

## PROCESS OF PROSPEROUS RESEARCH FILES IN THE CASE DETERMINING NEW INSTITUTIONS IN CRIMINAL MEASURES CORRUPTION

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### ABSTRACT

This thesis is the result of research on "Process Attorney Researcher Case file in Determine Suspect New on Corruption", specifically this thesis discusses the process of determining the new suspects by prosecutors investigators file corruption cases and factor inhibitors for Attorney Researcher Files Case to determine a suspect new in the case file corruption. In particular, this thesis examines several cases of corruption filed by Investigator Police Resort Arga Makmur District Attorney of Public Prosecutions to Arga Makmur. The results of the study illustrate that the Attorney Researcher in determining new suspects in the case files submitted by police investigators are using the instrument giving direct instructions by the prosecution team of researchers P 19 and the instrument exposes / his case subsequently prosecutors investigators case file gives instructions to the investigator to be fulfilled within 14 days after prosecutors clue investigators met by investigators, the case file is declared complete by prosecutors investigators (P21).

**Keywords:** Attorney investigators, study the case file, a new suspect, corruption.

## A. INTRODUCTION

Corruption has become an extraordinary crime. Similarly, the eradication effort can no longer be done in a manner ordinary, but demanded in extraordinary ways.<sup>1</sup> Furthermore it is proven that there is a link between corruption and other forms of crime, specifically organized crime (terrorism, human trafficking, smuggling illegal migrants and others) and economic crimes (laundering money) and so on.<sup>2</sup> So that corruption is a crime crime that is very detrimental to the country. Corruption in corruption large amount potentially harms the country's finances so that it can disrupt development resources and endanger political stability a country.

Disclosure and law enforcement of a case or allegation corruption is not something that is simple and easy, especially if you want law enforcement expectations reach all offenders in suspected corruption the. Duties of the Prosecutor Research case file has a very role important in the completion of a criminal act of corruption, file researchers case when receiving a warrant as a file investigating prosecutor the case has a central position in the success of the prosecution task, implementation of case file

research conducted by the Research Prosecutor case file upon receipt of case file (stage I) from Police Investigators include formal completeness checks, and also check the completeness of the material. Material completeness is fulfilled when everything is necessary for the sake of proof already available as a result investigation, but in reality there are still many criminal cases corruption that seems selective in a case file, this due to the presence of the Police Investigation and Research Prosecutors case file that is less thorough in determining the suspect in a case case file on corruption cases.

There are still perpetrators who are indicated to be very strong the involvement of other parties as perpetrators of offense, who did not participate in the indictment case file, however it was then one or several people or the corporation allegedly involved is free to swing without affordable by law only because the Investigator is the sole authority authorized to investigate a case (suspected corruption) reluctantly investigate people or corporations that are allegedly involved and the Case File Attorney was also reluctant provide instructions to the Police Investigator so that those persons or corporations allegedly involved become as accompanying or

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<sup>1</sup> Aziz Samsudin, 2011, *Tindak pidana Khusus*, Cetakan Pertama, Sinar Grafika, Jakarta, pages 175.

<sup>2</sup> Aziz Samsudin, Op cit, pages 14.

participating, but in reality there are still people or a corporation that only serves as a witness in a file the case that should have been named as a suspect. Acts of investigating criminal acts of corruption committed by Police Investigators are very influential in the process of a settlement corruption cases, this is due to the investigation process is the first step in the process of law enforcement against para offenders, but in reality in the act of the perpetrators of acts Corruption is not all criminal offenses used as a suspect in the offense case file. Likewise the investigation carried out by the Investigator North Bengkulu Resort Police in various criminal cases corruption from 2010 to 2014 in Bengkulu Regency North is very clearly seen that not all offenders are made as the suspect in the case file, this can be seen in handling cases include:

- a. Criminal cases of corruption receiving gratification committed by the defendant An. Drs. Lisam alias Lisam Tanawi bin Tanawi.
- b. Criminal cases of corruption in Road Improvement activities and Taba Lagan Village Bridge - Dusun Bukit, Talang Empat Subdistrict on Bengkulu Tengah District Public Works Department Fiscal year 2011

An. Indra Wibawa Alias Indra Bin Edi supardi.

c. Cases of corruption in operational assistance activities Implementation (BOP) Package B Program at the Department of Education and Culture of Bengkulu Tengah Regency Budget year 2013 worth Rp.676,250,000.- An. SAMSURI, S.Pd, MM BIN ANIF conducted by investigators from the northern Bengkulu Resort police. According to the authors of the above description required a study in depth to find out the contributions and roles of the File Research Attorney The Corruption Criminal Case in completing the completion of the action case criminal corruption thoroughly and thoroughly so that there are no more perpetrators involved in a criminal act of corruption which is only used as witness in the case file.

Departing from the above statement, the writer tries to find a meeting point between the existence and the role of the Research Prosecutor File Case in making, controlling and completing everything kinds of legal problems that occur at this time, especially in the field of action criminal corruption, departing from that all writers try to write this thesis with the title of the Case File Research Attorney Process in Determining New Suspect in Corruption. As

for who becomes the problem is to find out how the determination process new suspect by the Prosecutors Research case file on corruption and crime what is a limiting factor for the Prosecutor Research case file for determine a new suspect in the corruption case file.

## B. RESEARCH METHODS

This study uses an empirical approach because of this research is a study that obtained primary data and secondary data.<sup>3</sup> In this study, the population is the police investigation team and the team of prosecutors investigating the dossiers of corruption in the jurisdiction Argamakmur Prosecutor's Office. Determination of the sample in empirical research this uses purposive sampling because of the sample chosen and determined by researchers based on the experience of respondents as a team Investigators and the Prosecutors' Research team file a case of corruption. Data collection is done by direct interviews and studies documentation. Data analysis is processed in the form of qualitative analysis with deductive-inductive method. After the data is arranged one by one next arranged systematically so that it can answer the existing problems.

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<sup>3</sup> Ronny Hanitijo Soemitro, 1982, Metodologi Penelitian Hukum, Bandung: Ghalia Indonesia, Pages 24

## C. RESEARCH RESULTS AND DISCUSSION

### 1. The process of determining a new suspect by the file research prosecutor Corruption Case

The process of sending a file of criminal acts of corruption which conducted by the Police Investigator if there are still a few investigations witnesses who commit a criminal act of corruption or participate as the perpetrators of offenses but by the Police Investigator were not named suspects and only serve as witnesses in the case file and there were even perpetrators offense which is neither a witness nor a suspect inside case file for criminal acts of corruption, this is due to their existence different views about the facts revealed in the file the case submitted by the Police Investigator concerned concerning the verification of a corruption case between the Investigator with the Public Prosecutor, it can also be caused by failure prosecution which also originated from the failure of the prosecution process conducted by the prosecutor for case files. In principle, in a trial process (examination in court) which is honest, fair and open, then forms selective and partial law enforcement practices, such as conducted by Investigators and / or Public Prosecutors, will be disclosed automatically

before the trial, because in essence, for can prove the offense of an offender in an offense (corruption) committed by more than one offender, The Public Prosecutor must be able to prove and elaborate on how the offense is committed, and in the process this will unravel the facts about the involvement of other parties despite the systematic efforts by the elements related to disguising the involvement of other parties. Even though at least there are still prosecutors / prosecutors General case file which argues that all offenders corruption must be made as a suspect in the file the case even though the determination of the new suspect must be passed with several stages as referred to as the pattern of case titles or exposed in various ways to maintain opinions so that all the perpetrators of offenses are made as suspects even in the file separate, at least illustrated in handling corruption handling BOP funds in 2013 at the District Education Office Bengkulu Tengah.

Title case in the form of exposure activities or presentation of results investigations at the investigation level for discussion together whether the results of the investigation are eligible and feasible proceed to the investigation level, or at the investigation level / the prosecution whether

the results of the investigation / the prosecution have met requirements to be transferred to prosecution. If you do not meet the requirements and not yet eligible to be submitted to the next level for input for the perfection of investigation, investigation or pretrial. Case titles can also be carried out for cases at the level prosecution and even court decisions that have power permanent or not laws that contain problems, for example on cases that are decided free in order to obtain a judicial solution to the action further law. Starting from the receipt of the case file on behalf of the suspect SAMSURI, S.Pd, MM BIN ANIF which is by the Police Investigator allegedly violating article Primair Article 2, Sub Article 3, More Sub Article 11 RI Law Number 31 of 1999 Concerning Eradication of Corruption as amended by RI Law No. 20 of 2001 concerning Amendments to Republic of Indonesia Law No. 31 of 1999 concerning Eradication Corruption Act Jo Article 55 Paragraph (1) of the Criminal Code in the case alleged BOP fund corruption (operational assistance) implementation) package B at the Bengkulu District Education Office Middle of the 2013 Budget Year received by the Arga District Attorney's Office Prosperous on December 8, 2014 in accordance with the provisions of

the Criminal Procedure Code that the Public Prosecutor must take a position within 7 days.

Departing from this case file in the name of the suspect SAMSURI, S.Pd, MM BIN ANIF was received by the File Research Attorney team Case according to Instructions for Appoint Researchers Case (P16) was received on December 8, 2014 and by the leadership (tutor) within 3 (three) days the case dossier must be take a stand and report the attitude to the leadership in a way tiered, with a relatively short time and case file conditions which is around 3000 pages thick, is the Research Prosecutors team concluded that the article alleged by the Police Investigator The North Bengkulu Resort must be changed because it does not suit the legal pact in the case file as well as the Research Prosecutors team the case file also believes that the suspect is in the case file it is not only SAMSURI, S.Pd, MM BIN ANIF as the Head Bengkulu Tengah Education Office but there is still one other suspects who participated in the act together with the suspect to the detriment of the country's finances amounting to 676,250,000. (six hundred seventy-six million two hundred and fifty thousand rupiah) Namely SUGENG PRAYITNO, S.IP, MH Bin MULJARI HARTO

JUDANTO as the Head of Education Office in Central Bengkulu Regency, RISWAN EFFENDI, S.Pd Bin TAFSILI as Head of Department Education in Bengkulu Tengah Regency and 24 (twenty four) people Chairperson of PKBM (the center of community learning activities) who does it falsifying student data and manipulating learning activities (fictitious) but from this opinion a member of the file research prosecutors team the case is not entirely in the opinion that there is an additional suspect<sup>11</sup> it was only until the case dossier was decided to conducted the case title.

That on December 11, 2014, it was around 14:00 a.m. until 22.00 WIB the Prosecutor Research Team for the case file conduct a case in front of the Head of the Arga District Attorney's Office Prosperous, the Head of Section and all Prosecutors in the Arga District Attorney prosperous. The case title begins with a presentation by the Prosecutor Research team on the case file along with their opinions later followed by the opinions of the participants in the case title, from the case title as well as various opinions and theories and arguments put forward by Participants in case titles as well as courage from the file research prosecutors team the case defended his opinion so that a conclusion was reached are as follows :

1. Article submitted by Primair Police Investigator Article 2, Sub Article 3, More Sub Article 11 and Article 12 B RI Law Number 31 of 1999 concerning Eradication of Corruption as amended by RI Law Number 20 Year 2001 Regarding Amendments to the Republic of Indonesia Law Number 31 year 1999 Concerning Eradication of Corruption Jo Article 55 Paragraph (1) KUHP becomes Primary Article 2 of RI Law Number 31 1999 concerning the Eradication of Corruption as amended by Indonesian Law Number 20 Year 2001 Regarding Amendments to the Republic of Indonesia Law Number 31 year 1999 Concerning Eradication of Corruption Jo Article 55 Paragraph (1) 1st KUHP, subsidiar Article 3 of RI Law Number 31 1999 concerning the Eradication of Corruption as amended by RI Law Number 20 Year 2001 Regarding Amendments to the Republic of Indonesia Law Number 31 year 1999 Concerning Eradication of Corruption Jo Article 55 Paragraph (1) 1st KUHP, more subsidiar Article 9 of Law RI Number 31 of 1999 concerning Eradication of Corruption Crimes as amended by RI Law Number 20 Year 2001 Regarding Amendments to the Republic of Indonesia Law Number 31 year 1999 Concerning Eradication of Corruption

Jo Article 55 Paragraph (1) The First Criminal Code.

2. Case files are split (splitsing) into: a. Suspect SAMSURI, S.Pd, MM BIN ANIF is subject to Article 2, 3 and article 9 of RI Law Number 31 of 1999 Concerning Eradication of Corruption as amended by RI Law No. 20 of 2001 concerning Amendments to Republic of Indonesia Law No. 31 of 1999 concerning Eradication Corruption Crime Jo Article 55 Paragraph (1) of the 1st KUHP. b. Suspect SUGENG PRAYITNO, S.IP, MH Bin MULJARI HARTO JUDANTO. Article 2, 3 and article 9 of RI Law 13 Number 31 of 1999 concerning Eradication of Criminal Acts Corruption as amended by RI Law Number 20 2001 concerning Amendments to RI Law Number 31 year 1999 Concerning Eradication of Corruption Jo Article 55 Paragraph (1) 1st Criminal Code. c. Suspect RISWAN EFFENDI, S.Pd Bin TAFSILI Article 2, 3 and Article 9 Republic of Indonesia Law Number 31 Year 1999 Concerning Eradication of Corruption as amended by RI Law No. 20 of 2001 concerning Amendments to Republic of Indonesia Law No. 31 of 1999 concerning Eradication Corruption Crime Jo Article 55 Paragraph (1) of the 1st KUHP. d. 24 PKBM Chairmen (community learning centers)

became 4 files and each of them is applied Article 2, 3 and Article 9 RI Law No. 31 of 1999 concerning Eradication Corruption Act as amended by RI Law Number 20 of 2001 concerning Amendment to Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Acts Criminal Crime Jo Article 55 Paragraph (1) of the 1st KUHP. The conclusion of the case title is the file research attorney the case returns the case file to the Investigator North Bengkulu Resort Police using a letter instrument P18 and P19, in accordance with the provisions of the Criminal Procedure Code that the Investigator has 14 days to complete the case file and on December 22, 2014 case file in the name of the suspect SAMSURI, S.Pd, MM BIN ANIF No.Pol: BP / 44 / X / 2014 / Reskrim declared complete (P21) by the Prosecutor Research case file so the duty of the Research Prosecutor in examining and correcting case files by North Bengkulu Resort Police Investigator ended and finished with stated file is declared complete and will then be continued by the Public Prosecution Prosecution in Court Trial. While the file in the name of the suspect SUGENG PRAYITNO, S.IP, MH Bin MULJARI HARTO JUDANTO, RISWAN EFFENDI, S.Pd Bin TAFSILI and 24 PKBM Chairmen have not been able to fully

stated because there are still material shortcomings in the case file. The process of determining a new suspect in a criminal act of corruption as described above where the file was submitted by Police Investigators can be carried out by: 1. Through the case investigation team Determination of new suspects in corruption cases the file was investigated by the Resort Police Agency Argamakmur can be done by the Research Prosecutors team by making P 19 (instructions) to the Investigator to apply someone who according to the conviction of the Prosecutor Research team the case file has fulfilled elements of the article that are alleged to be people who participated or together as perpetrators of offense as stipulated by KUHAP.

2. Through exposure or case titles, An instrument that can be used by the Case Study Attorney team if there are witnesses who point as participating actors commits an offense of corruption but the Research Prosecutors Team I'm still doubtful about setting someone as a new suspect use the instrument case title (exposure) in front of the officials structural and in front of the prosecutors so that the results obtained are or it was decided in the case title was a joint decision that must be carried out by the case dossier.

2. Inhibiting Factors for Case Study Attorney For Determine New Suspects in the Criminal Case File Corruption Barriers that occur in law enforcement officers settlement of corruption cases in the pre-prosecution stage related to the determination of new suspects in the case file obtained from the results of interviews with respondents in principle are as follows :

1. Legal instruments

- Insufficient statutory regulations the task of the Prosecutor Research case file in the pre-prosecution stage so that many case study prosecutors are not optimal in the pre-prosecution stage (one of which did not do a degree case).

- There is no clear sanction if the Prosecutor Research file corruption cases do not conduct case titles in the pre-prosecution stage.

2. Law enforcement

a. Police Investigator

- The Public Prosecutor In giving frequent instructions make it difficult for investigators to fulfill it.

- There is still interference with the investigators in determining suspects made through leaders or superiors investigator.

- Between investigators still often differ in opinions determine the suspect.

b. Case File Research Attorney

- There is still frequent interference from the leadership tiered.

- In providing instructions to the Investigating Investigating Investigator case files are still often not doing case titles.

- Lack of coordination between Case File Research Prosecutors with the Investigator

- Investigators are often late in submitting case files so the case file research is not optimal.

- There are still many prosecutors who are less interested or unable in handling corruption due to corruption too focus on handling general criminal cases.

- There are still many prosecutors who have graduated from technical education special crime but not placed in the field special crime and placed in other fields so that education is less useful for prosecutors who followed him.

3. Funds and infrastructure

- The lack of funds available to support performance Public Prosecutors at the District Attorney's Office are only available funds for handling only 1 case (investigation, investigation and prosecution).

- Too far away where the court of corruption is with the state prosecutor's office to try a case criminal corruption so that it requires a

lot of funds and a long time so it is felt to be less effective.

#### D. CLOSING

##### 1. Conclusions

Based on the description in the above discussion it can be concluded that:

1. The process of determining a new suspect in a criminal act of corruption as described above where the file was submitted by Police Investigators can be carried out by:

a. Through the Case File Research Attorney team Determination of new suspects in corruption cases the file was investigated by the Police agency Argamakmur can be conducted by a team of Research Prosecutors with make P 19 (instructions) to the Investigator to apply someone who according to the Prosecutors Research Team's case files has fulfilled the elements of the article that are alleged as people who participate or together as offenders as already regulated by the Criminal Procedure Code.

b. Through exposure or case titles, The instrument can be used by the file research prosecutors team cases if there are witnesses who point to the perpetrators who participated as well as committing an offense of corruption but the Prosecutors team Researchers are still hesitant to assign someone as a new suspect can use the title

instrument (exposure) in front of the para structural officials and in front of the Prosecutors so that the results are not obtained or decided in the case title is a joint decision that must be carried out by the research prosecutor case file.

2. The inhibiting factor for the Case File Research Attorney for determine a new suspect in the criminal case file corruption, including:

a. Legal instruments, Inadequate laws and regulations governing the duties of the Prosecutor Research case file in the pre-prosecution stage and the absence of sanctions for prosecutors Case dossiers who don't do case titles, so that many case study prosecutors are not optimal in the pre-prosecution stage.

b. Law Enforcement, there is still interference with the Investigator and Prosecutor Research case file in determining which suspect conducted through the leadership or supervisor of the Investigator or Prosecutor Penidili case file.

c. Funds and infrastructure, still lack of funds which supports the performance of the Public Prosecutor in the Prosecutor's Office Countries that only have funds available for handling 1 case only (investigation, investigation and prosecution).

d. The prosecutor is less interested in handling criminal cases corruption is more caused by being too busy handling general crime case.

## 2. Suggestions

1. Especially for Researchers / Prosecutors who handle corruption cases should not be involved again in handling cases of general criminal offenses and other duties so that Public Prosecutors who handle cases of corruption can be more focused and faster in completing a case of action criminal corruption.

2. The existence of internal and external supervision patterns (can involve expert) at the State Prosecutor's Office when conducting the case title pattern so that what is decided at the time of conducting the case can be carried out by Investigators and Research Prosecutors and Prosecutors Public Prosecutor.

## REFERENCES

- Andi Hamzah, 1985, *Pengantar Hukum Acara Pidana Indonesia*, Jakarta, Ghalia Indonesia.
- Aziz Samsudin, 2011, *Tindak pidana Khusus*, Cetakan Pertama, Jakarta, Sinar Grafika.
- Anton Sutrisno, Kemandirian Jaksa Sebagai Penuntut Umum, Tesis, Program Pascasarjana Ilmu Hukum Universitas Indonesia, 2011.
- Anton F. Susanto, 2004, *Wajah Peradilan kita: Kontruksi Sosial Tentang Penyimpangan Mekanisme Kontrol dan Akuntabilitas Peradilan Pidana*, Bandung, Rafika Aditama.
- Bahder Johan Nasution, 2008, *Metode Penelitian Ilmu Hukum*, Bandung: CV. Mandar Maju.
- Desi Arisanti, dalam *Pelaksanaan Koordinasi Fungsional dan Instansional dalam Penyidikan Tindak Pidana Korupsi*, Tesis, Program Pascasarjana Ilmu Hukum Universitas Andalas, 2007
- Eva Achjani Zulfa, 2010, *Gugurnya Hak Menuntut*, Bogor, Ghalia Indonesia.
- Jan Remelink, 2003, *Hukum Pidana*, Jakarta, PT Gramedia Utama.
- J. Supranto, 2003, *Metode Penelitian Hukum dan Statistik*, Jakarta: Rineka Cipta.
- Lexy Moleong, 2002, *Meodologi Penelitian Kualitatif*, Bandung: Remaja Rosdakarya.
- Lawrence M Friedmen, *the legal system: A Social Science Perspective*, Rusel Sage Foundation, New York, 1975. Sebagaimana diterjemahkan oleh M. Khozim, *Sistem Hukum Perspektif Ilmu Sosial*, Bandung, Nusa Media.
- Mardjono Reksodiputro, 2007, *Hak Asasi Manusia dalam Sistem Peradilan Pidana*, buku ketiga, Jakarta, Pusat Pelayanan Keadilan Dan Pengabdian Hukum Universitas Indonesia.
- Mardjono Reksodiputro , 2007, *Kriminologi dan Sistem Peradilan Pidana*, buku kedua, Jakarta, Pusat Pelayanan

Keadilan Dan Pengabdian Hukum  
Universitas Indonesia.

*Perkulihan Hukum Acara Pidana  
Pendidikan dan Pelatihan Jaksa,  
Prapenuntutan*, Jakarta.

Mardjono Reksodiputro, 2007, *Bunga Rampai Permasalahan Dalam Sistem Peradilan Pidana*, Buku kelima, Jakarta : Pusat Pelayanan Keadilan dan Pengabdian Hukum Universitas Indonesia.

Tim Modul Pusat Pendidikan dan Pelatihan Kejaksaan RI, 2006, Modul Perkulihan Hukum Acara Pidana Pendidikan dan Pelatihan Jaksa, Prapenuntutan, Jakarta.

Mario Parakas, *Restrukturisasi Sistem Peradilan Pidana Dalam Kerangka Penegakan Hukum Atas Tindak Pidana Korupsi Yang Beresensi Pada Keadilan Yang Komprehensif*, Tesis, Program Pascasarjana Ilmu Hukum Universitas Bengkulu, 2011.

Tolib Efendi, 2013, *Sistem Peradilan Pidana:Perbandingan Komponen dan proses Sistem Peradilan Pidana di Beberapa Negara*, Yogyakarta, Pustaka yustisia.

M. Yahya Harahap, 1991, Pembahasan Permasalahn dan Penerapan KUHP:Penyidikan dan Penuntutan, Jakarta, Sinar Grafika.

M Yahya Harahap, 1991, *Pembahasan Permasalahan dan Penerapan KUHAP*, Jilid 1, Jakarta, Pustaka Kartini.

Ni Nengah Adiyarni, dalam *Upaya Hukum Kasasi oleh Jaksa Penuntut Umum Terhadap Pitisan Bebas Dalam Sistym Peradilan Indonesia*, Tesis, Program Pascasarjana Ilmu Hukum Universitas Diponogoro, 2010.

RM. Surachman dan Jan S. Marinka, *Peran Jaksa Dalam Sistem Peradilan Pidana di Kawasan Asia Pasifik*, Jakarta : Sinar Grafika.

Ronny Hanitijo Soemitro, 1982, *Metodologi Penelitian Hukum*, Bandung:Ghalia Indonesia.

Tim Modul Pusat Pendidikan dan Pelatihan Kejaksaan RI, 2010, *Modul*