

## The Role of the Government and Regional Security Safeguard Team Supervision (TP4D) In Prevention Criminal Corruption

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Abstract. The Attorney General of Indonesia issued regulation No Per014 / A / JA / 11/2016. About the guards and security of the government and regional development.

This research aims to know and analyze the role of the Government and Regional Development Guards and Security Team in the prevention of corruption, how effective the TP4D is in carrying out its duties and authorities, and what obstacles are found in the field in relation to the duties and authority of the Government and Regional Development Guard and Security Team and how is the solution in providing legal assistance to government administrators to prevent the occurrence of criminal acts of corruption.

The research method used is juridical sociology by using primary and secondary data. Primary data collection techniques carried out by interviews, and secondary data by reading, studying and analyzing primary legal materials, secondary legal materials, tertiary legal materials with qualitative analysis techniques, interpreted logically and systematically and drawn conclusions.

The conclusion in this study is that the role of the government security guard and regional development (TP4D) team in preventing corruption is passive based on requests from government agencies. The legal product from TP4D is a legal opinion both incidentally and ongoing legal assistance according to the request of government agencies.

Keywords: Prosecutors' Office; TP4D; Corruption.

### 1. Introduction

Corruption has become a classic problem in Indonesia and has even occurred massively and systematically, various policies to eradicate corruption today tend to be repressive, this approach is considered as an effective effort to create a deterrent effect.<sup>3</sup> However, corruption is still difficult to eradicate in a short time, because corruption has taken root in the administration of government.<sup>4</sup>

The progress of a country can be measured by the level of success of its development while in Indonesia there are many cases of corruption in development funds which is certainly very detrimental and impedes the country's development process.

Based on the results of Transparency Research *International* the world body observing efforts to eradicate corruption by the government, the business community and the public released the 2018 Corruption Perception Index Annual Report, Transparency International survey results recorded that Indonesia's GPA in 2018 rose 1 point to 38 from a scale of 0-100. Indonesia's GPA score rose by 1 point making Indonesia ranked 89th out of 180 countries from 96 in the previous year.

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<sup>3</sup>Romli Atmasasmita, 2002, *Korupsi, Good Governance, dan Komisi Anti Korupsi*, Jakarta: Agency for the Development of National Law and Human Rights of the Republic of Indonesia, p. 25

<sup>4</sup> Ibid.

This effort to prevent corruption is the President issued Presidential Instruction No. 7 of 2015 concerning Actions to Prevent and Eradicate Corruption, which is intended, among others, to increase efforts to prevent corruption in government agencies. One of the efforts to prevent the occurrence of Corruption Crimes is to form a Team of Guards, Government Security and Regional Development (TP4D). The formation of the Guard Team, Government Security and Regional Development (TP4D) itself based on the Decree of the Attorney General of the Republic of Indonesia Number: KEP-152 / A / JA / 10/2015 dated October 1, 2015.

The Guards, Government Safeguards and Regional Development Team (TP4D) aims to provide assistance and information regarding the law to all agencies that carry out development in the area to avoid misuse of funds. However, in reality, after the formation of this TP4D, not all agencies that carry out development in the regions were accompanied by a Team of Guards, Government Safeguards, and Regional Development (TP4D). This is an obstacle in the implementation of the Guards Team, Government Security and Regional Development (TP4D).

Based on the above background, the authors are interested in conducting research on the Role of the Government Safeguarding Team and Regional Development (TP4D) in the Prevention of Corruption. Because based on the background, the problem to be discussed is how the role of the Guardian Team and the government security and regional development in the prevention of non-criminal corruption in Kudus Regency, then how effective is TP4D in carrying out its duties and authorities both preventively, persuasively and in legal assistance in Kudus Regency, then what are the obstacles faced in relation to the duties and authority of the TP4D team in Kudus Regency and how is the solution

## Research Methods

To complement this writing with the aim to be more directed and scientifically accountable, the writing method used is among others.<sup>5</sup>

The approach method used is sociological juridical research based on legal provisions and phenomena or events that occur in the field. Where are the research specifications This is *descriptive analysis* it means that the writer conducts research that aims to provide a comprehensive picture of the facts and legal issues, the legal system, which is related to the object of research, then a certain belief is drawn in order to draw conclusions.<sup>6</sup>

In this scientific research there is the use of primary legal materials namely the laws and regulations governing imprisonment in lieu of fines, legislation governing children. There are also secondary legal materials, literature study of reference books, magazines, papers, journals, documents, workshops and seminars of relevance.<sup>7</sup> Tertiary legal materials are also used in this research where legal materials provide guidance and explain primary legal materials and secondary legal materials such as legal

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<sup>5</sup>Soejono Soekanto, 1981, *Pengantar Penelitian Hukum*, Jakarta: UI Pres, p. 43

<sup>6</sup> Soerjono Soekanto and Sri Mamudji, 2003, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Jakarta: Raja Grafindo Persada, p.14.

<sup>7</sup>Amiruddin and Zainal Asikin, 2013, *Metode Penelitian Hukum*, Jakarta: PT. Rajagrafindo Persada, p. 32.

dictionaries, encyclopedias.<sup>8</sup>

Analysis in writing this journal uses qualitative analysis techniques that means where the data obtained is then arranged systematically so that a comprehensive picture will be obtained, wherein later the data will be presented in a manner *descriptive*, with the hope that a comprehensive picture of the problem under study can be obtained.<sup>9</sup>

## 2. Results and Discussion

### 2.1. Role Team of Guards, Government Safeguards, and Regional Development (TP4D) in the Prevention of Corruption Crimes

The stipulation of Presidential Instruction Number 7 of 2015 concerning Actions to Prevent and Eradicate Corruption in 2015 which, among others, is intended to increase efforts to prevent the occurrence of criminal acts of corruption in government agencies that need to be supported and carried out in a planned and earnest manner so that corruption prevention activities carried out by the Attorney Institution The Republic of Indonesia can take place effectively and optimally and to follow up on the speech of the President of the Republic of Indonesia at the commemoration of the 55th *Adhyaksa Bhakti* Day on July 22, 2015 which basically emphasizes for the purpose of improving the people's welfare by maintaining the smooth development program, The Indonesian Attorney General's Office is deemed necessary to provide assistance to relevant governments in terms of accelerated development and national development strategic programs.<sup>10</sup>

To oversee, secure and support the success of the administration and development through preventive and persuasive efforts in government especially in the Kudus Regency area, the TP4D Team of the Kudus District Prosecutor's Office has formed a TP4D Team which all aims to assist the implementation of development and optimal budget absorption in Kudus Regency . The intelligence attorney of the Kudus District Attorney stated that the basis for assistance was one of them Letter of Assistance Co-operation between Kudus Regency Government and Kudus District Prosecutor's Office Number 18 of 2014 and Number B-1500 / 0.3.18 / Gs / 11/2014 November 13, 2014.<sup>11</sup>In the agreement it was decided that the team would be included in the stage of public project implementation. Notification of signs is done so that no rules are violated. Furthermore according to the Intelejent explained that in carrying out the tasks and functions of TP4D it has guidelines for the implementation mechanism, some of which are regulated in the Attorney General's Regulation Number PER-014 / A / JA / 11/2016 concerning the Technical and Administrative Work Mechanisms of the Guards and Safeguards Team of Government and development and development (TP4), as a team formed in preventing the occurrence of criminal acts of corruption that need to be supported and implemented in a planned, comprehensive and beneficial manner.<sup>12</sup>

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<sup>8</sup> *Ibid.*,

<sup>9</sup> Eko Sugiarto, 2015, *Menyusun Proposal Penelitian Kualitatif, Skripsi dan Tesis*, Yogyakarta: Suaka Media, p. 9

<sup>10</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

<sup>11</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

<sup>12</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

In Article 4 paragraph (1) PER-014 / A / JA / 11/2016, it states that the Guard and Security of government and development include:

#### *2.1.1. Prevention / preventive and persuasive efforts*

Preventive measures, namely an effort or control measure taken to prevent or reduce the occurrence of fraud or corruption. Examples of activities that have been carried out are:<sup>13</sup>

- Providing legal information in the Government environment related to material on planning, tendering, work implementation, supervision of work implementation, licensing, procurement of goods and services, orderly administration and orderly management of state finances.
- Conduct discussions or discussions with the Government environment to identify problems faced in the absorption of the budget and implementation of development.
- Provide legal information and legal counseling on TP4D initiatives and at the request of those who need it, where the time and place of implementation are determined based on agreement and as needed.

Empowerment of the community component to participate in the development process will have an impact on changes in community behavior and work units in the area. These benefits will be increasingly felt, this can be seen from a number of development programs implemented through empowerment programs in the community. TP4D involvement since the beginning of the activity made it possible to provide opportunities from the beginning of the assistance activities until the completion of the development process. The community can provide control while at the same time being involved directly or indirectly in the development process. The AGO can also be a mediator, bridging the wishes of the community in the development process.

#### *2.1.2. Legal Assistance*

The Head of the Office of the Attorney General of the Holy Attorney mentioned that the Government Safeguarding Team and Regional Development (TP4D) aims to provide assistance to regional government organizations (OPD) and to government partners, so that the parties feel safe, the assistance is carried out by providing guidance on any rules which must be done.<sup>14</sup>

Projects that are escorted by TP4D in principle are all projects that come entirely from the APBN and APBD projects and do not rule out other projects submitted to the Prosecutor's Office.<sup>15</sup> Strategic projects get attention to get escort and security are strategic projects that have the potential for criminal acts of corruption.

Projects that need to be escorted include projects related to the public interest, strategic infrastructure projects, forestry projects, projects, procurement projects and projects in education and projects that have a wide impact on the community.<sup>16</sup>

The legal assistance is to prevent budget misappropriation or SOP incompatibility in each stage of its implementation. If from the beginning the stages are accompanied by the TP4D team, the project implementation to the end can run optimally.

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<sup>13</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

<sup>14</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

<sup>15</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

<sup>16</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

### 2.1.3. Monitoring and evaluating

This monitoring activity is related to the implementation of TP4D assistance in overseeing a development activity. In the case of monitoring the TP4D team must report the results of the supervision by making minutes of the inspection where it contains

- Tracking the implementation of activities and outputs (focus on inputs, processes and outputs)
- Reporting on progress
- Identification of management and implementation problems

Supervision reports are prepared in the form of working papers and then submitted by the Chairperson of TP4D to the applicant at the end of each work and reported to the leadership. Policies made in the TP4D team regarding the results of project work are evaluated jointly with the applicant.<sup>17</sup>

### 2.1.4. Coordinate with APIP or related agencies

Coordination is a tangible form together to present good governance. The meaning of coordination becomes increasingly important to the role of TP4D with the Government Internal Supervisory Apparatus (APIP) or other agencies in the administration of Regional Government.

The intelligence explained about various forms of coordination between the Prosecutor's Office and the Government Internal Oversight Apparatus (APIP). The Prosecutor's Office cooperates with APIP in dealing with any violations that occur in the government area by following up the results of the examination of TP4D findings, APIP, or community reports and carrying out repressive law enforcement with APIP.<sup>18</sup>

### 2.1.5. Carry out repressive law enforcement.

Repressive law enforcement is carried out when sufficient preliminary evidence is found after coordination with relevant agencies regarding unlawful acts, abuse of authority or other actions that result in losses to the state finances.<sup>19</sup>

In the policy carried out by the TP4D team of the Attorney General's Office, when sufficient initial evidence was found after coordination with APIP about unlawful acts, abuse of authority or other actions that resulted in losses to the country's finances. So on the basis of these findings repressive actions can be initiated by starting from:

- Investigation Stage  
Investigations are carried out if there are findings or reports from the community, the activity of which is the process : Forming an investigation team; Witness statement request; Request documents suspected of evidence
- Investigation Stage; At the investigation stage, based on the results of the interview, that to uncover the criminal act of corruption with the following stages:<sup>20</sup> Issue an Investigation Order (P-8) which assigns several prosecutors to carry out the investigation; Warrant for Commencement of Investigation; Summoning witnesses

<sup>17</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

<sup>18</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

<sup>19</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

<sup>20</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

and suspects made in the form of ordinary letters is called P-9 with the aim of hearing and checking someone as a witness or suspect of Corruption; Summons of assistance from expert statements (P-10) where in the investigation can present experts to strengthen the evidence; If the file is deemed complete then the investigator submits the case file to the Prosecutor and submits the suspect's responsibility and Evidence to the Prosecutor and then enters the prosecution stage.

- Prosecution: Making a P-16A letter, namely the appointment of a prosecutor to settle criminal cases; Making an Indictment and immediately handed over to the Court (P-31) with a request to immediately adjudicate. And if the president of the court declares the authority to adjudicate then immediately determine the day of the trial.

Thus, the actions taken by the TP4D of the Holy Prosecutor's Office in Disclosure of Allegations of Corruption Acts based on the results of the above research, indicate that the initial steps to uncover cases of corruption by the Attorney General's TP4D, cannot be separated with the broad authority as provided under the Act.

## **2.2. The constraints faced are related to the duties and authority of the Government Safeguard Team and Regional Development and how to solve them**

In every security and assistance Tim Government Guards and Safeguards and Regional Development often found obstacle or problem. As for the obstacles experienced by Tim Government Guards and Safeguards and Regional Development of efforts corruption, based on the results of interviews with researchers found the following obstacles:<sup>21</sup>

### *2.2.1. Legal substance*

The substance of the law is part of the resources of legislation and regulations that determine the implementation of the duties of the TP4D of the Attorney General's Office in preventing corruption. Legislation in this case is a manifestation of the provisions in the law relating to criminal acts of corruption. If the provisions in the criminal act of corruption are less than perfect, then that certainly affects the implementation of the TP4D task of the Holy Attorney General's Office in preventing corruption.

The prosecutor's authority in corruption is regulated in Article 30 of Law No. 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia stated that "One of the duties and authorities of the Prosecutor's Office in the criminal field is to conduct an investigation of certain criminal acts based on the law".<sup>22</sup>

### *2.2.2. Legal Structure*

The legal structure is a special law enforcement resource for prosecutors who are members of the TP4D Kudus District Attorney Office to prepare knowledge, expertise, skills and professionalism to effectively carry out the duties and functions of the TP4D Kudus District Attorney's Office in preventing corruption. TP4D Kudus District Attorney along with the supervisory consultant, Committing Officer of Commitment to supervise and monitor the implementation of work carried out by the project operator

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<sup>21</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

<sup>22</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

(contractor) to avoid any irregularities in the implementation of these activities.<sup>23</sup>

### 2.2.3. *Legal Culture*

The lack of public knowledge about the role of the community itself in making efforts to prevent, disclose, and eradicate corruption eradication is a difficult factor in the disclosure and eradication of criminal acts of corruption.<sup>24</sup> This is also exacerbated by the permissive nature experienced by the community in this case the disclosure and eradication of corruption.

To change the mindset of the community by way of counseling and enlightening the law to the community, government officials and entrepreneurs to change the characteristics or habits that always violate the rules are considered normal to change these habits to make the rules something guidelines that must be obeyed. both high or low rank or position and Good role models from officials or superiors in carrying out their duties, functions and authorities in accordance with the applicable laws and regulations, but remain prudent as long as they still have tolerance limits. Therefore, the legal culture will determine the implementation of the duties of the TP4D of the Attorney General's Office in preventing corruption.

### 2.2.4. *Quality and Quantity of Law Enforcement*

The quality and quantity of law enforcement includes human resources that can influence the implementation of the duties of the TP4D Kudus District Attorney Prosecutors in TP4D must have competence, high performance and be reliable and professional in carrying out their work. This is because development projects that are vulnerable to corruption, collusion and nepotism if not handled by professional law enforcers can cause abuse of authority that can cause financial losses to the state.

Law Enforcement, especially prosecutors on the Guard Team, Government Security and Regional Development (TP4D) must work professionally because in the hands of law enforcers who will determine the law will live or vice versa. Prosecutors involved in the Guard, Government Security and Regional Development (TP4D) Team must have high integrity.

The solution for the quality of human resources in the Attorney General's TP4D needs to be strengthened by being included in education and training programs related to project implementation or government procurement, it needs the support of financial personnel in separate positions. So that the TP4D Team is included in workshops, seminars and events in the Regional Government, BUMN and BUMD. The need for equality of perception related to TP4D through education and training.

## 3. Closing

### 3.1. Conclusion

- The role of the Government Guard and Security Team and Regional Development in the prevention of corruption divided into three namely the Normative Role of TP4D, which is based on the Decree of the Attorney General of the Republic of Indonesia

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<sup>23</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

<sup>24</sup> Interview with the Holy Intelligence Attorney Office, January 23, 2020

Number: KEP-152 / A / JA / 10/2015 concerning the Establishment of TP4. The ideal role of the TP4D is based on the Prosecutor's Code of Conduct as stipulated in the Attorney General's Regulation of the Republic of Indonesia Number: PER-067 / A / JA / 07/2007 and the Attorney General's Minimum Professional Standards stipulated in the Attorney General's Regulation Number: PER-066 / A / JA / 07/2007. The Factual Role of the Role of TP4D in the Kudus District Prosecutor's Office as seen from the implementation of TP4D in Kudus Regency is the Memorandum of Understanding (MoU) that the Government of the Kudus Regency will involve the Prosecutor's Office namely TP4D in projects carried out by all Regional Organization Organizations (OPD) of Kudus Regency

- The effectiveness of TP4D in carrying out its duties and authorities both preventively, persuasively and legal assistance that is through providing legal information, conducting discussions or joint discussions, providing legal information and legal counseling on TP4D initiatives and at the request of parties in need in the Government.
- The constraints found in the field are related to the duties and authority of the Government Guard and Security Team and the Regional Development of the Holy Prosecutor's Office is a factor legal substance, legal structure, legal culture, quality and quantity of law enforcement. The most dominant inhibiting actors are the quality and quantity factors of law enforcement especially prosecutors involved in TP4D as supervisors of development projects must have high integrity and be able to not get involved with a culture of corruption and bribery because development projects are prone to cases of corruption and bribery.

### 3.2. Suggestion

The Prosecutor's Office should be able to move directly in escort without having to have an application or MoU, so with this effort the prevention of corruption becomes the maximum. The Prosecutors' Office must have a way to reduce the culture of Indonesian people in committing criminal acts of corruption and hoped that the community will participate in every legal information event carried out by TP4D in order to gain an understanding of the indications of corruption around and complain to the TP4D institutions.

### 4. References

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- [2] Soejono Soekanto, 1981, *Pengantar Penelitian Hukum*, Jakarta: UI Pres
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