



THE CONCEPT OF HAND-CATCHING OPERATIONS (OTT) BY THE CORRUPTION ERADICATION COMMISSION (KPK) INPERSPECTIVE LEGAL CERTAINTY

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Abstrak

The purpose of this study is to analyze the Hand-Catching Operation (OTT) system carried out by the Corruption Eradication Commission and also how the Effectiveness of the Hand-Catching Operation Position (OTT) carried out by the Corruption Eradication Commission (KPK) in the perspective of legal certainty. The type of research used is normative legal research by collecting and analyze legal material related to the issue to be discussed. As well as comparing several judge's decisions related to the one in question. The results of this study are that the Hand-Catching Operation is an Illegal Action or an arrest where this action can be a reason for carrying out a Pretrial, in which the meaning of Hand-Catching Operation (OTT) still does not have a clear meaning, legal basis and direction. Because the Hand-Catching Operation (OTT) does not have clear regulatory basis in Corruption Crimes, it follows from the juridical implications of the process of investigating Corruption criminal cases. The Hand-Catching Operation carried out by the Corruption Eradication Commission is also an act of Super Power because it is not contained in the Criminal Procedure Code (KUHAP), so the concept of Hand-Catching Operation is still a question mark against the legal framework.

Kata Kunci: Hand-Catching Operation, Legal Certainty, Operation Concept.

INTRODUCTION

The State of Indonesia itself highly upholds the rights of every citizen both in acting and in expressing opinions, because in principle every Indonesian citizen has human rights which are protected by the 1945 Constitution of the

Republic of Indonesia. If it is related to the Hand-Catching Operation (OTT), the objects that are OTT still have their rights as good citizens, of course they will take legal action to get justice.

The Hand-Catching operation itself is carried out by the authorized

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Police and/or the Corruption Eradication Commission (KPK). The Hand-Catching Operation (OTT) actually does not have a clear meaning, either in the Criminal Procedure Code (KUHAP) or in the Big Indonesian Dictionary (KBBI).

The rise of Hand-Catching Operations has led to a polemic as to whether an arrest is legal or illegal. However, in the Criminal Procedure Code there are only 2 (two) terms, namely Arrest and Arrest. Where the two terms have different event procedures in their implementation.

To assess whether the Hand-Catching Operation (OTT) was carried out by the Corruption Eradication Commission violate the norms set out in Criminal Procedure Code as well as in the Corruption Eradication Commission Law (KPK Law), and the Corruption Crime Law (TIPIKOR Law), then the question is whether the Hand-Catching Operation has a legal umbrella that accommodates the procedures for carrying out or implementing the Arrest Operation Those hands.

The term Hand-Catching Operation is often heard in arrests in the realm of corruption. The term Hand-Catching Operation can be seen in the Narcotics Law. Which is very much different from Corruption Crime, which often uses the issue of Operation Caught in the Hand (OTT).

²If it is related to the norms in the Criminal Procedure Code, being caught in the act will indeed become part of the norm, and for this it is necessary to explore the following provisions in the Criminal Procedure Code which use term Caught the Hand

The main problem in the Hand-Catching Operation is usually whether

the investigator has an Assignment Letter or an Arrest Warrant. In fact Operation Catch Hands has done planning and allegation as well as initial evidence so that it should be classified as an attempt to arrest and must be accompanied by an assignment letter and an arrest warrant.

So that the Hand-Catching Operation often ends in the Pre-Trial filing process because the caught party feels that arbitrariness has occurred and has not gone through the applicable procedures.³

The KPK also has specific cases that can be handled, namely corruption cases involving state administrators with an estimated state loss of over Rp. 1,000,000,000 (one billion rupiah). This is in accordance with what is written in Law no. 30 of 2002 concerning the KPK which reads, "*The authority of the Corruption Eradication Commission in carrying out investigations, investigations and prosecutions of criminal acts of corruption includes criminal acts of corruption involving law enforcement officials, state administrators and other people who have anything to do with criminal acts of corruption committed by law enforcement officials or state administrators; receive unsettling attention from the public; and/or involves state losses of at least IDR 1,000,000,000.00 (one billion rupiah)*". Therefore, in order to be in accordance with the legal corridors and not overlapping authority with other institutions, not all corruption cases can be handled by the KPK.

KPK's Hand-Catching Operation As an independent institution that focuses on corruption issues, the KPK has a heavy duty to eradicate corruption.

²Kolom Arsil. 2017.
<https://www.hukumonline.com/berita/baca/lt59e5e35ed4786/ott--tertangkap-tangan-dan-entrapment-1/>.
Accessed on October 13, 2020

³ Barda Nawawi Arief. 2013. *Capita Selecta Criminal Law*. Bandung: Citra Aditya Bakti, p. 67

Based on Law no. 30 In 2002, the KPK was tasked with eradicating and preventing criminal acts of corruption, coordinating and supervising agencies authorized to eradicate corruption, conducting investigations, investigations and prosecutions of criminal acts of corruption, as well as carrying out *monitoring* on the administration of the state government. Meanwhile, the duties and responsibilities of the Police and the Attorney General's Office in the context of criminal acts of corruption are to carry out examinations and investigations of criminal acts of corruption in coordination with related institutions.

It is understood that actually the duties and functions of the KPK here in terms of the concept of Operation Catching Hands are only as assistants in this case the Police and the Attorney General's Office in eradicating Corruption, if it is related to the principle of legal certainty, the term concept of Operation Catching Hands used by the KPK has a brief meaning and does not reflect legal certainty. clearly, coupled with the KPK's actions, if they believe someone has committed a criminal act of corruption, they immediately make an arrest, which the KPK said was a Hand-Catching Operation (OTT). Meanwhile, if observed more deeply, what was done by the KPK reflects the act of being caught in the act which is clearly contained in Article 18 Paragraph 2 of the Criminal Procedure Code.

So, the causes and conditions that are criminogenic for the emergence of corruption are very broad (multidimensional), which can be in the moral, social, economic, political, cultural, bureaucratic/administrative fields and so on. Legal certainty that must

be achieved for the sake of realizing justice, certainty, and legal benefits which are the main goals of justice seekers, certainty laws that must contain benefits so that they can be useful in the future are associated with the case of Hand-Catching Operations which still does not have a clear meaning to be summarizing in interpreting Hand-Catching Operations (OTT) itself.

Normatively, legal certainty can be interpreted as a statutory regulation that is made and promulgated with certainty. This is because legal certainty can regulate clearly and logically so that it will not raise doubts if there are multiple interpretations. So that it will not clash and not cause conflict in the norms that exist in society.

1. Meanwhile, according to Utrecht, legal certainty contains two meanings, namely first, there are regulations that have a general nature to make an individual aware of what actions may and may not be performed. While the second meaning is legal security for an individual from the government's arbitrariness because, with the existing regulations characteristic that general, individuals can know what can be charged as well as what the state can do to an individual. Legal certainty can also be concluded as the certainty of legal rules and not the certainty of actions against actions that are in accordance with legal rules.⁴ Based on the background above, the problem raised is first, how is the position of the Hand-Catching Operation (OTT) carried out by the Corruption Eradication Commission (KPK) in Perspective Legal certainty?

RESEARCH METHOD

This research uses types study normative⁵ Normative Research obtained

⁴ <https://www.gramedia.com/literasi/teori-kepastian-hukum/> Accessed on October 13, 2022

⁵ Soerjono Soekanto & Sri Mamudji. 2010. *Normative Legal Research*. Jakarta: Rajawali Press, p. 13-14.

by collecting legal materials related to the issues to be discussed As well as comparing several judge's decisions related to the case in question by the author and still based on the Applicable Law. This study uses a statutory regulation approach (*statute approach*) is done by reviewing all laws and regulations that are related to the legal issue being addressed.⁶ So that the legal material used is Law Number 8 of 1981 concerning Criminal Procedure Code (KUHAP), Law Number 30 of 2002 concerning the Corruption Eradication Commission (UU KPK), Law Number 31 of 1999 concerning the second amendment to Law Number 19 of 2019 concerning Corruption Crime Law (UU TIPIKOR), Law Number 16 of 2019 2004 concerning the Prosecutor's Office, as well as several books, Judge Decisions, Opinions of Experts and Scientific Works that are related to this research.

ANALYSIS AND DISCUSSION

Status of the Hand-Catching Operation (OTT) Conducted by the Corruption Eradication Commission (Kpk) in Perspective Legal certainty

A. Legality of Hand-Catching Operations

The hand-catching operation, which is more commonly referred to as OTT, began to be widely recognized by the public after the KPK implemented it in efforts to eradicate corruption, because that is why the term OTT is synonymous with the KPK. The background for the implementation of OTT is as a result of not achieving the national goal of a prosperous and socially just society through the form of a rule of law with recognition of human rights, a

free, independent and impartial judiciary, the existence of a system of separation of powers insystem, state power, and the application of the principle of legal legality that all actions are based on law and that all people are equal before the law.⁷

KUHAP as a guideline for implementing formal law in Indonesia, does not regulate the term Operation Catching Hands, apart from that Law Number 19 of 2019 concerning KPK does not even regulate the meaning of OTT. Even so, the term OTT is found in Presidential Decree No. 87 of 2016 Article 4 letter d which mentions that the Saber Extortion Task Force is within the authority of the Saber Extortion Task Force, but it still doesn't stipulate what OTT means. Because there are no laws and regulations that regulate the meaning of OTT, the legality of OTT is questionable. Some even argue that OTT is illegal because there are no regulations regarding it.

The term operation of catching hands, linguistically gives the impression of meaning that OTT is an act of catching hands done deliberately or planned so that it contains elements of trapping in it, but in fact the term operation of catching hands is really only a term regarding the implementation of operations of catching hands, where arrests are carried out accompanied by arrests that fulfill the elements of the two legal events, where arrests can be made if there is evidence sufficient preliminary, i.e. evidence used to suspect the existence of a crime.⁸

Article 44 paragraph (2) of Law Number 30 of 2002 concerning the Corruption Eradication Commission stipulates that sufficient preliminary evidence is a minimum of 2 pieces of

⁶ Peter Mahmud Marzuki. 2005. *Legal Research*. Jakarta: Prenada Media, p. 93

⁷ Moh. Mahfud M.D. 1998. *Legal Politics in Indonesia*. Jakarta: LP3S, hlm. 121.

⁸ Ramelan. 2006. *Criminal Procedure Code (Theory and Implementation)*. Jakarta: Jaya Science Source, p. 55.

evidence including but not limited to information or data spoken, sent, received or conveyed either verbally language either electronically or optically. The evidence referred to indirectly acknowledges the results of wiretapping which was carried out as evidence, and is accompanied by other evidence based on what is stipulated in Article 184 of the Criminal Procedure Code, namely evidence from witness statements; expert testimony; letter; instruction; and the testimony of the accused.

As previously mentioned, evidence that is recognized and can be used in criminal acts of corruption is the result of wiretapping that has previously been carried out. Basically wiretapping is an act that violates or even negates the personal rights or privacy rights of a person or group being tapped, because there is confidential information (*confidential information*) use stand up law. of course confidential information (*confidential information*) should not be known by other people or published to the general public or the public, this is of course a form of human rights violation.⁹ However, the Constitutional Court has issued several decisions related to wiretapping powers owned by the KPK, including:

1. MK Decision No. 006/PUU-I/2003 regarding the Judicial Review of Law Number 30 of 2002 concerning the Corruption Eradication Commission against the 1945 Constitution of the Republic of Indonesia
2. MK Decision No. 012-016-019/WOOD/2006 concerning the Judicial Review of Law Number 30 of 2002 concerning the Corruption

Eradication Commission against the 1945 Constitution of the Republic of Indonesia, And

3. MK Decision No. 05/PUU-VIII/2010 concerning the Judicial Review of Article 31 paragraph (4) of Law Number 11 of 2008 concerning Information and Electronic Transactions against the 1945 Constitution of the Republic of Indonesia.

In essence, the petitioners gave the reason that in Article 12 paragraph (1) letter a of Law no. 30 of 2002 which gives wiretapping authority to the KPK, and grants legality to law enforcers to carry out wiretapping as stipulated in Article 31 of Law No. 11 of 2008 opposite with Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia which stipulates that: "Everyone has the right to protection of self, family, honor, dignity and property under his control, and has the right to feel safe and protected from fear of committing acts of or not doing something that is a human right." Then the constitutional judge explained in the legal considerations in his decision explaining that the right privacy not part of the rights that can not be reduced under any circumstances or *non derogable rights*, so that the state can place restrictions on the exercise of these rights by using laws, as stipulated in Article 28J paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The law conducts wiretapping with conditions consisting of:

1. The existence of an official authority designated in law to grant permission to carry out wiretapping

⁹ Aldian Pudjianto, *et al.* 2018. *Juridical Review of the Hand-Catching Operation Conducted by the Corruption Eradication Commission (KPK)*

and Its Relevance to the Protection of Human Rights for Suspects. Article in Diponegoro Law Journal, Vol. 7, No. 3, p. 316.

2. There is a guarantee for a clear period of time in carrying out wiretapping
3. There are restrictions on the handling of wiretapped material
4. There are restrictions on the people who can access wiretapping.

Even though the Constitutional Court has given a mandate, until now Not yet established regulations governing the official authority to grant wiretapping permits in general.

The elements of being caught red-handed based on Article 1 point 19 of the Criminal Procedure Code include:

1. Currently committing a crime
2. Immediately after a while the crime was committed
3. A moment later was hailed by the crowd as the one who did it
4. If a moment later he is found objects that are strongly suspected of having been used to commit the crime, which indicates that he was the perpetrator or participated in the crime and helped commit the crime.

The term OTT carried out by the KPK is not just looking for and visiting the alleged perpetrators who are then arrested shortly after the crime is committed as referred to in the term caught in the act, but the OTT carried out by the KPK begins with wiretapping which requires a lot of time because you have to observe everything communicated by the suspect, in order to obtain initial evidence of the results of the wiretapping.

In OTT's actions in terms of eradicating criminal acts of corruption, entrapment techniques are not regulated at all in the formal provisions because of the nature of the crime itself. Corruption

crimes occur when money or gifts are handed over, while arrests occur of course after the crime has been committed because law enforcement officers must first collect evidence to make an arrest. So according to researchers, OTT is not always used technique entrapment, as in cases of criminal acts of corruption. It is different from cases of narcotics crimes, where in arrests, law enforcement officers often have to use entrapment techniques, which aim to directly intervene in criminal acts.

In carrying out its duties and authorities, the KPK has followed and is based on the applicable laws and regulations, where they are authorized to carry out the stages before an arrest is made with the aim of gathering as much and complete evidence as possible to arrest a suspected corruptor to make it easier in disclosure of criminal acts of corruption later in the investigation and in the trial process. Almost all corruptors are people who have a position and have a fairly good educational background, and have intelligence and influence that is strong enough for those around them. For this reason, the KPK must be given special authority so that when carrying out OTT, they already have valid evidence so that suspected corruptors, who are generally smart people, cannot evade and argue anymore when an arrest is made because of the evidence. already very strong. The term OTT, which until now has not been accommodated in laws and regulations, does not necessarily make OTT actions carried out by the KPK illegal, because the material carried out by the KPK is appropriate and based on applicable law.

Based on the principle of legality mentioned in Article 1 point 1 of the Criminal Code, that an act cannot be punished unless it is based on applicable laws and regulations, then linked to the OTT action carried out by the KPK, the OTT action is legal because it is in

accordance with the procedural procedures, whether regulated in the Criminal Procedure Code, in the corruption law and in the KPK law.¹⁰ The absence of rules regarding the meaning of the Hand-Catching Operation according to law does not make OTT conducted by the KPK illegal. However, even so, the authors still hope that the stages of OTT implementation will be included in a regulation so that legal certainty is guaranteed for the actions taken by the KPK.

B. Legal Certainty in Hand-Catching Operations

In carrying out its authority to eradicate corruption, the KPK is tasked with carrying out investigations, investigations and prosecutions of criminal acts of corruption as accommodated in Law Number KPK. It is not uncommon for clashes to occur because the duties of investigation, investigation and prosecution are not only owned by the KPK, but also the duties of the National Police and the Attorney General's Office. Law Number 19 of 2019 in Article 6 letter b stipulates that the KPK is tasked with coordinating with agencies authorized to eradicate corruption and agencies tasked with carrying out public services. One of the actions taken by the KPK in exercising its authority is the Hand-Catching Operation (OTT).

Term OTT and its meaning are not known in the Criminal Procedure Code, but only a term coined by the KPK to arrest corruptors in Indonesian territory. Whereas in laws and

regulations, the term OTT is stated in RI Presidential Regulation Number 87 of 2016 concerning the Task Force to Clean Up Illegal Levies, but it still does not explain what OTT means in this presidential regulation. The KUHAP itself regulates the term Caught in Hand, this term is similar to the term Operation Catching Hands but has a very different meaning. Based on the Big Indonesian Dictionary, being caught red-handed is caught while committing a crime or an act that should not be done, or caught red-handed.¹¹ This provision is elaborated more broadly in Article 1 point 19 of the Criminal Procedure Code which provides the elements of an act so that it can be said to be caught red-handed.

In the context of criminal law, corruption is a simple crime, but difficult to prove. Usually people who involved always *dosilent operation* to commit the crime. even as much as possible to eliminate the evidence that the crime has been committed.¹² In Indonesia, corruption operates as a system that is carried out in congregation and very neatly. Corruption is increasingly widespread, carried out jointly, supporting each other, and covering one another in a neat and cooperative system. As a result, corruption cases are very difficult to uncover and investigate. The perpetrators of corruption are people who own intelligence high (smart people) who can reverse facts as well as close to the actions they take.¹³

The Hand Catch operation is more effective in proving the crimes committed difficult evidence, including

¹⁰ Afif Naufal Faris, Rehnalemken Ginting. 2020. *The Legality and Effectiveness of the Hand-Catching Operation After the Enactment of Law Number 19 of 2019*. Article in *Recidive Journal*, Vol. 9, No. 1, p. 71.

¹¹ Indonesia Dictionary. https://kbbi.kemdikbud.go.id/entri/tertan_gkap%20tangan. Retrieved April 16, 2023.

¹² Fatima Ashari. 2017. *Operation Capture Catch (OTT) at Central and Regional Governments to Reach WTP Related to Law Violations*. Article in *Journal of Legality*, Vol. 2, No. 1, p. 5

¹³ Reza Zia Ul-Haq. 2013. *When is Kapok? Heartbreaking Stories of Corruption Cases*. Cet-1. Jogja: Ircisod, p. 213-214.

crimes of corruption. In proving criminal law, there is a postulate that reads *in criminals proofs they must be brighter than the light* which indicates in a criminal case, evidence must be brighter than light. That is, to prove someone as the perpetrator of a crime should not be based solely on suspicion, but must have clear, clear and accurate evidence. This is so that the judge can impose a sentence without hesitation. This is what makes OTT the most effective way because before carrying out OTT, a series of wiretapping actions must have been preceded by a certain period of time. The results of wiretapping are used as initial evidence of a criminal act if one evidence matches the other (*corroborating evidence*).¹⁴

In the context of the strength of evidence, OTT can be said to fulfill perfect proof (*full proof*). This means that the case is ready to be criminally processed because it has at least two pieces of evidence. Indeed, in a criminal case, the examining judge is not fully bound by evidence alone, but OTT can at least remove doubts.¹⁵

Article 6 of Law Number 19 of 2019 assigns duties to the KPK including:

- a. Preventive measures so that corruption does not occur
- b. Coordination with agencies authorized to eradicate corruption and agencies tasked with implementing public services
- c. Monitor the implementation of state government
- d. Supervision of agencies authorized to eradicate corruption
- e. Investigation, investigation and prosecution of corruption crimes, And

- f. Actions to carry out the determination of judges and court decisions that have obtained permanent legal force.

Then Article 12 paragraph (1) of the Law *quo* authorizes the KPK to carry out wiretapping. However, Article 12B paragraph (1) provides a limit on the wiretapping authority carried out by the KPK, namely that it must first obtain written permission from the Supervisory Board, and based on the elucidation of Article 12B paragraph (1) permission is submitted after a case has been held before the Supervisory Board.

Then, from the wiretapping process to the arrest of the perpetrators of corruption, the KPK named it OTT. Indeed OTT is not intended as a law, but OTT is term which was born by the KPK so that all processes carried out before an arrest can be briefly called OTT, because it would be difficult if the KPK had to mention "the process of planning, wiretapping, and gathering evidence up to arrest" for the term they had to use, while the designation "OTT" not difficult, short, and easy to remember. If the KPK gave other terms such as *Operation Delta force* or the operation to catch corruptors, is legal. The most important thing to pay attention to is whether what the KPK has done in carrying out its duties and authorities is in accordance with applicable law. As long as it is appropriate and remains based on existing laws and regulations, what the KPK does, which they call the term OTT, is to have legal force and legal certainty, regardless of whatever term they use. However, according to the author, it would be better if a rule was made that provides an explanation regarding OTT, such as: the meaning of OTT, guidelines

¹⁴ Fatimah Asyari. *Place Cit.*

¹⁵ Wahyu Ramadhani. 2018. *Legality of the Corruption Eradication Commission's Hand-*

Catching Operation (OTT) against the Governor of Aceh. Article in *Shia Kuala Law Journal*, Vol. 2, No. 3, p. 463.

for conducting OTT and confess OTT as a term for actions whose authority belongs to the KPK. This will bring more legal certainty and make the KPK have clear legitimacy in carrying out their every action in an effort to eradicate criminal acts of corruption.

Furthermore, it is up to the legislators whether they want to round up the term OTT as a whole and whether the term will be recognized by means of being included in the law or not.

C. Hand-Catching Operation Formulation in the Criminal Justice System for the Future (*The right to establish*)

As previously mentioned, the subjects targeted in eradicating corruption are corruptors who are generally people who have intelligence tall or smart people and still have influence even though he has been declared a suspect. By not regulating OTT in regulations related to the KPK, this can be used as an excuse for corrupt attorneys that the OTT carried out by the KPK is a technique that violates the law and human rights.¹⁶

Viewed from the sociological level, society gives an appreciation enough good for OTT carried out by the KPK, this also has a good impact, namely increasing public trust in the rule of law.¹⁷ Doing OTT involves a process starting from wiretapping to gathering evidence and fast action if a crime is proven to have occurred. On the other hand, OTT creates a sense of deterrence that will affect other people who intend to commit corruption to become wary. By carrying out OTT, it is very likely that corruption

has indeed occurred because the evidence collected is valid evidence and will make it difficult for the perpetrator to evade or deny it. This is what makes OTT an important matter to immediately get a legal umbrella so that every stage carried out by the KPK has legality under a valid legal umbrella. In the absence of regulation of OTT in statutory regulations, it gives the impression that the law does not recognize OTT as an act based on law. This will make it easier for perpetrators to submit pre-trial over OTT actions carried out by the KPK. If from the side the material it is difficult for the perpetrator to be able to evade it because there is complete valid evidence, so the perpetrator has the opportunity to refused from a formal perspective.

One example of a case where a suspected corruption case filed for pre-trial is the case of the Acting Regional Secretary of Pematang, Slamet Masduki, who submitted a pre-trial to the Jakarta District Court for the determination of the suspect to himself by the KPK. The lawsuit was registered with case number 75/Pid.Pra/2022/PN South Jakarta. The suspect questioned the legitimacy of his designation as a suspect by the Corruption Eradication Committee because according to him it was not based on law and was illegal, so the determination of the suspect must be null and void.

That's why become the thing that urgent to immediately arrange OTT and SOP for conducting OTT which must be used as a guideline for KPK in law. In addition, by recognizing OTT as a type of action that can be taken in processing and resolving a criminal case, it will provide legality to OTT actions and provide power as well as legal certainty

¹⁶ Nurfajrina Shastiya. 2018. The Effectiveness of the Corruption Eradication Commission's Hand-Catching Operation in Efforts to Eradicate Corruption Crimes. *Thesis*. Jakarta: UIN Syarif Hidayatullah, p. 4.

¹⁷ Niar Rahma Ningrum. 2021. *Arrested in a Corruption Crime Perspective in the Value of Legal Certainty*. Article in the Wasaka Hukum Journal, Vol. 9, No. 1, p. 176.

for investigators to take action against perpetrators of corruption.¹⁸

Formulations that can be used as *aius to be established* or the law that is aspired to in terms of implementing OTT, namely by providing a special understanding of what OTT is from a legal perspective, that is why the understanding of OTT must be accommodated in a law so that it has stronger legal force and certainty. This definition can be included in the Corruption Law or the Commission Law Eradication Corruption Crime, where the definition reads as follows:

The Hand-Catching Operation, hereinafter referred to as OTT, is the arrest of a person at the time of committing, or some time after committing a criminal act of corruption, or when an object is obtained that is strongly suspected of having a connection with a criminal act of corruption which can be used as evidence accompanying the initial evidence, which carried out by the KPK.

Furthermore, several matters related to OTT are regulated, namely how long is the time limit for an arrest since the KPK has suspected that a criminal act of corruption has occurred. The time limit for this arrest must be able to meet the time needed by the KPK to carry out wiretapping and observe the communication of suspected perpetrators. Regarding how long the time limit is, it can be determined with several considerations from the KPK and several parties involved in forming the new law.

Then it also regulates the coordination of the KPK with other officials in terms of implementing OTT, such as whether the KPK has to coordinate with other institutions to obtain approval or as an effort to facilitate the implementation of OTT or

does it not require coordination. Then if coordination is needed, the division of authority must be regulated so that there is no overlapping in OTT practices.

Furthermore, it must be regulated whether in OTT an arrest warrant is required or not, and who gives this order along with what steps must be taken? lived by the KPK to obtain the warrant. In this case the author believes that the process of obtaining a warrant should be simplified, not through a complicated mechanism that will take a long time.

CONCLUSION

The concept of Operation Catch Hands itself is still a question mark umbrella law owned, because refers in the KUHAP we only know 2 things contained in article 18 of the Criminal Procedure Code, namely Arrest, and Being Arrested. It is clear that the Hand-Catching Operation is not stated, so is it legal what has been done by the KPK against OTT which has been carried out by the KPK so far.

So if we look at the legal consequences that can be an act of Hand-Catching Operation (OTT) which is an Illegal or illegal action of an arrest where this action can be a reason for carrying out Pretrial, where the meaning of Hand-Catching Operation (OTT) still does not have meaning, legal basis and clear direction. Because the Hand-Catching Operation (OTT) does not have clear regulatory basis in Corruption Crimes, it follows from the juridical implications of the process of investigating Corruption criminal cases.

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¹⁸ *Ibid*, hlm. 177.

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