if law enforcement officials, especially judges, seem stagnant (doubt in imposing a verdict on corruptors) in writing corruption cases, based on a legal system which contains 3 elements of law, the judge as an apparatus. Law enforcers are included in the structural elements of the legal system, but based on the optics of researchers there are still many problems. The weak sensitivity of judges is also related to the personal morality of judges and various other problems which ultimately have implications for the resulting decision.^[5]

Based on observations by researchers on corruption cases in Jayapura, it continues to increase. Even at the time this writing was written by the researcher, the Jayapura District Attorney was handling the case of alleged corruption, and irregularities in the Papua provincial budget for the 2019 fiscal year at this respected institution. Kejari Jayapura named 2 people as suspects namely JJH (Director of CV PIP) and YSM (Former PLT Head of the PUPR Service Office of Jayapura Regency, with corruption worth 10 billion which should be accounted for

Research methods

Based on the formulation of the problem, this study uses two types at once, namely normative juridical and empirical juridical research (law in action studies) using a sociological approach. Normative juridical research is an approach to the problem that is carried out by examining laws and regulations and literature as well as legal materials related to corruption crime regulations. Meanwhile, the empirical juridical approach is that the law of action is conceptualized, as an autonomous normative phenomenon (study of law in books), but the law is conceptualized as a social institution which in real terms is associated with other social variables. The research was carried out in Papua Province, the capital city of Jayapura as the jurisdiction of the Jayapura District Court Class 1 A. by selecting several districts, including Jayapura Sentani District (Jayapura District Court Class 1 A), Keerom Arso District, Mambramo Raya District, and Sarmi District, as the expansion area of Jayapura Main.

Discussion

Parallel to the conditions previously described regarding the increasing corruption in Indonesia, corruption cases brought before the Jayapura corruption court from year to year have not decreased but have continued to increase. From mid-2019 to 2022 corruption cases were transferred to the Jayapura corruption court, and there were 102 cases recorded, as illustrated in the following table:

Table. 1 Data on Corruption Crime Cases at the Jayapura Corruption Court for 2019 - 2022

No	Year	Things come in	Things are done	The rest of the matter
1.	2019	22	22	-
2.	2020	14	14	-
3.	2021	40	40	-
4.	2022	26	7	19

Source: Jayapura Corruption Court

The table above shows that 102 cases were delegated to the Jayapura Corruption Court and 19 cases had not been resolved.

In general, the parameters of a court decision, including a criminal court, apart from relying on legal certainty, must also rely on justice and expediency. Legal certainty is important so that criminals do not feel that they are victims of the criminal justice system. Whereas justice is a basic value that must be included in a court decision, while expediency is a practical value that must provide benefits to the perpetrators of crimes for the punishment they have suffered.

Table. 2 Data on Corruption Crime Cases at the Jayapura District Attorney's Office for 2019 - 2022

No	Year	Things come in	Things are done	The rest of the matter
1.	2019	22	15	7
2.	2020	14	8	6
3.	2021	40	40	-

4.	2022	26	26	-
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Source: Jayapura District Attorney

From the data above, in 2019 there are still 7 remaining cases and in 2020 there are still 6 remaining cases.

Jayapura is the capital of Papua Province, formerly known as Irian Jaya. The province was formed on May 1, 1963, based on law number 12 of 1969, and the capital city is Jayapura. Its area is around 81,049.30 km², with a total population of 1,320,799. the tribes in this province consist of Bugis, Javanese, and other tribes.

The problem of corruption contradicts the concept of a rule of law state and can even undermine the ideals of a rule of law state. There are three reasons why corruption can undermine the ideals of a rule of law state, including: first, corruption is a violation of human rights. Second, corruption undermines the order of the legal system which results in the ineffectiveness of law enforcement so that legal certainty (Rechtssicherheit), benefit (Zweckmanssigkeit) and justice (gerechtigkei) cannot be realized. Third, corruption has a broad impact. The breakdown of the rule of law order was also caused by corruption having an impact on the loss of the wider community.^[6]

Perpetrators of criminal acts of corruption in Indonesia are not committed by the lower middle class, but by the upper middle class or can even be said by groups of people who are already privileged and highly educated. Behaviour and lifestyle cannot be avoided but what exists is how to maintain the continuity of the behaviour and lifestyle so that it always runs without stopping.^[7]

Corruption in Indonesia can pose a danger to human life because it has penetrated the world of education, health, provision of people's food and clothing, religion, and other social service functions. The eradication of corruption is by relying on the law on eradicating criminal acts of corruption, namely Law Number 31 of 1999 concerning eradicating criminal acts of corruption as amended by Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 concerning the eradication of corruption crime. The state apparatus authorized to examine criminal cases is the police, prosecutors and courts. Police, prosecutors and judges are three elements of law enforcement, each of

which has duties, authorities and obligations by applicable laws and regulations.

Law number 31 of 1999 concerning the eradication of criminal acts of corruption was enacted because Law number 3 of 1971 concerning the eradication of criminal acts of corruption was deemed no longer appropriate with the development of legal needs in a dynamic society, therefore it needed to be replaced with an anti-corruption law. new acts of corruption in the hope of being more effective in preventing and eradicating criminal acts of corruption.^[8] The nature of Extra Ordinary Crime which is attached to the crime of corruption is one of the reasons that its eradication must be carried out extraordinarily as well. The explanation of Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 concerning eradicating criminal acts of corruption is a justification for the ranking of these corruption crimes, stating the following: "Given that corruption in Indonesia occurs systematically and is widespread so that it is not only detrimental to finance country but has also violated the social and economic rights of the community at large, so the eradication of corruption needs to be carried out extraordinarily. Thus, the eradication of criminal acts of corruption must be carried out specially.

Table. 3 Respondents' Understanding of Corruption Act

No	Answer Category	Frequency	Percentage (%)
a.	Understand	74	74
b.	Lack of understanding	26	26
c.	Do not understand	-	-
Amount		100	100

Primary Data Processed in 2022

Based on Table 3 above, 74 respondents or 74% understand the law on corruption. This portrait indicates that the public understands the existence of laws that regulate the prohibition of committing acts of corruption or illegally taking people's rights. As many as 26 respondents or 26% did not understand the law on corruption. Relevant to the previous conception, the elucidation of Law Number 30 of

2002 concerning the Corruption Eradication Commission, states that:

"The increase in uncontrolled corruption will bring disaster not only to the life of the national economy but also to the life of the nation and state in general. Widespread and systematic criminal acts of corruption are also violations of the social rights and economic rights of the community, and because of all this, corruption crimes can no longer be classified as ordinary crimes but have become extraordinary crimes. Likewise, efforts to eradicate it can no longer be carried out normally, but extraordinary methods are required. Law enforcement to eradicate criminal acts of corruption that have been carried out conventionally has proven to experience various obstacles. For this reason, an extraordinary law enforcement method is needed through the establishment of a special body that has broad authority, is independent and free from any power in efforts to eradicate corruption, whose implementation is carried out optimally, intensively, effectively, professionally and continuously.

The General Explanation of Law Number 31 of 1999 concerning the eradication of criminal acts of corruption, states that the promulgation of the law is intended to replace Law Number 3 of 1971 concerning the eradication of criminal acts of corruption, which is expected to be able to fulfil and anticipate developments in the legal needs of society to prevent and eradicate more effectively every form of criminal act of corruption which is very detrimental to state finances or the country's economy in particular and society in general.^[9]

Based on the content material of the general explanation of Law number 31 of 1999 concerning the eradication of criminal acts of corruption, eradicating criminal acts of corruption is a common agenda, not only the task of the government but also the task of society as citizens.

Given the applicable law, in particular the provisions of article 12 letter (i), article 2 and article 3 of law number 31 of 1999 concerning the eradication of criminal acts of corruption as amended and supplemented by law number 20 of 2001 concerning changes to the law number 31 of 1999 concerning eradicating criminal acts of corruption, article 22 junction article 5 law number 28 of 1999 concerning state administrators who are clean and free

from corruption, collusion and nepotism, articles 55 and article 64 of the criminal law code, articles 191 books of criminal procedural law and other related regulations.

Based on the results of the author's interview with the defendant's legal advisory team, Mr Nasrun stated that:

"What is suspected of the defendants is not from the findings of the BPK whether for example the work has not been completed or not, so investigators only calculate based on the work items assigned to the defendant, for example, each person is charged 10 work items, each work item is valued at 200 million. From this calculation, it is based on the public prosecutor's assessment, so that state losses arise.

The independence of the judiciary is an important prerequisite in carrying out legal discovery activities by judges in court. The independence or freedom of judicial power means that there is no intervention from the parties extra-judicial others, to support the creation of conducive conditions for judges in carrying out their duties in the field of justice judicial, namely examining, adjudicating, and deciding on disputes submitted by the litigating parties. Furthermore, this condition is expected to create quality judge decisions, which contain elements of justice, legal certainty, and expediency.

Objectively, the legal norms to be upheld include the notion of formal and material law. Referring to the principle of forming good laws and regulations, namely the principle of conformity between types, hierarchies and content material, this principle explains that in the formation of laws and regulations, one must pay attention to the right content according to the type and hierarchy of laws and regulations.

In other words, the relevance between the two is sufficient, taking into account the explanation of law number 31 of 1999 in conjunction with law number 20 of 2001 concerning eradicating corruption, which states that to realize a just and prosperous Indonesian society, it is necessary continuously improving efforts to prevent and eradicate criminal acts of corruption in particular. This is relevant to Article 33 paragraph (3) of the 1945 Republic of Indonesia Constitution, which states that the land, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people.

The relevance between the two regulations is the implementation of the true meaning of the theory of legislation which states that a law or regulation that is made must be beneficial to the public or the creation of a responsive law must involve the community in a participatory manner to realize good relations between the true interests of society with legislators.

The 1945 Constitution of the Republic of Indonesia is the basic law of the Republic of Indonesia and any formation of rules under it must be guided by the 1945 Constitution of the Republic of Indonesia. promote the general welfare. This affirmation is inseparable from the main idea contained in the preamble, namely that the state wants to realize social justice for all Indonesian people.

As meant in articles 28A-28J which contain arrangements regarding Human Rights. This article is a new chapter in the 1945 Constitution of the Republic of Indonesia and is at the same time an expansion of human rights material that was already in the 1945 Constitution of the Republic of Indonesia before it was amended, previously referred to in Article 27, Article 28, Article 29 paragraph (2), article 30 paragraph (1), article 31 paragraph (1), and article 34, relevant to the discussion of the researcher's research, the articles included in the researcher's observation are as follows:

Article 28H Paragraph (1) states that:

1. Everyone has the right to live in physical and spiritual prosperity, to have a place to live, to have a good and healthy environment and to receive health services.
2. Everyone has the right to get convenience and special treatment to obtain the same opportunities and benefits to achieve equality and justice
3. Everyone has the right to social security which allows for his full self-development as a human being with dignity
4. Everyone has the right to have private property rights and these property rights cannot be arbitrarily taken over by anyone.

Human rights are basic rights possessed by every human being from the time he is born until he dies. The Indonesian state constitution has expressly regulated in the opening of the Indonesian state constitution that the Indonesian state government protects the entire Indonesian nation and all of

Indonesia's bloodshed and promotes public welfare, educates the nation's life, and participates in carrying out world order based on freedom, eternal peace and social justice.

Based on Article 28H paragraph (1) preamble to the 1945 constitution of the Republic of Indonesia, it should legitimize the government to provide a decent living for Indonesian citizens. Indonesia's natural wealth should be able to meet the welfare of its citizens. Jayapura, like others in Indonesia, is also spread out with natural resources which can be a source of decent livelihood for the people who live in the region. However, the fact that natural resources are thriving is directly proportional to the development of corruption which is also growing rapidly.

The corrupt practice that occurred in the jurisdiction of the Jayapura corruption court, according to the author, is a reflection of the euphoria of a society supported by a hedonic lifestyle, which assumes that people will be happy by seeking as much happiness as possible. Their happiness is shown by consumptive behaviour, especially among local elites, as holders of structural positions in Jayapura, slowly but surely they (local elites) have taken community rights illegally. The cause is none other than "realizing happiness" for them (local elites), whose version of pleasure is shown by owning luxury goods, obtained from crimes of corruption or abuse of position and power.

Relevant to the author's search in the field, this conception has been strengthened by interviews with the chairman of the Jayapura Court, Derman Parlunguan, who stated that:

"The corruption rate which continues to increase is due to the euphoria of the people and it cannot be denied that this condition is the impact of regional autonomy, the people are shocked to receive money and manage their regional finances. The funds received are used as if they were private property that can be used as he wishes.

Furthermore, Article 27 states that:

1. All citizens have the same position before the law and government and are obliged to uphold that law and government without exception.
2. Every citizen has the right to work and a life worthy of humanity.

3. Every citizen has the right and obligation to participate in efforts to defend the country.

Article 33 states that:

1. The economy is structured as a joint venture based on the principle of kinship.
2. The branches of production which are important to the state and affect the livelihood of the people at large are controlled by the state.
3. The land and water and the natural wealth contained therein are controlled by the state and used for the greatest prosperity of the people.

The essence of Article 33 of the 1945 Constitution of the Republic of Indonesia prioritizes public welfare, society will prosper if the organizers and administration of government are honest, because the sectors that are built must run according to a predetermined public policy plan and will provide great benefits for the interests of the people. the people as a whole. However, it becomes a necessity when corruption practices are rampant, and people's rights are enjoyed illegally by irresponsible local elites.

The aim of eradicating corruption is basically to achieve people's welfare, increase the nation's self-esteem and dignity in the international world and contribute to the development and peace of world civilization. Therefore, as a trigger and encouragement to this nation and state, we need to seriously support the tasks assigned to the Corruption Eradication Commission and other law enforcement officials. The public is guaranteed to receive information and become partners in providing input to the Corruption Eradication Committee on public bodies suspected of committing acts of corruption.^[10]

Indonesia as a country based on law has not been able to enforce the law to prevent and eradicate corruption. Corruption cases are still a long queue to be resolved, even though the queue tends to increase. This phenomenon is a separate note to take concrete action, move, unite and close ranks to complete it. Consumptive and permissive behaviour that tends to increase, not being good at being grateful for the blessings of the almighty God has become a lubricant for crimes that take away the social rights of the community.

Concerning the problem of corruption, in Indonesia, can be categorized as an extraordinary crime (extraordinary crime), which had extraordinary repercussions. Some experts say corruption is a violation of human rights. This is also emphasized in the elucidation of Law number 31 of 1999 concerning the eradication of criminal acts of corruption, namely: acts of corruption have caused enormous state losses which in turn can have an impact on the emergence of crises in various fields, for this reason, efforts to prevent and eradicate corruption need to be further improved and intensified by upholding human rights and the interests of society. In addition to this, corruption in Indonesia occurs systematically and is widespread so that it not only harms the state's finances but also violates the social and economic rights of the community at large, so the eradication of corruption needs to be carried out extraordinarily. But in fact, the corruption index has not decreased.^[11]

It is further understood that from a philosophical point of view, the characteristics of the Indonesian rule of law stem from the Pancasila philosophy contained in the preamble to the 1945 Constitution of the Republic of Indonesia, as reflected in the five Pancasila precepts. Based on the description above, it can be seen that the characteristics of a rule of law state can be found in the 1945 Constitution of the Republic of Indonesia. To be called a state based on the law of the 1945 Constitution of the Republic of Indonesia is enough to guarantee that society will prosper if the organizers and administration of government are honest because the sectors that are built must run according to a predetermined public policy plan and will provide great benefits for the interests of the people as a whole.

Based on the concept of a Pancasila rule of law state, it is very clear that the crime of corruption is contrary to the concept of a Pancasila rule of state, because in a rule of law the people's rights to obtain legal supremacy (supremacy of law), the guarantee of justice of equal treatment before the law (equality before the law), welfare for the community, limiting power, this is done within the framework of preventing the accumulation of power which in turn triggers corruption. Thus the existence and quality of a rule of law within a country are determined by how well the state's ability to control criminal acts of corruption and handle human rights violations properly.

There are 2 (two) important things in a rule of law country, namely: first, the existence of an independent judicial power to administer justice to realize legal certainty and justice; and second, the existence of law enforcement agencies (police, prosecutors, and other law enforcement officials) who can carry out their duties and authorities professionally and efficiently. Judicial power and law enforcement agencies are one unit, such as coins that act as pillars of law enforcement.

Purwoto Gandasubrata, the eighth former Chief Justice of the Supreme Court, 1992-1994 period very emphatically stated that:

"Consequences as a rule of law country, it is a prerequisite when in our country there must be an independent and authoritative judiciary or judiciary that is capable of upholding legal authority, legal protection, legal certainty/fairness, in the event of a violation or legal dispute in society".

Based on the opinion of Purwoto Gandasubrata, in essence, the existence of judicial power in a rule of law is understood in the form of realizing judicial transparency is the output leads to public openness because, in fact, every judge's decision that has permanent legal force belongs to the public, not to the judge personally. The judge must be accountable and transparent in carrying out its function as a trumpet of the law, putting aside elements that can hurt the sense of justice in society.

According to the author, "Equality Before The Law" means that before the law and government, every citizen has the right to equal treatment. At the level of the judiciary, judges as high authority holders should be able to show good attitudes and intentions towards all justice seekers regardless of caste for the sake of upholding a dignified and just law. No matter how good a rule is, if law enforcement officials are not backed up by strong morality, law enforcement will undoubtedly be beneficial, creating legal certainty and even going a long way to realizing justice.

Treatment that is discriminatory, dishonest and prioritizes certain groups that have high social strata in society is something that is not justified in a judiciary. Public distrust also decreased when corruption cases became extraordinary crimes (extraordinary crime) being sentenced is like a sentence for a chicken thief, especially with an

acquittal of course many questions arise in the minds of the public, what is wrong with law enforcement officials? The community wants the verdict on corruption cases to be able to provide a deterrent effect, so that the perpetrators of corruption, in this case, the local elites, are afraid to commit corruption and can even have an outward effect on the public to be afraid of committing corruption for fear of severe corruption sanctions.

To emphasize the strategic role of the judiciary, various international conventions, such as the Universal Declaration of human rights 8, the international covenant civil and political rights 9, the International Bar Association Code Of Minimum Standard Of Judicial Independence, the Beijing Statement Of Independence of Judiciary in the law Asia Region has stated that the power of the judiciary is one of the main components in a rule of law. The convention in question even states very explicitly, the judicial power referred to by the convention is a judicial power that is independent, impartial and competent.

Eradicating corruption is one of the important agendas of the government in the context of administering a country that is clean and free from corruption, collusion and nepotism (KKN). Even the eradication of corruption is also an agenda at the regional and international levels. This is evidenced by the many international institutions that have also affirmed their commitment to jointly fighting corruption. One of the obstacles to the welfare of developing countries is allegedly the result of excessive corrupt practices, both those involving officials in the public sector and those involving the wider community. An indication of the prevalence of corrupt practices in this country can be seen in the lack of improvement in perceptions of corruption. Several surveys conducted by other independent international institutions have also proven the same fact, although using different languages, instruments or approaches. This situation is a cause for concern to many parties.

The people of Indonesia, especially Jayapura, who live in an eastern culture, are still very attached to a custom or "culture" that has been passed down for generations, that is, they always feel "uncomfortable" when they receive help from other people and then do not give compensation for the help they get. This habit does not directly have any implications, but what if this is done continuously and in the

end, the reward for services is directed to officials for a job? Undoubtedly if the "thank you" is left unchecked, then slowly but surely it has become the real seed of corruption or more precisely the latent danger of corruption. This phenomenon has become a trend of corruption in Indonesia, including in Jayapura.

Corruption crimes that occurred in Jayapura, like the octopus of these crimes surround the local elite who should be role models and role models for society, instead committing despicable acts by committing corruption. These "pro-business" local elites only assist large companies or people who provide large donations and support for their election campaigns. Artidjo Alkostar stated that corruption is correlated with the misuse of opportunity or freedom to enrich oneself, as well as the size of the power that is misused to enrich oneself, which will ultimately have implications for the harm it causes.

Until now, most people are still fixated on the phenomenon of disclosing corruption cases. This matter is difficult to explain. There is no explanation from social experts regarding the illness that has hit this nation. Therefore, we call this symptom of society's illness as hyper corrupt namely a situation where corruption as a form of moral deviation has crossed the boundaries of our human reason as a civilized nation. The impact of corruption has destroyed the foundations of national life.

Corruption is not a crime of calculation, and it is not a crime of fools, because corruption is a national crime whose perpetrators are intellectuals. People will commit corruption if there are many benefits and the risks are small. In Indonesia, this opportunity is wide open, there is no clear punishment, and there is no threat of being ostracized or ridiculed. Threats of punishment became unclear because the courts were controlled by the mafia, the law was always traded and court decisions were always won by the higher bidder.

The very dynamic growth of society is accompanied by technological advances and the unavoidable pattern of life and excessive consumptive behaviour, forced luxurious lifestyles, even though it is not matched by the ability financial who are sufficient, not being good at appreciate what the state gives as a right will certainly tend to increase crime, including extraordinary crime (Extra Ordinary Crime).

This crime is generally committed by intellectuals who are included in the local elite who are highly educated and well-off. Having an extravagant lifestyle and not having a sense of love for the motherland (NKRI) becomes a lubricant for them to commit criminal acts of corruption, which as a result can hinder development in Indonesia and will increase the distance to achieve prosperity for the community.

As a result of corruption, it will bring a new understanding to the community about the meaning of government, community activities or the process of socializing with others. Related to this, is how corruption can change the view of life of people who are full of family spirit to become a material-minded society. Where our society likes to help change in such a way as to become a society that is selfless every time it helps others. Questioning our morality as a nation that upholds moral values is necessary. We don't need to feel inferior. Moreover, feel ashamed to repair a situation that has been so damaged. Rather, we feel a loss of honour. When other nations point their finger cynically at us as a nation that is unable to improve itself. They will ask where are the values and institutions of our society as a nation that glorifies Eastern customs. At least several things can be used as provisions to improve the current condition. First, an external solution, which includes reforming the education system in schools, starting from the elementary level up to the advanced level. The model for implementing P-4 upgrading which is usually a reference for forming student morale must be corrected. Starting from the method to the material presented. Moral formation from the beginning was emphasized to make children independent, responsible and moral human beings. Not to print children according to the will of power. Then what can not be kept away is education in the family environment. The role of religion and belief is more familiar when conveyed in the form of understanding from parents to children. But this also becomes an obstacle when parents pay less attention to their children or are unable to set an example as they should.

Natureextra ordinary crime attached to the criminal act of corruption is the presence of elements lot of the state money which will impact the basic economic life of the nation. The victims and losses suffered by the state had extraordinary consequences. Besides that, the nature-extra

ordinary crime of corruption can be seen from the practice carried out. Corruption has taken place in a systematic and widespread manner so that it is not only detrimental to state finances but also violates the social and economic rights of the wider community. The Centre for international crime prevention (CICP) one of the organs of the united nations has broadly defined corruption as the misuse of (public) power for private gain.

Viewed from the economic aspect, corruption is always carried out in illegal ways in obtaining something through patterns and modes that take advantage of positions or positions. abuse of power (abused of power), as a root cause of corruption. The question of whether or not state losses arise is just a consequence, does not mean that "consequences" are not needed in corruption cases. Therefore, besides that, the Public Prosecutor needs to prove the existence of an element of loss to the state, but what is most important to prove in detail and detail is the abuse of power itself. If it has occurred legally and convincingly that there has been an abuse of power/authority, even if there is no/or lack of proof of state losses, it means that there has been an "attempt to commit corruption". Because abusing power means deceiving the public. Attempts in criminal acts of corruption (as in the case of economic crimes) are considered the same as actions that have been completed according to law. This means that the defendant is considered the same as having committed an act of corruption.

Firm law enforcement that provides a deterrent effect, as well as instilling values by providing early education to children are some of the things that must be done to break the chain of corrupt practices to our future generations. At present, law enforcement against corruptors is still half-measures, so it has not provided a deterrent effect, both for the corruptors themselves and society in general. With the low deterrent effect contained in punishment for corruptors, it serves as a lubricant for the emergence of corruption which will always go hand in hand with law enforcement.

Furthermore, in civil society, there has also not been a clear and structured resistance to building a coalition to eradicate corruption. Precisely what is more obvious is the sceptical nature that is more likely to spread. Corruption has become a national problem that has created a

multidimensional crisis. The public seems not to be bothered by the corruption that has occurred around them and most of them think that eradicating corruption is entirely the responsibility of the police, prosecutors or KPK. A very wrong assumption.

If a country has positioned itself as a rule of law country, the consequence is that the product of laws and regulations becomes the benchmark rule of the game amid community life, where the content of norms in it will mention binding prohibitions, orders, obedience, and sanctions. This means that the law must be used as a commander who cannot be defeated by any situation and condition and frees the law from any influence that can injure the law itself.

Laws are made for the benefit or benefit of society. In other words, the existence of law can guarantee the order of society, opening access for people to live more happily. The main purpose of the law is not to punish although usually when people break the law, they should be punished. Laws are rules made to organize life together to create goals in the form of a state.

Relevant to the concept offered by the theory of laws and regulations that realizing good laws and regulations is not easy, guidelines are needed so that laws and regulations made by legislators must be useful or efficient for society, in other words, the principle Legislation is a guide for legislators in formulating legal products that will be made and should be needed and useful in regulating people's lives and lives. Therefore, the principle of forming good laws and regulations is a direction or policy determinant for legislators in formulating a statutory regulation.

As a material for a comparative study, the author takes Japan, which has been successful in minimizing corruption in its country. According to a survey conducted by the institution transparency international In 2012 Japan was one of the countries in the world with the lowest corruption index, ranking 17th in the cleanest corruption of 163 countries in the world. Japan is known as an advanced country in terms of technology, especially automotive. In addition to being popular with sophisticated technology, Japanese people are known to be very disciplined, have a high work ethic, and obey the rules. However, this does not mean that Japan is free from corruption. However, misuse of state finances is rife. Like most other countries in the

world, the process up to the imposition of punishment on corruptors in Japan is the same as other criminal laws that apply in other parts of the world.

Japan does not have an anti-fraud institution like Indonesia, which has a Corruption Eradication Committee and even a law that specifically reviews corruption eradication. However, Japan and Indonesia have many cultural similarities, namely the culture of saying "thank you" when receiving something or receiving assistance from other parties. Based on this history, it is appropriate that Indonesia learns a lot about steps to eradicate corruption committed by Japan. Based on the previous conception that if the supervisory function is carried out properly, then the management of state finances should be carried out.

The criminal acts of corruption contained in Article 2 and Article 3 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, basically according to the author's opinion, have fulfilled the elements of a legal product with a responsive character. The minimum sentence threats contained in Article 2 and Article 3, indicate that law enforcement officials actually in deciding against the accused must be guided by that article by imposing a decision of at least 1 (one) year in each corruption case that is transferred to the criminal court. Jayapura corruption, as expected by the makers of Law Number 46 of 2009 concerning courts of criminal acts of corruption, is the legitimacy for law enforcement officials in passing sentences on perpetrators of corruption, is at least 1 (one) year in other words since the law was enacted, then there should be no perpetrators of corruption who are free from the prosecution of the Public Prosecutor.

The statement by Mr Marvie De Queljoe the head of the Special Crimes Section at the Jayapura District Attorney stated that:

"in a way legal formal, laws and regulations related to corruption eradication have been adequately regulated, including, in this case, the use of electronic evidence has also been regulated, what is needed is how to implement these rules consistently.

Still in a series of interviews with the Head of the Special Investigation Unit at the Jayapura District Attorney, Mr Marvie De Queljoe, stated that:

"In Papua Province, the city of Jayapura, the corruption crime index tends to increase, both in terms of the number of cases and in terms of the quality of cases. Recently, there has been a shift from ordinary civil servants/ASN to heads of offices, even Esolons II and Esolons III who are caught in corruption." Even the amount of state losses increased.

If the law is abandoned, then not only will its image fall and be tarnished, but also its future will be bleak and lose its credibility. This reference to law is not intended to meet the needs of the authorities in behaving but concerns the macro interests of the life of the nation and state, short-term and long-term interests, including normative interests in dealings with the international community which has entered the era of globalization.

Conclusion

In principle, the essence of law enforcement on corruption in Jayapura is to prevent irregularities or misappropriation of state finances so that they can achieve public welfare. However, in practice, it is not optimal because of the minimal application of criminal sanctions against corruption convicts and the lack of oversight of state financial management.

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