In Criminal Law Formulation Policy Management of Corruption Criminal in Indonesia

Ismail Rumandad and Husia Wattimena
Lecturer in the Faculty of Sharia and Islamic Economies, Ambon State Islamic Institute in Indonesia
E-mail: rumandanmail@gmail.com

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II. RESEARCH METHODS

I. INTRODUCTION

The establishment of an Indonesian state with a noble purpose, namely to encourage the creation of public welfare in the umbrella of the Unitary State of the Republic of Indonesia based on Pancasila. The objectives and ideals are reflected in the opening of the 1945 Constitution of the Unitary State of the Republic of Indonesia in the fourth paragraph (four ) mentioned, then that to form an Indonesian State Government that protects the entire Indonesian nation and all of Indonesia's bloodshed and to promote public welfare, educate the nation's life and participate in carrying out world order based on freedom, eternal peace and social justice, Welfare for all people is the main foundation for every policy maker, including legislative policy being its main task. The aim is to improve the standard of living of the people, which is basically a constitutional right of every Indonesian citizen. The welfare of the people of Indonesia today, is merely a dream, without being accompanied by real efforts by state administrators in carrying out the mandate of the constitution. One of the concrete actions is by formulating a good legislation, aimed at protecting the entire nation and spilling blood from all abuses including arbitrariness of people's economic rights.

Protection of all nations is an absolute thing, but followed by a good foundation and legal framework, then the applicable law is absolutely realized, not only with the words "protecting the whole nation and spilling blood" if it turns out that there is still suffering felt by the people in the form of imbalances in economic rights and reflecting the infirmity of all the people of Indonesia. This condition of disability is created by a system of government that is not socially just for all the people of Indonesia, because it still allows human behavior and acts of corruption to occur in the form of self-interest and not for the benefit of the community as a whole, which is the reality of the wider community based on the principles of social justice based on the Almighty Godhead. Thus protecting all of the Indonesian people and all of Indonesia's bloodshed can also mean hard and real efforts for the liberation of all the Indonesian people from real suffering. To realize these noble ideals, what is needed is a good legal system for the eradication of criminal acts of corruption that manifests as the welfare of all Indonesian people, for a renewed legal system, a guideline for the Implementation of a Clean and Corruption Free Country, Collusion and Nepotism as desired in Law Number 28 of 1999.

In the law contains the principles or principles of legal certainty, the Order of State Administration, Public Interest, Openness, Proportionality, Professionalism, and Accountability, as described in the explanation of Article 3 as follows: (1) Principle of legal certainty, namely the principle a legal state that prioritizes the basis of legislation, propriety and fairness in every policy of the State Administration; (2) The Principle of Orderly State Administration, namely the principle that becomes the basis of order, harmony and balance in the control of State Administration; (3) Principles of Public Interest, namely principles that prioritize public welfare in an aspirational, accommodative and selective manner; (4) Principle of Openness, namely the principle that opens itself to the right of the community to obtain correct, honest and non-discriminatory information about the administration of the state while taking into account the protection of personal rights, groups and state secrets; (5) Principle of Proportionality, namely the principle that prioritizes the balance between the rights and obligations of the State Administrator; (6) Principles of Professionalism, namely principles that prioritize expertise based on a code of ethics and the provisions of applicable laws and regulations; (7) Accountability Principle, which is the principle which determines that every activity and end result of the activities of the State Administrator must be accountable to the public or the people as the highest holder of state sovereignty in accordance with the applicable legislation.

Guidelines regarding the Implementation of a Clean and Corruption-Free Country Collusion Nepotism is important and very necessary to avoid the practices of Collusion, Nepotism, where only involves the individuals of which if left unchecked, the Indonesian people will be in a very disadvantaged position. According to Mazuki Darusman, the spread of Corruption, Collusion and Nepotism has become so widespread that it can be said to be a corrupt radical. The practices of Collusion, Corruption and Nepotism as itself are the provision of facilities or preferential treatment by government officials / State-Owned Enterprises / Regionally-Owned Enterprises to an economic unit / legal entity owned by related officials, relatives or cronies. So if these practices remain allowed, the people as the owners of state sovereignty do not get their constitutional rights, namely the right to justice and prosperity. To better guarantee the implementation of clean and free corruption, collusion and nepotism, the Law Number 31 of 1999 was established as updated by Law Number 20 Year 2001 concerning the Eradication of Corruption Crime, in lieu of Law number 3 of 1971. The birth of this law is expected to accelerate the growth of people's welfare, with a response to the evil nature contained in corruption. Corruption is an act that can not harm the country's finances but also can cause losses to the people of Indonesia. Bambang Widjojanto argues that corruption is a very despotic act, damned and highly despised by most people; not only by the people and nation of Indonesia but also by the peoples of the nations of the world. Therefore, it should be, as a nation that has the spirit to create prosperity equally and fairly avoid to any form of corruption. Simple and unconscious forms of corruption often carried out by certain people are expected to be a common enemy that must be suppressed and eliminated from the surface of Indonesia. The forms of corruption intended by Sylis Hussein Alatas as quoted by Nyoman Serikat Putra Jaya have divided them into 7 types of corruption, namely:

1. Transactive corruption (transactive corruption). Here shows the reciprocal agreement between the giver and the recipient for the benefit of both parties and actively pursues the benefits of both;
2. Extortive corruption is a type of corruption where the giver is forced to bribe to prevent losses that are threatening him, his interests, or the people and things he values;
3. Investment corruption is the behavior of victims of corruption with extortion. Corruption is in the framework of self-defense, such as the provision of goods or services without direct linkages with certain benefits, in addition to the benefits intended to be obtained in the future;
4. Nepotistic corruption is the unauthorized appointment of friends or relatives to hold positions in government, or actions that give treatment that prioritize in the form of money or other forms, to them, in contravention of the norms and regulations apply;
5. Defensive corruption here the giver is innocent but the recipient is guilty. For example: a businessman who cruelly wants someone's property, does not sinfully give to the ruler a portion of the assets to save the rest of his assets;
6. Autogenic corruption is a form of corruption that does not involve other people and the perpetrators are only alone;
7. Supportive corruption here does not directly involve money or other forms of compensation. The actions taken are to protect and strengthen existing corruption.

These forms of corruption, especially in the form of bribery, are a very acute disease for the Indonesian people, because almost every bribery of public service institutions has become a commonplace, which in turn faces certain difficulties in detecting corruption, and prevention is also increasingly difficult, and corruption continues to grow, spreading in every aspect of life. It should be noted and pondered what Habib-ur-Rahman Khan said that "the modern world is fully aware of this acute problem."
where the law to be used must truly reflect protection against the public interest. As an illustration, this is why efforts are needed through reasoning policy. According to Marc
regulates corruption, which is expected to be able to influence the attitude of the Indonesian people without exception. Even according to Satjipto Rahardjo these changes require careful study and research. These changes can also be made through a restructuring of the criminal law system which from generation to generation). As a crime, in essence corruption is produced from a learning process, according to Sutherland, through his famous theory, namely the theory of
Perpetrators of crime are members of legitimate professional organizations. (2) by other members of the organization, the ir actions are considered beyond the pale and (a kind of recklesness), or in the form of disciplinary violations. Furthermore, according to him, this crime is very interesting because several dimensions of thought are as follows:
The detrimental effect on the people. Robert Klitgaard details a number of things caused by corruption including:
Corruption in Indonesia has seeped into all aspects of life, to all sectors and all levels, both at the central and regional levels, the cause of which is that corruption has been allowed to take place decades ago without adequate action taken from legal eye. So it seems clear, both expert opinions directly or indirectly that corruption cannot indeed be released from power. Robert Klitgaard by basing Webster's Third New International Dictionary states that corruption is an invitation (from a political official) with undue considerations (such as bribery) to commit violations.
Evi Hartanti emphasized that, corruption is a symptom in which officials, state agencies misuse authority with bribery, forgery, and other irregularities. Here is illustrated the wrongs of corruption and a situation in which corruption occurs. Here the corruption is very much related to power, corruption can cause a very detrimental effect on the people. Robert Klitgaard details a number of things caused by corruption including:
1. Bribery causes funds for the construction of low-cost housing to fall into the hands of the unauthorized.
2. The Commission for those responsible for the procurement of goods and services for the regional government means that the contract falls into the hands of a company that does not meet the requirements.
3. The police often believe that they have been bribed pretend not to know if there is a crime that should be investigated.
4. Local government employees use community facilities for personal gain.
5. To obtain permits and licenses, residents must give facilitation payments to officers and sometimes even have to give bribes so that the permit or license can be issued.
6. By giving bribes, citizens can do whatever they want to violate the rules of work safety, health regulations, or other regulations that pose a danger to the rest of the community.
7. Local government services are provided only if residents have paid an additional amount of money outside the official fee.
8. Decisions regarding land use in cities are often influenced by corruption.
9. Tax officers extort citizens, or more conspicuously with taxpayers, tax breaks to taxpayers who pay taxes by tax breaks to taxpayers who pay taxes
This condition seems to be very in line with the spirit of lawmaking, namely through legislative policy by stipulating law number 31 of 1999 as amended by law number 20 of 2001 concerning the Eradicating Criminal Acts of Corruption in which material. This is as formulated in a general exchange explanation for the purpose of this study, namely to get an idea of how corruption in Indonesia can be defined and its harmful effects.
Corruption is not always wait for an effect, but as long as there is a potential for the state to be harmed by actions that are against the law, it can be said that there is a criminal act of corruption.
The affirmation of the formal offense is also reflected in Article 4, which affirms the return of state financial losses or the state's economy does not eliminate the criminal perpetrators of criminal acts as referred to in Article 2 and Article 3. However, the awareness of the importance of violating the material law must fail through the Constitutional Court Ruling Number 003 / PUU / 2006, which states that the unlawful nature of the material contradicts Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, so that the material against the material law is considered to have binding legal force. In addition to the aforementioned problems, it is necessary to consider the formulation of criminal law policies in the context of overcoming corruption.
B. The Need for Penal Policy to Prevent Corruption Crime
As a crime that endangers social life, corruption is always associated with the social or political conditions of the community. According to Robert Klitgaard, the main cause of corruption is the giving of gifts which are already custom. Along with this opinion, Umi Kulsum argues that the crime of corruption in Indonesia is an act that has taken root in various aspects of human life, so that it seems as if it is considered a culture. The term prize which later developed into bribery (as if it were cultured) is a very dangerous thing for further corruption development, so then there is an age “if a person is suspected of corruption and then examined by law enforcement, the law enforcement has started corruption when the examination is carried out, because on the inspection there was a bribe against the examiner.
This is suspected as a culture that grows due to the mental state officials who are not good. The condition is certainly not without reason, because according to Ksenjorontingrat, one of the mental characteristics of Indonesian people is the attitude to achieve goals as soon as possible, without much willingness to try step by step. It is this mental attitude which then encourages state administrators or precisely law enforcement to carry out non-acceptable actions, namely bribery. This definition shows that corruption as an evil behavior is not a culture, it can even be said that corruption is essentially an anti-cultural act (anti good habits that should be behavior that can be inherited from generation to generation). As a crime, in essence corruption is produced from a learning process, according to Sutherland, through his famous theory, namely the theory of association which connects that a crime (including corruption or in the language White collar Crime) is a crime obtained by studying, with propositions:
a. Crime behavior is negatively learned behavior which means that this behavior is not inherited.
b. Crime behavior is learned by the instructions, interactions and communication with others (oral or written). Communication with others can mainly be verbal or use sign language).
c. The most important part of the process of studying this crime occurs in intimate personal groups. Negatively, this means that communication is not personal, relatively does not have an important role in terms of the occurrence of crime.
d. If crime behavior is learned, what is learned includes (a) the technique of committing a crime, (b) certain motives, impulses, justification reasons including attitudes).
e. The motives and encouragement are learned through the definition of legal regulations. In a society, sometimes someone is surrounded by people who simultaneously see what is regulated in a legal regulation as something that needs to be considered and obeyed, but sometimes he is surrounded by people who see the rule of law as something that gives an opportunity to commit crime.
f. A person becomes a delinquent because of access to thought patterns that see the rule of law more as an opportunity for crime to be committed than those who see the law as something that must be considered and obeyed).
g. Differential Association varies in terms of frequency, time period, priority, and intensity.
h. The process of studying the behavior of crimes obtained through relations with patterns of crime and anti-crime involving all the mechanisms that normally occur in each learning process in general.
i. Meanwhile crime behavior is a statement of general needs and values, but this is not derived from the general needs and values, because non-criminal behavior is also a statement of the same needs and values.

Further developments, corruption is not only a crime that can be committed by the White collar Crime but also by professionals, which according to Muladi, includes accountants, engineers, legal counsel, doctors, and so on and this criminal category its perpetrator involves his expertise in action, both in form of intentional, negligence, dolus eventualis (a kind of temporary crime). However, in this crime is very interesting because several dimensions of thought are as follows: (1) perpetrators of crime are members of legitimate professional organizations. (2) by other members of the organization, their actions are considered beyond the pale and unacceptable forms of behavior. (3) however, their actions are often carried out conspiring with other professionals. (4) perpetrators always consider themselves (self concepts) not criminally responsible, because their actions are considered legitimate. (5) crime committed are usually difficult to detect or if prosecution can be detected it requires proof that is not easy in addition to its nature as an homicide case. (6) often members of other professional organizations in certain cases are ambivalent.
To ward off corruption crimes as a crime that is dangerous for social life, a culture change is needed, however, cultural change is a very big change and not an easy job, even according to Satrijo Rahardjo these changes are not easy to be achieved to the public. The method according to D. M. Wright used to the idea that to D. M. Wright the government has the responsibility to make laws that are consistent with the law. This method is enough by these through a restructuring of the criminal law system which regulates corruption, which is expected to be able to influence the attitude of the Indonesian people without exception.
Changes in culture through structuring the law by Soerjono Soekanto are referred to as social engineering or social planning, namely ways to influence the community with a particular social norm. This social engineering is to bring about changes in the community's thinking according to D. M. Wright the government has the responsibility to make laws that are consistent with the law. This method is enough by these through a restructuring of the criminal law system which regulates corruption, which is expected to be able to influence the attitude of the Indonesian people without exception. Further said by Nyoman Serikat Putra Jaya, corruption in Indonesia has seeped into all aspects of life, to all sectors and all levels, both at the central and regional levels, the cause of which is that corruption has been allowed to take place decades ago without adequate action taken from legal eye. So it seems clear, both expert opinions directly or indirectly that corruption cannot indeed be released from power. Robert Klitgaard by basing Webster's Third New International Dictionary states that corruption is an invitation (from a political official) with undue considerations (such as bribery) to commit violations.
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This definition is very identical with the meaning of "straf rechts politiek" defined by A. Mulder as a policy line to determine: a) how far the applicable criminal provisions need to be changed or renewed; b) what can be done to prevent criminal acts. In line with the opinion of A. Mulder, Sudarto formulated the politics of law as an attempt to realize the rules that are good in accordance with the situation and situation at a time. Bada Nawawi Arief also emphasized that, studying criminal law policies basically to resolve the problem of how best criminal law should be created, structured and used to regulate human behavior, especially to combat crime in order to protect and prosper society.

In connection with changes or legal reforms aimed at the welfare of the community, it is inseparable from efforts to criminalize, namely the process of determining a person's actions as an act that can be punished. This process ends with the formation of a law in which the act is threatened with a sanction in the form of criminal. According to Sudarto, the criminalization must have criteria: a) the use of criminal law must pay attention to the objectives of national development, namely to create a just and materially and spiritually prosperous just society based on Pancasila; b) In connection with this, (the use of) criminal law aims to combat crime and impose a counter-action on the remedy itself, for the welfare and protection of the community; c) actions that are attempted to be prevented or dealt with by criminal law must be "undesirable actions", namely actions that bring harm (material and or spiritual) to criminal; d) the use of criminal law must also take into account the principle of "costs and results"; e) the use of criminal law must also pay attention to the capacity and capability of the force of law enforcement agencies, namely that there should be no oversight of duties.

Thus, the ultimate goal of legal renewal is to tackle crime and public welfare, for which the placement of public interests or community interests must be a top priority, with reasoning policy there will be "legal smoothing" which according to Scholten legal refinement aims to use provisions that are public more precisely and fairly. Moreover, the issue of corruption greatly affects the economic interests of the community, so justice is something that must be maximized in the interests of the public or the public. In line with this, Baharudin Lopa states that preventing collusion and corruption is not so difficult, if we consciously place public interest above personal and group interests.

Good legal arrangement through reasoning policy or legal politics by taking into account the criteria for criminalizing as described above, it is hoped that social inequality will no longer occur. According to Indriyanto Seno Adji, that the quality and typology of crime is increasing in a country due to economic development and social development, development of course this increase in development is also a development that is not well planned so as to cause social inequality. These social inequalities then bring birth to social injustices felt by society in general and ultimately give birth to crime. In order for social order to run in accordance with the foundation of social justice, it is necessary to have changes to the formulation of criminal acts concerning corruption as stipulated in Law No. 31 of 1999. Section 20 of 2001 so as it meets the needs of the community and aims to create public welfare or public welfare. In essence, public welfare will be easily achieved if corrupt behaviors can be prevented through better legal arrangements.

C. Policy on Criminal Law Formulation in the current Corruption Crime Response

1. Formulation of criminal acts of corruption and its scope based on the Indonesian Corruption Eradication Act

The policy on the formulation of criminal law for efforts to tackle the current criminal acts of corruption has actually experienced various changes in which the changes were made in view of the rapid development of corruption. In fact, according to some criminal or criminology experts or lawyers as previously explained, corruption is described as a disease which in its development not only damages or harms the country's finances and economy, but has exceeded those limits which are detrimental to the people's economy.

The development of corruption, especially in the scope of abuse of power and bribery, has mastered every aspect of people's lives, which in the end each society is faced with difficulties when dealing with state officials who should be able to serve every need of the community without having to pay to these officials. Such conditions then lead to legal regulations regarding the corruption of the direction in criminalization and decriminalization. Changes in criminal law policy for the prevention of criminal acts of corruption, thus developing rapidly in accordance with the needs of the community aimed at improving social welfare, are illustrated in the consideration of several laws regarding the eradication of criminal acts of corruption, for example as follows:

1. Consideration of Law Number 3 of 1971: a) that acts of corruption are very detrimental to the financial / economic state and hamper national development; b) that Law No. 24 Pp. In 1960 concerning Investigation, Prosecution and Corruption Criminal Investigations related to the development of the community was insufficient to be able to achieve the expected results, and therefore the law needed to be replaced.

2. Consideration of Law Number 31 of 1999: a) that criminal acts of corruption are very detrimental to the State's or the country's economy and hamper national development, so the position of the state in order to realize the desire of the people to improve national economic and social welfare; b) that the consequences of criminal acts of corruption that have occurred so far, namely it added to the state's finances or the country's economy, also hamper the growth and sustainability of national development that demands high efficiency; c) that Law Number 3 of 1971 concerning the Eradication of Corruption has no longer been in line with the development of legal needs in the community, because it needs to be replaced with the new Law on the Eradication of Corruption, so that it is expected to be more effective in preventing and eradicating criminal acts of corruption.

3. Consider Law No. 20 of 2001: a) that corruption that has been widespread has not only been detrimental to state finances, but has also been a violation of the social and economic rights of the community at large, resulting in corruption it needs to be classified as a crime for which eradication must be done extraordinarily; b) that in order to better guarantee legal certainty, avoid the diversity of legal interpretations and provide protection for the social and economic rights of the community, as well as fair treatment in combating corruption, it is necessary to amend Law Number 31 of 1999 concerning Eradication of Criminal Acts Corruption; c) that based on the considerations as referred to in letter a and letter b, it is necessary to establish a Law concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes. This enactment is in accordance with the objectives of the formulation of criminal acts of corruption, as expressed in the considerations in the above legislation, shows the existence of concerns over criminal acts of corruption that have harmed state finances and hampered national development, then changes in the formulated corruption can be seen from the formulation of criminal acts of corruption in Article 1 paragraph (1)

4. Law Number 20 of 2001: a) the purpose of the law amends the law commits an act of enriching himself or another person, or an Agency, which directly or indirectly harms the state's finances and or the country's economy, or is known or it should be suspected by him that the act is detrimental to the state's finances or the country's economy, regardless of who has the purpose of benefiting himself or another person or an Agency, who misuses the authority, opportunity or means thereof because of his position or capacity if he can directly or indirectly be detrimental to the country's finances or the economy.

The formulation of Law in the Corruption Law of 3 of 1971 laid corruption as material offenses. The consequence of this formulation is that corruption must be proven in advance which has harmed the country's finances or not. The formulation with this model resulted in the ineffectiveness of the handling of criminal acts of corruption, especially those carried out by state officials. The ineffectiveness of eradicating corruption was based on the formulation of material offenses, then gave birth to a new corruption eradication policy by formulating corruption as a formal offense. The principle of forming a law for the eradication of criminal acts of corruption also seems to be encouraged by the movement of criminal acts of corruption not only harm the country's finances or economy but have damaged social rights and economic rights of the people. This condition then changed the criminal law policy, in which the criminal acts of corruption which were originally formulated based on material offenses were changed to formal offenses. Articles 2 of Law Number 20 of 2001, and Article 1 paragraph (2) of Law Number 3 of 1971 concern the prevention of financial crime as follows:

- Article 2 paragraph (1): Every person who violently violates an act enforces himself or another person or a corporation that can harm the state's finances or the country's economy.
- Article 3 Any person who aims to benefit himself or another person or a corporation, misuses the authority, opportunity or means available to him because of his position or capacity if he can directly or indirectly be detrimental to the country's finances or the economy.

Both formulations place corruption as formal offenses, whereas acts of corruption remain punished even if there is no loss to the country's finances or economy. This is in accordance with the explanation of Article 2 paragraph (1) of Law No. 31 of 1999 that the word "can" before the phrase "detrimental to the financial and / or economic state" shows that criminal acts of corruption are formulated based on the existence of criminal acts of corruption sufficiently fulfilled the elements of action which have been formulated not with the emergence of consequences. Corruption acts as formulated in Law Number 31 Year 1999 jo. Law Number 20 Year 2001, there are several scope of corruption, and according to Hendarmar Supandi the scope is divided into 5 (five) groups, namely: 1. offense relating to losses of state finances; 2. delegation groups related to bribery and gratuity; 3. Delegation groups related to bribery and gratuity; 4. Delegation groups related to bribery and gratuity; 5. Delegation groups related to bribery and gratuity.
Article 12 B Every gravy to a civil servant or state organizer is considered as giving a bribe, if it relates to his position and which is contrary to his obligations or duties. Article 12 B also stipulates the money laundering crime to civil servants bearing in mind the power or authority attached to his position or, the giver of the gift or promise is deemed to be attached to the position or position.

3. The offense group associated with embezzlement in office

The offense in the scope of embezzlement in office is formulated in the following articles: Article 8 civil servants or persons other than civil servants who are assigned to run a public office continuously or for a while, deliberately embezzle money or securities held for their position, or allow money or securities are taken or darkened by other persons who receive the value of the action that can only be received by others than persons other than civil servants who are given the task of running a public office continuously or for a while, deliberately falsifying books or lists specifically for administrative examinations. Article 10, civil servants or persons other than civil servants who are given the task of running a public office continuously or for a while, intentionally: a) embezzling, destroying, damaging or making usable goods, deeds, letters, or lists that are used to convince or prove the name of the person against whom the trial is carried out, to eliminate, destroy, damage or make use of these items, deeds, letters or lists; or, b) help other people eliminate, destroy, damage or make use of these items, deeds, letters or lists.

4. Delict groups related to acts of extortion in office

Extortion in the position as referred to in the law on corruption, is formulated in the following article: Article 12, a) Civil servants or state administrators with the intention of benefiting themselves or others against the law, or by abusing their power forcing someone to give something, pay, or accept by payment piece, or to do something for himself; b) civil servants or state administrators who at the time carry out their duties, request, receive, or deduct payments to other civil servants or state administrators or to the general cash, as if the public servants or other state administrators or the general cash have debts to them, even though it is known that this is not a debt; c) civil servants or state administrators who, when carrying out their duties, ask or for accept jobs, or hand over goods, as if they were a debt to themselves, even though it is known that this is not a debt; d) civil servants or state administrators who, as if the public servants or other state administrators or the general cash have debts to them, even though it is known that this is not a debt.

5. Delict groups related to chartering, suppliers and partners

Regarding criminal acts of corruption relating to chartering, suppliers and partners, formulated in Article 7 and Article 12, which confirms that: Article 7, a), contractor, a building expert who at the time of building, or a building material seller who, at the time of submitting building materials, commits fraudulent acts that could endanger the security of people or goods, or the safety of the state in a state of war; b) every person in charge of supervising the construction or surrender of building materials, intentionally allows fraudulent acts as referred to in letter a; c) a contractor, a person who has the needs of the construction or material who does not request, receives, or deducts payment to other contractors or suppliers who have built in the general cash, as if the public servants or other state administrators or the general cash have debts to them, even though it is known that this is not a debt; d) civil servants or state administrators who, when carrying out their duties, ask or for accept jobs, or hand over goods, as if they were a debt to themselves, even though it is known that this is not a debt.

6. Law Number 31 of 1999: Corruption Crime (Chapter II, Article 2 to Article 20; 1) Article 2 (derived from Article 1 sub-article 1a of Law Number 3 of 1971): Everyone: who is against the law, committing acts enriching oneself, others or corporations, which can harm the country's finances or economy. 2) Article 3 (originating from Article 1 sub 1b of Law Number 31 of 1999): Everyone: who is against the law, committing acts enriching oneself, others or corporations, which can harm the country's finances or economy. 3) Article 4 (new article): anyone who, either individually or together with one or more persons, fraudulently or intentionally, misappropriates or appropriates anything that belongs to the state or fraudulently or intentionally causes a loss to the state of property, as a result of the position or authority is held, even though it is known or reasonably suspected that the act is contrary to the laws and regulations; or a civil servants or state administrators, directly or indirectly, deliberately participate in chartering, procurement, or leasing, which at the time of the act, for all or part of them is assigned to manage or supervise it. In more detail, Barda Nawawi Arief details the scope of the criminal acts of corruption as follows:

1. Law Number 3 of 1971: Article 1: (1) a), Whoever: is against the law; enrich yourself, others, or a body; which directly or indirectly harms the country's finances and/or economy or; b) Whoever: for the purpose of benefiting themselves, others, or a body; misusing the authority, opportunity, or means available to him because of a position or position that directly or indirectly can be detrimental to the country's finances and economy.

2. Law Number 31 of 1999: Corruption Crime (Chapter II, Article 2 to Article 20; 1) Article 2 (derived from Article 1 sub-article 1a of Law Number 3 of 1971): Everyone: who is against the law, committing acts enriching oneself, others or corporations, which can harm the country's finances or economy. 2) Article 3 (originating from Article 1 sub 1b of Law Number 31 of 1999): Everyone: who is against the law, committing acts enriching oneself, others or corporations, which can harm the country's finances or economy. 3) Article 4 (new article): anyone who, either individually or together with one or more persons, fraudulently or intentionally, misappropriates or appropriates anything that belongs to the state or fraudulently or intentionally causes a loss to the state of property, as a result of the position or authority is held, even though it is known or reasonably suspected that the act is contrary to the laws and regulations; or a civil servants or state administrators, directly or indirectly, deliberately participate in chartering, procurement, or leasing, which at the time of the act, for all or part of them is assigned to manage or supervise it. In more detail, Barda Nawawi Arief details the scope of the criminal acts of corruption as follows:

3. Law Number 2001, Changing the formulation of Corruption Crimes in Article 5 up to Article 12 of Law Number 31 Year 2001 by not referring to the articles of the Criminal Code, but directly mentioning the elements of the offense concerned. Inserting / adding articles - new article into Law No. 31 of 1999: 1) Article 12 A (1) Criminal provisions in Article 5 to Article 12 do not apply to Corruption Crimes which are worth less than Rp. 5,000,000.00 (five million rupiah) ; (2) Corruption Crime, which is worth more than Rp. 5,000,000.00 (five million rupiahs), shall be sentenced to a maximum of 3 (three) years of imprisonment and a fine of a maximum of Rp. 30,000,000 (fifty million rupiahs). 2) Article 12 B (2) a) Gratification to a Civil Servant / State Organizer is considered giving a bribe, if: related to his position, and it is known or reasonably suspected that the gratification is given because of a position or position that directly or indirectly can be detrimental to the country's finances and economy. b) A gratification is considered giving a bribe, if: related to his position, and it is known or reasonably suspected that the gratification is given because of a position or position that directly or indirectly can be detrimental to the country's finances and economy.

The scope of corruption is quite extensive, as stipulated in Number 31 of 1971. Law No. 2001 of 2001, in its essence is quite good. However, the law still has jurisdictional problems in the formulation of criminal acts of corruption, where the problems make it difficult for the operation of the Criminal Code as the parent system in bridging the eradication of criminal acts of corruption. These problems include: 1) Law Number 31 Year 1999 law No Law Year 2001 concerning Corruption Crime has not yet been formulated jurisdictional boundaries or jurisdictional understanding regarding criminal acts of corruption concerning conspiracy, while the evil consensus contained in the Criminal Code Article 88 is a term regulated in Chapter IX is impossible to operationalize considering Article 103 of the Criminal Code requires that the provisions in Chapters I to Chapter VIII apply to acts which are subject to public prosecution under other laws. Likewise regarding the term "assistance" which is a jurisdictional term, it has not been regulated in this law. 2) Law Number 31 Year 1999 law No Law Year 2001 concerning Corruption Crime does not include offense qualifications whether as "violations" or "crimes" so that the Crime Code must be complemented with a special law, while the definition of crimes specified in the Criminal Code. In addition to these juridical issues, according to Barda Nawawi Arief, in the Law the eradication of acts of corruption makes the crime of money laundering a crime of corruption. This assertion was conveyed at the National Seminar to "welcome and establishment of a law to eradicate corruption, collusion and nepotism", in cooperation with the General Secretariat of the KPK, the General Secretariat of the BPK, the Ministry of Finance, the Ministry of State Ownership, and the Ministry of Internal Affairs. The seminar was held in Semarang, Central Java, on January 13, 2006, discussing the Draft Draft Amendment to Act Number 31. 1999 (which later became known as Law No. 2001).

In conclusion, the formulation of corruption crimes in Law Number 31 of 1999 and Act Number 2001 of 2001 illustrates the complexity of the definitions of corruption crimes, especially when considering the variety of activities and relationships that can be involved in corruption. It is important for the legal framework to be continuously updated and refined to ensure effective implementation and enforcement of anti-corruption laws.
2003 concerning Crime of Money Laundering, with the formulation as follows: The proceeds of a crime are Wealth Assets totaling Rp 500,000,000.00 (five hundred million rupees) or more equivalent value, which is obtained directly or indirectly from a crime: a. corruption; b. bribery; c. smuggling of goods; d. labor smuggling; e. immigrant smuggling; f. banking; g. narcotics; h. psychotropic; i. slave, female and child trade; j. illegal arms trade; k. gambling; l. terrorism; m. theft; n. refer to other types of criminal acts as regulated in Law Number 31 of 1999 concerning the eradication of corruption and bribery (letter (b)). As acts of money laundering. Corruption is essentially a form of financial crime. As an inter-crimes crime, money laundering will almost certainly be carried out or at least money laundering must be done immediately. Between corruption and bribery with money laundering there is a series of crimes, where corruption and bribery can be said as predicate offense while money laundering is a follow-up crime. Crimes and proceeds of these crimes can be categorized as a series of corruption that should be included in corruption.

Even further, UNCAC recommends that Money Laundering be included in the legislation of corruption, as reflected in the following Article 14 and Article 23: Article 14. Measures to prevent money laundering, including, inter alia, preventive measures to stop money laundering, (1). Each State Party must take, in accordance with the basic principles of its national law, legislative and other measures deemed necessary to establish criminal offenses, if done intentionally: (a) Conversion or transfer of wealth, knowing that (i) the wealth is the proceeds of the crime, for the purpose of hiding or disguising the origin of unauthorized wealth or helping people who are involved in carrying out the original crime to avoid the legal consequences of their actions; (ii) Concealment or disguise of the source, origin, location, release, movement or actual ownership of or rights relating to wealth, knowing that the wealth is the proceeds of crime. (b. Based on the basic concept of the legal system: (i) the acquisition, ownership or use of wealth, knowing, at the time of receipt that the wealth is the proceeds of crime; (ii) Participating in, relating to or conspiracy to commit, attempts to commit and assist, compere, facilitate and encourage the implementation of any crimes committed in accordance with this Article. 2. For the purpose of implementing or applying paragraph (1) of this Article: (a) Each State Party shall endeavor to apply paragraph (1) of this Article in the broadest sense of original crime; (b) Each State Party shall include as original crime at least a comprehensive series of criminal offenses established in accordance with this Convention; (c) The State Party may adopt additional offenses of sub-paragraph b above, original crimes include crimes committed both inside and outside the jurisdiction of the State Party concerned. However, crimes committed outside the jurisdiction of a State are original crimes if the act constitutes a criminal offense based on the national law of the State where the action is carried out and is a crime under the national law of the State Party implementing or implementing this Article when such action carried out there; (d) Each State Party must submit a copy of its law that applies this Article and subsequent changes to the law or an explanation thereof to the Secretary General of the United Nations; (e) For the purpose of implementing or applying paragraph (1) of this Article, it can be determined that the crimes referred to in paragraph (1) of this Article do not apply to people who committed an original crime. The affirmation of the UNCAC recommendations in articles 14 and 23 in a sign that criminal law policy related to criminal acts of money laundering will be more effective if it is included as a criminal act in which the offense covers a series of crimes (comprehensive range of criminal offenses). These include those who participate, conspiracy, trials, assistance, advocacy (Participation in, association with or conspiracy to commit, attempts to commit and assist, compere, facilitate and encourage the commission of any offenses).

D. Spread the formulation of criminal acts in various laws and regulations in Indonesia.

In addition to juridical issues as outlined above, there are also problems regarding the scope of corruption that is spread in other legislation outside of Law Number 31 1999 99. Law Number 20 Year 2001 concerning Eradication of Corruption Crime, namely:

1. Law Number 11 of 1989 concerning Bribery Crime The nature of criminal acts of corruption is bribery as stipulated in Law Number 11 of 1989, in this law it was formulated that: Article 2, whoever gives or promises something to someone with the intention of persuading so that the person does something or does not do something in his duty, which is contrary to his authority or obligations concerning the public interest. Article 3 Anyone who accepts something or promises, while he knows or deserves to be able to guess that the giving of something or an appointment is intended so that he does something or does not do something in his duty, which is contrary to his authority or obligation concerning public interest. After the enactment of Law Number 31 Year 1999 99. Law Number 20 of 2001 concerning the eradication of acts of corruption, practically the law regarding criminal acts regarding bribery is not operationalized, because every bribery is always subject to sanctions as stipulated in the law on combating corruption. Seeing the effectiveness of this law should be revoked, so as not to create the impression of bribery as stipulated in Law No. 11 of 1989, is a criminalization that does not have the meaning of a real criminal act, or with other words of criminalization of bribery in law. the law is only a political need, not a legal arrangement as an answer to the needs of the community.

2. Law on banking.

The formulation of criminal acts in Law Number 10 of 1998 concerning Banking is contained in Article 49 paragraph (2) which states that "Members of the Board of Commissioners, Directors, or bank employees intentionally: request or accept, permit or agree to receive a reward , commissions, additional money, services, money or valuables, for personal gain or for the benefit of his family, in order to obtain or attempt to obtain for others in obtaining advances, bank guarantees, or credit facilities for the purpose of purchasing or discounting by the bank on money orders, promissory notes, checks, or trade papers or other proof of liability, or in the framework of giving approval to others to carry out withdrawals of funds that exceed their credit limit at the bank; The formulation of Article 49 paragraph (2) letter a states that members of the board of commissioners, directors, or bank employees who "request or accept, allow or agree to receive a reward, commission, additional money, service, money or valuables, for their personal benefit or for the benefit of his family ". If examined more closely, the formulation is a form of corruption in the form of bribery, or gratification as stated in the law on corruption.

3. Law concerning taxes.

The formulation of criminal acts in the taxation environment is set forth in Article 36A of Law No. 16 of 2000, affirming that "if the tax officer in calculating or stipulating tax is not in accordance with the applicable tax law so that it is detrimental to the state, the tax officer concerned may be sanctioned according with the provisions of the applicable legislation. "Exemption of Article 36A of Law Number 16 Year 2000, states that:" In order to improve services to taxpayers and improve the abilities of tax officers to tax officers who can not do anything to ensure tax is not in accordance with the provisions of the applicable legislation. The formulation as outlined in Article 36A of Law Number 16 Year 2000, is identical to the formulation of criminal acts of corruption in which the elements mentioned a it is "detrimental to the state", Along with the development and needs of the community, then Law Number 16 Year 2000 concerning Taxes is amended by Law Number 28 of 2007. In Article 36A undergoes the following changes: (1) Tax officials are due to negligence or intentionally calculating or stipulating taxes not in accordance with the provisions of tax laws subject to sanctions in accordance with the provisions of legislation. (2) Tax officers who in their duties intentionally act outside of their authority stipulated in the provisions of tax laws and regulations, can be filed with an internal unit of the Ministry of Finance that has the authority to carry out investigations and inspections and if proven to do so is subject to sanctions in accordance with the provisions of legislation. (3) Tax officials who have external reasons to protect the taxpayers against the tax authorities (even if the NGOs that protect against the tax authorities) in the tax determination process are defined as tax crime. (4) A tax official with the intention of benefiting himself illegally by abusing his power force someone to give something, to pay or receive payment, or to do something for himself or threaten, with criminal as referred to in Article 12 of Act Number 31 of 1999 concerning Eradication of Corruption and its penalties.

Amendments to Article 36A of Law Number 28 of 2007 only confirm that only paragraph (4) is a criminal act of corruption, so that Article 12 of Law Number 31 1999 99. Act Number 20 of 2001, wherein the law This law constitutes a criminal act of extortion in a position regulated in Article 12 letter (e) which affirms that: "a civil servant or state civil servants which is intended to benefit himself or others against the law or by abusing his power forces someone to give something, to pay or receive payment, or to do something for themselves. "It is very unfortunate that Article 36A paragraph (1) is not affirmed as a criminal act of corruption, even though the element ə of negligence "or intentional "in tax calculation can result in losses in "Financial or economic state", which is a criminal act of corruption.

According to Law Number 28 Year 2007, Article 36A of Law Number 16 of 2000, where the element "detrimental to the state" becomes an essential element, this is intended to avoid multiple interpretations of the formulation so that it can avoid contradictions regarding whether or not sanctions can be applied in accordance with Law Number 31 in conjunction with Law Number 20 of 2001, even though the law on the eradication of criminal acts of corruption as intended can be applied for tax violations in accordance with Article 36A paragraph (1) Law Number 28 Year 2007, where Article 14 of Law Number 31 Year 1999 99. Law No.
E. Policy on Criminal Law Formulation in the Prevention of Future Corruption Crimes

The policy on formulating the Criminal Law in the context of the coming up of corruption in the future has actually been pursued, namely through the drafting of a law on the Eradication of Corruption Crime (August 2008 Manuscript). which was confirmed in the consideration stating that "the ratification of the United Nations Convention Against Corruption, 2003 (United Nations Anti-Corruption Convention 2003) with Law Number 7 of 2006, then Law Number 31 of 1999 concerning Eradication of Corruption Crimes has been amended with Law No. 20 of 2001, it is necessary to adapt it to the 2003 United Nations Anti-Corruption Convention. "The draft law on the Eradication of Corruption Acts of Corruption provides definitions or use of terms regarding certain matters in Chapter I (general provisions) as berkat: Article 1 In this Act what is meant by:

1. Corporations are organized groups of people and / or wealth, both legal entities and non-legal entities.
2. Public Officials are: a. every person who holds a legislative, judicial or executive position appointed or elected permanently or temporarily paid or not paid regardless of the nature of the payment, or b. every person who holds a public function, including for the benefit of a public agency or public company or one that provides public services based on legislation; c. every person designated as a public official in the laws and regulations.
3. Foreign Public Officials are: a. every person who holds the executive, legislative or judicial office of a foreign country either based on appointment or election, including the head of his government, b. every person who holds an office or a position of the benefit of a foreign country, including public agencies or foreign public companies; or c. every official or representative of an international organization.
4. Officials of the Public International Organization are any international civil servants or any person authorized by the organization to act on behalf of the organization.
5. Affiliates are any form of association whether corporate or noncorporate, movable or immovable, tangible or intangible, and legal documents or instruments that prove the rights or interests of these assets.
6. Foreclosure is a series of actions by investors to take over and / or save under the control of movable or immovable objects, tangible or intangible for the purpose of investigation, prosecution and justice.
7. Deprivation is the permanent takeover of wealth with the decision of a court or other authorized body.
8. Origin Crime is any crime that results in a criminal act that is the object of another criminal offense.
9. The Result of Criminal Actions is any wealth obtained directly or indirectly from a crime.
10. Gifts or Promises are any form that provides benefits or pleasures for those who receive.

The means stipulated in Chapter I (general provisions) above seem to adjust to the editorial of the 2003 UNCAC Convention as follows: Article 2 Use of Terms for the purposes of this Convention: (a) Public officials "means: i) every holding a legislative, executive, or administrative, or judicial office of a State Party, whether appointed or elected, either permanently or temporarily, whether paid or not paid regardless of the nature of the payment; ii) every person who holds a public function, including for the benefit of a public agency or public company or one that provides public services based on legislation; iii) every person designated as a public official in the laws and regulations of the State Party.

For the purposes of certain efforts listed in chapter II of this Convention, "public official" may mean any person carrying out public functions or providing public services as referred to in the national laws of the State Party and as applicable in the appropriate legal field of that State Party; (2) Public Officials who request or receive directly or indirectly an improper direct or indirect benefit improperly for the public official in the capacity of his official duty or (b) Foreign Public Officials or Public Public Organization Officials who request or receive directly or indirectly an improper direct or indirect benefit improperly for the public official in the capacity of his official duty or (c) Foreign Public Officials or Public Public Organization Officials who request or receive directly or indirectly an improper direct or indirect benefit improperly for the public official in the capacity of his official duty or (d) Wealth "means any form of asset, whether corporate or non-corporal, movable or immovable, tangible or intangible, and legal documents or instruments that prove the rights or interests in these assets; (e) proceeds of crime "means any wealth originating from or obtained, directly or indirectly, through the implementation of a crime; (f) proceeds of crime "means any wealth originating from or obtained, directly or indirectly, through the implementation of a crime; (g) Deprivation which includes imposition of fines if applicable, means permanent seizure of wealth by order of the court or other authorized body; (h) Prosecution to origin "means any crime by which the results obtained can be the subject of a crime.)

The formulation of the article above is an editorial adjustment of Article 20 of UNCAC regarding "Illicit enrichment" (Illicit enrichment), as follows: if done intentionally, promises, offers, or gifts to foreign public officials or officials of international public organizations, directly or indirectly, beneficially for the public official in the capacity of his official duty or other person or persons or bodies that the official or official does not do something in carrying out his job duties, (2) Public Officials who request or receive a direct or indirect benefit improperly for the benefit of the official himself, another person, or the Corporation, so that the Public Official does or does not do anything in carrying out his office duties.

The formulation of criminal acts in Article 2 of the Draft Law on the Eradication of Criminal Acts above constitutes editorial adjustments in Article 15 of the UNCAC Convention, the editorial of which is as follows: (a) Promises or offers to public officials, directly or indirectly, improperly, benefit to public officials in the capacity of their official duties or other persons or bodies that the official acts or stops acting in carrying out their official duties; (b) Requests or receipts by public officials, directly or indirectly, undue benefits, for such public officials in the capacity of their official duties or for other persons or entities so that the official acts or stops acting in the execution of official duties.

Article 3 (1) Any person who promises, offers, or gives directly or indirectly to a Foreign Public Official or Public International Organization official an undue advantage for the benefit of the official himself, another person, or the Corporation, the official acts or does nothing in carrying out his office duties, or to obtain, retain business or other unauthorized profits related to international business, (2) Foreign Public Officials or Public Public Organization Officials who request or receive directly or indirectly an undue advantage for the benefit of the official himself, another person, or the Corporation, in such an amount as referred to in the national laws of the State Party.

Article 3 of the Draft Law on the Eradication of Corruption Crime above is an adjustment of the editorial of Article 16 UNCAC: (1) If done intentionally, promises, offers or gifts to foreign public officials or officials of international public organizations, directly or indirectly, improperly, beneficially for the public official in the capacity of his official duty or other person or persons or bodies that the official or official does not do something in carrying out his job duties, (2) if done intentionally, requests or receipts by foreign public officials or officials of international public organizations, directly or indirectly, undue benefits, for those officials in the capacity of their official duties or for other persons or entities, so that the official acts or stops acting in the implementation of their official duty.

Article 4 (1) Any person who promises, offers, or gives directly or indirectly to a Public Official or other person an improper advantage, so that the official or other person misuses the influence because of his position, with the aim of obtaining an undue advantage from government agencies or public authorities, (2) Public Officials or other people who request or receive undue advantages or indirect advantages so that the official or other person misuses the influence due to his position, with the aim of obtaining an undue advantage from the agency government or public authority.

The formulation of the above article is an adjustment from the editorial of Article 18 UNCAC regarding "trading influence", as follows: if done intentionally: (a) promises, offers or gifts to public officials or anyone else, directly or indirectly, undue benefits that public officials or such persons misuse their real or perceived influence with the intention of obtaining from the administrative or public authority of an undue benefit State Party for the benefit of the actual agitator of the action or for others who also (b) Requests or receipts by public officials or anyone else, directly or indirectly, undue benefits for themselves or for others so that public officials or such persons misuse their influence that is real or deemed to exist in order to obtain from administrative or public authorities from a State Party, an undue advantage.

The formulation of the article above is an editorial adjustment of Article 5 of the Draft Law on the Eradication of Corruption Crime above regarding "Abuse of functions" as follows: ....if done intentionally, misuse of function or position, namely, implementation or failure to implement actions, which violate the law, by public officials or officials of international public organizations, directly or indirectly, undue benefits, for the benefit of the person or entity acted on.

The formulation of the article above is an editorial adjustment of Article 6 of the Draft Law on the Eradication of Corruption Crime above regarding "Deprivation" as follows: if done intentionally, actions enrich themselves, that is, a significant increase in the wealth of public officials who cannot naturally explained in relation to his legal income.). Article 7 (1) Any person who promises, offers or gives directly or indirectly to a Foreign Public Official or Public International Organization official an undue advantage for the benefit of the official himself, another person, or the Corporation, in such an amount as referred to in the national laws of the State Party.

The formulation of the above article is an editorial adjustment of Article 19 of the UNCAC Convention regarding "Abuse of functions" as follows: ....if done intentionally, misuse of function or position, namely, implementation or failure to implement actions, which violate the law, by public officials or officials of international public organizations, directly or indirectly, undue benefits, for the benefit of the person or entity acted on.

The formulation of the article above is an editorial adjustment of Article 20 of the Draft Law on the Eradication of Corruption Crime above regarding "Abuse of functions" as follows: ....if done intentionally, misuse of function or position, namely, implementation or failure to implement actions, which violate the law, by public officials or officials of international public organizations, directly or indirectly, undue benefits, for the benefit of the person or entity acted on.

The formulation of the article above is an editorial adjustment of Article 21 UNCAC regarding "Bribery in the private sector" as follows: If done intentionally in the context of economic, financial or trade activities :) (a) Promises, offers or giving, directly or indirectly, undue benefits to anyone who manages or works, in any position, to a private sector body, for himself or for someone else, that he, in violation of his duties, his act, or stop acting."

Article 8 Every person in any position in the private sector conducts embezzlement of wealth in any form, private funds, securities, or other valuable items entrusted to him based on his position. The Result of the anti-corruption activities of CSR in the Amendment of the draft Law of the Government Number 31 Year 1999 is necessary to adapt to the principles of the UNCAC Convention with Article 19 of the UNCAC Convention regarding "Abuse of functions" as follows: ....if done intentionally, actions enrich themselves, that is, a significant increase in the wealth of public officials who cannot naturally explained in relation to his legal income.). Article 7 (1) Any person who promises, offers or gives directly or indirectly to a Foreign Public Official or Public International Organization official an undue advantage for the benefit of the official himself, another person, or the Corporation, in such an amount as referred to in the national laws of the State Party.

The formulation of the article above is an editorial adjustment of Article 19 of the UNCAC Convention regarding "Abuse of functions" as follows: ....if done intentionally, misuse of function or position, namely, implementation or failure to implement actions, which violate the law, by public officials or officials of international public organizations, directly or indirectly, undue benefits, for the benefit of the person or entity acted on.

The formulation of the article above is an editorial adjustment of Article 20 of the Draft Law on the Eradication of Corruption Crime above regarding "Illicit enrichment" (Illicit enrichment), as follows: ... if done intentionally, actions enrich themselves, that is, a significant increase in the wealth of public officials who cannot naturally explained in relation to his legal income.). Article 7 (1) Any person who promises, offers or gives directly or indirectly to a Foreign Public Official or Public International Organization official an undue advantage for the benefit of the official himself, another person, or the Corporation, in such an amount as referred to in the national laws of the State Party.
Based on the conclusions of this study, the authors recommend the following:

1. Formulate and provide guidance not only to legislators, but also to courts that apply laws and to administrators or implementers of court decisions.

2. Reasoning policy which is interpreted by Marc Ancel, as a science as well as an art which ultimately has a practical purpose to enable positive law regulations to be better achieved. Asikin, Zainal & Amirudin, 2004, Introduction to Legal Research, Jakarta, Radja Grafindo Persada.

3. Specifying a specific policy in the formulation of corruption currently are: a) criminal law policy by not qualifying a case as "offense" or "crime". In addition, it does not provide a juridical understanding or limitations on the consequences that must be received in consequence b) criminal law policies in terms of eradicating non-corruption, are still spread in several laws, this can cause problems especially in aspects of justice. The absence of rules/guidelines regarding minimum criminal provisions specifically and substitute for execution (concret).

4. The concept of the Criminal Code in 2006-2008 as a criminal law policy in the upcoming handling of corruption is expected to not conflict with the aspirations of the people, especially in terms of answering the legal needs of the community in dealing with corruption, on the other hand the KUHP Concept 2006-2008 is the Code Concept as described above, and seeing the increasingly difficult challenges in tackling future criminal acts of corruption, where corruption can be said to always develop because of the power or authority related to his position or according to the mind of those who give gifts, promises or gratuities related to his position. Article 659 Civil servants who: a. accept gifts, promises or gratuities even though it is known or reasonably suspected that gifts, promises, or gratuities are given to mobilize to do or not do something in his position that is contrary to his obligations; or b. receive gifts, promises, or gratuities even though it is known or reasonably suspected that gifts, promises, or gratuities are given as a result or caused by having done or not done something in a position that is contrary to their obligations. Article 660 Judges who: a) accept gifts, promises or gratuities even though it is known or reasonably suspected that gifts, promises, or gratuities are given to influence the case decisions submitted to their consideration; or b) receive gifts, promises, or gratuities with full awareness that gifts, promises, or gratuities are given to him in order to impose a sentence on the opponent of the gift giver or promise in the case that is left to his consideration.

5. The policy on the formulation of criminal law, especially concerning the formulation of criminal acts of corruption at this time, has a number of fundamental weaknesses, thus affecting the effectiveness of corruption eradication which includes; weaknesses in the formulation phase (in abstracto) of the law and at the application stage and execution (concret).

6. Weaknesses in the formulation of corruption currently are: a) criminal law policy by not qualifying a case as "offense" or "crime". In addition, it does not provide a juridical understanding or limitations on the consequences that must be received in consequence b) criminal law policies in terms of eradicating non-corruption, are still spread in several laws, this can cause problems especially in aspects of justice. The absence of rules/guidelines regarding minimum criminal provisions specifically and substitute for execution (concret).

4. RECOMMENDATIONS

Based on the conclusions of this study, the authors recommend the following:

1. criminal law policy in terms of eradicating future criminal acts of corruption, qualifying violations is needed, and providing an understanding of the juridical limits of "bad agreements", and accepting the consequences that must be accepted.

2. Formulating acts of corruption still emphasizes the element "financial or economic loss of the country, in order to save the country's assets. Include criminal charges within the scope of "bribery" and "extortion in the office environment".


4. The concept of the 2006-2008 Criminal Procedure Code was immediately used as a criminal law policy to become the basis for eradicating corruption.
AUTHORS

First Author: Ismail Rumadan, Lecturer of Study Program: Islamic Criminal Law Faultus Sharia and Islamic Economics Ambon State Islamic Institute Email: rumadanim@gmail.com

Second Author: Husin Wattimena, Lecturer of Study Program: Islamic Criminal Law Faultus Sharia and Islamic Economy Ambon State Islamic Institute Email: ahsenmurwan58@gmail.com