

## Developing Optimal Approaches for Investigating Corruption Crimes in Unique Circumstances

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### Abstract

Investigating criminal acts of corruption in certain circumstances is ineffective because the investigation and prosecution process carried out by law enforcement officials in Indonesia is discontinuous. This is normative legal research that uses a statutory approach to determine material and formal suitability for investigating criminal acts of corruption in certain circumstances. The legal materials used are primary and secondary. The data collection technique was carried out by literature study and then analyzed using the syllogism method. The research results show, *first*, that the lack of optimal investigation is influenced by three factors: substance, structure, and legal culture. *Second*, formulating ideals for investigating criminal acts of corruption in specific circumstances is necessary. This includes revising the provisions on criminal threats in court decisions, reformulating the role and function of the police, prosecutors, and corruption eradication commissions related to investigations, and recognizing the community's role in preventing corruption in Indonesia. Therefore, the government must consider reformulating the investigation of criminal acts of corruption, especially in certain circumstances, to make it more effective.

**Keywords:** Certain; Circumstances; Corruption; Formulation; Investigating.



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### Introduction

The crime of corruption can no longer be classified as an ordinary crime but has become an extraordinary crime (Triatmanto & Bawono, 2023). The trend in the development of corruption cases is increasing daily. In fact, currently, there is growing public opinion that corruption has transformed into a new culture, in the sense that it has dominated the behavior of not only the state bureaucracy but also the world of education (Paranata, 2022). Corruption crimes are often associated with state officials, whether civil servants or state officials, or are usually referred to as white-collar crimes (Schmidt, 2022).

Regulations regarding eradicating corruption in Indonesia are regulated at the national level because corruption is a criminal act that contains criminal sanctions, as in the Law on the Eradication of Corruption Crimes (Tridian Hariwangsa, 2024). Law enforcement includes the implementation of these regulations, as it aims to enforce adherence to the law. Violations or deviations from applicable laws will be subject to sanctions by the provisions



stipulated in the law. In this case, criminal law is used. The Attorney General's Law of the Republic of Indonesia and the Criminal Procedure Code formally regulate the enforcement of the law on corruption (Arini Indika Arifin, 2015). However, the regulations aimed at eradicating criminal acts of corruption have proven ineffective. This shows the dysfunction of the criminal political dimension of the existing criminal law instruments, especially those that regulate corruption. The legal structure units, namely the Corruption Eradication Commission, the police, public prosecutors, judicial institutions, and correctional institutions, have their respective roles and functions (Winasya Pricilia, 2019). The Corruption Eradication Commission typically investigates corruption cases in Indonesia, but the police may also do so if they receive them or if the case involves actions that fall under their purview (Jury Wiarti, 2023).

A specific category of criminal offenses includes corruption. A unique crime is a type with specific characteristics, both in terms of material law and procedure, differentiating it from general crimes (Calderoni et al., 2024). Corruption is a special criminal act because it involves the abuse of authority, position, or facilities owned by public officials or civil servants for personal or group interests (Hyseni, 2014). To eradicate it, an extraordinary institution, such as the Corruption Eradication Commission, has the authority to handle corruption cases using procedures different from those needed for general crimes. Prosecutors are directly involved as investigators in handling special criminal acts. The Prosecutor's Office is an institution that has the authority to act as a public prosecutor and investigator in eradicating criminal acts of corruption. In this provision, the term of *certain circumstances* refers to situations that warrant criminal charges against those who commit corrupt acts, specifically those committed against funds meant to combat dangerous situations, national natural disasters, or social unrest. Widespread, overcoming the economic and monetary crisis and the repetition of criminal acts of corruption (Viony Laurel Valentine, 2023).

However, in reality, investigations into corruption cases in Indonesia have not been effective; this is influenced by several factors, including (Leasa, 2020): *First*, limited resources. Although the Corruption Eradication Commission has broad authority, the number of investigators and existing resources are often inadequate to handle the large number of cases. Other institutions, like the police, are also limited in capacity and focus on corruption cases. *Second*, corruption is often systemic and involves a vast network, from high-ranking officials to officials at various levels of government. This makes disclosure and investigation more complex and challenging due to protection or even collusion between the parties involved. *Third*, corruption investigations often face political obstacles, where officials or people involved in corruption cases have strong positions or influence, both in government and politics. This can affect the independence of the investigating agency and the ongoing legal process.

*Fourth*, the legal process is slow; in corruption cases, the investigation process often takes a long time to reach trial. There is also the practice of delay tactics, which defendants or lawyers use to slow down the process. *Fifth*, there is a lack of protection for witnesses and whistleblowers; witnesses or reporters in corruption cases often face intimidation or threats, which can reduce the effectiveness of investigations. Without adequate protection, witnesses or reporters may be reluctant to provide the necessary evidence or testimony. *Sixth*, changes in policies or regulations, such as changes in policies or rules in the field of anti-corruption, can create uncertainty in law enforcement. These changes may impact the effectiveness of investigative agencies or the conduct of investigations. The difficulty of overcoming criminal acts of corruption can be seen in the acquittal of many defendants in corruption cases or the minimal punishment borne by the defendant, which is disproportionate to what they have committed. This situation poses a significant threat to the nation. If this happens continuously, it can eliminate the sense of justice and the public's trust in the law. Therefore, to increase the effectiveness of corruption investigations, more comprehensive reforms are needed regarding regulations, strengthening of authorized institutions, and providing more substantial political and social support to eradicate corruption in Indonesia (Muqorobin & Arief, 2020).

The definition of corruption is something that is rotten, crime, and destructive (Sargiacomo et al., 2024). Corruption will indeed find such realities because it involves moral aspects, rotten nature, and conditions; positions in government agencies; abuse of power in positions due to gifts; economic and political factors; and the placement of families or groups in service under the authority of their position. A single theory or definition cannot adequately explain corruption, as it is a complex phenomenon that involves individual factors, social structures, culture, politics, and economics. So, eradicating corruption requires a holistic approach and involves systemic changes at various levels (Klein et al., 2023).

Lawrence M. Friedman (legal system theory) explains that the problem of legal effectiveness does not only examine one legal perspective, but requires a comprehensive analysis of the legal realities that arise in society (Ahadi, 2022). The author bases the problem analysis on legal system theory, which, according to Lawrence M. Friedman, divides legal success into three dimensions: legal substance, structure, and culture (Febbrajo, 2018). Legal structures, such as law-implementing agencies or institutions acting as law enforcement officers, are associated with the investigative function. The criminal justice system, which is essentially a system of power to enforce criminal law, embodies the institution responsible for its implementation. This system encompasses the powers of investigation, prosecution, decision-making, and the implementation of decisions and criminal punishment by the implementing or executing agency or apparatus.

Previous research by Viony (2023) explains that, although there are various challenges in practice, several recommendations can increase the



effectiveness of investigations. Institutional reform, increasing the capacity of investigative institutions, strengthening supervision, and preparing clear guidelines regarding investigative procedures in certain circumstances are often proposed solutions. In addition, attention must be paid to external factors such as political intervention and socio-economic structures that can influence the investigation process (Viony Laurel Valentine, 2023).

For instance, the Indramayu Regency faces allegations of criminal acts of corruption in relation to the procurement of materials and equipment for non-natural disaster management, specifically scuba cloth masks, during the 2020 fiscal year. These items were sourced from the 2020 Unexpected Expenditure Fund on August 13, 2020, or at least in 2020, at the Indramayu Regency Regional Disaster Management Agency Office, and are still under the jurisdiction of the Indramayu Police. The Bandung City Tipidkor Court No. Xxx, which decided a criminal case of corruption in the procurement of scuba cloth masks at the Indramayu Regency service for the 2021 fiscal year, found a discontinuity between investigation and prosecution, which lightly influenced the judge's decision. During the inquiry contained in the. The Case Dossier inquiry revealed suspicions regarding Article 2, paragraph (1), and paragraph (2) of the Law on Corruption Crimes, with paragraph (2) being particularly aggravating due to its application in specific circumstances, such as the Covid-19 disaster. The absence of Paragraph (2) led the judge to view the suspects' actions as typical acts of corruption, resulting in a lenient verdict. Applying Paragraph (2) would result in the maximum penalty of death.

Based on the cases above, corruption has become a national disease and, of course, is detrimental to state finances. It can be found in all levels of society because social conditions and criminal acts of corruption are one aspect that makes acts of corruption flourish and are no longer taboo for the community. This community habit eventually becomes a culture; weak law enforcement in Indonesia does not have a deterrent effect on perpetrators of corruption. Therefore, based on reality and the experience of investigating corruption cases under non-regulatory circumstances, this research underscores the importance of establishing optimal investigation standards.

## Methodology

This research is normative legal research, analyzing statutory regulations, legal doctrine, and legal principles that apply in the Indonesian legal system regarding criminal acts of corruption and the process of investigating criminal acts of corruption in certain circumstances. This research methodology employs a statutory approach to assess the suitability of the arrangements for investigating criminal acts of corruption in the field. The legal materials used are primary, such as statutory regulations. Meanwhile, secondary legal materials, such as journal articles, books, reports, etc., are used. Data collection techniques were carried out using library

research and then analyzed using the syllogism method (Khushal & Aynalem, 2009).

## Results and Discussion

### *The Factors of Ineffectiveness Corruption Investigations in Specific Circumstances*

Lawrence M. Friedman's legal system theory suggests that the effectiveness of law does not depend solely on the existence of legal rules but is also influenced by three interrelated factors (Silbey, 2015): legal substance, legal culture, and legal structure refer to the content and material of the law itself, namely the rules written in laws, regulations, and other legal norms. Legal structure refers to the institutions and mechanisms that exist to enforce the law (Yolanda et al., 2023). Whereas, legal culture refers to the attitudes, beliefs, values, and understandings that members of society have toward the law. Friedman points out that to achieve optimal legal effectiveness, there needs to be a balance between these three factors (Orlando, 2022). Good law depends on transparent and fair legal substance content and a solid legal structure and culture supporting law enforcement (Hutomo & Soge, 2021). Therefore, these three factors must be considered and developed simultaneously to create a legal system that is effective and reliable in maintaining social order.

In a specific situation, a disaster emergency has not been determined, ended, or extended, but action is still needed to reduce disaster risk and greater impacts (Zainul Arifin, 2021). In the Law on the Eradication of Corruption Crimes, the legislator defines certain circumstances as reasons that aggravate the crime so that the death penalty can be imposed. For example, cases of corruption in certain circumstances include alleged criminal acts of corruption in the procurement of materials and equipment for mitigation, such as scuba cloth masks for the non-natural disaster Covid-19. The results of the judge's decision should show that there are additional sanctions because the acts of corruption were carried out under certain circumstances, in this case, the Covid-19 pandemic. However, it turned out that there was a discontinuity between the investigation and prosecution, which resulted in the judge's decision being lenient. The analysis of inquiry at the Indramayu Resort Police will be analyzed using the theory of legal effectiveness, that improving the position and role of law enforcement agencies by their respective duties, functions, and authority must be accelerated by increasing their capacity and judicial authority accompanied by efforts to develop the attitude of law enforcement officers as guardians. Who has the expertise, is honest, firm, fair, clean, and dignified. This needs to be done to ward off the public perception that the ineffectiveness of law enforcement in Indonesia cannot be separated from the performance and attitude of law enforcers.

The legal substance factor plays a crucial role in investigating criminal acts of corruption. With clear regulations regarding the definition of criminal acts



of corruption, investigation procedures, the rights of suspects and witnesses, and legal sanctions, legal substance provides the necessary guidance for investigators to carry out their duties legally and fairly. The linkage of legal substance in corruption investigations also ensures that the investigation process complies with the principles of justice and transparency and can bring perpetrators to justice with sufficient evidence to impose appropriate punishment (Orlando, 2022).

One of the main obstacles to the legal substance factor is the lack of legal certainty and gaps in statutory regulations, Number 20 of 2001, concerning Corruption Crimes Article 2 Paragraph 1 and Paragraph 2 regarding criminal threats. Unclear or overlapping legal provisions can confuse and hamper the investigation process. This could make the performance of our duties less effective. When investigating corruption cases and procuring materials and equipment for dealing with non-natural disasters under the jurisdiction of the Indramayu Resort Police, law enforcers, particularly public prosecutors and investigators, cannot avoid differences in legal interpretation.

Furthermore, the prosecutor's office and the Corruption Eradication Commission will have the authority to change or eliminate the police's regulations as investigators. The Criminal Procedure Code, the primary provision governing criminal procedural law in Indonesia, clearly and unequivocally states the existence of National Police Investigators as an institution with the authority to carry out investigations. Should this provision undergo a change, it would necessitate substituting the primary elements of the criminal justice system already present in the criminal procedural law. Apart from that, there are no requirements to qualify it as a criminal act of corruption under specific circumstances. Thus, based on the explanation of certain circumstances, the following qualifications can be made for acts: a) criminal acts of corruption, criminal acts committed when the country is in a state of danger by applicable law; b) criminal acts of corruption when a national natural disaster occurs; c) when the country is in a state of economic and monetary crisis. According to the author, the death penalty for perpetrators of criminal acts of corruption in certain circumstances can only be carried out if the perpetrator commits it when the country is in a state of economic and monetary crisis (Mohammad Al Faridzi, 2022).

Legal structure factors, which are effective and well organized, greatly influence the implementation of investigations into criminal acts of corruption (Hilmawan et al., 2023). The legal structure ensures the relative and professional investigation of criminal acts of corruption through transparent authority, standardized procedures, a strong supervisory system, and cooperation between law enforcement agencies (Sudirman et al., 2020). Apart from that, an independent judicial system and adequate resources are also essential factors supporting the success of investigating and eradicating corruption (Miftakhul Khobid, 2018).

The police, prosecutor's office and Corruption Eradication Commission's involvement in investigating criminal acts of corruption depends on the specific circumstances of each case (Siahaan et al., 2019). Each agency has a different role; the police handle initial investigations and cases that are not too complex. The prosecutor's office monitors and prosecutes criminal acts of corruption and directs investigations (Maharyana Italia Assa, 2017). Meanwhile, the Corruption Eradication Committee is responsible for handling corruption cases that involve high-ranking officials, involve multiple parties, have a significant impact, and prioritize prevention. To handle corruption cases quickly, appropriately, and transparently, especially when dealing with certain circumstances that could disrupt the legal process, collaboration between these three institutions is crucial (Hutahaean & Indarti, 2020).

However, police investigators and prosecutors are underrepresented in the handling of corruption cases. Human resources for investigators whose competency is relatively low also need to be improved because perpetrators of criminal acts of corruption usually have high intellectual capacity. Personal investigators with expertise in other science fields are required for the investigation process, such as criminal psychology experts (Monica, 2024). Facilities and infrastructure factors also greatly influence the performance of the legal structure. Currently, the investigation process relies on basic equipment. For instance, during the implementation stage of investigating criminal acts of corruption under specific circumstances at the Indramayu Resort Police, the following steps are taken: a) examining witnesses; b) confiscation of evidence; c) collection of documents; d) request for audit of state losses; e) examination of criminal experts and state financial treasury experts; f) determining the status of the suspects; g) filing. Several investigation processes at the Indramayu Resort Police are still ineffective due to law enforcement officials' unclear division of authority (Ridwan et al., 2020).

Legal culture factors encompass human attitudes towards the law and the legal system, as well as beliefs, values, thoughts, and hopes. The atmosphere of social thought and social forces, known as legal culture, shapes how people use, avoid, or misuse the law (Febbrajo, 2018). Society's legal awareness directly influences legal culture. The higher the public's legal awareness, the better legal culture will be created and can change people's mindsets regarding the law (Zia et al., 2020). In simple terms, the level of public compliance with the law is an indicator of the law's functioning. The relationship between the three elements of the legal system is helpless, like the work of mechanics (Simamora et al., 2019). Structure is likened to a machine; substance is what the machine does and produces, while legal culture is whatever or whoever decides to turn the machine on and off and decides how the machine is used.

The relationship between legal culture and the implementation of investigations into criminal acts of corruption stems from the fact that many



people refuse to report corruption cases in their area. The environment in which the law applies hinders investigators. Still, corruption occurs, and the police, prosecutors, and Corruption Eradication Commission must enforce the law with community involvement. The legal culture significantly shapes the conduct of investigations into criminal acts of corruption. A legal culture that supports law enforcement that is fair, transparent, and free from corruption will facilitate the investigation and eradication of corruption (Afif, 2019). On the other hand, a legal culture that is permissive toward corrupt practices or weakens law enforcement agencies' integrity can hinder the investigation process. Therefore, building a strong legal culture that respects justice and integrity is an important key to ensuring the effectiveness of investigations into criminal acts of corruption.

### ***Developing Optimal Approaches for Investigating Corruption Crimes in Unique Circumstances***

To discuss the ideal formulation of investigating criminal acts of corruption in certain circumstances, it need to consider two main aspects: the theory of legal effectiveness and legal objectives (Clark, 2015). These two aspects have an essential role in regulating how investigations are carried out with clear objectives and creating optimal results, especially in certain circumstances that can affect the course of the investigation (Pratiwi & Andani, 2022). Legal effectiveness theory focuses on how well the law is implemented to achieve desired goals, such as justice, legal certainty, and fair law enforcement (Magen, 2015). Legal effectiveness measures whether the investigation process can reveal the truth, enforce the law, and minimize the negative influence of external factors in investigating criminal acts of corruption.

In general, an effective investigation process must fulfill the independence of law enforcement agencies so that there is no political interference, pressure from more powerful parties, or personal interests (Yang et al., 2024); coordination between law enforcement agencies must be carried out systematically so that there is no overlap in authority; the investigation process must be transparent and accountable; use of technology that can facilitate fast and accurate evidence collection; as well as the availability of resources that meet standards (Ngondiep, 2024).

Meanwhile, law enforcement investigations must align with legal objectives. When investigating criminal acts of corruption, the law aims to achieve several main objectives, including justice, legal certainty, and social benefits (Fu & Zhou, 2024). The purpose of this law is to serve as a guide in formulating an ideal investigation process and determining how the results can have a positive impact on society and the state (Gaffar et al., 2021). In general, investigations into criminal acts of corruption in certain circumstances must fulfill legal objectives (Li et al., 2025), including achieving substantive justice, which is the main aim of the investigation, to find facts that are by the material truth and realize substantive justice;



enforcing legal certainty, investigators must ensure that every step taken is by applicable legal provisions and can be accounted for before the court; as well as providing benefits in law enforcement in Indonesia.

*The first* formulation that can be implemented is a revision of the criminal threat in the Law on Corruption Crimes. This is due to a discontinuity between the investigation and prosecution in the decision, which resulted in a lenient decision from the judge. This aims to clarify existing legal provisions and eliminate articles that conflict with each other. For instance, a breakdown in authority occurs when the police, the prosecutor's office, or the police themselves handle corruption cases. This overlap gives rise to juridical consequences in interpreting the law, thus creating confusion for agencies or institutions in the investigation process. The importance of understanding the law for officers and society greatly influences the internalization of law enforcement so that it will create uniformity and certainty in the law.

In formulating legal policy formulations in the field of corruption in general and investigating criminal acts of corruption in particular in the future, it must also pay attention to the three principles of legislative formation above. The philosophical basis is a reason that illustrates that the regulations that will be formed or carry out revisions of laws relating to the duties and authority of the police, prosecutors, and the corruption eradication commission to carry out investigations into criminal acts of corruption must take into account and must not conflict with their way of life, awareness, and legal objectives (Makmur, 2024).

*Second*, additional personnel should be provided to conduct investigations into criminal acts of corruption, especially those with expertise in other auxiliary sciences that support the investigation process. Ensuring a sufficient budget to provide these facilities and infrastructure is key. An adequate budget allows for purchasing and maintaining necessary equipment and facilities. To combat corruption, collusion, and nepotism, state administration requires corrective measures like raising awareness and fostering national morality. Corrective steps can also be taken through recruitment in the judiciary to find judges who are honest and trustworthy in their duties and authority (Al Izzati et al., 2024).

The existence of investigators from the police is clearly and emphatically stated as an institution with the authority to carry out investigations according to Article 1 number 1 and Article 6 of the Criminal Procedure Code, as the main provisions governing criminal procedural law in Indonesia. If this is changed, it has to replace the main components of the criminal justice system that already exist in our criminal procedural law. Removing the authority of police investigators and transferring it to prosecutors, investigators, and the Corruption Eradication Commission would necessitate changes to numerous related regulations. From a human resources perspective, the police already have professional and trained investigators who are capable of carrying out their duties. The Corruption Eradication



Commission, which has the authority to appoint its investigators, has consistently requested assistance from the police since its establishment.

To avoid overlapping powers in investigating corruption cases, it is necessary to formulate policies that regulate police authority by coordinating between the three law enforcement agencies, especially the Prosecutor's Office and the Corruption Eradication Commission, conducting cases and evaluating the results of investigations. There needs to be a grant of the same authority so that it does not cause problems in its implementation. Not a single institution feels that other institutions have more authority than they have. Ideally, Police Investigators and Prosecutor's Office investigators would also be given extra authority like that of the Corruption Eradication Commission in carrying out law enforcement against perpetrators of criminal acts of corruption. This means it is necessary to grant additional authority or expand the authority possessed by National Police Investigators and prosecutor investigators as possessed by the Corruption Eradication Commission. For example, the authority to wiretap and confiscation does not have the authority to issue an order to stop an investigation.

*Third*, socializing and understanding the culture of preventing corruption for the community is very important for the government for several crucial reasons, such as building public awareness and concern, fostering an anti-corruption culture, increasing community participation, encouraging leadership with integrity, strengthening cooperation between the government and the community, and minimizing corrupt practices in the public sector (Febbrajo, 2018). Therefore, conducting outreach and building an understanding of the culture of preventing corruption is very important because it can create a society that is aware, caring, and involved in joint efforts to eradicate corruption.

Not only does the investigation of criminal acts of corruption take place when a crime occurs, but it also involves prevention efforts, including legal education and public outreach about the dangers of corruption (Sargiacomo et al., 2024). With higher awareness, the public will be more proactive in preventing and reporting corruption, thus supporting the creation of a clean, transparent government with integrity. Socialization also strengthens anti-corruption values, which will continue to develop in community culture and government institutions, leading to better and more sustainable social and economic development.

Meanwhile, the ideal formulation for investigating criminal acts of corruption carried out in certain circumstances at the Indramayu Police Department is analyzed using law enforcement theory that the three corruption investigation agencies are authorized by law to carry out investigations of criminal acts of corruption in the Indonesian criminal justice system, with All the problems faced, including legal substance problems, legal structure problems, and legal culture problems, have contributed to accelerating the eradication of corruption in 2016-2017, with the amount and value of state losses varying according to the performance of each

institution. However, if the target is to accelerate the eradication of criminal acts of corruption, the number of reports received indicates that the eradication of these acts remains insufficient. Several efforts are still needed to find better results in eradicating criminal acts of corruption in Indonesia.

### Conclusion

The investigation of criminal acts of corruption is ineffective in certain circumstances, that caused by three factors: *legal substance* factor, the existence of overlapping arrangements of investigative authority between the police unit, the prosecutor's office, and the corruption eradication commission. *Legal structure* factors related to the lack of coordination between law enforcement agencies in the investigation process. For example, a discontinuity was found between the investigation and prosecution regarding alleged corruption in the procurement of goods in the form of masks in certain circumstances, namely Covid-19, which impacted the judge's decision being light. The Indramayu Resort Police have carried out the investigation. Supposedly, because the criminal act of corruption was committed during the non-natural disaster of Covid-19, the judge's decision could be considered with heavy sanctions because it was carried out in certain circumstances. However, due to lack in the investigation, the judge ultimately considered the actions of the suspects as an ordinary act of corruption, and the verdict was light—the lack of quality and quantity of resources for law enforcement officers. *Legal culture* factor is related to the lack of understanding and internalization of a culture that prevents corruption in society; this is because many people still refuse to report corruption cases in their area. Therefore, formulating ideals for investigating criminal acts of corruption in specific circumstances is necessary. This includes revising the provisions on criminal threats in court decisions, reformulating the regulation of the roles and functions of the police, prosecutors, and corruption eradication commissions related to investigations, and recognizing the community's role in preventing the existence of corruption.

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