

## The Role of Attorney As the Guards Team Of Security Government And Regional Development In The Prevention Efforts Of Criminal Corruption (Case Study In State Attorney Of Purworejo)

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**Abstract.** The efforts to overcome of the Corruption by law enforcement can be done by way of prevention (preventive) and prevention (repressive). The problems of this study are: Guards Team Establishment, Security Government and Regional Development in the law enforcement of corruption in the State Attorney of Purworejo. The Role of the Prosecutor as Guards Team of Security Government and Regional Development in the Prevention of Corruption in the State Attorney of Purworejo, a limiting factor of the role of the Prosecutor as Guards Team, Security Government and Regional Development in the Prevention of Corruption in the State Attorney of Purworejo and solutions.

This research use socio-juridical approach and specification in this study were included descriptive analysis. The source and type of data in this study are primary data obtained from interviews with field studies Public Prosecutor in the State Attorney of Purworejo, And secondary data obtained from the study of literature relating to the theory of supervision, authority and law enforcement.

Based on the results of research that Purpose of establishing of the Guards Team of Security Government and Regional Development, namely: 1) the loss of doubt the power of the budget (KPA), the power of the commitment (KDP), and implementing activities in carrying out its activities, 2) absorption of the budget properly and on time, and 3) development of Purworejo run properly and without corruption. The role of the Attorney divided into three normative role, the ideal role, and the role of factual. Inhibiting factor is the factor of its own law, law enforcement apparatus which is not widely understood rule of law, the factors supporting infrastructure and inadequate facilities, community factors and cultural factors. Solutions to overcome obstacles, namely: a) Prevention / preventive and persuasive, b) Legal Assistance; c) Coordination with APIPs and / or related agencies; d) Conduct Monitoring and Evaluation; and e) The Enforcement of Repressive Laws.

**Keywords:** Attorney; Corruption; Role; Guard Team of Security Government and Regional Development; Crime.

### 1. Introduction

Regional Autonomy also has a purpose for the creation of affairs division between central and local government, including the country's financial division. The existence of regional autonomy has given power to the regions to set their own autonomous region. Power both at central and local levels did tend to be easier to corrupt (Power tends to Corrupt).<sup>3</sup> The provisions contained in Article 2 of Act No. 31 of 1999 on the eradication of Corruption Act as amended by Act No. 20 of 2001 on the Eradication of

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<sup>3</sup> Romli Atmasmita, 2004 *Sekitar Masalah Korupsi, Aspek Nasional dan Aspek Internasional*, Mandar Maju, Bandung, p.75.

Corruption (Act No. 31 of 1991 jo. Act No. 20 of 2001) that any person who acts unlawfully enrich themselves or another person or a corporation that could harm the state finance and economy of the country.

Efforts to overcome Corruption by law enforcement can be done by way of prevention (preventive) and prevention (repressive). Prevention efforts by way of action (preventive) is to use the effort to imprisonment or non-penal efforts like improving social and economic conditions of society, raise awareness in the discipline of law and improving moral education community. While efforts are repressive crime prevention efforts through the "penal" more focused on the nature of the "repressive" (enforcement, eradication, crushing) by means of criminal after the crime occurred.<sup>4</sup>

Indonesia is intensifying efforts to prevent the occurrence of Corruption Act in accordance with the enactment of Presidential Instruction No. 7 of 2015 on the Prevention and Combating of Corruption Action which among other things is intended to increase efforts to prevent corruption in government agencies. One of the efforts to prevent Corruption in question is to create a Guards Team of Security Government and Regional Development. Guards Team of Security Government and Regional Development itself by decree Attorney General of Republic of Indonesia Number: KEP-152 / A / JA / 10/2015 dated October 1, 2015. Attorney of the Republic Indonesia is the Law Enforcement Institutions that have an important role in supporting the success of governance and national development.<sup>5</sup>

Based on the background of the problems mentioned above, then the problem can be formulated as follows:

- Why should Formed the Guards Team of Security Government and Regional Development in the Preventive of corruption in State Attorney of Purworejo?
- How Role of the Prosecutor as Guards Team of Security Government and Regional Development in Corruption Prevention Efforts in State Attorney of Purworejo?
- Is the Limiting Factor of the Prosecutor's Role as Guards Team of Security Government and Regional Development in the Prevention of Corruption in the State Attorney of Purworejo and What's the Solution?

## Research methods

The method used by researchers is sociological approach juridical law and specification in this study were included descriptive analysis. Even the sources and types of data in this study are primary data obtained from interviews with field studies Public Prosecutor in the State Attorney of Purworejo, And secondary data obtained from the study of literature relating to the theory of supervision, authority and law enforcement.

## 2. Results and Discussion

### 3.1. The Causes of Formed Guards Team of Security Government and Regional Development In the Corruption Preventive Efforts at the State Attorney of

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<sup>4</sup> Barda Nawawi Arief, 2010, *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru)*, Kencana, Jakarta, p.42.

<sup>5</sup> [www.kejaksaan.go.id/](http://www.kejaksaan.go.id/) accessed on 6 November 2019 09:34 AM

## Purworejo

In the field of investigation, the prosecutor's office as an investigator get a portion of special crimes that include subversion, corruption and economic crimes even though this is temporary.<sup>6</sup> The fact or the fact that the rule of law in order to eradicate corruption that has been done conventionally has experienced many obstacles, so in need of a way in the eradication of corruption is remarkable that carried by a specialized institution to work to eradicate corruption, namely the Corruption Eradication Commission as mandated in Article 2 MPR Decree No. VII / MPR / 2001 on Policy Direction Recommendations Eradication and Prevention of Corruption, Collusion and Nepotism.<sup>7</sup>

State Attorney of Purworejo have high moral integrity and credibility and capability in carrying out the responsibility for running the authority as one of the law enforcement officers on corruption cases. State Attorney of Purworejo has been given the mandate by Act No. 16 of 2004 on the Prosecutor of the Republic of Indonesia to run the power authority prosecution on any criminal matters including corruption cases. Therefore, the State Attorney of Purworejo an important pawn towards the eradication of corruption. For that show the seriousness of the State Attorney in Purworejo on combating corruption involvement, not only committed in the field of action, but also committed to the field of prevention.

Based on interviews with Agung Bowo Laksono, SH,<sup>8</sup> purpose of establishing the Guards Team of Security Government and Regional Development is to remove the doubts of the state apparatus in taking a decision, the absorption of local budgets to the maximum, the realization of the improvement of bureaucracy and the acceleration of the strategic programs of national interests of the people, promote economic growth and national development, as well as enforce effective law with emphasis on prevention.

So the formation of Guards Team of Security Government and Regional Development In the Corruption Preventive Efforts in State Attorney of Purworejo because it is in accordance with the efforts of the Attorney forming Escort Team, Security Administration and Regional Development for prevention of corruption and the acceleration of development, especially in Purworejo. Purpose of establishing the Guards Team of Security Government and Regional Development, namely: 1) the loss of doubt the power of the budget (KPA), the power of the commitment (KDP), and implementing activities in carrying out its activities, 2) absorption of the budget properly and on time, and 3) development of Purworejo properly and without corruption.

### 3.2. The Attorney Role as Guards Team of Security Government and Regional Development in the Prevention of Corruption in the State Attorney of Purworejo

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<sup>6</sup> O.C.Kaligus, 2006, *Pengawasan Terhadap Jaksa Selaku Penyidik Tindak Pidana Khusus dalam Pemberantasan Korupsi*, Alumni, Bandung, p.23

<sup>7</sup> Abu Fida' Abdur Rafi', 2006, *Terapi Penyakit Korupsi dengan Tazkiyatun Nafs (Penyucian Jiwa)*, Republik, Jakarta, p. xxi.

<sup>8</sup> Results of interviews with Agung Bowo Laksono, SH, as prosecutors and Security Guards team members Governance and Development in State Attorney of Purworejo, on January 30, 2020, 10:45 pm

The Attorney RI is a state institution executing state power, especially in the field of prosecution. As the agency in charge of law enforcement and justice, prosecutors led by Attorney General elected by and responsible to the President. Attorney General, the High Court and District Court is the power of the state especially in the field of prosecution, where everything is a unified whole that can not be separated. Referring to Act No. 16 of 2004 replacing Act No. 5 of 1991 regarding the Attorney RI, Judiciary as one of the law enforcement agencies are required to do more to uphold the rule of law, protection of public interest, upholding human rights, and the eradication of corruption, collusion and nepotism (KKN). Inside this new Prosecutor Law, RI Public Prosecution as state institutions that implement state power in the prosecution must carry out the functions, duties, and authority is independent, free from the influence of government power and the influence of other powers (Article 2, paragraph 2 of Act No. 16 of 2004).

In carrying out its duties and authorities, prosecutors led by Attorney General in charge of the six Deputy Attorney General and Chief Prosecutor 31 in each province. UU no. 16 of 2004 on the Prosecutor of the Republic of Indonesia also hinted that the Attorney institution located in a central position with a strategic role in strengthening the resilience of the nation. Because the Prosecutor is in the shaft and into the filter between the investigations and the inspection process in the trial as well as establishing and implementing court decisions. Thus, Prosecutor institution as controlling proceedings (*Dominus Litis*), because only the Attorney institution to determine whether a case can be made to the Court or not based on valid evidence according to the Criminal Procedure Code. It should be added, the Attorney General is also the only criminal decisions implementing agencies (*Executive Ambtenaar*). In addition to acting in a criminal case, prosecutors also have other roles in the Civil Code and State Administration, which may represent the Government in the Case of Civil and State Administration as State Attorney. Prosecutor as the authority implementing the Public Prosecutor was authorized as well as implement court decisions, and other authority under the Act. Because only the Attorney institution to determine whether a case can be made to the Court or not based on valid evidence according to the Criminal Procedure Code. It should be added, the Attorney General is also the only criminal decisions implementing agencies (*Executive Ambtenaar*).

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Soerjono Soekanto line with Joseph Godstein, normative role of the roles performed by a set of norms or laws applicable in public life. In criminal law enforcement According to Joseph Godstein, the normative role of law enforcement Total Enforcement is a criminal law enforcement as expected and formulated by substantive criminal law (substantive law of crimes). While the ideal role is a role that should be done in accordance with the position. In terms of criminal law enforcement, the ideal role of a law enforcement Full Enforcement namely law enforcement to the maximum. While the factual role is a role that a person is based on the fact concretely in the field or social life is happening for real. In Criminal Law Enforcement.<sup>10</sup>

- Normative role; Normative role is the role performed by the person or institution that is based on a set of norms or laws applicable in public life. Normative role of Guards Team of Security Government and Regional Development by Decree Attorney General of the Republic of Indonesia Number: KEP-152 / A / JA / 10/2015 concerning the Formation Guards Team, Security and Development government. Based on interviews with Dedy Fajar Nugroho, SH,<sup>11</sup> states that the Guards Team of Security Government and Regional Development priority to assisting the national strategic projects are worth a significant and direct contact with the public. As for the other projects will be considered first after seeing the direct exposure of the Organization of Local Government (OPD) in front of the prosecutor's team. According to the authors, the role of the role of the Attorney Normative as Guards Team of Security Government and Regional Development is the increase of public awareness by providing legal assistance at every stage of the national strategic development program in direct contact with the public.
- Ideal role; According to Dedy Fajar Nugroho, SH,<sup>12</sup> that a prosecutor as a law enforcement must work professionally, have personal integrity, discipline, a high

<sup>9</sup> <https://kejari-purworejo.go.id/profil/tentang-kejaksaan/> downloaded on January 23, 2020, 17:30pm

<sup>10</sup> Joseph Godstein in Erna Dewi, 2013, *Sistem Peradilan Pidana Indonesia (Dinamika dan Perkembangan)* PPKPU Faculty of Law Unila. p. 44

<sup>11</sup> Results of interviews with Dedy Fajar Nugroho, SH, as a member of Team Attorney Guards, Security Government and Regional Development at the State Attorney of Purworejo, on January 30, 2020, 13:15 pm

<sup>12</sup> Results of interviews with Dedy Fajar Nugroho, SH, as a member of Team Attorney Guards, Security Government and Regional Development at the State Attorney of Purworejo, on January 30, 2020, 13:15 pm

work ethic and responsibly, always actualize themselves to understand global development, responsive and able to adapt in order to maintain the image of the profession and performance of the prosecutor and the mentality corrupt. Besides a prosecutor as law enforcement officials must demonstrate exemplary good, act and behave in accordance with the values that live and thrive and legislation. According to the author, the ideal role or roles should have an attorney as law enforcement officers is a prosecutor must observe the Rules of the Attorney General Number: PER-067 / A / JA / 07/2007 on the Code of Conduct prosecutor and an attorney must have personal integrity and discipline in order to carry out law enforcement duties in justice and truth. A prosecutor must also be professional in doing his job because it required a qualified attorney, intellectual ability, high personal integrity and discipline in order to carry out law enforcement duties in justice and truth.

- Factual role; The role performed by the person or institution that is based on the fact concretely in the field or social life is happening for real. According to Dedy Fajar Nugroho, SH,<sup>13</sup> stating that the program Guards Team of Security Government and Regional Development of the Attorney of the Republic of Indonesia is an excellent way to foster a sense of courage and eliminate the doubts of the implementers of development in the use of development funds. Signing a Memorandum of Understanding (MoU) Financial SIMDA application development in the process of liquefaction SP2D online in Purworejo regency government environment.

### **3.3. Obstacles of The Role of the Attorney As Guards Team of Security Government and Regional Development in Corruption Prevention Efforts In State Attorney of Purworejo and The Solution**

Factors inhibiting general law enforcement can be seen from several factors, according to Soerjono Soekanto there are 5 factors inhibiting the rule of law such as:<sup>14</sup> Legal factors that rules and laws; Law Enforcement factors that the parties establish and apply the law; Factors means and facilities to support law enforcement; Public factor is the environment where the law is applied and enforced; Cultural factors which every work, creativity, and a sense that life is created in the association.

The obstacles faced by the State Attorney of Purworejo in the disclosure of alleged corruption, based on the results of interviews of investigators with the Special Crimes Section, the Prosecution Section investigators and the State Attorney of Purworejo.<sup>15</sup> Found resistance as follows: Factors Societies Conduct Anti-Corruption Law ; Factors Human Resources ; Asset Tracking factors are derived from the Corruption Obstacles that may be encountered in the implementation of law enforcement is

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<sup>13</sup> Results of interviews with Dedy Fajar Nugroho, SH, as a member of Team Attorney Guards, Security Government and Regional Development at the State Attorney of Purworejo, on January 30, 2020, 13:15 pm

<sup>14</sup> Soerjono Soekanto, 2014, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Ed-13). Rajawali Press, Jakarta, p. 8

<sup>15</sup> Results of interviews with Agung Bowo Laksono, SH, as a member of Team Attorney Guards, Security Government and Regional Development at the State Attorney of Purworejo, on January 30, 2020, 10:45 pm

supposed to be derived from itself or from the surrounding environment. Barriers that need to be addressed are:<sup>16</sup> Limited ability to put yourself in the role of other parties with whom he interacts; Level of aspiration is relatively not high; Excitement very limited to think about the future, so it is very difficult to make a projection; Lack of ability to delay gratification of a particular need, especially material needs; and Lack of innovation is actually a pair of conservatism.

The solution to overcome the inhibitory factor of the role of the Attorney As Guards Team of Security Government and Regional Development in Corruption Prevention Efforts In State Attorney of Purworejo namely: a) Prevention / preventive and persuasive, b) Legal Assistance; c) Coordination with AIPs and / or related agencies; d) Conduct Monitoring and Evaluation; and e) the enforcement of repressive laws.

According to Agung Bowo Laksono, SH,<sup>17</sup> law enforcement inhibiting factor when seen from the quality of law enforcement is the Human Resources (HR), especially in the Prosecutor should have the competence, high performance and reliable and professional in carrying out their work.

### 3. Closing

#### 3.1. Conclusion

Based on the previous description authors to conclude that:

- Purpose of establishing the Guards Team of Security Government and Regional Development, namely: 1) the loss of doubt the power of the budget (KPA), the power of the commitment (KDP), and implementing activities in carrying out its activities, 2) absorption of the budget properly and on time, and 3) development of Purworejo run properly and without corruption.
- Normative role by decree Attorney General of Republic of Indonesia Number: KEP-152 / A / JA / 10/2015. Role of Ideal is based on the Code of Conduct prosecutor set forth the Attorney General of the Republic of Indonesia Number: PER-067 / A / JA / 07/2007 and Minimum Standards of Attorney stipulated in the Attorney General of the Republic of Indonesia Number: PER-066 / A / JA / 07 / 2007. Factual role by signing of a Memorandum of Understanding (MoU) Financial SIMDA application development in the process of liquefaction SP2D online in Purworejo regency government environment.
- Inhibiting factors of law enforcement including the factor of its own law, law enforcement apparatus which is not widely understood rule of law, the factors supporting infrastructure and inadequate facilities, community factors and cultural factors. Solutions to overcome obstacles, namely: a) Prevention / preventive and persuasive, b) Legal Assistance; c) Coordination with AIPs and / or related agencies; d) Conduct Monitoring and Evaluation; and e) the enforcement of repressive laws.

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<sup>16</sup>Soerjono Soekanto, op.cit. 2014, p. 34-35

<sup>17</sup> Results of interviews with Agung Bowo Laksono, SH, as a member of Team Attorney Guards, Security Government and Regional Development at the State Attorney of Purworejo, on January 30, 2020, 10:45 pm

### 3.2. Suggestion

- Expected Attorney of the Republic of Indonesia to establish a special section Guards Team of Security Government and Regional Development so that law enforcement and the Guards Team of Security Government and Regional Development is more effective and focused. As well as increasing the number of attorneys involved in the Guards Team of Security Government and Regional Development so balanced with development projects handled.
- Expected to Guards Team of Security Government and Regional Development State Attorney of Purworejo can implement outreach programs more deeply on Guards Team of Security Government and Regional Development to government agencies Purworejo and Guards Team of Security Government and Regional Development State Attorney of Purworejo more Pro Active in offering help.

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