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CRIMINAL POLICY IN ADDRESSING THE DECLINE IN THE 2022 CORRUPTION PERCEPTIONS INDEX IN INDONESIA

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Abstract
The Corruption Perception Index score in Indonesia in 2022 has decreased, namely only getting 34. When compared to the score in 2021 which reached 38, the score in 2022 has dropped by 4 points. The decline in the CPI is a form of not realizing the goal of a rule of law. The purpose of this research is to find out the legal consequences if the CPI decreases for a country and to analyze criminal policies in overcoming the decline in the CPI in Indonesia. The research method used is Normative Juridical with an analytical approach. The technique of collecting data from the study of literature and the method of analyzing research materials is the method of interpretation. The research results obtained are: 1) The legal consequences if the CPI decreases for a country are that corrupt actors can influence other business actors to take bribes, the constitution of a rule of law state is not realized, efforts to protect the law fail to get the community to get justice, high levels of corruption can cause a decrease in the quality of state administrators in carrying out their duties. 2.) The criminal policy that has been carried out by Indonesia in overcoming the decline in the CPI in the State of Indonesia is to use a criminal policy in a broad sense carried out through legislation and official bodies aimed at upholding the central norms of society. Namely the enactment of Law no. 31/1999 jo. Law No. 20 of 2001 concerning the Eradication of Corruption Crimes and the Establishment of the Corruption Eradication Commission.

Keywords: *Corruption Perception Index, Criminal Policy, Corruption Eradication*

INTRODUCTION

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The definition of corruption according to Azra (Azra Azyumardi, 2002), is the misuse of public power or position for personal gain. The result of acts of corruption is to burden society . Apart from creating high economic risk, it also does not support financial stability. Corruption indirectly ignores the legal legitimacy of a country. (Yudi Kristina, 2009)

According to Roscoe Pound (Marsudi Dedi Putra, 2014), that law is a means of renewal in society. Legal legitimacy is expected to play a role in changing social values in society. If corruption has ignored the legal legitimacy of a country, then the state must have the courage to eradicate this corruption.

Therefore, it is only natural that law is used as a regulatory system that regulates human behavior (Jimly Assiddiqie dan Ali Safa'at, 2006). The law also orders something that is permissible or not to be carried out. The goals to be addressed by law are not only persons but also actions related to and related to the existence of state apparatus which should act according to law. As for the system, the law is one of the embodiments of the law enforcement process (Evi Hartanti, 2005). This includes the law enforcement process related to the criminal act of buying and selling shares which has disturbed the community.

The decline in the CPI caused by the increasingly diverse models of corruption should now have the government have legal rules that can ensnare the perpetrators. Legal protection for the community, of course, is in line with Roscoe Pound's views, namely that law is a tool to reform or manipulate society. Roscoe Pound's main focus with the concept of social engineering is interest balancing, so that society moves in a more advanced direction. Between law and society there is a functional relationship. (I Dewa Gede Atmadja & I Nyoman Putu Budiartha, 2018).

To be able to fulfill its role, Roscoe Pound then makes a classification of the interests that must be protected by the law itself, namely public interest, community interest (social interest), and private interest. (Satjipto Raharjo, 2006)

Based on this background description, the authors are interested in researching " **Criminal Policies in Addressing the Decline in the Corruption Perception Index in 2022 in Indonesia** ".

METHODOLOGY

This type of legal research includes normative juridical research (Soerjono Soekanto, 2001). The approach to research that the authors apply is an analytical approach (Lexy. J. Moleong, 2003)and statutory approach *(statute approach)*. Both approaches will be used for this research by examining all relevant laws and regulations with the legal issues being handled. (Peter Mahmud Marzuki, 2010)

Types and sources of legal materials used in normative legal research. Primary legal material is Law no. 31/1999 jo. Law No. 20 of 2001 concerning the Eradication of Corruption Crimes. Secondary legal materials are court decisions. The tertiary legal material is the Indonesian Corruption Perceptions Index Table. Data Collection Technique is by techniques (methods) of Literature Study. Collection of legal materials is carried out by identifying and inventorying positive legal rules, researching library materials to facilitate analysis and construction. (Tim Penyusun, 2020)

Analysis Legal Materials by means of legal interpretation (interpretation) and methods of legal construction. The legal interpretation technique chosen by the

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author is a systematic technique. Interpreting statutory regulations by linking them with other legal regulations or laws or with the entire legal system, so that they may not deviate or leave the statutory system or the legal system based on regulations. (Sudikno Mertokusumo, 2004)

RESEARCH RESULT

An assessment of the level of corruption in a country can be seen from the Corruption Perception Index (CPI). Methodologically, the CPI is a composite of a number of indices from prestigious survey institutions at the global level. There are at least 13 data sources issued by 12 credible international institutions. CPI collects data from a number of different sources that provide perceptions among business people and experts about the level of corruption in the public sector. Where a score of 0 is perceived as a corrupt condition and a score of 100 is a condition that is perceived as clean from corruption. So, the higher the CPI score of a country, the cleaner its perception. Conversely, the lower the CPI score, the more corrupt the perception is. (Wawan Heru Suyatmiko, 2020).

Indonesia since the first time CPI was launched in 1995 has always been a country that is constantly being scrutinized. In 2019, Indonesia's CPI score was 40/100, where this score was the highest achievement in obtaining Indonesia's CPI score in the last 25 years. Then Indonesia's CPI in 2020 is at a score of 37/100 and is ranked 102 out of 180 countries surveyed. This score is down 3 points from last 2019 which was at a score of 40/100. (Wawan Heru Suyatmiko, 2020)

Furthermore, at the 2021 CPI, data was obtained that in Indonesia there was an increase of only 1 point, namely the score became 38/100. Furthermore, in 2022 the CPI index score will be 34/100. This is very down compared to the score in 2019 where the CPI score reached 40/100 with 110th place out of 180 countries. (Komisi Pemberantasan Korupsi, 2023)

The decline in CPI was influenced by several things including:

Bribery in the import-export sector

The Corruption Eradication Commission (KPK) demanded that the former Main Director of PT Garuda Indonesia, Emirsyah Satar, be punished with 12 years in prison and a fine of IDR 10,000,0000,000 (ten billion rupiah) subsidiary 8 months in prison for accepting bribes related to the procurement of a number of aircraft at Garuda Indonesia which were won by Rolls Royce as Import to supply Garuda's Airbus 330-200 aircraft engines.

Nepotism in trade control is carried out by export traders

The giver of the approval for the export of crude palm oil, namely the defendant Indra Sari Wisnu Wardhana, was threatened with imprisonment for 3 years and fined Rp. 100,000,000 for helping 3 companies enjoy palm oil incentives. (Indonesian Corruption Watch, 2022)

Bribes in tax calculations

The KPK has named the Director of Extensification and Assessment of the Directorate General of Taxes (DGT), Angin Prayitno Aji and Head of Subdirectorate 1 Audit Support Cooperation, Dadan Ramdani as suspects. Angin is suspected of receiving bribes so he can manipulate tax assessment letters (SKP) from three large companies, namely PT Jhonlin Baratama, PT Bank Pan Indonesia Tbk or Panin Bank, and PT Gunung Madu Plantations. Angin and Dadan were named as suspects along with four tax consultants as bribe givers.

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The value of bribes is believed to have reached Rp 50 billion. (Egi Primayogha dan Lalola Easter, 2021)

bribes in order to ask for protection from the police

The Defendant Dalizon Police Forced Herman Mayori, former Head of the Musi Banyuasin PUPR Service, to give a 5 percent money allotment for a problematic project and Dalizon is also currently investigating. Then Herman gave 10 billion and was accepted by Dalizon. (Wakos Reza Gautama, 2022)

bribes to smooth regional financial loans

The Corruption Eradication Commission (KPK) has named former Director General of Regional Financial Development at the Ministry of Home Affairs (Kemendagri) Mochammad Ardian Noervianto as a suspect in the bribery case for applying for the regional national economic recovery fund (PEN) for East Kolaka Regency, Southeast Sulawesi, 2021. (Komite Pemantauan Pelaksanaan Otonomi Daerah, 2022)

corruption in form

secret funding

Decision Number 1070/Pid.Sus/2018/PN.Jkt.Pst states that PT Grace Money Changer uses multiple accounts to run a money changer business. However, it turned out that the defendant's bank accounts were used to receive transfers of money from narcotics syndicates.

political and business ties

The bribery case to the Former Mayor of Yogyakarta Haryadi Suyuti in the context of issuing a building permit (IMB) on May 23 2022 for an Apartment owned by PT Summarecon Agung. (Tempo, 2022)The case was decided separately against the Defendant. Decision Number 4/Pid.Sus-TPK/2022/PN Yyk for Defendant Oon Nusihono and Decision Number 5/Pid. Sus-TPK/2022/PN.Yyk for Defendant Dandan Jaya Kartika.

DISCUSSION
Legal consequences if the CPI decreases for a country
Corruption actors can influence other business actors to make bribery attempts. Based on the Differential Association Theory by Sutherland, the factor of a person violating the law is because the perpetrator prefers to violate the rules because he already knows the rules being violated and/or the perpetrator has gotten used to the occurrence of corruption in terms of frequency, duration, priority and intensity.(Topo Santoso, 2008)

Actors, especially businessmen, prefer to violate regulations because they know that there are regional regulations that are easy to violate. For example, in this case, it is the regulations regarding the height of buildings that are permitted to be built. In addition, officials who receive bribes know exactly which articles in the regulations have the potential to be violated so that they manipulate the implementation of these regulations.

The main factor for the existence of a crime is the opportunity for the perpetrators to commit the crime which is supported by the position/profession they hold. Alatas is of the opinion that in terms of its typology this corruption can be identified as transactional corruption. Transactional means that there is a reciprocal agreement between the giver and the recipient for the benefit of both parties and actively seeks to achieve benefits for both. This type of corruption

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usually involves the business world and the government, both central and regional. (Jerry Indrawan, 2020)

The concept of a rule of law state is not realized

Law and society are two sides that cannot be separated, just as currency has two sides. This was first obtained from the Roman Society which enforced law in the social order of society with the term *ubi societas aunt ius* , which provides a description of the relationship between law and society. (Mochtar Kusumaatmadja, 2006)

If corruption cannot be eradicated, then the concept of a rule of law that aspires to will also not be realized. According to Saldi Isra, corruption which is difficult to eradicate is proof of the failure of a reform where corruption simultaneously weakens various organs of a state, including weakening the values of justice which should be upheld for the further development of the country.(Wijayanto & Ridwan Zachrie, 2009)

The failure of efforts to protect the law for the community to get justice

According to Satjipto Rahardjo that the principle of Legal Justice is viewed from a procedural aspect, that justice is the acquisition of a balance value of rights and obligations before the law (or court). In addition to the law regulating the legal substance of what is permissible and not permissible, the law must also fairly regulate legal procedures. (Satjipto Raharjo, 2006)

This is in line with the Theory of Legal Protection for the community, of course, in line with Lawrence Friedman's thoughts on *Social Engineering Functional* in his book (The Legal System, 1975) mentions several functions of law, namely: (1) distribution or guardian of the allocation of values, (2) settlement disputes, (3) social control, (4) norm creators, and (5) administrative recorders. In 1984 he published another book (American Law) which stated that the functions of law include: (1) social control, (2) dispute resolution, (3) social engineering, and (4) allocator of law for social maintenance. (Esmi Warassih Pujirahayu, 2021)

High levels of corruption can lead to a decrease in the quality of state administrators in carrying out their duties.(Aiaz Rajasa, 2014)

The holding of the freedom of the state apparatus in making decisions by the interests of certain groups as a result of the practice of bribery will clearly reduce the quality of decisions taken in relation to policies relating to the welfare of the general public. Corruption in government budget funds that should be used to create new jobs, health services, educational programs or other programs related to community empowerment will affect the function of these funds as a support for the interests of society in general. (Aiaz Rajasa, 2014)

Criminal policies in overcoming the decline in the CPI in Indonesia

The meaning of criminal policy can be equated with criminal law policies, penal policies and criminal law politics (Salman Luthan, 2014). Criminal policy as a form of public policy in overcoming the problem of crime, correlates with the public policy process. So far, criminal policy has been understood as the realm of the Criminal Justice System (SPP), which is a representation of the state and only as an effort to enforce the law. Even though it should be in accordance with the development of crime rates, it cannot be if you only rely on criminal policies with the Criminal Justice System (SPP) (Totok Sugiarto, 2014).

Criminal policy can be divided into 2 (two), namely criminal policy in the narrow sense and criminal policy in the broad sense. Criminal policy in the narrow sense

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is the overall principles and methods that form the basis of reactions to violations of law in the form of crimes. Criminal policy in a broad sense is the overall function of the law enforcement apparatus, including the workings of the courts and the police. Included are policies carried out through legislation and official bodies aimed at upholding the central norms of society. (Sahat Maruli Tua Situmeang, 2019). For example, in Indonesia there is a body that eradicates corruption, namely the Corruption Eradication Commission (KPK).

The criminalization policy is a policy in determining an act that was originally not a crime (not criminalized) to become a criminal offense (an act that can be punished) and is part of the criminal law policy (penal policy) . (Barda Nawawi Arief 01, 2006). Penal policies that are repressive, but actually also contain preventive elements, because with the existence of threats and imposition of criminal offenses it is hoped that there will be a preventive effect. In addition, penal policies are still needed in crime prevention, because criminal law is one of the means of social policy to express public displeasure, so penal policies are also known as "social defense policies". (Barda Nawawi Arief 02, 2007)

Two central issues in criminal policy by using penal means (criminal law) are the problem of determining: what actions should be made criminal acts, and what sanctions should be used or imposed on the offender (Barda Nawawi Arief 03, 2002). The Indonesian government uses Law no. 31/1999 jo. Law No. 20 of 2001 concerning the Eradication of Corruption Crimes.

Apart from that, it can also be through non-penal means/prevention without punishment which is a rational effort to control crime and is part of criminal politics, in addition to penal means (Muladi & Barda Nawawi Arief, 2010).

Non-penal means, according to Barda Nawawi Arief's thoughts, that in order to develop criminal policies, it is necessary to support and participate in the community in an effort to streamline and develop traditional systems in society. Non-penal means can also be extracted from various other sources where these sources have a preventive effect on crime. This can be done by utilizing technology, controlling through the press/mass media, inspections and raids by law enforcement officials (Barda Nawawi Arief 03, 2002).

According to Wahyu Widodo, the way to deal with crime includes three stages, namely:(Wahyu Widodo, 2015)

Pre-emptive in the form of an appeal for action according to applicable regulations. The goal is to instill good values in society. For example, the KPK is trying to include an anti-corruption curriculum in schools.

Preventive in the form of closing the loopholes for violations and crimes. For example by installing Circuit Camera Television (CCTV) in crime-prone locations. Examples of installing CCTV in buildings and official residences.

Repressive form of imposition of punishment. Anti-corruption legal instruments such as the Corruption Law can be used to punish perpetrators.

The public needs to be educated about the impact of corruption and the urgency of eradicating corruption, as well as empowering themselves to have the courage to submit reports to law enforcement officials. People's participation also requires a responsive and positive attitude from law enforcement officials when the people report indications of corruption (Martini, 2019).

CONCLUSION
Based on the discussion above, the authors conclude as follows:

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The legal consequences if the CPI decreases for a country are that corrupt actors can influence other business actors to take bribes, the concept of a rule of law state is not realized, efforts to protect the public fail to get justice, high levels of corruption can lead to a decrease in the quality of state administrators in carrying out their duties .

The criminal policy that has been carried out by Indonesia in overcoming the decline in the CPI in the State of Indonesia is to use a criminal policy in a broad sense carried out through legislation and official bodies aimed at upholding the central norms of society. Namely the enactment of Law no. 31/1999 jo. Law No. 20 of 2001 concerning the Eradication of Corruption Crimes and the Establishment of the Corruption Eradication Commission.

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