Analysis Of The Effectiveness Of Corruption Investigation By The National Police In The Recovery Of State Financial Losses

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Abstract

Corruption is a serious issue that threatens the nation's finances, making the recovery of state financial losses crucial. This study aims to analyze the mechanism for the recovery of state financial losses during the investigation stage of corruption by the Indonesian National Police investigators. The issues discussed include the effectiveness of the existing mechanism, the obstacles faced by investigators, and the future regulations needed to improve the recovery process. The research methodology used is a qualitative approach with data analysis through interviews and document studies. The results indicate that although there is a mechanism regulated by laws, there are still many obstacles hindering the recovery process, such as a lack of resources and coordination between institutions. The conclusion of this study recommends strengthening regulations and enhancing the investigators' capacity to expedite the recovery of state financial losses back into the state treasury.

I. Introduction

The recovery of state financial losses in the context of corruption crimes is a crucial issue in law enforcement in Indonesia. Corruption crimes have become one of the main problems hindering development and the welfare of society[1]. In an effort to combat corruption, the Indonesian government has issued various regulations, including Law No. 31 of 1999 on the Eradication of Corruption Crimes, which was later amended by Law No. 20 of 2001. This law emphasizes the importance of recovering state financial losses as part of the enforcement of justice.

[1] Eddy Rifai, *Pemberantasan Tindak Pidana Korupsi Penegakan Hukum Tindak Pidana Korupsi* (Banda Aceh: Universitas Bandar Lampung, 2014). Hlm. 111.

The National Police's Criminal Investigation Directorate's Telegram Letter No. ST/206/VII/2016, issued on July 25, 2016, provided guidance to investigators in handling corruption cases [2]. This telegram stresses that the recovery of state financial losses can be done during the investigation stage, meaning the investigation does not need to be escalated to the prosecution stage if the losses have been returned. This shows an effort to expedite the process of recovering state losses and avoid wasting budgets in law enforcement.

The application of this Telegram Letter raises various questions and challenges. One of them is how to determine the parameters for the value of state financial losses that must be returned in order for the investigation not to continue to prosecution. Article 4 of the Corruption Law states that the return of state financial losses does not eliminate the criminal liability of the corruption perpetrator, which suggests the potential for a conflict between legal provisions and practical implementation on the ground.

Furthermore, the recovery of state financial losses is often carried out after enforcement actions by law enforcement agencies. Data from the Subdirectorate III of Corruption Crimes in the Criminal Investigation Directorate of South Sumatra Police shows that in the past two fiscal years, several cases were not escalated to prosecution after the state losses were returned. This indicates that the recovery of state financial losses could be a practical solution in handling corruption cases.

The return of state financial losses is not always followed by strict law enforcement against the perpetrators of corruption [3]. There are concerns that this approach may create the perception that corruption offenders can avoid punishment by simply returning the losses. Therefore, it is important to evaluate the effectiveness of the National Police's Telegram Letter in the context of fair and transparent law enforcement.

The recovery of state financial losses in accordance with the provisions of the Corruption Law and how the implementation of the National Police's Telegram Letter can be optimized is crucial. This research is expected to contribute to a better understanding of the mechanism for recovering state financial losses and its implications for law enforcement

[2] Subiarto Aprido Tampubolon, Irawan Harahap, and Bagio Kadaryanto, "Kedudukan Hukum Surat Telegram Kabareskrim Kepolisian Republik Indonesia Tentang Pengembaliankerugian Keuangan Negara Mengenyampingkan Tindak Pidana Korupsi," *The Juris* VIII, no. 2 (2024): 452–68.

[3] Ade Mahmud, "Urgensi Penegakan Hukum Progresif Untuk Mengembalikan Kerugian Negara Dalam Tindak Pidana Korupsi," *Masalah-Masalah Hukum* 49, no. 3 (2020): 256–71, https://doi.org/10.14710/mmh.49.3.2020.256-271.

in Indonesia.

Thus, this research does not only focus on the legal aspects but also considers the social and economic dimensions of corruption crimes. It is hoped that the results of this study will provide constructive recommendations for policymakers and law enforcement officials in the effort to combat corruption and recover state financial losses effectively.

The recovery of state financial losses in the context of corruption crimes is a critical issue in law enforcement in Indonesia. Although Law No. 31 of 1999 and its amendment, Law No. 20 of 2001, emphasize the importance of recovering state losses, the application of the National Police's Telegram Letter No. ST/206/VII/2016, which allows the recovery of losses at the investigation stage, presents challenges in determining the parameters for the value of losses that must be returned. This has the potential to create conflicts between legal provisions and practical implementation, where the recovery of losses is often not followed by strict law enforcement against corruption perpetrators.

II. Research Method

The research method used in this study is a normative approach with qualitative analysis[4], aimed at exploring and understanding the mechanism of state financial loss recovery in the context of corruption crimes. This study relies on document analysis, including Law No. 31 of 1999 and Law No. 20 of 2001, as well as the National Police's Telegram Letter No. ST/206/VII/2016, to analyze existing regulations and their implementation on the ground. Additionally, interviews with law enforcement officers and analysis of relevant corruption cases were conducted to gain practical insights into the challenges and solutions in the recovery of state financial losses. Thus, this research is expected to provide a comprehensive overview of the effectiveness and challenges in the implementation of state financial loss recovery policies in Indonesia.

III. Results and Discussion

Law enforcement in corruption cases in Indonesia has become a major focus of the government and society, given the negative impact of corruption practices on development and public welfare. Various efforts have been made to combat corruption, including the establishment of the Corruption Eradication Commission (KPK), which has the authority to

[4] Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2016).

conduct investigations, prosecutions, and legal actions against corruption perpetrators. The KPK is expected to serve as the frontline in fighting corruption and restoring public trust in legal institutions.

Although the KPK has successfully handled several major cases, law enforcement in corruption in Indonesia still faces various challenges. One of the main challenges is political intervention, which can affect the independence of law enforcement agencies. In addition, there remains a negative stigma surrounding law enforcement officers, who are perceived as inconsistent in applying the law, thereby creating distrust among the public. This results in low public participation in reporting corruption cases.

Moreover, the lengthy and complex legal process often becomes a barrier in enforcing the law in corruption cases. Many cases are stalled in court due to lack of strong evidence or sophisticated defense strategies employed by corruption perpetrators. This leads to many corruption cases remaining unresolved or not receiving the justice they deserve. Therefore, reforms in the judicial system are needed to expedite the legal process and ensure that corruption perpetrators are punished appropriately[5].

Public legal education and awareness also play an important role in law enforcement against corruption. Communities with a good understanding of their rights and obligations, as well as the negative impact of corruption, tend to be more active in reporting corrupt acts. Therefore, education and socialization programs regarding anti-corruption efforts should be enhanced to build an anti-corruption culture within society.

Effective law enforcement against corruption cases is crucial. The recovery of state financial losses is not only the responsibility of the corruption perpetrators but also reflects the state's commitment to recovering assets lost due to corrupt actions. With firm and transparent law enforcement, it is hoped that the recovery of state financial losses can be carried out optimally, thereby having a positive impact on development and public welfare. This will also strengthen public trust in legal institutions and increase public participation in the fight against corruption.

The recovery of state financial losses is one of the key aspects of law enforcement

[5] Noni Sherlya and Yasmin Ramadhani, "RUU Perampasan Aset Hasil Tindak Pidana Korupsi Oleh KPK : Perspektif Teori Kepentingan Sosial Rescoe Pound," no. 2 (2024): 1–8.

against corruption crimes. In this context, Law No. 31 of 1999 on the Eradication of Corruption Crimes, as amended by Law No. 20 of 2001, emphasizes that the recovery of state losses should be a priority in every law enforcement process. This aligns with the main objective of the law, which is to protect the financial interests of the state and society.

The National Police's Telegram Letter No. ST/206/VII/2016 provides significant guidance to investigators in handling corruption cases. By emphasizing that the recovery of state financial losses can be done during the investigation stage, this telegram aims to speed up the recovery process and avoid budget waste. However, it also raises questions regarding the clear limitations and parameters for determining the value of losses that need to be recoveredOne of the main challenges in recovering state financial losses is determining the exact value of the losses. Article 4 of the Corruption Law states that the return of losses does not eliminate the criminal liability of the perpetrator. However, in practice, there is often confusion regarding when and how the recovery should take place[6]. This can lead to legal uncertainty and the potential for abuse by corruption perpetrators attempting to avoid criminal sanctions.

Data from the Subdirectorate III of Corruption Crimes at the Criminal Investigation Directorate of South Sumatra Police shows that in the past two years, several cases were not escalated to prosecution after the state losses were returned. This indicates that the recovery of state financial losses could be a practical solution, but also raises concerns that it may create the perception that corruption perpetrators can avoid punishment by simply returning the losses.

It is important to evaluate the effectiveness of the National Police's Telegram Letter in ensuring fair and transparent law enforcement. Although the telegram aims to expedite the recovery process, there must be a clear mechanism to ensure that the recovery of losses does not reduce the accountability of corruption perpetrators[7]. Firm law enforcement must remain a priority, even when the losses have been returned.

[6] Agus Wibowo, "Pengetahuan Dasar Antikorupsi Dan Integritas" (Bandung: Cv. Media Sains Indonesia, 2020), 315.

[7] Sabrina Hidayat, Oheo Kaimuddin Haris, and Edi Prasetyo, "Kebijakan Hukum Pidana Penyelesaian Perkara Korupsi Di Luar Pengadilan Criminal Law Policy for Settlement of Corruption Cases Outside the Court," *Halu Oleo Legal Research* | 5, no. 2 (2023): 472–84, https://journal.uho.ac.id/index.php/holresch/.

The recovery of state financial losses must also take into account social and economic aspects. Corruption crimes not only harm state finances but also have a negative impact on development and public welfare. Therefore, the recovery of losses should be carried out in a way that not only focuses on legal aspects but also considers the social impact of corrupt actions.

There is a need to increase awareness and understanding among law enforcement officers about the importance of recovering state financial losses[8]. Training and socialization regarding existing regulations, including the Corruption Law and the National Police's Telegram Letter, should be conducted regularly to ensure that investigators are adequately equipped to handle corruption cases.

Collaboration between various institutions, such as the KPK, the National Police, and the Prosecutor's Office, is crucial in the effort to recover state financial losses. Synergy between these agencies can strengthen law enforcement and ensure that every step taken in the recovery process is done effectively and efficiently.

There is a need for revisions or additions to the regulations that clearly outline the mechanism for recovering state financial losses. This includes setting clear parameters for determining the value of losses to be recovered, as well as procedures that investigators must follow in handling corruption cases. With clearer regulations, it is hoped that confusion and potential abuse can be minimized.

It is important to conduct regular evaluations of the implementation of the state financial loss recovery policy. This evaluation can be done through systematic research and data analysis to identify strengths and weaknesses in the existing process. The results of this evaluation can serve as a basis for improving policies and law enforcement practices in the future.

The recovery of state financial losses must be carried out with transparency and accountability. The recovery process should be accountable to the public, so that society

[8] Astaman Astaman, Ruslan Renggong, and Basri Oner, "Tindakan Penyelidikan Kepolisian Terhadap Pengembalian Kerugian Keuangan Negara Terkait Dugaan Tindak Pidana Korupsi," *Indonesian Journal of Legality of Law* 6, no. 1 (2023): 142–48, https://doi.org/10.35965/ijlf.v6i1.3834.

can see that law enforcement actions against corruption perpetrators are carried out fairly and non-discriminatively. Transparency in this process will also enhance public trust in law enforcement agencies.

IV. Conclusion

The conclusion of this study indicates that the recovery of state financial losses in the context of corruption crimes is an important step in law enforcement in Indonesia. However, its implementation still faces various challenges. Although the National Police's Telegram Letter No. ST/206/VII/2016 facilitates the investigation process, there is potential for conflict between legal provisions and practical implementation, where the recovery of losses is often not followed by firm law enforcement against corruption perpetrators. Therefore, an evaluation and improvement of the regulations and policy implementation are needed to ensure that the recovery of state financial losses not only serves as a practical solution but also supports fair and transparent law enforcement.

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