



Analysis The Integration of The Criminal Justice System in Handling Corruption

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Abstract

Corruption as a serious crime has detrimental effects on the state and society. One of the solutions to overcome corruption is by implementing an integrated criminal justice system that involves law enforcement agencies, such as the police, prosecutors and judges. Enforcement of the criminal justice system must be based on the KUHAP as the mouthpiece of the law for the Police and Prosecutor, meanwhile, the KPK is not only based on the KUHAP but also on Law Number 19 of 2019 jo. Law Number 30 of 2002 on The Corruption Eradication Commission (KPK). The synergy that is expected in the context of overcoming criminal acts of corruption in the context of the criminal justice system turns out to still contain law enforcement problems in it, such as the substance of the law, overlapping authority, independence, weak coordination, human resources, and the lack of optimality of the special criminal justice system.

A. Introduction

Corruption is one of the forms that follow the resulting crime loss for interest general and threatens the stability economy, social, and politics in the country. Corruption is an self enriching action, other people, or the resulting corporation loss for state finances. Corruption is also a violation right basic human and obstructive development because impacting in macro as well as massive in the field country's economy. Based on research conducted in Belgium, identified two components to categorize seriousness crime , which are the perception seriousness of the crime and the impact from error on crime to evaluate seriousness of the



crime.¹ It's rampant case follow criminal corruption proven with handling corruption in 2014 by the Prosecutor's Office. Got it as many as 1,815 cases investigations, 1,537 investigations cases, prosecutions (including 1,352 cases investigated by the Prosecutor's Office and 873 cases investigated by the Police.). Meanwhile, in 2013, KPK data amounted to 81 cases (investigation), 102 cases (investigation), 73 cases (prosecution), and amounting to IDR 1.196 trillion succeed saved from action corruption.² Because of that, handling corruption must be done in firm, fair effective, independent, and professional by the law enforcement agencies.

Corruption is classified as special criminal in Article 603 of the Law Number 1 of 2023 concerning the Criminal Code (National Criminal Code) has loaded separately because its specificity. Actually, the law is enforced to give protection for public through criminal procedure law in accordance with Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHP) as *rules of the game* in criminal law. Handling corruption cases will boils down to on Special Criminal Court in scope of General Judiciary.

Criminal Justice system is a system that regulates the process of investigation, prosecution, trial, and prosecution of the crime cases. Mechanism criminal law enforcement involves criminal procedure that integrated as system which are consist of police, prosecutor office, court, and penitentiaries as the sub- system.³ Every law enforcement agency, has it own duties and authorities, though required synchronization each institution law enforcement agencies. However, regarding this special crime 'corruption' that exists Commission Eradication Corruption (KPK) is domiciled as institution to assist law enforcement has it's own special characteristics with exists delegation that authority each law enforcement agency due corruption cases on criminal procedure law.

Mardjono Reksodipuro said that "component system Justice criminal consists of several subsystem. It must be organized such as 1) Difficulties evaluating success and failure from each agency, 2) difficulties in solving respective problems, 3) Responsibility of each agency often obscurity, so they don't notice the effectiveness of comprehensive in criminal justice system which exists ego sectoral.⁴ Meanwhile, Muladi opinion, that criminal justice system useful to control crime at certain level *crime containment system* and secondary prevention with strive subtraction level crime among individuals who had committed crime, through detection, punishment and implementation criminal.⁵ That matter indicated that, this system addressed decreasing crime to prevent loss failure harmonization from its subsystem.

That system will give certainty law and protect human right. Although, the reality in Indonesia still faced diverse obstacles and challenges in handling corruption. Some of them is lack of coordination between law enforcement agencies, low human resources, weak supervision internal control of law performance, unethical practices, collusion, also internal corruption in law environment.⁶

Synchronization between law enforcement agencies in handling corruption cases strengthened with the existence of a Memorandum of Understanding between the Commission Eradication Corruption (KPK), Prosecutor Office, and Police by Number: SPS-97/01-55/03/2017, Number: KEP-087 / A/JA/03/2017, Number : B/27/ III/2017 dated 29 March 2017. But we can't denied that still there is constraint something like lack of coordination between

¹ Mária Lúcia Calmeiro, Pedro Sousa, and José Cruz, "Predictors of Perceived Wrongfulness and Harmfulness of Crime among Residents in Portugal," *Journal of Criminal Justice* 90 (January 2024): 102148, <https://doi.org/10.1016/j.jcrimjus.2023.102148>.

² Bambang Waluyo, *Pemberantasan Tindak Pidana Korupsi (Strategi Dan Optimalisasi)* (Jakarta: Bumi Aksara, 2016).

³ Mardjono Reksodiputro, *Sistem Peradilan Pidana* (Depok: PT Raja Grafindo, 2020).

⁴ Rico Yodi Tri Utama and Retno Saraswati, "Independensi dan Urgensi Restrukturisasi Sistem Peradilan Pidana Indonesia Berdasarkan Aspek Kekuasaan Kehakiman," *Ajudikasi: Jurnal Ilmu Hukum* 5, no. 1 (June 20, 2021): 53–70, <https://doi.org/10.30656/ajudikasi.v5i1.2740>.

⁵ Joko Sriwidodo, *Perkembangan Sistem Peradilan Di Indonesia* (Yogyakarta: Keppel Press, 2020).

⁶ Fitriati .Fitriati, "Analisis Perkembangan Sistem Peradilan Pidana Ditinjau Dari Perspektif Pengadilan Tindak Pidana Korupsi," *Yustisia* 3, no. 3 (April 21, 2019): 73–81, <https://doi.org/10.20961/yustisia.v3i3.29550>.

the police, the prosecutor office, the Corruption Eradication Committee (KPK), and the courts become important factors.⁷

Nevertheless, indecisiveness implementation authority granted to the police, prosecutor office and the Corruption Eradication Committee (KPK) may occur disharmonization between police, prosecutor office and KPK. So, we can say by require education and well trained police, prosecutors, judge and another aspect of law enforcement agencies can build their competence and ability. Beside those challenges in handling corruption there is one thing thing we must do as the quick problem solving to minimize the number of corruption cases in Indonesia by enhancing the quality of the criminal justice system.

Basically, the authority of the Police, Prosecutors and Corruption Eradication Committee has the same authority in carrying out investigations, inquiries and prosecutions. However, what differentiates these authorities is the scope of their authority. The basic instruments used as guidelines by the Police are Law Number 2 of 2002 concerning the Police and the Criminal Procedure Code. That the Police only have authority regarding receiving reports, taking first action at the time of the incident, checking the suspect's personal identification, examining and confiscating letters. Taking fingerprints, summoning witnesses, bringing in experts, terminating the investigation, and taking other actions required by law based on Article 7 of the Criminal Procedure Code. Then, the public prosecutor is given the authority to carry out prosecutions and investigations of certain criminal acts as described in Article 30 Paragraph (1) of Law Number 16 of 2004 concerning the Prosecutor's Office. The Corruption Eradication Committee (KPK) is said to be a powerful institution.

This is proven in Article 8 Paragraph (3) of Law Number 30 of 2002 that, the Corruption Eradication Committee can take over investigations, prosecutions and what has previously been carried out by the Police and Prosecutor's Office for the Corruption Eradication Committee within a period of 14 (fourteen) days. Furthermore, in the event that it is necessary to wiretap and record conversations, the Corruption Eradication Committee (KPK) has been given this authority in Article 12 of Law Number 30 of 2002. Even though they are powerful institutions, both the Police and the Prosecutor's Office can issue an Investigation Termination Order (SPDP), not the KPK. In carrying out its authority, the Corruption Eradication Committee needs to coordinate, supervise and supervise agencies related to eradicating criminal acts of corruption.

Mahfud MD emphasized that criminal procedure law is on the middle chronic situation, ideally law should provide justice to public rather the infiltrated hegemony justice mafia.⁸ By overall, criminal procedure law improvement in Indonesia is necessary done comprehensively. It needs teamwork between various law enforcement agencies. Only with conscientious effort, it can be possible become more effective to handle corruption and give justice to public as the goal of law supremacy.

Legal ideals want achieved by a country based on objective law as ideal law (*ius constituendum*), the law that applies now (*ius constitutum*), and the law actually applied (*ius operatum*). Connectedness rights and obligations of law enforcement agencies has become fundamental correlations as its own concept. Harmonization role and obligation held over the law enforcement agency will give certainty law to public.

As we know that Indonesia use integrated criminal justice system which means in dealing criminal cases between, Police, Prosecutors, KPK, and Judge must be consider integrated system. In order to achieve legal certainty the *ius constitutum* which ruled in Law Number 2 of 2002 concerning the Police, Law Number 16 of 2004 concerning Prosecutor, Law

⁷ Masyhudi Masyhudi, "Membangun Sistem Integritas Untuk Pemberantasan Korupsi Dalam Sistem Peradilan Pidana Indonesia," *Jurnal Hukum Ius Quia Iustum* 26, no. 1 (April 24, 2019), <https://doi.org/10.20885/iustum.vol26.iss1.art3>.

⁸ Soediro Soediro, "Perbandingan Sistem Peradilan Pidana Amerika Serikat dengan Peradilan Pidana di Indonesia," *Kosmik Hukum* 19, no. 1 (February 22, 2019), <https://doi.org/10.30595/kosmikhukum.v19i1.4083>.

Number 30 of 2002 concerning Commission Eradication The corruption, and Criminal Procedure Code as the *ius constituendum* how ideal law is must be.

Beside that, the *ius constitutum* and *ius operatum* what applies now there are several differences in the reality with *ius constituendum*. In Article 30 paragraph 1 in Law Number 16 of 2004, Article 39 Law Number 31 of 1999, Article 44 paragraph 4-5, Article 50 paragraph 1-4 Law Number 30 of 2002 which mentions the existence of a phrase “or prosecutor's office” and the phrase “and / or the prosecutor's office”. For this confusion of authority, a test was held on several articles that have been contained in Decision Number 16 / PUU-X / 2012 regarding the authority to investigate in this corruption case.

In applying Integrated Criminal Justice System it turns out to own some law complexity. Which carry some institutions with limits and different authority that occur various problematic laws like guarantee certainty law for suspect, defendant, nor convict, how independence each institution related, limits authority between each institution, as well as effectiveness law which influenced by discretion.

Therefore it's necessary to analyze how cohesiveness the criminal justice system in handling corruption. The writing of this article is aiming to identify restrictions authority of the law enforcement agencies as well as analyze factors how cohesiveness criminal justice system in handling corruption. This article use juridical normative methods with a legislation approach and conceptual approach to determine doctrine that helps clarify ideas by reading, quoting, and analyzing through regulation, books, legal scientific papers, law experts.⁹

B. Discussion

1. Law Enforcement Agencies in Criminal Justice System on Preventing Corruption

Criminal Justice System aim to prevent crime.¹⁰ In fact , law enforcement agency mandated by the Criminal Procedure Code addressed to prevent increasing crime and overcoming crime. Law enforcement agencies in Indonesia are divided become three type such as police institution , prosecutor office and courts . The existence of the KPK in coping corruption give contribution in countermeasures follow criminal corruption based on Law Number 30 of 2002 concerning Commission Eradication The corruption that has changed in Law Number 19 of 2019 concerning Commission Eradication Corruption (UU KPK).

In the Criminal Justice System in counter measures corruption, the law enforcement agencies has its own role as following :

- a. **Police**, on duty to preserve public affairs, maintain security, and nurture public. Police can take role as an investigator in matter enforcement-related special criminal case like corruption. Based on the Criminal Procedure Code and Law Number 31 of 1999 which has changed with Law Number 20 of 2001 concerning Eradication Act Criminal Corruption Police can The police can arrest and detain corruption suspects or witnesses, as well as conduct searches, and seizure. Some of legal action taken by Police, are such as investigate corruption, reveal corrupt actor network, or arrest them.
- b. **Prosecutor Office**, are tasked with upholding the supremacy of law, human rights, eradicating corruption, collusion and nepotism (KKN), as well as protecting the public interest. In carrying out investigations into criminal acts of corruption, the Prosecutor's Office is based on the Criminal Procedure Code, Elucidation of Law Number 16 of 2004

⁹ Kornelius Benuf and Muhamad Azhar, “Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer,” *Gema Keadilan* 7, no. 1 (April 1, 2020): 20–33.

¹⁰ Samantha Bielen, “Prosecutors and Crime Deterrence: Evidence from a Difference-in-Differences Analysis with Staggered Treatment,” *Journal of Criminal Justice* 90 (January 2024): 102147, <https://doi.org/10.1016/j.jcrimjus.2023.102147>.

concerning the Prosecutor's Office, as well as Law Number 31 of 1999 which has been amended by Law Number 20 of 2001 concerning the Eradication of Corruption Crimes. In addition, the Prosecutor's Office can prosecute suspects or witnesses of corruption, as well as carry out judge's decisions and court decisions which have permanent legal force. 5 In addition, the Prosecutor's Office is tasked with prosecuting suspects based on the results of investigations. By carefully drafting charges, the prosecutor's office is at the forefront of ensuring that perpetrators of corruption are faced with legal accountability. The prosecutor's flexibility is also reflected in his ability to negotiate or reach a peace agreement for efficient settlement. Corruption cases are classified as quite complex criminal acts because corruption would not exist if there were no other crimes so that in the process of both investigation and especially prosecution, the public prosecutor will experience the complexity of handling the case. The existence of plea bargaining as an admission of guilt by the defendant with the prosecutor or public prosecutor based on a formal agreement or not can help the public prosecutor in the criminal justice process, especially later in the process of returning state assets.¹¹ Some of legal action carried out by the Prosecutor Office are making indictment, appeal, cassation, motion for reconsideration, also confiscation crime asset.

- c. **Commission Eradication Corruption (KPK)**, currently, the presence of the Corruption Eradication Commission is vulnerable to the pros and cons in dealing with criminal acts of corruption, initially motivated by the declining performance of the prosecutor's office and the police. Laws that regulate and accommodate criminal acts of corruption as a form of special criminal acts (*lex specialis*) which have been regulated in the National Criminal Code, one of which is Law Number 19 of 2019 *jo*. Law Number 30 of 2002 concerning the Corruption Eradication Commission has mandated that the Corruption Eradication Committee stand as a supporting law enforcement agency within the scope of executive power and has the authority to carry out several actions such as; preventing, coordinating, monitoring, supervising, investigating, prosecuting, and implementing decisions with permanent legal force on criminal acts of corruption is a guarantee of the independent nature inherent in the Corruption Eradication Commission. With fairly broad authority, the Corruption Eradication Commission's contribution is one of the keys to tackling criminal acts of corruption in the criminal justice process. Examples of legal actions taken by the Corruption Eradication Committee are determining suspects, stopping investigations and prosecutions.
- d. **Judge**, tasked with adjudicating cases in the realm of justice. In Article 1 Number 8 of the Criminal Procedure Code, judges as state judicial officials have the authority to judge. Judges are also tasked with providing court decisions that are fair and in line with the facts obtained. Judges in handing down decisions need to consider evidence, justice, human rights, morality, propriety, as well as the facts of the trial that has been carried out so that the judge can hand down both acquittal decisions (*vrijspraak*) and decisions that are criminal in nature (*veroordeling*).¹² Apart from that, judges play a crucial role in ensuring

¹¹ Novianti Pratiwi, "Implementasi Plea Bargaining System Kedalam Pembaharuan Sistem Peradilan Pidana Tindak Pidana Korupsi (Implementation of the Plea Bargaining System into the Reform of the Criminal Justice System for Corruption Crimes)" 2, no. 2 (2023).

¹² Sandro Unas, "Kajian Yuridis Terhadap Bentuk Putusan Hakim Dalam Tindak Pidana Korupsi," no. 4 (n.d.). <https://doi.org/10.35796/les.v7i4.24704>

justice at the court level as stipulated in Article 24 of the 1945 Constitution (hereinafter referred to as the 1945 Constitution) and further regulated in Law Number 48 of 2009 concerning Judicial Power. Examples of legal actions taken by a judge are convicting a defendant, granting or rejecting a lawsuit, or granting an interim decision, pretrial.

- e. **Resocialization Agency**, was realization from Law Number 22 of 2022 concerning x System. Resocialization agency as a forum for prisoners to help a means by developing good behavior so that they are ready to re-enter society. Resocialization agency as realization of access to justice which needs to ensure that their rights are defended and their demands are resolved.¹³ Resocialization for prisoner with based on social value in public without reduce inherent rights in accordance human right expected become form revitalization self on treatment follow criminal offenses that have been done. Resocialization action for prisoner can form coaching personality nor coaching independence .¹⁴

2. Factors that Influence the Integration of the Criminal Justice System in Handling Corruption Cases

The integration of the criminal justice system refers to conditions in which all criminal justice sub-systems, namely the police, prosecutors, courts, in this case also judges, the Corruption Eradication Commission and correctional institutions, work synergistically, harmoniously and effectively in handling corruption cases. The integration of the criminal justice system aims to provide a sense of fairness, legal certainty and protection of human rights for all parties participating in the criminal court process. The integration of the criminal justice system also means the coordination and synchronization of various elements of criminal justice so that the objectives of criminal justice in the form of resocialization of criminal offenders (short term), crime prevention (medium term), and social welfare (long term) can be achieved.

The integration of the criminal justice system requires a structural, substantial and cultural reorientation of the criminal justice system in order to achieve optimal performance. This includes adjusting cooperation mechanisms between law enforcement agencies by adapting to the stages of the authority process granted by law, monitoring and controlling the use of power by law enforcement agencies, as well as increasing public legal and moral awareness of the values of justice and expediency. Factors that influence the integration of the criminal justice system in handling corruption cases include legal and non-legal factors.¹⁵ Legal factors include criminal law enforcement policies, models of criminal justice administration, quality of case input, completeness of evidence and quality of indictment, composition and qualifications of the panel of judges, and the social environment.¹⁶ Meanwhile, non-legal factors include moral damage, system weaknesses, socio-economic vulnerabilities, lack of strict legal action, donations that are often requested by officials, lack of understanding of criminal acts of corruption, lack of transparency in government and

¹³ Bruno Truzzi et al., "Racial Discrimination in Access to Justice: Evidence from Brazil," *International Journal for Crime, Justice and Social Democracy*, July 10, 2023, <https://doi.org/10.5204/ijcjsd.2289>.

¹⁴ Ferdy Saputra, "Peranan Lembaga Masyarakat dalam Proses Penegakan Hukum Pidana Dihubungkan dengan Tujuan Pemidanaan," *REUSAM: Jurnal Ilmu Hukum* 8, no. 1 (June 15, 2020): 1, <https://doi.org/10.29103/reusam.v8i1.2604>.

¹⁵ Jamin Ginting, "Faktor Hukum Dan Non Hukum Tindak Pidana Korupsi Dalam Putusan Tindak Pidana Korupsi di Indonesia," *Jurnal Media Hukum* 19, no. 2 (2012).

¹⁶ M. Syamsudin, "Faktor-Faktor Sosiolegal Yang Menentukan Dalam Penanganan Perkara Korupsi Di Pengadilan," *Jurnal Hukum IUS QUIA IUSTUM* 17, no. 3 (July 20, 2010): 406–29, <https://doi.org/10.20885/iustum.vol17.iss3.art4>.

development administration, weak supervision of law enforcement agency, and the legislation.¹⁷

To achieve integration of the criminal justice system in processing corruption cases, a systems approach and structural, substantial and cultural reorientation of the criminal justice system is needed. Poor investigation or investigation will hamper other judicial processes.¹⁸ The use of technology in criminal trials allows for the presentation of sophisticated evidence aimed at assisting judges in making the "correct" verdict.¹⁹ So, the revitalization of the criminal justice system in an effort to increase the effectiveness of the law may be supported by using technology to increase accountability to society. This has been proven by the existence of an electronic-based trial process regulated in Supreme Court Regulation Number 8 of 2022 jo. Supreme Court Regulation Number 4 of 2020 concerning Electronic Administration and Trial of Criminal Cases in Court. Thus, the shift in the use of conventional courtrooms to electronic ones is a form of legal response to globalization as a form of law in adapting to society.

This approach must be based on the values of justice, democracy, human rights and the interests of society. In handling corruption cases, the integration of the criminal justice system is also influenced by a number of other factors which are divided into two groups, namely internal factors and external factors.

Internal factors are factors that come from within the criminal justice system itself, such as:

- 1) The quality of human resources involved in the criminal justice system, such as competence, integrity, professionalism and ethics.
- 2) Coordination and communication between criminal justice sub-systems, such as mechanisms for exchanging information, submitting case files, determining suspect status, and resolving cases.
- 3) Facilities and infrastructure that support the criminal justice system, such as facilities, equipment, technology, budget and regulations.
- 4) Supervision and internal control of the performance of the criminal justice system, such as complaint mechanisms, assessments, sanctions and rewards.²⁰

External factors are factors that come from outside the criminal justice system, such as:

- 1) The role and participation of the community in the criminal justice system, such as legal awareness, information disclosure, advocacy and supervision.
- 2) Influence and pressure from interested parties in the criminal justice system, such as the government, legislature, media, NGOs, academics and business people
- 3) Dynamics and development of economic, political, social and cultural situations that influence the criminal justice system, such as values, norms, habits and community interests.

¹⁷ Ginting, "Faktor Hukum Dan Non Hukum Tindak Pidana Korupsi Dalam Putusan Tindak Pidana Korupsi Di Indonesia."

¹⁸ Mercilene Tanyaradzwa Machisa et al., "Circumstances, Policing, and Attrition of Multiple Compared to Single Perpetrator Rape Cases within the South African Criminal Justice System," *Crime Science* 12, no. 1 (June 7, 2023): 11, <https://doi.org/10.1186/s40163-023-00191-6>.

¹⁹ Paige E. Vaughn, Claire Greene, and David Klinger, "Revenge Effects and Electronic Control Weapons: A Cautionary Tale about the Unintended Consequences of Technology in the American Justice System," *Journal of Criminal Justice* 90 (January 1, 2024), <https://doi.org/10.1016/j.jcrimjus.2023.102144>.

²⁰ Barda Nawawi Arief, *Kapita Selekta Hukum Pidana Tentang Sistem Peradilan Pidana Terpadu (Integrated Criminal Justice System)* (Semarang: Universitas Diponegoro, 2011).

3. Problems in the Criminal Justice System in Indonesia in Dealing with Corruption

The implementation of the criminal justice system has several problems which are considered to have the potential to harm the essence of justice itself. The complexity of the elements implementing criminal justice, each of which has rights and obligations, creates several legal problems. Law enforcement cannot but depend on reactions or other factors that influence it. A criminal justice system that cannot stand alone as evidenced by the need to fulfill each sub-system in the criminal justice process with different authorities can cause problems. Meanwhile, in tackling criminal acts of corruption, problems arise which can be seen from the Authority of the Corruption Court.

Article 6 of Law Number 46 of 2009 concerning the Corruption Criminal Court explains that the Corruption Criminal Court is a special court which:

"has the authority to examine, try and decide cases of criminal acts of corruption, criminal acts of money laundering whose original crime is a criminal act of corruption, and/or other criminal acts which are expressly defined in other laws as criminal acts of corruption."

The Corruption Court as an instrument of the Corruption Eradication Commission (KPK) is one of the state institutions tasked with prosecuting acts of corruption. The main problem that arises in the criminal justice system in Indonesia is seen from the authority of the Corruption Court due to the diversity and incompatibility between the authority of the Corruption Court and the authority of other General Courts. The diversity of the Corruption Court's authority can be seen from a number of aspects, including:

- 1) Regional aspect: The Corruption Court only has authority over corruption cases that occur in the territory of Indonesia or outside the territory of Indonesia and the criminal offense is a criminal offense under Indonesian law. This means that other general courts cannot try corruption cases that occur in certain areas or involve foreign actors.
- 2) Type aspect: The Corruption Court only has authority over money laundering cases resulting from criminal acts, namely corruption. This means that other general courts cannot try money laundering cases that are not the result of a criminal act, such as fraud, counterfeiting, gambling, prostitution, etc.
- 3) Structural aspects: The Corruption Court has a simpler and more flexible organizational structure compared to other public courts. This means that the Corruption Court can adapt to the conditions and needs of local communities in handling corruption cases.

The incompatibility of the authority of the Corruption Crimes Court with the authority of other general courts can have several negative impacts, including:

- 1) Legal impact: Incompatibility of authority can cause legal conflicts between the Corruption Court and other general courts in resolving corruption cases. This can disrupt the judicial process and threaten legal certainty for the parties.
- 2) Social impact: Incompatibility of authority can lead to unequal access to the law for perpetrators and victims of corruption. This can harm the public interest and the rights of wide society.
- 3) Economic impact: Incompatibility of authority can cause economic losses for the state and society due to corrupt practices. This can hinder national development and increase

poverty.

Furthermore, in dealing with criminal acts of corruption, several other problems can arise due to the overlap in power between the Police and the Corruption Eradication Committee, the Police and the Prosecutor's Office, and the Corruption Eradication Committee and the Prosecutor's Office.²¹ The implementation of the authority given to the Police and Prosecutor's Office is based on the Criminal Procedure Code, while the KPK is not only based on the Criminal Procedure Code but also based on Law Number 19 of 2019 jo. Law Number 30 of 2002 concerning the Corruption Eradication Commission

However, in conducting investigations, and prosecutions, the KPK is authorized to do so in the event that the corruption crime involves law enforcement officials or state administrators, receives public attention, and involves state losses of at least IDR 1,000,000,000 (one billion rupiah) as stated in Article 11 of Law Number 30 of 2002. So that those that are not included in these criteria are still handled by the Police and the Prosecutor's Office. The investigation authority that can be carried out by the police, the Public Prosecutor is required to limit the investigation mechanism.

The existence of disputes over this authority has violated the Joint Decree (SKB) between the Prosecutor's Office-Police-KPK with the argument which stipulates that authority should be given to law enforcement agencies that issue investigation warrants. This is proven by the existence of an investigation and progress to the investigation stage in the SIM simulator case which was previously carried out by the Corruption Eradication Commission with the determination of a suspect based on Sprindik Number: Dik-37/01/VII/2012 against Inspector General of Police Djoko Susilo 27 July 2012. Then, this was followed by The police named the other five suspects on July 31 2012 and August 1 2012. Thus, the time span in determining suspects between the Corruption Eradication Commission and the Police is a problem, which means the Police should not be able to determine the other suspects.²²

Looking at the legal substance promulgated through Law Number 19 of 2019 jo. Law no. 30 of 2002 concerning the Corruption Eradication Commission, there is a change in the definition of the Corruption Eradication Commission (KPK) institution, whose independence cannot be doubted, but there is the addition of the phrase in Article 3 "within the family of executive institutions." This means that this grammatical change implies accountability that must be given to the President and Vice President. Another change is that the existence of a KPK Supervisory Board in enforcing the code of ethics chosen by the President gives the impression that the KPK can be intervened by the executive agency.

People's concerns about the KPK's freedom from other powers were also triggered by the granting of the House of Representatives (DPR) right to inquiry to the KPK in Constitutional Judge Decision Number 36/PUUXV/2017. The DPR's right to inquiry can be used on the KPK as an institution, not personally on KPK members. There is nothing wrong if the DPR can use the right of inquiry to investigate the KPK, because the KPK is part of the

²¹ Dyah Silvana Amalia, "Formulasi Pengaturan Penyelesaian Sengketa Kewenangan Antarlembaga Negara yang Tidak Diatur Dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945: Formulation for Settlement Of Inter-State Authorities Disputes Not Regulated in The Basic State Law of The Republic of Indonesia Year 1945," *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora* 1, no. 2 (July 4, 2022): 46–63, <https://doi.org/10.55606/jurriish.v1i2.148>.

²² Yeni Lin Sururoh and Anis Rifai, "Sinergitas Aparat Penegak Hukum Dalam Memberantas Tindak Pidana Korupsi Di Indonesia," n.d.

executive body. In contrast, if the Corruption Eradication Committee is not responsible to the executive agency, this can reduce the potential for authority intervention.²³

C. Conclusion

Based on the discussion we can conclude that the integration of the criminal justice system in dealing with corruption cases is the main thing to pay attention to. This is because corruption is a crime that is detrimental to the state and society, both economically, politically, socially and culturally. So, good cooperation and coordination is needed between law enforcement agencies, such as the police, prosecutor's office, Corruption Eradication Commission and judges, in handling corruption cases, starting from the investigation, investigation, prosecution, until the examination at trial.

Apart from that, legal aspects are also needed that support the integration of the criminal justice system, such as crime prevention policies that are oriented towards prevention, eradication and recovery, the establishment of the Corruption Eradication Commission (KPK) as an independent institution that has the authority to carry out inquiries, investigations and prosecutions against criminal acts of corruption, providing maximum sanctions commensurate with the losses caused by corruption, improving the quality and independence of law enforcement officials, as well as developing a special criminal justice system that is faster, more effective and transparent. In this way, it is hoped that it can deal with the problem and the criminal justice system can provide a deterrent effect for perpetrators of corruption and increase public trust in law enforcement in Indonesia.

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