

The Efforts Of Bengkulu Regional Police Investigators In Determining Corruption Suspects For Soybean Seed Procurement At Department Of Agriculture Of Bengkulu Province For Fiscal Year 2016

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ABSTRACT

Bengkulu Regional Police Investigators carried out their efforts by conducting investigations to determine suspects from state financial losses arising from the disbursement of advances for the work of procuring soybean seeds at the Department of Agriculture of Bengkulu Province for Fiscal Year 2016. The investigation was done because the work on procurement of goods and services had not been completed, but state finances had already been loss, although the control and supervision activities were under the authority of *PPK* (the Commitment Making Officer), in this case, *KPA* (the Budget User Authority) still involved itself. This research was empirical juridical research with descriptive research type. Sources of data applied were primary and secondary data. Data processing was carried out using the editing method, then data analysis was using qualitative analysis methods, by means of inductive-deductive thinking or vice versa. The purpose of this study was to find out the efforts of Bengkulu Regional Police investigators in determining suspects and the juridical basis of investigators in determining the suspects of corruption in the procurement of soybean seeds at the Department of Agriculture of Bengkulu Province for Fiscal Year 2016. The results of this study indicated that: (1) The Efforts of Bengkulu Regional Police Investigators in determining the suspect of corruption in the procurement of soybean seeds by examining witnesses, which was a team of directors from the Department of Agriculture of Bengkulu Province and the implementing parties, as well as witnesses involved in carrying out the work, conducting inspections and confiscation of documents, and finally asking for information from experts. (2) The investigators' juridical basis in determining 3 (three) suspects; the Budget User Authority (*KPA*) who also served as the Head of the Department of Agriculture of Bengkulu Province, the Commitment Making Officer (*PPK*), and the Deputy Executive Director of corruption activities in the procurement of soybean seeds at the Department of Agriculture of Bengkulu Province for the 2016 Fiscal Year, was applying Article 3 of the Law of the Republic of Indonesia Number 31 of 1999 as amended by the Law of the Republic of Indonesia Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption.

Keywords: Investigators; Corruption Crimes; Suspects.

INTRODUCTION

Research Background

A criminal act is an act that is prohibited by a rule of law, where this prohibition is accompanied by threats (sanctions) in the form of certain crimes for anyone who violates the prohibition.

Based on the source, criminal acts can be divided into general crimes and special crimes. General crime is a crime regulated in the Criminal Code (*KUHP*), which consists of crimes and violations. Meanwhile, special crimes are crimes that are regulated outside the Criminal Code

(*KUHP*) and have special provisions for criminal procedures.¹ One of the criminal acts regulated outside the Criminal Code or this particular crime, namely, the crime of corruption regulated by the Law of the Republic of Indonesia Number 31 of 1999 *Juncto* Law of the Republic of Indonesia Number 20 of 2001 concerning Eradication of Criminal Acts of Corruption.

Corruption crimes occur in all regions in Indonesia, including in Bengkulu Province. For Bengkulu Province, the task and authority to carry out investigations and investigations into corruption crimes is carried out by the Investigator of the *Subdit* (Sub Directorate) of *Tipidkor* (the Corruption Crime) of *Ditreskrimsus* (the Directorate of Special Criminal) of the Bengkulu Police. Investigations by the Investigators of *Subdit Tipidkor Ditreskrimsus* of the Bengkulu Police, one of which was the criminal act of corruption in the procurement of soybean seeds at the Department of Agriculture of Bengkulu Province for the 2016 fiscal year, which was carried out with a budget ceiling of Rp 945.500.000 (nine hundred forty five million five hundred thousand rupiahs).) sourced from *APBN* funds.

The process of implementing the activities began with planning activities carried out by the *PPK* of the Department of Agriculture of Bengkulu Province together with the staff of the Food Crops Production sector, by making and compiling documents for Self-Estimated Prices (*HPS*), Terms of Reference (*KAK*) and technical specifications as guidelines and references in the execution of work. Based on the stages of the auction process done by the Procurement Service Unit (*ULP*) of Bengkulu Province, CV Dinfar Hutama Karya with the Deputy Director, EDI BROTO was appointed as the executor of the soybean seed procurement activity at the Department of Agriculture of Bengkulu Province FY2016 with a bid value of Rp 939,400,000 (nine hundred thirty-nine million four hundred thousand rupiah) and then the contract signing was carried out by Ir. FAHRURROZI as *PPK* with EDI BROTO as Director of CV Dinfar Hutama Karya and known by Ir. EVARINI, MM as the Head of the Department of Agriculture of Bengkulu Province where the implementation time was 60 (sixty) days from 20th of June 2016 to 18th of August 2016.

After signing the contract document, the implementing party has submitted a 30% advance payment and the disbursement has been made in early July 2016. Furthermore, EDI BROTO as

¹ Azis Syamsudin, *Tindak Pidana Khusus*, PT Sinar Grafika, Jakarta, 2014, pg. 34.

Deputy Director of CV. Dinfar Utama Karya purchased soybean seeds from West Java through a broker on behalf of IIN in the amount of 30 tons, but after testing at the Seed Testing and Certification Center (*BPSB*) of the Department of Agriculture of Bengkulu Province, the seeds did not meet the specifications, so the Department of Agriculture of Bengkulu Province did not accept the seed and ask for CV. Dinfar Utama Karya to replace soybean seeds in accordance with the specifications contained in the contract. Until the end of the work period in accordance with the contract, the implementing party CV. Dinfar Utama Karya did not replace soybean seeds, and in the end, the Department of Agriculture of Bengkulu Province terminated the work contract with the position that 30% payment had been made, but the Department of Agriculture of Bengkulu Province did not receive any goods/services as a consequence of the outflow of state money in the amount of 30% of the contract value.

Seeing this, the authors were interested in conducting a research and study of the efforts and juridical basis of Bengkulu Regional Police investigators in determining the suspect of corruption in the procurement of soybean seeds at the Department of Agriculture of Bengkulu Province for Fiscal Year 2016. Based on

the description of the background above, the researchers were interested in raised the issue as a scientific paper in the form of a thesis entitled "the Efforts of Bengkulu Regional Police Investigators in Determining Corruption Suspects in Soybean Seed Procurement Work at the Department of Agriculture of Bengkulu Province for Fiscal Year 2016", with the following reasons and considerations:

1. Whereas, the work on the procurement of goods and services has not been completed, but state financial losses have arisen;
2. That, in accordance with Article 10 verse (5) of Presidential Regulation Number 16 of 2018 concerning the Procurement of Goods and Services, and Article 58 paragraph (1) of Government Regulation Number 45 of 2013 concerning Procedures for the Implementation of the State Revenue and Expenditure Budget, after being determined by the official Commitment Makers (*PPK*), controlling and supervising activities are under the authority of *PPK*, but in this case *KPA* still involved itself.

Problem Identification

Based on the description of the background above, the problems in this study are:

- 1) What were the Efforts of Bengkulu Regional Police Investigators in Determining Corruption Suspects in Procurement of Soybeans at the Department of Agriculture of Bengkulu Province for Fiscal Year 2016?
- 2) What was the Juridical Basis of Investigators in Determining the Suspects of Corruption in the Procurement of Soybean Seeds at the Department of Agriculture of Bengkulu Province for Fiscal Year 2016?

RESEARCH METHODOLOGY

This research was an empirical juridical research, with a descriptive research approach. Sources of data used are primary data, and secondary data. Data processing was carried out using the editing method, then data analysis was using qualitative analysis methods.

RESULTS AND DISCUSSION

The Efforts of Bengkulu Regional Police Investigators in Determining Corruption Suspects in Procurement of Soybeans at the Department of Agriculture of Bengkulu Province for Fiscal Year 2016

The investigation into criminal acts of corruption in the work of procuring soybean seeds at the Department of Agriculture of Bengkulu Province was started by making an information report. After that, an investigation warrant and assignment warrant were issued by appointing a team that carried out investigation activities. Then a series of investigative activities were done with the aim of making clear the alleged corruption in the work of procuring soybean seeds that occurred. After a series of investigations in the form of examining witnesses and collecting documents, the investigator drew conclusions from the results of the investigation by making a report on the results of the investigation to determine whether or not the alleged case could be escalated to the investigation stage. According to the investigator, there was sufficient 2 (two) pieces of evidence, the investigator conducted a case title in order to increase the investigation process to the investigation stage.

At the investigation stage, investigators began by examining witnesses, focusing on asking for information in revealing suspects. After hearing the statements of the witnesses, the next role of the investigator was to examine and confiscate documents related to the case in question. Lastly, ask the experts. Requesting information from

these experts needed to be done to determine the suspect of corruption in the soybean seed procurement work at the Department of Agriculture of Bengkulu Province. The experts were from the Government Goods and Services Procurement Policy Institute (*LKPP*), from the Ministry of Finance of the Republic of Indonesia, from the Ministry of Finance of the Republic of Indonesia, and Auditor experts from the Development and Financial Supervisory Agency of Bengkulu Province.

After the completion of the evidence, the investigator compiled and completed the case file. After the case file was completed, based on Letter Number: B/143/IX/2017/Ditreskrimsus, the investigator submitted the case file to the Bengkulu High Prosecutor's Office, and based on Letter Number: B/-2572. AL.7.5.L. Ft.1/10/- regarding the return of the case file (P19) from the Bengkulu High Court, returned the case file to the investigator because the case file was incomplete. Investigators fulfilled the instructions given by the Public Prosecutor, in order to complete the case files of each of the suspects. After all the instructions were fulfilled, then based on Letter Number B/148/IX/-/D/-, the investigator sent the suspect's case file to the Public Prosecutor, along with a statement that all instructions have been

fulfilled and have been explained in the cover letter. In accordance with Letter Number : : B/-2574. AL.7.5.L. Ft.1/10/-, the suspect's case file was declared complete (P21). Following up on this, the investigator sent a letter to the Public Prosecutor regarding the surrender of the suspect and evidence, in order to determine when and where the surrender of the suspect and evidence was carried out. After determining the day, place and date of surrender of the suspect and evidence, the investigator shall hand over the suspect and evidence in accordance with the official report on the surrender of the suspect and evidence, which was signed by the investigator and the public prosecutor on that date.

Based on the results of interviews with 7 (seven) Investigators of *Subdit Tipidkor* of Bengkulu Police, and 2 (two) Assistant Investigators of *Subdit Tipidkor* of Bengkulu Police, the efforts of them in determining corruption suspects in the soybean seed procurement work at the Department of Agriculture of Bengkulu Province for Fiscal Year 2016 were examining witnesses, confiscation of documents suspected of being related to the implementation of the activities mentioned and requesting information from experts.

The Juridical Basis of Investigators in Establishing Corruption Suspects in Procurement of Soybean Seeds at the Department of Agriculture of Bengkulu Province for Fiscal Year 2016

Allegations of corruption in the implementation of soybean seed procurement activity at the Department of Agriculture of Bengkulu Province for Fiscal Year 2016, occurred between February 2016 and December 2016, which were allegedly carried out by the Budget User Authorization Officer (*KPA*), Commitment Making Officer (*PPK*) and Deputy Director of CV. Dinfar Hutama Karya.

Against the Head of the Department of Agriculture of Bengkulu Province and as the Budget User Authority (*KPA*), together with the Commitment Making Officer (*PPK*), as well as the Deputy Director of CV. Dinfar Hutama Karya were suspected of having committed a criminal act of corruption in the procurement of soybean seeds and production inputs at the Department of Agriculture of Bengkulu Province for Fiscal Year 2016. In addition, the suspects

were suspected of having violated Article 3 of the Law of the Republic of Indonesia Number 31 of 1999 which has been amended and added with the Law of the Republic of Indonesia Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption. The article was analysed by breaking it down into elements of a crime, namely, every person, with the aim of benefiting himself or another person or a corporation, abuses authority, opportunity, or facilities available to him because of his position or position or facilities available to him because of his position or position, and can be detrimental to state finances or the state economy. Fulfillment of the alleged article elements for each suspect, were:

A. Budget User Authority (*KPA*)

The elements of the article suspected of being the Budget User Authority (*KPA*), were:

- a. The element "Everyone" was an individual or including a corporation as a legal subject capable of carrying out legal rights and obligations in a criminal act, has been fulfilled based on witness statements, suspect statements and evidence that the suspect as the Budget User Authority (*KPA*) is responsible for the management financial activities related to the procurement of soybean seeds.

- b. The second element "With the aim of benefiting oneself or another person or a corporation", has been fulfilled based on witness statements, expert statements, letters, statements of suspects and evidence related to the procurement of soybean seeds.
- c. The third element, "Abusing his authority, opportunities or facilities available to him because of his position or position", has been fulfilled based on witness statements, expert statements, letters, suspect statements and evidence related to the soybean seed procurement activities.
- d. The fourth element "harming state finances or the state economy", has been fulfilled based on witness statements, expert statements, letters, statements of suspects and goods related to the procurement of soybean seeds.

B. Commitment Making Officer (PPK)

The elements of the article suspected of being a Commitment Making Officer (PPK), were:

- a. The first element "Every person" was an individual or including a corporation as a legal subject who was able to carry out legal rights and obligations in a criminal act,

has been fulfilled based on the testimony of the witness, the suspect's statement and evidence that the suspect was the responsible Commitment Making Officer (PPK) for the implementation of the soybean seed procurement activities.

- b. The second element "With the aim of benefiting oneself or another person or a corporation," has been fulfilled based on evidence from witnesses, witness statements and expert testimony corroborated by letters/documents related to the implementation of the soybean seed procurement activities.
- c. The third element, "Abusing his authority, opportunities or facilities available to him because of his position or position," has been fulfilled based on witness statements, expert statements, letters, suspect statements and evidence related to the soybean seed procurement activities.
- d. The fourth element, "Detrimental to State Finances", has been fulfilled based on evidence from witnesses, suspect statements and the results of examination of technical experts and auditor calculations from BPKP

Bengkulu Province Representative which was supported by letters/documents relating to the implementation of the soybean seed procurement activities.

Deputy Director of CV. Dinfar Hutama Karya

The elements of the article alleged against the Deputy Director of CV Dinfar Hutama Karya, were:

- a. The first element "Everyone" was an individual or including a corporation as a legal subject who can carry out legal rights and obligations in criminal acts, has been fulfilled based on witness statements, suspect statements, and evidence that the suspect was Deputy Director of CV. Dinfar Hutama Karya as the implementing contractor responsible for the implementation of soybean seed procurement activities.
- b. The second element "To benefit oneself or another person or a corporation", has been fulfilled based on evidence from witnesses, suspect statements, and expert statements which are corroborated by letters/documents related to the implementation of

the soybean seed procurement activities.

- c. The third element, "Using authority, opportunities or facilities because of position", has been fulfilled based on evidence from witnesses, statements of the suspect and was strengthened by letters/documents related to the implementation of the procurement of soybean seeds.
- d. The fourth element "Detriment to State Finances", has been fulfilled based on evidence from witnesses, expert statements, suspect statements, and the auditor's calculations from *BPKP* of Bengkulu Province Representative which was corroborated by letters/documents related to the implementation of the soybean seed procurement activity.

Based on the results of interviews with 7 (seven) Investigators of *Subdit Tipidkor* of Bengkulu Police, and 2 (two) Assistant Investigators of *Subdit Tipidkor* of Bengkulu Police, the juridical basis of investigators in determining the suspects for corruption in the procurement of soybean seeds at the Department of Agriculture of Bengkulu Province for the Fiscal year 2016 were determined 3 (three) suspects. They were the Budget User

Authority who also served as the Head of the Department of Agriculture of Bengkulu Province, the Commitment Making Officer (*PPK*), and the Deputy Managing Director Activities, by applying Article 3 of the Law of the Republic of Indonesia Number 31 of 1999 as amended by the Law of the Republic of Indonesia Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption.

CLOSING

Conclusion

The Efforts of Bengkulu Regional Police Investigators in Determining Corruption Suspects in Procurement of Soybeans at the Department of Agriculture of Bengkulu Province for the Fiscal year 2016 were examining witnesses by mapping the main witnesses involved in the corruption crime, which were the team of directors from the Department of Agriculture of Bengkulu Province and the implementing parties, as well as witnesses involved in carrying out the work. Furthermore, inspection and confiscation of documents that were used as the basis for the implementation of activities and documents suspected to be related to the implementation of the concerned activities. Furthermore, investigators asked for an expert's explanation, it needed to be done to make clear the role of each witness.

The juridical basis of investigators in determining the suspect of corruption in the procurement of soybean seeds at the Department of Agriculture of Bengkulu Province for the 2016 fiscal year were by determining 3 (three) suspects, they were the Budget User Authority who also served as the Head of the Department of Agriculture of Bengkulu Province, the Commitment Making Officer (*PPK*), and the Deputy Managing Director Activities, by applying Article 3 of the Law of the Republic of Indonesia Number 31 of 1999 as amended by the Law of the Republic of Indonesia Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption.

Suggestion

- 1) It is recommended to the *Ditreskrimsus* of Bengkulu Regional Police to provide programmatic and continuous training to all personnel of the Sub-Directorate of Criminal Act to improve technical capabilities and skills of implementation of handling corruption crimes and always provide direction and leadership instructions to Investigators/ of Sub-Directorate of Criminal Act in handling corruption cases.
- 2) It is recommended to the *Ditreskrimsus* of Bengkulu Regional Police that Investigators/ Assistant

Investigators of the *Ditreskrimsus* of Sub-Directorate of Criminal Act at the Bengkulu Regional Police are given priority opportunities to attend vocational education or specializations in corruption crimes and recommend the Investigators/Assistant Investigators assigned to the Corruption Crime Investigation function who have a certificate of Corruption Criminal Investigator.

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