

CRIMINAL LAW POLICY REGARDING THE AUTHORITY OF THE CORRUPTION ERADICATION COMMISSION IN INVESTIGATIONS OF OFFENDERSTHE CRIME OF CORRUPTION IN PROCUREMENT OF MAIN EQUIPMENTBY PERSONNEL OF THE INDONESIAN NATIONAL ARMY

**Ilmuwani Lubis¹, Yasmirah Mandasari Saragih², Karolus Agung Dery Rianto³,
Irfan Rizky Pradya⁴, Willy Novan Prakoso⁵**

^{1,3,4,5} Master of Law Student at Universitas Pembangunan Panca Budi, Medan

²Lecturer at Master of Law, Universitas Pembangunan Panca Budi, Medan

Corresponding E-mail: yasmirahmandasari@gmail.com

Abstract

The Corruption Eradication Commission is an independent institution formed specifically to handle corruption cases which is equipped with a set of authorities in carrying out the duties of investigation, investigation and prosecution. In carrying out the duties and authority of the Corruption Eradication Commission in conducting investigations. perpetrators of corruption, procurement of key TNI equipment and the Military Justice Law, giving rise to pros and cons in various circles. The purpose of writing this thesis is; first, to find out the authority of the Corruption Eradication Commission in investigating perpetrators of corruption in the procurement of defense equipment, especially that carried out by the TNI. Second, to find out the criminal law policy regarding this authority. The Corruption Eradication Commission in investigating perpetrators of corruption in the procurement of TNI defense equipment. In writing this thesis the author used normative juridical research methods which emphasize legal principles, namely the principle of legality. Then it is analyzed qualitatively and conclusions are drawn using a deductive method. The results of the author's research are; First, the investigation carried out by the Corruption Eradication Commission has a legal basis under Article 42 of Law Number 30 of 2002 concerning the Corruption Eradication Commission. All authorities relating to investigations, investigations and prosecutions as regulated in Law Number 8 of 1981 concerning Criminal Procedure Law. also applies to investigators, investigators and public prosecutors within the Corruption Eradication Commission. The criminal law policy regarding the handling carried out by the Corruption Eradication Commission and the TNI regarding corruption cases committed by TNI personnel is a separate treatment. Finally, the author submits a suggestion that the President together with the House of Representatives (DPR) need to establish regulations regarding procedures and procedures for investigations or that existing laws and regulations must be changed so that there are no errors in the authority of investigations by any institution, including the Corruption Eradication Committee, and so that implementation or execution The investigation has a clear legal umbrella and has legal jurisdiction.

Keywords: *Criminal Law Policy, Corruption Crimes, TNI*

A. INTRODUCTION

Corruption in Indonesia is widespread in society. The development continues to increase from year to year, both in terms of the number of cases that occur and the amount of state financial losses as well as in terms of the quality of criminal acts committed which are increasingly systematic and their scope penetrates aspects of people's lives. Therefore, criminal acts of corruption can no longer be classified as ordinary crimes but have become extraordinary crimes. Likewise, efforts to eradicate it can no longer be carried out normally, but require extraordinary methods. Koentjaraningrat stated that corruption has become the nation's culture.

CRIMINAL LAW POLICY REGARDING THE AUTHORITY OF THE CORRUPTION ERADICATION COMMISSION IN INVESTIGATIONS OF OFFENDERSTHE CRIME OF CORRUPTION IN PROCUREMENT OF MAIN EQUIPMENTBY PERSONNEL OF THE INDONESIAN NATIONAL ARMY

Ilmuwani Lubis, Yasmirah Mandasari Saragih, Karolus Agung Dery Rianto, Irfan Rizky Pradya, Willy Novan Prakoso

Corruption has become a disease that emerges slowly and can bring destruction to the country's economy. Whether we admit it or not, the corrupt practices that occur in this nation have caused many losses. Not only in the economic field, but also in the political, socio-cultural and security fields.

Law enforcement against criminal acts of corruption in Indonesia, especially at the investigation stage, is always a concern for many parties. So far, there are only three agencies that have the authority to carry out investigations into criminal acts of corruption, namely the Prosecutor's Office, the Police and the Corruption Eradication Commission (hereinafter referred to as the Corruption Eradication Committee). These three agencies have a legal basis for carrying out investigations into criminal acts of corruption. Corruption crimes are not only carried out by civilians, but TNI soldiers who are trained in discipline can also be involved in being perpetrators of corruption crimes. For example, the case of corruption in the procurement of the main weapons system (hereinafter referred to as Alutsista). A military corruption case involving active TNI officers, namely the case of convicted TNI Brigadier General (Ret.) Teddy Hernayadi when he served as head of the Ministry of Defense Financing Implementation Division at the Ministry of Defense (Kemenhan). Teddy was rewarded with almost the same sentence from the Jakarta II Military Court, the first instance court to the cassation at the Supreme Court (MA), namely life imprisonment for the Agusta Westland 101 (AW-101) VVIP helicopter worth IDR 738 billion for the 2016 fiscal year at the Indonesian Air Force in 2016 -2017. The KPK has named Irfan Kurnia Saleh as a suspect. Meanwhile, Puspom has named four suspects. First, the Deputy Governor of the Air Force Academy, First Marshal Fachri Adamy, is the suspect. Appointment of Fachri in his capacity as commitment making official or Chief of Staff for Procurement of the Indonesian Air Force for 2016-2017.

Law enforcement to eradicate criminal acts of corruption carried out conventionally has so far proven to experience various obstacles, one of which is law enforcement for criminal acts of corruption within the armed forces. For this reason, extraordinary law enforcement methods are needed through the establishment of a special body that has broad, independent authority and is free from any power in efforts to eradicate corruption, the implementation of which is carried out optimally, intensively, effectively, professionally and continuously. Based on positivism, law teaches that law arises from an authorized power. Authority here means competence. Laws are strictly determined by political superiors over political inferiors. And this concept of thought was emphasized by Notosusanto, that the division of government power both vertically and horizontally also has an impact on the type of law resulting from that authority. basis of legal legitimacy.

The extraordinary authority that the Corruption Eradication Commission (KPK) has in dealing with criminal acts of corruption has reaped pros and cons in various circles, one of which is related to the Corruption Eradication Commission's authority to investigate criminal acts of corruption in the procurement of defense equipment involving TNI personnel, which clashes with the oath of soldiers who must keep secrets and obey their superiors. as well as the Military Justice Act. Based on the provisions of Article 9 paragraph (1) of Law Number 31 of 1997 concerning Military Justice, it reads "The military court has the authority to try criminal acts committed by someone who at the time committed a criminal act of corruption."

The criminal act of corruption in the procurement of defense equipment involves TNI Soldiers. So far, in the military criminal justice system, those who have the right to carry out inquiries, inquiries and prosecutions come from within the military itself, namely the Military Police (POM) and/Military Prosecutors or through connection investigations. This system requires collaboration between civil law enforcement (KPK) and the military. In conditions like these, the Corruption Eradication Commission is often inferior to the military,

especially in the investigation, investigation and prosecution processes. In this connectivity system, the KPK institution in investigating corruption cases within the TNI often has a minimal role. Judging from the state losses resulting from the corruption case in the procurement of defense equipment in Indonesia, this is one of the criteria for criminal acts of corruption that can be investigated and handled by the Corruption Eradication Commission.

Based on the provisions of Article 42 of Law Number 30 of 2002 concerning the Corruption Eradication Commission, it states that: it has the authority to coordinate and control the investigation, investigation and prosecution of criminal acts of corruption carried out jointly by persons subject to military courts." Busyro Muqoddas added that the biggest corruption cases within the TNI actually came from the procurement of defense equipment. Therefore, there is a need for transparency in the military sector." Mainly, weapons systems should be an obligation of the TNI elite and the government.

B. FORMULATION OF THE PROBLEM

1. What is the criminal law policy regarding the authority of the Corruption Eradication Commission in investigating perpetrators of criminal acts of corruption in the procurement of major equipment by members of the Indonesian National Army?
2. What is the authority of the Corruption Eradication Commission in investigating perpetrators of criminal acts of corruption in the procurement of key weapons systems by members of the Indonesian National Army?

C. RESEARCH METHODS

This type of research is normative juridical, which is carried out by examining secondary data or research based on standard rules that have been recorded, also called library research. In this case the author focuses on researching legal principles, namely those related to the principles of legality, by exploring various regulations related to the Corruption Eradication Committee's authority to conduct investigations into criminal acts of corruption involving members of the Indonesian National Army.

D. DISCUSSION

1. Criminal Law Policy towards the Corruption Eradication Commission in Investigating Crimes of Corruption by TNI Personnel

Legally, the process of handling corruption within the military is different from corruption cases involving civilians. There are various laws and regulations that hinder the disclosure of military corruption cases. One of these regulations is the Military Justice Law. The revision of these Laws and Laws has not yet been completed, thus hampering the Corruption Eradication Commission (KPK) from handling corruption cases within the military. Soldiers of the Indonesian National Army (TNI) in terms of their position before the law, are Indonesian citizens who submit and obey the law and strictly adhere to discipline, obey their superiors, and are loyal to the Unitary State of the Republic of Indonesia (NKRI) which is based on Pancasila and the Laws. 1945. The TNI is subject to legal rules both generally and specifically, both nationally and internationally, the TNI is even subject to laws that apply specifically only to the TNI. TNI members as Indonesian citizens are subject to the provisions and provisions of the Military Criminal Law and Military Criminal Procedure Law which are regulated in Law Number 31 of 1997 concerning Military Justice. It is very clear in Law Number 31 of 1997 concerning Military Justice that courts within the military justice environment have the authority to try criminal acts committed by someone who at the time of committing the crime was a member of the TNI. This is intended to enforce law and justice in the military environment in accordance with what is desired by Law Number 48 of 2009 concerning Judicial Power so that courts are held to uphold law and justice based on Pancasila for the sake of the implementation of the rule of law of the Republic of Indonesia.

CRIMINAL LAW POLICY REGARDING THE AUTHORITY OF THE CORRUPTION ERADICATION COMMISSION IN INVESTIGATIONS OF OFFENDERSTHE CRIME OF CORRUPTION IN PROCUREMENT OF MAIN EQUIPMENTBY PERSONNEL OF THE INDONESIAN NATIONAL ARMY

Ilmuwani Lubis, Yasmirah Mandasari Saragih, Karolus Agung Dery Rianto, Irfan Rizky Pradya, Willy Novan Prakoso

The implementation of judicial power is handed over to judicial bodies and is determined by law with the main task of receiving, examining and adjudicating and resolving every case submitted. However, in Law Number 31 of 1997 concerning Military Justice there are several provisions that are no longer in accordance with developments in society, so changes need to be made, one of which is regarding the jurisdiction of military justice over individual members of the TNI who commit criminal acts of corruption. The current Military Justice Law regulates that the judiciary has the authority to try members of the TNI who commit military crimes only as regulated, who are Indonesian citizens who submit and obey the law and strictly adhere to discipline, obey their superiors, and are loyal to the Unitary State of the Republic of Indonesia. (NKRI) which is based on Pancasila and the 1945 Constitution. The TNI is subject to legal rules both generally and specifically, both nationally and internationally, the TNI is even subject to laws that apply specifically only to the TNI. TNI members as Indonesian citizens are subject to the provisions and provisions of the Military Criminal Law and Military Criminal Procedure Law which are regulated in Law Number 31 of 1997 concerning Military Justice. It is very clear in Law Number 31 of 1997 concerning Military Justice that courts within the military justice environment have the authority to try criminal acts committed by someone who at the time of committing the crime was a member of the TNI. This is intended to enforce law and justice in the military environment in accordance with what is desired by Law Number 48 of 2009 concerning Judicial Power so that courts are held to uphold law and justice based on Pancasila for the sake of the implementation of the rule of law of the Republic of Indonesia. The implementation of judicial power is handed over to judicial bodies and is determined by law with the main task of receiving, examining and adjudicating and resolving every case submitted. However, in Law Number 31 of 1997 concerning Military Justice there are several provisions that are no longer in accordance with developments in society, so changes need to be made, one of which is regarding the jurisdiction of military justice over individual members of the TNI who commit criminal acts of corruption. The current Military Justice Law regulates that the judiciary has the authority to try members of the TNI who commit military crimes only as regulated, which requires good criminal politics in the future. Until now, the Draft Law (RUU) to replace Law Number 31 of 1997 has not been completed, because there are tough push-pulls in the discussion stage between the legislative and executive parties. This situation has an impact on law enforcement within the military justice environment, for example regarding law enforcement in a case with Decision Number 363 KMIL/2017 with the initials TH being found guilty of committing a criminal act of corruption. At that time, regarding this case, the Inspector General of the Ministry of Defense of the Republic of Indonesia on November 17 2015 stated that there was a state financial loss of USD 12,682,487.59 from the State Budget (APBN) for the 2010 and 2015 fiscal years. And another corruption case was carried out by W Decision Number: 47-K /PM II-08/AD/II/2019. Corruption needs to be addressed immediately because overcoming corruption is the beginning of resolving various crises in Indonesia. Discussing the problem of overcoming crime, means talking about Criminal Policy, because Criminal Policy is a rational effort by society in overcoming crime or further said that crime overcoming policy is the science of overcoming crime.²⁴ Combating crime, including corruption, can be carried out penal and non-penal. Penal facilities are usually called Penal Policy or Criminal Law Policy. Although penal facilities have several weaknesses, including the fact that their effectiveness depends entirely on the capacity of the infrastructure supporting the facilities and infrastructure, the professional abilities of the law enforcement officers, and the legal culture of the community. Efforts to

overcome crime are not solely penal, but are also carried out with non-penal efforts. If a crime prevention policy uses penal measures, its use should be carried out more carefully, carefully, sparingly, selectively and limitatively. Efforts to overcome crime through the penal route focus more on the repressive nature (action/eradication/suppression) after the crime occurs, while the non-penal route focuses more on the preventive nature (prevention/deterrence/control) before the crime occurs. Pre-trial in the AW 101 Helicopter case, apart from the judge using Article 42 as the basis for rejecting the request regarding the invalidity of the suspect's determination, Juliandi, who is part of the KPK legal bureau team, stated that the handling carried out by the Corruption Eradication Commission and TNI officials was handled separately. In this case, the Corruption Eradication Commission gave several decisions which were examined separately, including the decision in the aircraft check case with the defendant/convict in the name of Miranda Swaray Gultom, the decision in the Bakamla case in the name of the defendant/convict Muhammad Adami Okta, the decision in the Bakamla case in the name of the defendant /convict Brigadier General (TNI) Teddy Hernayadi, as well as the decision in the Bakamla case on behalf of the defendant/convict Fahmi Darmawansyah. In the case of perpetrators who are prosecuted by the KPK and the military, the KPK has the authority to coordinate with other law enforcement officials, so in this case a connectivity team may or may not be formed. In terms of being able to determine a suspect using a connectivity mechanism, it is the same as determining a suspect in a non-connectivity judicial mechanism, namely that it must be based on sufficient preliminary evidence. A suspect according to Article 1 point 14 of the Criminal Procedure Code is a person who, because of his actions or circumstances, based on preliminary evidence, is reasonably suspected of being the perpetrator of a criminal act. This definition is also regulated in the provisions of Article 1 point 10 of the National Police Chief's Regulation Number 14 of 2012 concerning Management of Criminal Investigations. Sufficient preliminary evidence is a form of protection of a person's human rights so that before a person is named a suspect he can provide balanced information.

In this case, it is to avoid arbitrariness from investigators. The function of sufficient preliminary evidence is as a requirement for carrying out an investigation and determining someone as a suspect. After determining that someone is a suspect, arrest and detention efforts can be made. Carrying out detention can give rise to potential violations of the right to a sense of security and protection from the threat of fear of doing or not doing something in accordance with Article 28 G paragraph (1) of the 1945 Constitution. So in this case, the Corruption Eradication Commission (KPK) can determine the suspect without forming a connection team based on in the SKB of the Minister of Defense and Security. 26 This is in line with the duties and authority of the Corruption Eradication Committee as contained in Article 6 letter a and Article 7 of the Corruption Eradication Commission Law. This is an implication that the KPK is an independent institution and free from the influence of any power. So in this case the Corruption Eradication Commission (KPK) can override the SKB of the Minister of Defense and the Minister of Justice regarding the formation of a permanent team. Apart from that, the Corruption Eradication Commission is also a superbody institution in handling corruption crimes. Including the authority to investigate and the authority to determine suspects who are subject to general judicial law during connection proceedings. Nevertheless, the Corruption Eradication Committee (KPK) still has to pay attention to the provisions in the Criminal Procedure Code, that the determination of a suspect is carried out after investigators have succeeded in collecting at least 2 (two) pieces of evidence and have succeeded in making clear the criminal act that occurred. Regarding the juridical implications of determining a suspect without going through a connectivity mechanism, whether it is valid or not null and void by law because connection crime cases can be examined separately (Split). So, in this case, the case may be examined separately or not if the examination is carried out separately in the case of a connected examination. However, in terms of separate splitting inspections, there are several shortcomings in its implementation. In this case, the

CRIMINAL LAW POLICY REGARDING THE AUTHORITY OF THE CORRUPTION ERADICATION COMMISSION IN INVESTIGATIONS OF OFFENDERSTHE CRIME OF CORRUPTION IN PROCUREMENT OF MAIN EQUIPMENTBY PERSONNEL OF THE INDONESIAN NATIONAL ARMY

Ilmuwani Lubis, Yasmirah Mandasari Saragih, Karolus Agung Dery Rianto, Irfan Rizky Pradya, Willy Novan Prakoso

examination does not constitute a complete series of connectivity mechanisms as regulated in the statutory regulations in the process. The aim and objective of the connectivity mechanism is to provide guarantees for the implementation of connectivity trials that are fast and fair, even though there is a possibility that the process taken will not be as easy as in ordinary criminal cases. The reason why connectivity mechanisms are often ignored by the parties is because connectivity matters must wait for a decision from the Minister of Defense and approval by the Minister of Justice. Then wait for the research results from the investigative team that was formed whether the case was tried in general court or military court so it will take a long time to resolve this connectivity case. This includes the time in the process of nominating a connectivity judge.

Resolving criminal acts of corruption must be carried out quickly and precisely. As Article 25 of the Corruption Law states that investigations, prosecutions and examinations in court hearings in cases of criminal acts of corruption must take priority over other cases in order to resolve them as quickly as possible. These provisions are relevant to the principles of simple, fast and low-cost justice. Corruption is an extraordinary crime, in which the crime of corruption suffers the loss of the state's economy and finances which are intended for the welfare of society. Therefore, handling corruption cases takes priority over handling other cases. In particular, procedural law in corruption trials is regulated in the Corruption Court Law, other general provisions that are not regulated in specific laws use the Criminal Procedure Code. In general, the procedural law for trials of criminal acts of corruption still refers to the principles of criminal law and existing criminal procedural law. So in this case, even though there are no explicit provisions that regulate the principles of special criminal procedural law. Thus, the principle of simple, fast and low-cost justice, which is one of the principles of general criminal procedural law, also applies to special criminal procedural law. Apart from Marc Ancel, Soedarto also stated that implementing criminal law politics is the same as forming or compiling the best criminal legislation in the sense of fulfilling the requirements of justice and efficiency in society. This is used as an effort to create criminal laws and regulations that are appropriate to current and future conditions and situations. 30 The growing crime of corruption is not only carried out by civil society alone but is also carried out jointly by those who The judicial environment is different so that regulations are needed that contain legal certainty in order to create justice. Marc Ancel and Sudarto's statement is relevant to the problems in regulating the connectivity mechanism which is considered to still have several problems in its implementation so that in the future a regulation regarding the connectivity mechanism is needed which has provisions in accordance with the principles of the criminal justice system, especially the principle of justice, the principle of certainty, the principle of expediency. as well as the principles of simple, fast and low-cost justice.

2. Authority of the Corruption Eradication Commission in Investigating Crimes of Corruption Procurement of Main Equipment by TNI Personnel

The legislation that forms the legal basis regarding the existence of the Corruption Eradication Commission (KPK) is Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK) which substantially regulates the authority, duties and functions of the Corruption Eradication Committee in eradicating criminal acts of corruption. in Indonesia. The scope of authority and functions carried out by the Corruption Eradication Committee is legal legitimacy in the name of state power, as is the scope of state administrative authority which is given a role in the field of executive power, the field of judicial power, and the field of legislative power which in general is the entire

resource for administering state administration and This government administration is commonly referred to as the state apparatus.

The investigative authority carried out by the Corruption Eradication Committee is to eradicate criminal acts of corruption in the procurement of defense equipment, especially those carried out by Armed Forces soldiers. In this case, the criminal act of corruption in the procurement of defense equipment that occurred in Indonesia involved TNI Soldiers/Military Personnel together with civilians, namely in the military corruption case committed by active TNI officers, namely the case of the convicted TNI Brigadier General (Ret.) Teddy Hernayadi when he was in office. as Head of the Ministry of Defense Financing Implementation Division at the Ministry of Defense (Kemenhan) in 2010-2014. Fachri is a former commitment-making official or chief of procurement staff for the Indonesian Air Force. In 2016-2017, he carried out a direct contract with the AW101 helicopter procurement manufacturer worth IDR 514 billion. In February 2016, after signing a contract with TNI AU PT. Diratama Jaya increased its sales value to Rp. 738 billion.

In general, the process of examining corruption cases is carried out by civilians together with members of the military (corruption) in Indonesia. Namely, based on Law Number 31 of 1997 concerning Military Justice, Connectivity examination procedures are regulated in Part Five starting from Article 198 to Article 203, Law Number 48 of 2009 concerning Judicial Power Article 16, Decree of the People's Consultative Assembly Number VII/MPR/2000 concerning The role of the Indonesian National Army and the Role of the Indonesian National Police in Article 3 paragraph (4) letter a, and Law Number 8 of 1981 concerning the Criminal Procedure Code. With the enactment of military criminal law for members of the military, military justice has been positioned as an administration of State Justice, examining and adjudicating offenses that occur in the military. Military justice does not culminate at TNI Headquarters or the Department of Defense and Security but culminates at the Supreme Court. In the special nature of military life, public opinion often forms that everything in the military is seen as closed or less than transparent. This view is also directed at the military judiciary which is often seen as very closed, especially in cases of military crimes committed by high-ranking superiors, one of which is the defense equipment procurement case. The criminal act of corruption in the procurement of defense equipment that we know of so far involves TNI Soldiers is only handled through investigations by internal TNI investigators, namely the Military Police (POM) and/or Military Prosecutors or through connection investigations. This connectivity system requires collaboration between civil law enforcement (KPK) and the military. In conditions like these, the KPK is often inferior to the military. In this connectivity system, the KPK institution in investigating corruption cases within the TNI often has a minimal role. In general, the Corruption Eradication Committee (KPK) only plays a coordinating role and cannot be directly involved in larger investigation processes and in the end the law enforcement process is ineffective.

According to the Law Dictionary published by Reality Publisher, it is clear that exclusive rights refer to the right holder for a certain period of time to exercise it himself and give permission to others. From the definition of definition as stated above in relation to the applicable laws and regulations, it will be found that there are exclusive rights in terms of authority to handle corruption cases which are only owned by the Corruption Eradication Commission, including:

- a. The Corruption Eradication Commission is permitted by legal regulations to carry out investigations and prosecutions as regulated in article 9 of Law No. 30 of 2002 concerning the Commission for Corruption Crimes.
- b. The Corruption Eradication Commission (KPK) is given the authority to carry out investigations and prosecutions involving law enforcement officials, state officials or other people. As regulated in article 11 of the Corruption Law.

CRIMINAL LAW POLICY REGARDING THE AUTHORITY OF THE CORRUPTION ERADICATION COMMISSION IN INVESTIGATIONS OF OFFENDERSTHE CRIME OF CORRUPTION IN PROCUREMENT OF MAIN EQUIPMENTBY PERSONNEL OF THE INDONESIAN NATIONAL ARMY

Ilmuwani Lubis, Yasmirah Mandasari Saragih, Karolus Agung Dery Rianto, Irfan Rizky Pradya, Willy Novan Prakoso

- c. Concerning state losses of at least IDR 1,000,000,000.00 (one billion rupiah) so it can be explained that based on the law, the Corruption Eradication Commission (KPK) is given exclusive rights in handling corruption cases.

In terms of the authority of the Corruption Eradication Commission, it is regulated regarding the authority of the Corruption Eradication Commission to handle corruption cases as stated in article 6 letter c of Law No. 30 of 2002 concerning the Corruption Eradication Commission (UU KPK), that the Corruption Eradication Commission has the task of carrying out inquiries, investigations and prosecutions of criminal acts of corruption. . This means that in terms of authority, the Corruption Eradication Committee has the rights granted by law to use it in its work in law enforcement. In this case, it further strengthens the position of the Corruption Eradication Commission's exclusive rights. The process of handling criminal acts of corruption is protracted or delayed without justifiable reasons. Handling of criminal acts of corruption is intended to protect the real perpetrators of criminal acts of corruption.

Handling criminal acts of corruption contains elements of corruption. Obstacles in handling criminal acts of corruption are due to interference from the executive, judiciary or legislature. Or, other circumstances which, according to the consideration of the police or prosecutor's office, make it difficult to handle criminal acts of corruption properly and responsibly. Based on the theory of authority, Ateng Syafrudin believes that there is a difference between the meaning of authority and authority. Authority is what is called formal power, power that comes from the power granted by law, while authority is only about an "onde deel" of authority.

Within authority there are authorities (rechtsbe voegdheden). Authority is the scope of public legal action, the scope of government authority, not only includes the authority to make government decisions (bestuur), but also includes authority in the context of carrying out tasks, and granting authority and the distribution of authority is primarily stipulated in statutory regulations. Brouwer argues that in attribution authority, authority is given to an administrative body by an independent legislative body. This authority is genuine, which is not taken from previously existing authority and given to competent officials or bodies. Just like the KPK institution in eradicating criminal acts of corruption in Indonesia.

E. CLOSING

Conclusion

1. The criminal law policy regarding the handling carried out by the Corruption Eradication Commission and TNI soldiers regarding corruption cases in the procurement of defense equipment is that the handling is carried out separately (non-connectivity). Regarding the juridical implications of determining a suspect without going through a connectivity mechanism, whether it is valid or not null and void by law because connection crime cases can be examined separately (Split). The reason the connectivity mechanism is often ignored by the parties is because connectivity matters must wait for a decision from the Minister of Defense and approval by the Minister of Justice. Then wait for the research results from the investigative team that was formed whether the case was tried in general court or military court so it will take a long time to resolve this connectivity case.
2. The investigative authority that the Corruption Eradication Commission has in eradicating criminal acts of corruption carried out by members of the Indonesian National Army, that the investigations carried out by the KPK have a legal basis in Article 42 of Law Number 30 of 2002 concerning the Commission for the Eradication of Corruption Crimes and Law

Number 31 of 1999 amendments to Law Number 20 of 20001 concerning the Eradication of Corruption Crimes. The Corruption Eradication Commission has the authority to coordinate and control the investigation, inquiry and prosecution of criminal acts of corruption carried out jointly by persons subject to military justice and general justice. The extraordinary authority that the Corruption Eradication Commission (KPK) has in eradicating criminal acts of corruption has reaped pros and cons in various circles, one of which is related to the Corruption Eradication Committee's authority to investigate criminal acts of corruption in the procurement of defense equipment involving TNI personnel, which clashes with the oath of soldiers who must keep secrets and obey their superiors. as well as the Judicial Law.

REFERENCE

- Yasmirah Mandasari Saragih, Ferry Irmawan, Sony Prayudha Winata, Riki Hamdany, Juridical Review Of Online Gambling Crime In North Sumatera, 2023, Multidiciplinary Output Research For Actual and International Issues [MORFAIJOURNAL, <https://radjapublika.com/index.php/MORFAI/article/view/1040>
- Yasmirah Mandasari Saragih, Wahyu Armanda, Ahmad Novaisal Juridical Study On Abuse Of Authority In Corruption Crimes: Analysis Of Law No. 19 Of 2019 Concerning The Corruption Eradication Commission, 2023, Journal of Progressive Law and Legal Studies, <https://risetpress.com/index.php/jplls/article/view/92/71>
- Yasmirah Mandasari Saragih, Ilmuwani Lubis, Karolus Agung Dery Rianto, Irfan Rizky Pradya, Willy Novan Prakoso Efforts To Combat Money Laundering (Research Study Of Medan Polrestabes), 2023, Multidiciplinary Output Research For Actual and International Issues [MORFAI JOURNA, <https://radjapublika.com/index.php/MORFAI/article/view/941>
- Yasmirah Mandasari Saragih, Robert Napitupulu, Utrechk Ricardo, Sri Devi Zebua Legal Accountability For The Personnel Of The Crime Of Theft With Agram In The Medan State Court, 2023, International Journal of Educational Review, Law And Social Sciences [IJERLAS, <https://radjapublika.com/index.php/IJERLAS/article/view/939>
- Yasmirah Mandasari Saragih, Mhd. Ihwanuddin Hasibuan, Rico Nur Ilham, Ricky Pratama Ginting, Sardi Juridical Study Of The Criminal Acts Of Defense In View From The It Law Number 19 Of 2016, 2023, International Journal of Educational Review, Law And Social Sciences [IJERLAS, <https://radjapublika.com/index.php/IJERLAS/article/view/913>
- Yasmirah Mndasari Saragih, Irma Fatmawati, Syaiful Azmi Hasibuan, Khairun Nisa, Kajian Dalam Penal Policy Dalam Kejahatan Cyber Crime Di Wilayah Hukum Indonesia, ISSN 2828-3910, SANKSI, Vol 1, No. 1, 2022
- Yasmirah Mndasari Saragih, Dahris Siregar, Arianuas Halawa, Adilman Reliance Lawolo, Legal Protection For Consumers In The Implementation Of Elektronik Trading Contracts, IJCS, Service 1 (2), 214-223, 2022
- Yasmirah Mndasari Saragih, Ahmad Zaharuddin Sani, Roziya Abu, Penegakan Hukum Terhadap Pelaku Penyeludupan Manusia Ke Indonesia, Jurnal Usm Law Review 4 (1), 161-171, 2021
- YM Saragih, O Medaline, [Elements of the corruption crime \(element analysis of authority abuse and self-enrich and corporations in Indonesia\)](#), 2018, IOP Conference Series: Earth and Environmental Science, <https://iopscience.iop.org/article/10.1088/1755-1315/126/1/012108/meta>, Scopus Q3.
- YM Saragih, B Berlian, [The Enforcement of the 2009 Law Number 46 on Corruption Court: The Role of Special Corruption Court](#), 2018, Sriwijaya Law Review, <http://journal.fh.unsri.ac.id/index.php/sriwijayalawreview/article/view/69>, Scopus Q3.

CRIMINAL LAW POLICY REGARDING THE AUTHORITY OF THE CORRUPTION ERADICATION COMMISSION IN INVESTIGATIONS OF OFFENDERSTHE CRIME OF CORRUPTION IN PROCUREMENT OF MAIN EQUIPMENTBY PERSONNEL OF THE INDONESIAN NATIONAL ARMY

Ilmuwani Lubis, Yasmirah Mandasari Saragih, Karolus Agung Dery Rianto, Irfan Rizky Pradya, Willy Novan Prakoso

- Yasmirah Mandasari Saragih, Peran Kejaksaan dalam Pemberantasan Tindak Pidana Korupsi Di Indonesia Pasca Undang-Undang Nomor 20 Tahun 2001 Tentang Pemberantasan Tindak Pidana Korupsi, Al-Adl: Jurnal Hukum, 2017, <https://ojs.uniska-bjm.ac.id/index.php/aldli/article/view/802>, Sinta 4.
- Yasmirah Mandasari Saragih, Firman Halawa, Sukur Tandiono, Criminal Acts of Corruption Procurement of Goods and Services of Local Governments through Electronic Procurement Services (LPSE), 2021, <https://bircu-journal.com/index.php/birci/article/view/2250>, Sinta 3.
- Yasmirah Mandasari Saragih, Teguh Prasetyo, Jawade Hafidz, Analisis Yuridis Kewenangan Komisi Pemberantasan Korupsi (KPK) sebagai Penuntut Pelaku Tindak Pidana Korupsi, 2018, <https://journal.uniku.ac.id/index.php/unifikasi/article/view/763>, Sinta 3.
- Yasmirah Mandasari Saragih, [Problematisasi Gratifikasi Dalam Sistem Pembuktian Tindak Pidana Korupsi \(Analisis Undang-Undang Nomor 31 Tahun 1999 Jo Undang-Undang Nomor 20 Tahun 2001 Tentang Pemberantasan Tindak Pidana Korupsi\)](#), 2018, Jurnal Hukum Responsif, https://scholar.google.com/scholar?hl=en&as_sdt=0,5&cluster=5512343284589834193
- Yasmirah Mandasari Saragih, Muhammad Arif Sahlepi, Kewenangan Penyadapan Dalam Pemberantasan Tindak Pidana Korupsi, Jurnal Hukum Pidana dan Pembangunan Hukum Trisakti, 2019, <https://trijurnal.trisakti.ac.id/index.php/hpph/article/view/5467>
- Yasmirah Mandasari Saragih, THE EFFORTS OF ERADICATION OF CORRUPTION THROUGH INSTRUMENTS OF MONEY LAUNDERING LAW AND RETURN ACTORS' ASSETS, The 2nd Proceeding "Indonesia Clean of Corruption in 2020", 2017, <https://jurnal.unissula.ac.id/index.php/the2ndproceeding/article/view/1096>
- Yasmirah Mandasari Saragih, Peranan Jaksa Dalam Pengendalian Tindak Pidana Korupsi, Jurnal Ilmiah Research Sains, 2015, https://scholar.google.com/scholar?hl=en&as_sdt=0,5&cluster=10617591931208917708
- Yasmirah Mandasari Saragih, Ariansyah Ariansyah, Kebijakan Pedoman Pemidanaan Terhadap Pelaku Tindak Pidana Korupsi, 2022, Jurnal Sosial Ekonomi Dan Humaniora, Sinta 4, <http://www.jseh.unram.ac.id/index.php/jseh/article/view/30>
- Yasmirah Mandasari Saragih, Teguh Prasetyo, Jawade Hafidz, REKONSTRUKSI HUKUM PENYALAHGUNAAN KEWENANGAN DALAM TINDAK PIDANA KORUPSI BERBASIS NILAI KEADILAN BERMARTABAT, 2020, Universitas Islam Sultan Agung Semarang, <http://repository.unissula.ac.id/18466/>
- Muhammad Ridwan Lubis, Panca Sarjana Putra, Yasmirah Mandasari Saragih, Corporate Criminal Liability for Criminal Acts of Corruption, 2021, Jurnal Pembaharuan Hukum, Sinta 2, <https://jurnal.unissula.ac.id/index.php/PH/article/view/15234>
- Yasmirah Mandasari Saragih dan Ariansyah, Application of Guidelines for Handling Cases against Corporations as Criminal Actors, 2022, IJIRMF, https://scholar.google.com/citations?view_op=view_citation&hl=en&user=QSosMFsAAA&AJ&cstart=20&pagesize=80&citation_for_view=QSosMFsAAA&maZDTaKrznsC
- Yasmirah Mandasari Saragih, Tengku Riza Zarzani, The Law Enforcement of Corruption Crimes in Terms of Authority Abuse, International Journal of Law Reconstruction, <https://jurnal.unissula.ac.id/index.php/lawreconstruction/article/view/30563>, Sinta 2.
- Ali, Imron. Iqbal Muhammad, Hukum Pembuktian, Pamulang: Unpam Press, 2019 Abdulkadir, Muhammad, "Hukum Dan Penelitian Hukum", Citra Aditya Bakti, Bandung, 2004.
- Chazawi, Adami. 2008, Pelajaran Hukum Pidana I Stelsel Pidana, Tindak Pidana, TeoriTeori Pemidanaan & Batas Berlakunya Hukum Pidana, Raja Grafindo Persada, Jakarta.

- Chaerudin DKK, 2008, Strategi Pencegahan dan Penegakan Hukum Tindak Pidana Korupsi, Refika Aditama, Bandung. Hartanti, Evi. Tindak Pidana Korupsi, Cetakan Keempat, Edisi Kedua, Jakarta : Sinar Grafika, 2012
- Hartanti, Evi. Tindak Pidana Korupsi, Sinar Grafika, Jakarta, 2016 Hamzah, Andi. 2006, Hukum Acara Pidana Indonesia, Jakarta: Sinar Grafik
- Agung Kristanto, Tri, 2009, Jangan Bunuh KPK, Perlawanan Terhadap Usaha Pemberantasan Korupsi , Kompas, Jakarta.
- Basuki Wiranto Nur, 2008, Penyalahgunaan wewenang dan tindak pidana korupsi, Laksbang Mediatama, Yogyakarta.
- Danil Elwi, 2001, Korupsi Konsep Tindak Pidana dan pemberantasannya, PT Raja Grafindo Persada, Padang.
- Djaja Ermansjah, 2008, Memberantas Korupsi bersama KPK, Sinar Grafika, Balik Papan. George Junus
- Aditjondro, 2002, Korupsi Kepresidenan di Masa Orde Baru, dalam MENCURI UANG RAKYAT 16 Kajian Korupsi di Indonesia. Buku I, Yayasan Aksara, Yogyakarta.
- Hartanti Evi, 2005, Tindak Pidana Korupsi, Sinar Grafika, Semarang. Lamintang, P.A.F. 1997, Dasar-dasar Hukum Pidana Indonesia, PT.Citra Aditya Bakti, Bandung.
- Nawawi, Barda, 2011, Kebijakan Hukum Pidana, Bunga Rampai, Semarang.
- Prodjodikoro Wirjono, 2003 Tindak-Tindak Pidana Tertentu di Indonesia, Refika Aditama, Bandung. Setyawati Deni, 2008, KPK Pemburu Koruptor, Cet I, Pustaka Timur, Yogyakarta.
- Santiago Faisal, 2005, Hukum Acara Peradilan Niaga, Cintya Press, Jakarta. Zaidan Ali, 2015 Hukum Pidana, Sinar Grafika, Jakarta, 2015
- Undang Nomor 8 Tahun 1981 Tentang Kitab Undang-Undang Hukum Acara Pidana, Lembaran Negara Republik Indonesia Tahun 1981 Nomor 76 dan Tambahan Lembaran Negara Republik Indonesia Nomor 3209.
- Undang-Undang Republik Indonesia Nomor 20 Tahun 2001 tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi, Lembaran Negara Republik Indonesia Tahun 1999 Nomor 140 dan Tambahan Lembaran Negara Republik Indonesia Nomor 3874.
- Undang-Undang Republik Indonesia Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Korupsi, Lembaran Negara Republik Indonesia tahun 2002 Nomor 137. Tambahan Lembaran Negara Republik Indonesia Nomor 4250