

Characteristics of Criminal Acts of Corruption in Indonesia

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Abstract--*Corruption in Indonesia is almost happening throughout the level of government both at the central and regional levels. Although there are various disagreeing parties of corruption classified as extraordinary crimes legal experts generally argue that corruption in Indonesia can be categorized as an extraordinary crime because it is organized, Systemic and has been looting so that it can negatively impact economic growth, legal enforcement and national security stability. Therefore, to tackle corruption crimes in Indonesia, the government has issued law No. 31 of 1999 and No. 20 of 2001 on the eradication of corruption crimes as a legal basis for the eradication of corruption in Indonesia. However, with the issuance of law No. 19 of 2019 for the amendment of law No. 30 of 2002 on the Eradication Commission, various legal experts have assessed that corruption crimes in Indonesia can no longer be classified as crimes Extraordinary because some of the extraordinary powers that KPK has as the spearhead of corruption eradication in Indonesia have been eliminated.*

Key words--*Criminal Acts, Corruption, Extraordinary.*

I. INTRODUCTION

One of the evils that metamorphosed with the epoch is a crime that belongs to the extraordinary crime (extraordinary crimes). Although this crime has existed since ancient times with different forms and patterns with the present day, extraordinary crimes appear with the same traits and impacts but how to do as well as the media used to commit the crimes Growing. The extraordinary crime has an extensive international network and is carried out by utilizing advanced information and communication technology so that the crime can be done by foiting the territory boundary of a country (Rugman, 2000). Extraordinary crimes flourished according to changes in governance, economics and politics in a country (Kovač, 2007). Saichiro Uno mentions that an extraordinary crime is a universal phenomenon, not only increased in quantity but the quality is also higher when compared from time to time (Arief, 1994).

More than that, the experts also said that besides being a universal problem and happening continuously, extraordinary crimes also negatively affects the development of human civilization (Cofey, 1982). Extra ordinary crime has a negative impact on multi-dimensional social, cultural, ecological, economic and political (Sukardi, 2005). According to Winarno, extra ordinary crime not only adversely affect economic problems but also to the ecology, social and culture in a country (Budyanto, 2013). There are various delics that are always assumed to be extraordinary crimes such as delic genocide, violations against humanity, terrorism, corruption, narcotics and

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psychotropic (Iriani, 2015; Nurdjana, 2009). All these delicts are assessed as having a negative, broad and systematic impact on the development of human life. Although part of this type of crime does not directly kill humans, but slowly this crime will menghancurkan a civilization in a country, poverty is increasingly loosing, the level of ignorance is getting higher, The increasing number of crimes and can eliminate a human civilization. Looking at the adverse effects of the crime then some experts have the view that the ignorance can be classified as an extraordinary crime.

Classifications of extra ordinary crime will elicit debate or distinction among the experts of legal Sciences. This is due to the extraordinary concept of crime that no categorization is standardized to formulate a uniformly uniform classification of crimes (Prahassacitta, 2016). However, although there is a difference of interpretation about the classification of extra ordinary crime, but generally the experts argue that as far as delicts is broad and systematic and inflict massive losses on human life then these delicts can be classified as extraordinary crimes. When it becomes a measure, are criminal acts of corruption categorized as extraordinary crimes? Whereas the negative impact of criminal acts of corruption does not directly kill a group, ethnicity, nation in massive and systemic.

II. LITERATURE REVIEW

The extraordinary crimes were first addressed to a heavy violation of human rights (HAM), especially the crime of genocide and crimes against humanity (Ford, 2007). However, the interpretation of extraordinary crimes continues to evolve with many new types of crimes but has the same characteristics as genocide and crimes against humanity. Drumbl mentions extra ordinary crime is an extreme crime that is quantitatively different from common crimes. This crime is serious, widespread and massive and becomes the enemy of Mankind (Drumbl, 2017). According to Claude Pomerleau (2008), in essence, extraordinary wickedness is a planned, systematized and organized behaviour, deed or action targeting most of its targets to specific individuals and groups by reason discriminatory (Pomerleau, 2008).

In the aspect of international criminal law, Roma Statute (Rome Statute of International Criminal Court 1998) introduces one term crime, the most serious crimes concern to International community. Article 5 paragraph (1) of the Roman statute, interprets the most serious crimes concern to international community into four types of crime i.e. genocide, crimes against humanity, war crimes, and criminal aggression. These four evils are seen as extraordinary crimes because they can harm humanitarian conscience and threaten the peace, security and welfare of the world. According to Drumble (2017), the crime of genocide, crimes against humanity, crimes of war, and the crime of aggression is seen as an extraordinary crime because it has major criteria such as "conduct planned, systematized, and organized that targets Large numbers of individuals based on their actual or perceived membership in a particular group that has become selected as a target on discriminatory grounds "(Drumbl, 2017).

Based on the aforementioned criteria, criminal acts of severe human rights violations and terrorism can only be categorized as extraordinary crimes because these criminal patterns are highly systematic, massive and injuring the sense of humanity Deep. According to Muladi (2011), a remarkable crime nomenclature is determined in the law No. 26 of 2000 on the Court of Human Rights that adopts the norms contained in the Roman statute (Article 6 Statute of Romans 1998). The extraordinary crimes referred to in this law are violations of heavy human rights that are restricted to two forms, namely the crime of genocide and crimes against humanity (Muladi, 2011).

The crimes of genocide and crimes against humanity in international criminal law include as an extraordinary crime (Rome of 1998). The crime of genocide and crimes against humanity is a gross violation of human rights which is categorized as an enemy of humanity (*hostis humanist generis*). In international criminal law literature determines that genocide and crimes against humanity are violations of the *ius cogens* and *erga omnes*, the highest norm in international law that beats other norms (overriding norms) and is an obligation of the entire state of the world to carry out legal acts of the perpetrators both individually and organized groups (Bassiouni, 2018). The crime of genocide and crimes against humanity has a very special status in international law. This crime is the most forbidden and dangerous crime for the international community because overall wants to eliminate a nation, ethnicity, race, or religion. On 9 December 1948, the United Nations instituted genocide as an international crime and formed the Convention on the Prevention and Punishment of the Crime of Genocide 1948. In the Statute of the International Criminal Tribunals for Rwanda 1994 also set out explicitly that the crime of genocide as a serious and dangerous crime. Meanwhile, crimes against humanity were mentioned in the judgment of Nuremberg's court and the Tokyo Court in 1948.

In addition, crimes against humanity were also mentioned in the decision of the International criminal Tribunal for the Former Yugoslavia, 1993) and in 1994 also constituted the International Criminal Tribunal for Prosecute the crimes of the genocide, the breach of the Geneva Convention and crimes against humanity occurring in Rwanda in 1994 (Statute International Criminal Tribunals for Rwanda) as an extraordinary crime da dangerous for human civilization. Based on the criteria mentioned above, criminal acts of terrorism are in common and can be qualified as an extraordinary crime because the acts of terrorism are planned, conducted in a systematic and the organized that targets the number of victims who are mainly victims of civilians who have nothing to do with foreign interests (Hatta, Rajamanickam, & Abdullah, 2018). In addition, criminal acts of terrorism can be categorized as an extraordinary crime because a form of gross violations of human rights, especially the ultimate privilege of the right to life (Cohen, 2013)

Terrorism crime is a form of transnational crime that greatly threatens the tranquility and peace of the world. Academically, terrorism is categorized as extraordinary crime and is categorized as crimes against humanity (crime against humanity) (Evans, 2010; Solomon, 2007). By victimology, the effects of criminal acts of terrorism have exceeded the boundaries of crimes categorized as conventional crimes. Criminal acts of terrorism always use threats or violent acts that threaten the safety of life without pick who will be the victim. When referring to the argument above, will the corruption criminal act be categorized as a tremendous crime? This will be an interesting academic relationship, because if it is done in a victimology approach then the crime of corruption does not directly kill the victim's mass. However, one thing that is in common with the criteria above is that corruption is done in an organized, massive, controlling, can lead to ignorance and cultural poverty, a high social silence between wealthy groups Poor and interfere with the security of a country. Corruption crimes would indirectly kill the massive corns with poverty and the Cultural. Therefore, as a part of the criminal law expert argued that corruption could be classified as a tremendous crime.

III. RESULT AND DISCUSSION

Corruption is already a crime that has existed since mankind existed. This is in line with Joseph and Laura's opinion that "Corruption is not a new development for humankind. As long as there have been recorded accounts of human history, there have been stories of deceptive self-dealing and betrayal for personal gain

"(Hymes, 2012). Ryan (200) mentions that corruption always accompanies in every development of human life. It is as if corruption had become an inseparable part of human civilization so that corruption practices had been discovered since the Greek, Roman, medieval (medieval) and present-day (Ryan, 2000). Corruption in Indonesia is not a new thing because corruption has existed since the times of the *Vereenigde Oost Indische Compagnie* (VOC) and the kingdoms have been practiced in Indonesia (Pope, 2003). Onghokham (1983) foresight that corruption exists only when people began to hold a separation between personal finances and general finances, something that was not in the concept of traditional power. Job sales issues are also in no way new issues. This is known in the VOC period and the practice of corruption is also carried out in the kingdoms in Indonesia. Since then, the concept that public office in a country is a source of income that can enrich the people (Onghokham, 1983).

Romli Atmasasmita mentioned that corruption in Indonesia such as flu virus that easily spread throughout the body of government since the 1960s (Atmasasmita, 2004). A famous journalist, Mukhtar Lubis once said in 1970 that corruption has become a culture of the nation of Indonesia. This shows that the development of corruption in Indonesia is still relatively high, but the eradication of corruption efforts is not maximal and always inferior to the development of the crime itself (Ka'bah, 2007). This opinion is still very relevant to the current state. Based on the survey Transparency International (TI) on 22 February 2018 (Rubio, 2018). In the IT survey also mentioned that Indonesia is judged not seriously in conducting the eradication of KORUSPI so that in the last five years, Indonesia's corruption perception index has only moved from 32 to 37 (Rochmi, 2018).

When viewed in quantity, suppresses against perpetrators of corruption crimes are considerable. For example, in 2017, the number of corruption cases that the Indonesian police institution handled by 216 cases with the number of suspects 436 people and the country's losses reached IDR 1.6 trillion with a value of bribery of IDR 975 million. Throughout the year 2017, the Institute of the supreme attorney of the Republic of Indonesia handled as many as 315 cases of suspected with the number of suspects 730 people with a state loss value reached IDR 4.4 trillion and the value of bribery amounted to IDR 21.8 billion. Meanwhile, the handling of corruption cases conducted by the Corruption Eradication Commission (KPK) in 2017 as many as 44 cases with the number of suspects 128 people with the amount of state losses reached IDR 209.7 billion and the value of bribery as much as IDR 188.3 billion (Indonesia Corruption Watch, 2018b). Throughout the year 2017 also, KPK held the most of the most in history, which is 19 times. From the number of OTT, KPK established 72 suspects consisting of law enforcement officers, legislative members, regional heads, and private Parties (KPK Annual Report Composition team, 2017).

Looking such data can be hypothesized that the development of corruption in Indonesia is still relatively high. In the context of the present, corruption has always been related to power because with that power the ruler can misuse its power and perpetuate its power for personal benefit. When associated with the electoral contestation to the region (elections), the practice of corruption is correct due to power struggle or breach of power. Based on the records of Indonesia Corruption Watch (ICW), year-round 2010-2017 the number of regional heads that are suspected corruption cases both handled by the KPK, police and prosecutors as many as 215 people (Indonesia Corruption Watch, 2018a). These cases occur with various modes of operandi such as fictionalized projects, the negotiation of budgets between executive agencies with legislature, the mark up of the procurement budget of goods/services, bribes the licensing of a business in the area and many other modes of operandi.

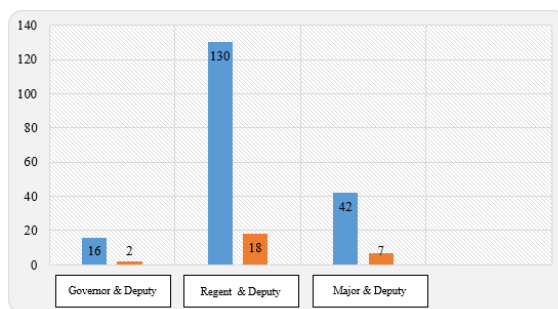


Figure 1: Number of regional heads of corruption suspect 2010-2017

Source: Indonesia Corruption Watch (2018a).

The number of cases above illustrates that Indonesia's new and growing democracy is difficult regardless of corruption practices. Based on the results of research conducted by ICW that the source of the problem in the constellation of politics in Indonesia is the absence of the cost of the political party to charge the needs of local head candidacy, members And even presidential elections. The cost of politics in Indonesia is still very expensive. When the cost of executive and legislative candidacy is expected from personal funds and contributions from the community, the chances of the implementation of the practice are very large. Someone who is willing to spend personal funds or someone willing to donate funds is so great for the sake of a person's political candidacy then will certainly expect a reply or reward that is worth it.

Almost all areas in Indonesia are well-positioned in the government of central, provincial, district, and municipal governments in the same case with the modus operandi. In addition to the purpose of enriching themselves, his family and the chronology, but the most important purpose in the practices of corruption is that they want to loosen his power. Therefore, a family dynasty political phenomenon is developed where all government sectors both in the executive and legislative institutions are controlled by the family, the column or the specific party.

Table 1: Corruption case handling related to provincial elections in year 2018

No	Province	Number of cases	Value of Country Loss (IDR)	Value of Bribery(IDR)
1	Sumatera Utara	237	1,83 Trillions	69 Billions
2	Riau	153	3,85 Trillions	41 Billions
3	Sumatera Selatan	89	348 Billions	2,7 Billions
4	Jawa Barat	181	1,81 Trillions	43 Billions
5	Jawa Tengah	200	605,5 Billions	2,5 Billions
6	Jawa Timur	281	117 Trillions	79 Billions
7	Bali	52	151 Billions	1,9 Billions
8	Kalimantan Barat	69	183 Billions	8,9 Billions
9	Kalimantan Timur	67	830 Billions	7,5 Billions
10	Sulawesi Selatan	169	883 Billions	1,8 Billions

Source: Indonesia Corruption Watch (2018a).

The rapid development of corruption crimes in the country, not regardless of the political system, government, financial system and other systems that are still in nature. In addition, one of the very essential difficulties in the law enforcement process against perpetrators of criminal acts of corruption is the independence of law enforcement agencies. With the enactment of law No. 31 of 1999 which was subsequently revised by law No. 20 of 2001 on the eradication of corruption crimes there was a significant change in the performance of criminal eradication institutions Corruption and authority in both investigation, investigation, prosecution and judicial processes. This law provides extensive authority to the Corruption Eradication Commission (KPK) in conducting corruption eradication in Indonesia.

When compared with the police and prosecutors authority to eradicate corruption crimes, the Commission's authority is wider. The duties and authorities of KPK are governed by article 6 through article 14 of the law No. 30 of 2002 on the Corruption Eradication Commission. Article 6 of the law No. 30 of 2002 on the Corruption Eradication Commission determines that the duties of the KPK institutions are coordination with the competent authorities on the eradication of corruption (TPK); Supervise the authorities to conduct corruption eradication (TPK); Conducting investigations, investigation and prosecution of corruption Crimes (TPK) and perform acts of corruption prevention (TPK); Monitoring of State Government implementation.

In article 11 of law number 30 of 2002, KPK is also given a dispute to investigate, investigate and prosecute corruption crimes involving legal inquisition officers, state and other people in relation to corruption crimes committed by the law enforcement apparatus and the state's abuses; Gaining attention and disturbing the community; and/or the loss of the country at least IDR 1 billion. In dealing with the case, KPK is authorised to shorten the bureaucracy path and process in prosecution. Thus, KPK takes two roles, which are police and prosecutors that have been helpless in combating corruption. Besides, in article 8 paragraph (1) of law No. 30 of 2002, KPK is authorized to conduct supervision, research, or study of the agencies carrying out duties and authorities relating to the eradication of corruption and in carrying out public service.

IV. CONCLUSION

Almost all countries in the world have been criminal acts of corruption. However, different from each country is the number of criminal acts of corruption and the seriousness of the government in the eradication of the Perpetrators of corruption act. Indonesia is one of the most high-rate corruption countries. Almost all levels of government organizers both at central government, local governments and even villages as the smallest level of government in the country also happens corruption practices. These cases occur in various modes, such as project budget games, bribery of budget verification, corruption of goods procurement, and bribery, handling of cases involving district officials and manipulating the use of village funds for personal benefit. Corruption in Indonesia is already a flu virus that spreads throughout the body of Government, the eradication measures are still not maximal. In the context of the present, corruption has always been related to power because with that power the ruler can abuse his power for personal, family, and his chronology with one purpose to perpetuate his power. Almost every case of corruption in Indonesia, it is revealed a fact that the corruption was done by the evil collaboration between bureaucrats, private and politicians to eat the state money. Corruption can be classified as an extraordinary crime not only for systematic mode and system, but the consequences of corruption crimes are parallel and destructive to the entire system of life, whether in economics, politics, socio-cultural, and even to the moral and mental destruction of society.

In addition to the corruption crimes conducted in an organized way, corruption is always related to power and its impact relates to the crowd because the financial state that can be harmed is very beneficial to improve the welfare of the people. Therefore, to tackle corruption crimes in Indonesia, the government has issued law No. 31 of 1999. Law No. 20 of 2001 on the eradication of corruption crimes as a legal basis for the eradication of corruption in Indonesia. However, with the issuance of law No. 19 of 2019 for the amendment of law No. 30 of 2002 on Eradication Commission, various legal experts have assessed that corruption crimes in Indonesia can no longer be classified as crimes Extraordinary because some of the extraordinary powers that KPK has as the spearhead of corruption eradication in Indonesia have been eliminated.

Furthermore, KPK can take over corruption cases that are being handled by the police or prosecutors when public reports on corruption crimes are not followed up; The criminal offence handling process has no progress/protracted/delayed without any reason to be accountable; The corruption criminal's handling is aimed at protecting the real perpetrators; Criminal acts of corruption contain corruption; The barriers to handling corruption crimes due to interference from executives, judiciary or legislative; Other circumstances that, according to the police or prosecutors, criminal offense handling is difficult to implement properly and can be accounted for.

In order to combat corruption crimes categorized as an extra ordinary crime, KPK is given additional authority that is not owned by other institutions that are doing intercepts and recording conversations; The relevant agencies to prohibit a person from traveling abroad; Requesting information to a bank or other financial institution about the financial situation of the suspect or defendant being examined; Order to the bank or other financial institution to block the suspected account of the corruption belonging to the suspect, the defendant, or the other relevant party; Requesting wealth data and taxation data of suspects or defendants to related agencies; Suspend any financial transaction, trade transaction, and other agreements or temporary revocation of licenses, licences and concessions carried or held by suspected suspects or defendants based on the preliminary evidence has enough to do with the Corruption criminal act being examined; Requesting assistance from an Indonesian Interpol or other state law enforcement agencies to conduct a search, arrest and seizure of evidence outside the country; requesting the assistance of the police or other relevant agencies to capture, arrest, and seizure in the case of corruption crimes being addressed.

In addition to the previously formed anti-corruption teams, the Commission's authority was assessed very broadly so that the agency was dubbed as the "super body." This article 12 of the Law No. 30 of 2002 determines that the KPK investigators have the competence of tapping or recording the conversation, instructing the relevant institution to prohibit a person from traveling to The bank or other financial institution about the financial situation of the suspect or the defendant being inspected, instructing the bank or other financial institution to block the suspected account of corruption Suspect, or the other party concerned, requesting wealth data and taxation data of suspects or defendants to the relevant authorities.

Pursuant to article 12 letter C of Law No. 30 of 2002, the KPK institution has the authority to instruct the Chairman or supervisor of the suspected corruption in order to be dismissed from office. Similarly, the examination of state apparatus or officials involved with alleged corruption, the authority to instruct the President to make a permit for investigation and investigation. This authority was once used by KPK in the investigation of alleged corruption of the MI-2 helicopter, worth IDR 12 billion, involving Governor Nanggroe Aceh Darussalam

(NAD) Abdullah Puteh (Aaron, 2005). Other KPK authorities that are valued in comparison with the authority of the police and prosecutors are able to handle cases that occurred before the establishment of the KPK institution itself. It is seen in the case of Governor Nanggroe Aceh Darussalam (NAD) Abdullah Puteh with Bram Manoppo. Bram Manoppo became accused in the case of 1999, with the governor of NAD, Abdullah Puteh. Puteh's case occurred before the enactment of law No. 30 of 2002 on the KPK, so that KPK was judged to not deal with the case of Abdullah Puteh. However, the KPK ventured to deal with the case by violating the criminal law principle that handling criminal matters should not be retroactive.

The formation of KPK is also assumed by the assumption that corruption is an extraordinary crime (extraordinary crime) so that the handling should be done in a remarkable way also (Prahassacitta, 2016). Police and prosecutors that have been expected to deal with corruption cases, apparently cannot run effectively. Even the two institutions are considered to have entered the vortex or part of the network of corruption crimes itself. For this reason, the Corruption Eradication Commission (KPK) was formed, in response to the mandatory law enforcement officers in the handling of corruption crimes that occurred in Indonesia.

The authority which is assessed most controversy is that KPK can handle the case of money laundering crimes related to the corruption that is being handled (Cees, 1998). Money laundering crimes are an act taken by the subject of the law where the money is derived from the outcome of the crime that the money is hidden or disguised. A lot of the original criminal act of Money laundering crimes, based on article 2 of the Law No. 8 of 2010 on the prevention and Eradication of Money laundering crimes, corruption crimes into the original criminal acts of criminal acts most major or frequent money laundering in Indonesia.

In law No. 8 of 2010 on the prevention and Eradication of Money laundering crimes, KPK was given the authority to investigate money laundering crimes. This is expressly stated in article 74, which is "money laundering investigation conducted by the original criminal investigation in accordance with the provisions of the event and the provisions of the law enforcement legislation, unless otherwise specified by law This Law ". As well as the explanation of article 74 stating the "original criminal investigation" is an official of the institution which by law is given the authority to investigate, the National Police of the Republic of Indonesia, prosecutors, The Corruption Eradication Commission (KPK), the National Narcotics Agency (BNN), as well as the Directorate General of Customs Ministry of Finance of the Republic of Indonesia.

The original criminal investigator investigation may conduct money laundering investigation when finding a preliminary evidence of a money laundering criminal in the event of an original criminal investigation according to his authority. The KPK's authority to prosecute it is not expressly stated as the authority for investigation, however does not mean that the KPK is not authorized to sue money laundering. In Article 51 paragraph (1) of law No. 30 of 2002 on the Corruption Eradication Commission, it is said that the claimant is a public prosecutor on a Corruption eradication commission appointed and dismissed by the Corruption Eradication Commission (KPK). In section 38 paragraph (1), it is also affirmed about what the authority of the Corruption Eradication Commission is "all authority relating to the investigation, and prosecution as stipulated in the law No. 8 year 1981 on criminal events law applies also for investigators and prosecutors to the Corruption Eradication Commission.

In article 6 letter a of law No. 46 year 2009 of the Corruption Criminal Court also determines that "the corruption crime court as referred to in article 5 shall be authorized to examine, prosecute, and terminate the criminal offence Money laundering that originated from corruption crimes "by accepting the demands of the KPK's attorney against the corruption and TPPU matters, although not specifically regulated authorities demanding the KPK, the court of Tipikor is prohibited to reject the matter as set forth in article 10 paragraph (1) of Law No. 48 year 2009 of the judicial authority that: "The court shall not refuse to examine, adjudicate, and discontinue a matter filed in the pretext that the law is not or is unclear, but Obligated to examine and judge them.

In that article corruption criminal trials have acknowledged the authority of the Corruption Eradication Commission (KPK) in demanding a criminal act of Money Laundering (TPPU). Seen from an example of the case of Wa Ode Nurhayanti when KPK prosecution to the budget agency of DPR. In this case KPK is authorized to sue a criminal cause of money laundering that criminal acts of birth corruption. If based on a simple judicial principle of rapid cost of light then if the investigation is in one hand, then the prosecutor may lease cumulatively between the original criminal act with a Money Laundering criminal act and delegate it together to Court "(Effendy, 2012).

Based on the aforementioned fact, corruption crimes in Indonesia are categorized as an extraordinary crime so that the action is unremarkable. Although in general, legal experts have the view that corruption crimes in Indonesia has already been controlling and worthy of being categorized as an extraordinary crime, but some have a view that corruption in Indonesia is still classified as a crime Unusual because there is no international norm to mention corruption as an extraordinary crime in both the United Nation Convention Against Corruption, and the United Nation on Trans National Organized Crime (Prahassacitta, 2016). From this argument comes the idea to trim or reduce the authority of the KPK through the revision of the law No. 30 of 2002 on the Corruption Eradication Commission rolled out by the People's Representative Council of the Republic of Indonesia (DPR RI).

The revised KPK Act of Law No. 19 of 2019 on the amendment of law No. 30 year 2002 of the Corruption Eradication Commission was rejected by anti-corruption activists, academics, and society due to the process of stacking Not involve the community and the elements of the KPK leadership itself. The drafting revision of the KPK Act was impressed in a hurry and forced to recall the employment period of the DPR RI period will be ended 2019 and replaced by the newly elected DPR RI members. Goodwill of DPR RI doing revision of the KPK law is questionable, the change of legislation strengthens the KPK or precisely weakens the KPK institution. When looking at some of the provisions contained in the KPK Act after being revised many circles precisely weaken the KPK from both the prevention and resistance aspects against corruption crimes.

KPK assesses that there are 26 chapters that have the potential to weaken the institution of KPK in carrying out its duties. KPK's spokesman, Febri Diansyah mentioned that 26 points are considered to be potentially debilitating KPK because it reduces a number of principal authorities in carrying out corruption eradication tasks formerly owned by the KPK under Law No. 30 Year 2002. Some points are considered to weaken the KPK, among others, the existence of the KPK Supervisory board, authority and prosecution is reduced and a number of technical procedures which are considered to complicate the process of enforcement (Ramadan, 2019).

There are several points that are assessed controversy and alleged that many parties weaken KPK institutions in conducting corruption eradication tasks in Indonesia, including KPK is placed as a state institution under the executive family-before being revised Determined that KPK is a state institution that in carrying out its duties and authorities is independent and free from any influence of power. However, once revised it is governed that the KPK is the state institution in the executive power family that in carrying out its duties and authorities is independent and free from any power influence.

Position of KPK Officer-before revised, article 1 paragraph 5 determines that KPK officers are recruited independently and become permanent officers. However, after the revised KPK officers are the civil apparatus of the State (ASN) as referred to in legislation regarding the state civil apparatus. That is, pursuant to article 1 Figure 1 of the law No. 5 of 2014 concerning civil apparatus determines that ASN is comprised of civil servants (PNS) and government employees with employment agreements (PPPK). The age limit of civil servants is 35 years old, while the above-age is elevated to P3K. That is, most of the KPK officers in the status of employees will be P3K, including independent investigators, such as the senior investigator KPK, Novel Baswedan.

The authority of the tapping-before the revised determined that in carrying out the task of investigation, investigation, and prosecution as referred to in article 6 letter C, the Corruption Eradication Commission shall be authorized: a. Tapping and recording the conversation. However, after the revised intercepts are governed in article 12B (1) which determines that intercepts as intended in article 12 paragraph (1) shall be executed after obtaining written permission from the Board of Trustees. (2) To obtain the license as intended in paragraph (1) shall be executed on request in writing from the management of the Corruption Eradication Commission. (3) The Board of Trustees may give written permission to the request as referred to in paragraph (2) at least 1 x 24 (one time twenty-four) hours from the time the request is made. (4) If the Chairman of the Corruption Eradication Commission has obtained the written permission of the Board of Trustees as referred to in paragraph (3), the wiretapping is carried out at most 6 (six) months since the written permission is received and can be extended 1 (one) time for the same timeframe.

Section 12C (1) determines that investigators and investigators report intercepts as referred to in article 12 paragraph (1) which are in progress to the regular management of the Corruption Eradication Commission. (2) intercepts as referred to in article 12 paragraph (1) shall be held accountable to the leadership of the Corruption Eradication Commission and the Board of Trustees no later than 14 (fourteen) working days from the date of tapping Completed. Further, in article 12D (1) determines that the result of wiretapping as referred to in article 12 clause (1) is confidential and only for judicial purposes in the eradication of corruption.

Termination and prosecution-before the revision, article 40 determines that the KPK is not authorized to issue a termination warrant of investigation and prosecution in the case of corruption. However, after being revised, article 40 determines that (1) The Corruption Eradication Commission is authorized to terminate the investigation and prosecution of corruption criminal proceedings whose investigation and prosecution did not complete in the longest period of 1 (one) Years (2) Termination of the investigation and prosecution as intended in paragraph (1) shall be reported to the Board of Trustees no later than 1 (one) week from the time of termination warrant of the investigation and prosecution; (3) Termination of the investigation and prosecution as intended in paragraph (1) shall be announced by the Corruption Eradication Commission to the public; (4) Termination of the investigation and prosecution as intended in paragraph (2) may be revoked by the Chairman of the Corruption

Eradication Commission if new evidence is found that can cancel the reason for termination of investigation and prosecution, or by decision as intended in statutory regulations.

KPK investigators-in article 45 before the revision is determined that investigators are investigators to the Corruption Eradication Commission raised and dismissed by the Corruption Eradication Commission. However, after the revised Corruption Eradication Commission investigator can come from the National Police of the Republic of Indonesia, the Attorney General's Republic of Indonesia, a civil servant who is given special authority by the law, and the Commission investigator Eradication of corruption. Establishment of the Board of Trustees-article 37 before being revised determines that as referred to in article 36, the advisory team and officers in charge of the Corruption Eradication Commission. However, after the revised in chapter V was formed board of Trustees.

In article 37A (1) It is determined that in order to supervise the implementation of the duties and authorities of the Corruption Eradication Commission formed as intended in article 21 paragraph (1) of Letter A. (2) The supervisory board as intended in paragraph (1) shall constitute Non-structural institutions in carrying out their duties and authorities are independent. (3) Members of the Board of Trustees amounted to 5 (five) persons. (4) Members of the Board of Trustees as referred to in paragraph (2) hold office for 4 (four) years and may be re-elected in the same position for only 1 (one) term and receive and follow up reports from the public about alleged violations of the code by the Chairman and officers of the Corruption Eradication Commission or violations of the provisions of this Act. (2) The Board of Trustees creates a report on the execution of tasks periodically 1 (one) time in 1 (one) year. (3) The report as mentioned in clause (2) shall be submitted to the President of the Republic of Indonesia and the People's Representative Council of the Republic of Indonesia.

Article 37 D the terms become a member of the Board of Trustees G. Lowest age 55 (fifty five) years; H. Educated at the lowest S1 (undergraduate strata one); I. The preferred priority as the minimum law enforcement 15 (fifteen) years; Article 37E (1) Chairman and member of the Board of Trustees as referred to in article 37A is elected by the House of Representatives of the Republic of Indonesia based on prospective members proposed by the President of the Republic of Indonesia. (2) In appointing the chairman and member of the Board of Trustees as referred in paragraph (1), the President of the Republic of Indonesia forms the selection committee. (3) The selection committee as referred to in paragraph (2) consists of the elements of the central government and elements of society. In response to changes in the KPK law, Padjajaran University professor Romli Atmasasmita said that the revision of the KPK law is not a form of weakening but an improvement to the corruption eradication strategy. Revision of the KPK law to strengthen, and to emphasize the corruption eradication strategy conducted by the KPK established in the era of the reform. The establishment of the Board of Trustees to keep the investigators and leaders of KPK working professionally in accordance with the spirit of eradication of corruption and regulation of legislation (Ministry of Justice and Human Rights Republic of Indonesia , 2019).

Many other legal experts do not agree with the match. If corruption in Indonesia is considered as a tremendous crime then the method of overcoming crime is done in extraordinary ways anyway. Therefore, one of the efforts that the Government has to do is to strengthen the KPK by providing more and wider authority than other law enforcement agencies. According to Rukmini (2010), it should be understood that corruption in Indonesia is not the same as other states corruption. Corruption in Indonesia occurred so massive from the lowest level of government to the highest government, both in the executive, legislative and judicial environment. In

addition, corruption in Indonesia not only involved the government but also has involved the institutions of the Indonesian National Army, the Police of the Republic of Indonesia and private parties. Therefore, many legal experts agree that corruption in Indonesia can be categorized as an extraordinary crime (Rukmini, 2010).

Eddy Hiariej mentions that corruption is classified as an extraordinary crime, not only because of its mode, systemic and organized, but corruption is categorized as a tremendous crime because the consequences are parallel and destructive. The whole system of life is national and state in both the economic, political, socio-cultural, and even to the moral and mental damage of society (Hiariej, 2012). When reviewed from the victim's aspect (victims) then the victim of the crime of corruption is the state and the people, because with the crime of corruption, the financial and state economy becomes reduced and disrupted. More than that, the victims are economically weak or politically low. The poor people became unable to be living worthily and his son could not get a reasonable education (Alkostar, 2013).

The usual or conventional eradication of corruption efforts has been proved ineffective due to many obstacles. This is because the virus corruption not only attacked the executive and legislative bodies, but also burst into the judiciary conducted by judges, prosecutors and police as law enforcement institutions, therefore it is needed. An extraordinary method of law enforcement to eradicate corruption, one of which provides tremendous authority to the KPK as a special and independent way of combating corruption (Sen, 1999). If the authority of KPK is equal to other law enforcement authorities both from prevention and suppression aspects then better KPK is abolished and the authority of eradication of corruption is returned to Indonesian police institutions and high prosecutors.

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