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Eradication of Corruption in Local Governments Based on Cooperation Agreements

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Abstract: ***Eradication of corruption requires cooperation between state institutions. The weakness of criminal law settlement does not return state losses. There is a Cooperation Agreement between the Ministry of Home Affairs, the Indonesian National Police (Polri), and the Prosecutor's Office regarding the handling of public reports on allegations of corruption in local governments. The purpose of this study is to analyze the handling of corruption cases based on positive Indonesian law and the obstacles faced by law enforcement officers in implementing the cooperation agreement between the Ministry of Home Affairs, the Prosecutor's Office, and the National Police against Article 4 of the Corruption Eradication Act. The approach used in this research is the legal approach. This research data collection technique was carried out through conventional literature searches and online. The data analysis technique used in this study is qualitative because the data is presented in a narrative-descriptive manner. The results of the study indicate that law enforcement for criminal acts of corruption is carried out by the Corruption Eradication Commission based on the Law of the Republic of Indonesia Number 30 of 2002. The Indonesian National Police based on the Law of the Republic of Indonesia Number 2 of 2002 and the Criminal Procedure Code has the authority to conduct investigations and investigations in special criminal cases. corruption. The Law of the Republic of Indonesia Number 16 of 2004 has explicitly stated that the Prosecutor's Office has the authority to investigate criminal acts of corruption. The authority to adjudicate cases of criminal acts of corruption is regulated in the Law of the Republic of Indonesia Number 46 of 2009. The Cooperation Agreement between the Ministry of Home Affairs, the Police, and the Prosecutor's Office hampers the law enforcement process carried out by the Police and the Prosecutor's Office in processing suspected perpetrators of corruption. Every report of corruption from the public is not immediately followed up by the Police and the Prosecutor's Office as law enforcement officers. The case was first examined by the government's internal supervisory apparatus. With the cooperation agreement, law enforcement officers cannot follow up on reports and evidence.***

Keywords: Corruption, Region, Agreement, Cooperation.

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1. INTRODUCTION

The Corruption Eradication Commission noted that from the beginning of the year the regional autonomy was implemented until 2015, there were 64 corruption cases involving 51 regional heads [1]. The results of the research by Indonesia Corruption Watch found that regional heads were most corrupted by regional heads. Throughout 2017, 30 regional heads, consisting of 1 governor, 24 regents or deputy regents, and 5 mayors or deputy mayors, have been suspects in corruption cases with state losses reaching IDR 231 billion and the value of bribes reached Rp 41 billion.

Corruption is not only carried out by state administrators, between state administrators, but also state administrators with other parties such as families, cronies, and businessmen so that it destroys the joints of social, national, and state life, and endangers the existence of the state [2]. Corruption in Indonesia is already at the level of political corruption. Political corruption is carried out by people or institutions who have political power by conglomerate groups that carry out collusive transactional relationships with power holders [3].

The type of corruption that causes state losses is the type of corruption most often used by law enforcement to ensnare corruptors. This element of state losses often becomes an obstacle in the judicial process because they have to wait for the first calculation from the Supreme Audit Agency or the Financial and Development Supervisory Agency [4]. Weaknesses in the settlement of criminal law do not return state losses so that the possibility of internal settlement is opened.

The role of law enforcement officers, especially the Indonesian National Police and the Attorney General's Office of the Republic of Indonesia as a state judiciary, contributes to the eradication of corruption which also requires cooperation with the government's internal supervisory apparatus, in this case, the Ministry of Home Affairs, in eradicating corruption to the regions. The number of corruption cases committed by regional heads invites the government to find a way out.

On February 28, 2018, a cooperation agreement was signed between the Ministry of Home Affairs, the National Police, and the Attorney General's Office regarding the handling of public reports on allegations of corruption in local governments. This Cooperation Agreement is not to protect corruptors. However, the goal to be achieved is on the side of restoring state losses. Returning state financial losses is currently a trend for perpetrators of criminal acts of corruption in Indonesia to be able to get out of legal bondage [5].

There are corruption cases that have attracted attention, one of which occurred in South Kalimantan, namely during the leadership of Governor Sjahriel Durham, when the South Kalimantan Provincial Government procured dredging services for the Barito River channel. The South Kalimantan Police smelled the smell of corruption carried out by Governor Sjahriel Durham, the South Kalimantan Police Investigator then concluded that there had been corruption in the project. The South Kalimantan Police have submitted the case file to the South Kalimantan High Prosecutor's Office, but the South Kalimantan High Prosecutor's Office decided not to proceed with the case to the prosecution stage because there was no evidence of state losses. After all, Governor Sjahriel Durham had returned the corruption money to the regional treasury.

The return of state financial losses has caused investigators to issue a warrant to stop investigations related to cases of alleged corruption for various reasons, one of which is insufficient evidence because state financial losses have been returned so that state financial

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losses are not proven because they no longer exist. This refers to the Cooperation Agreement between the Ministry of Home Affairs, the National Police, and the Prosecutor's Office regarding the handling of public reports on allegations of corruption in local government, where one of the articles states that there is a 60-day opportunity to recover state losses.

This becomes an obstacle for investigators because if within 60 days they can recover state losses, it is enough to stop at the investigation stage and not reach the investigation process. This will result in the perpetrators of corruption cases being able to escape from criminal prosecution because at the stage of the investigation process it has been stopped, so that the regulations made by the government are not considered, especially regarding the existence of Article 4 of the Law on the Eradication of Corruption Crimes.

Many parties support, but not a few also respond negatively to the existence of the cooperation agreement in the implementation of handling corruption. The negative response that arose due to the assumption that the rules in the cooperation agreement had the potential to violate Article 4 of the Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. Given that state financial losses caused by criminal acts of corruption have entered a dangerous condition or are quite high.

The problems that will be discussed in this article are the regulation of the handling of criminal acts of corruption based on positive Indonesian law, and the practice of implementing a cooperation agreement between the Ministry of Home Affairs, the Prosecutor's Office, and the Police against Article 4 of the Corruption Eradication Act.

2. METHOD STUDY

This type of research is library research (library research). Library research is research that is carried out through library data collection or research carried out to solve a problem that relies on a critical and in-depth study of relevant library materials [6]. This research includes library research because data sources can be obtained from libraries or other documents in written form, both from journals, books, and other literature.

The approach used in this research is the statute approach. A legal approach is an approach that uses legislation and regulation [7]. This study uses a legal approach because it is used to examine all laws and regulations related to the legal issue being studied.

Sources of data used in this study in the form of secondary data. Secondary data are data obtained from official documents, books related to the object of research, research results in the form of reports, theses, theses, dissertations, and laws and regulations [8]. This study uses secondary data as the main reference because it is already available in the form of writing in books, scientific journals, and other written sources.

This research data collection technique was carried out through conventional literature searches and online. Conventional literature searches are carried out by searching for library materials, purchasing books, journals and attending scientific activities (seminars). Searching online is done by searching on the internet [9]. This research uses a conventional literature search technique and online because it is useful for getting a theoretical basis by reviewing and studying books, laws, regulations, documents, reports, archives, and other research results both printed and electronic related to the object of study.

The data analysis method used in this research is qualitative. Qualitative data analysis is the process of organizing and sorting data into patterns, categories, and basic units of description so that themes can be found that are presented in the narrative form [10]. This study

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uses qualitative data analysis because the data will be presented in a narrative-descriptive manner, not in numerical or numerical form.

3. DISCUSSION

1. Arrangements for Handling Corruption Crimes Based on Indonesian Positive Law

The crime of corruption in Indonesia has penetrated all lines of people's lives systematically so that it damages the economy hinders development and creates a negative stigma for the Indonesian nation and state in the association of the international community [11]. The losses caused by criminal acts of corruption in Indonesia have been so great that until now Indonesia is listed as one of the most corrupt countries in the world.

The problem of corruption is a big and complicated problem faced by our country today. Corruption can lead to inefficiency and injustice. Corruption can undermine the political legitimacy of the state. Corruption is also evidence that there are deeper problems with the state's dealings with the private sector. Efforts to eradicate corruption are still stagnating, especially with the resistance carried out by parties whose interests are disturbed by the agenda of eradicating corruption.

Eradication of criminal acts of corruption is part of law enforcement and is not a separate activity that only aims at law enforcement. All efforts to eradicate corruption are part of an endeavor to build a country free from corruption and lead to the welfare and prosperity of the people, which is the national goal of the Indonesian nation and has been guaranteed in the constitution of the 1945 Constitution of the Republic of Indonesia. support from law enforcement officers, such as judges, prosecutors, and the police.

Corruption is a part of special criminal law, in addition to having certain specifications that are different from general criminal law, namely by deviations from formal criminal law or procedural law [12]. The existence of criminal acts of corruption in Indonesian positive law has existed for a long time, namely since the entry into force of the Criminal Code (wetboek van strafrecht) January 1, 1918, the Criminal Code as a codification or unification applies to all groups in Indonesia by the principle of concordance and was promulgated in Staatbland 1915 Number 752, October 15, 1915.

Based on the MPR Decree No. XI/MPR/1998, Law of the Republic of Indonesia No. 28/1999 has been enacted on May 19, 1999. Furthermore, on August 16, 1999, Law of the Republic of Indonesia No. 31/1999 has been enacted as a substitute for Law No. Law of the Republic of Indonesia Number 3 of 1971 which is stated to have been amended for the first time by Law of the Republic of Indonesia Number 20 of 2001 concerning amendments to the Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (State Institution of the Republic of Indonesia of 2001 Number 4150), which was ratified and entered into force on November 21, 2001.

The Law on the Eradication of Criminal Acts of Corruption specifically regulates its procedural law for law enforcement of perpetrators of corruption, in general, it is distinguished from handling other special crimes. This is considering that corruption is an extraordinary crime that must take precedence over other criminal acts [13].

The problem of eradicating corruption in Indonesia is not only a matter of law and law enforcement alone, but also a social and psychological problem that is very serious and as serious as a legal problem, so it must be addressed simultaneously. Corruption is also a social

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problem because corruption results in the absence of a welfare government and is a social psychological problem because corruption is a social disease that is difficult to cure [14].

Bearing in mind that law enforcement to eradicate criminal acts of corruption is not only carried out by Police investigators and also the Prosecutor's Office but is also carried out by the Corruption Eradication Commission, based on the Law of the Republic of Indonesia Number 30 of 2002. The Corruption Eradication Commission has the authority to coordinate and supervise, including investigations, investigations, and prosecutions. However, the authority to handle corruption issues is limited to:

a. Involving law enforcement officers, state administrators, and people who are related to criminal acts of corruption committed by law enforcement officers or state administrators;
b. Get the attention that is troubling the community; and
c. About state losses of at least IDR 1,000,000,000 (one billion rupiah).

The Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia has explicitly stated that the Prosecutor's Office has the authority to investigate criminal acts of corruption. This is regulated in Article 30 Paragraph (1) letter d, namely conducting investigations into certain criminal acts. It is stated in his explanation that what is meant by certain criminal acts are criminal acts of corruption and violations of human rights.

Based on Article 30 of the Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, the Prosecutor's Office has 3 powers in resolving criminal acts of corruption, namely: court ruling.

The crime of corruption is one part of the special criminal law in addition to having certain specifications that are different from general criminal law, such as deviations from the procedural law and when viewed from the regulated material. Corruption crime, directly or indirectly, is intended to minimize the occurrence of leakages and irregularities in the state's finances and economy. By anticipating these deviations as early and as much as possible, it is hoped that the wheels of the economy and development can be carried out properly so that gradually it will have the impact of increasing development and the welfare of society in general [15].

The court for criminal acts of corruption was established based on the provisions of Article 53 of the Law of the Republic of Indonesia Number 30 of 2002 concerning the Corruption Eradication Commission, but based on the decision of the Constitutional Court it was declared contrary to the 1945 Constitution of the Republic of Indonesia, the Law of the Republic of Indonesia was formed. Number 46 of 2009 concerning the Corruption Court, which has the authority to adjudicate cases of criminal acts of corruption. Seeing this nature, based on theoretical and practical provisions, the procedural law for criminal acts of corruption is dual because, in addition to referring to the procedural provisions of the Corruption Eradication Act, it is also oriented towards the Criminal Procedure Code as a lex generalist [16].

The provisions of Article 26 of the Law on the Eradication of Corruption Crimes conclude that the applicable criminal procedural law for conducting investigations, prosecutions, and examinations in court is the criminal procedural law in force at that time (positive law or ius constitutum) unless the law stipulates other. The Criminal Procedure Code as positive law (ius constitutum / ius operatum) is a procedural law that is used practically at all levels of the judiciary in dealing with criminal acts of corruption.

This provision implies that the criminal procedure law that applies to provisions for criminal acts of corruption is the Criminal Procedure Code but there are exceptions from the

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Criminal Procedure Code which uses special criminal procedure laws that deviate from the provisions of the general criminal procedure law, namely using the Law of the Republic of Indonesia Number 46 of 2009 concerning Criminal Courts. Criminal Corruption is intended to speed up the judicial process against corruption cases.

The crime of corruption which is an extraordinary crime has a more complicated complexity compared to conventional crimes or even other special crimes. Especially in the investigation stage, this corruption crime, several investigative institutions are authorized to handle the investigation process against the perpetrators of criminal acts related to this corruption crime. Including various institutions of Civil Servant Investigators if they are associated with various crimes that contain elements of corruption by their respective fields of duty and by the laws and regulations which are the legal basis for each.

As formulated in Article 27 of the Law on the Eradication of Criminal Acts of Corruption, if a criminal act of corruption is found that is difficult to prove, a joint team can be formed under the coordination of the Attorney General. This provision shows that in the context of law enforcement against criminal acts of corruption, the institution that is prioritized is the Attorney General's Office. Thus, in addition to the Police as investigators who are given the authority based on Articles 6 and 7 of the Criminal Procedure Code, the Prosecutor's Office is also given the authority to conduct investigations into criminal acts of corruption [17].

Eradication of criminal acts of corruption certainly cannot be separated from the efforts of law enforcement officials in carrying out law enforcement efforts in the field of corruption. Article 39 of the Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to the Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption states that the Attorney General coordinates and controls the investigation, investigation, and prosecution of criminal acts of corruption. The Attorney General in this article is intended to have the authority to conduct investigations, investigations, and carry out prosecutions as well as carry out executions of judges' decisions in cases of criminal acts of corruption. This is in line with the Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia which states in Article 30 Paragraph (1) Letter d that in the criminal field, the Prosecutor's Office has the duty and authority to conduct investigations into certain criminal acts based on the law.

In addition to the duties of the Police and the Prosecutor's Office, the institution that also has the task of conducting investigations into criminal acts of corruption is the Corruption Eradication Commission as stipulated in Article 6 sub c of the Law of the Republic of Indonesia Number 30 of 2002. The Corruption Eradication Commission is a state institution that in carrying out its duties and authorities is independent and free from the influence of any power so that the establishment of this commission aims to increase the efficiency and effectiveness of efforts to eradicate corruption [18].

The enforcement of criminal law against corruption, especially in the investigation process, is not only carried out by the Police, the Prosecutor's Office, and the Corruption Eradication Commission. However, in the case of other criminal acts which are essentially potential for corruption but are regulated in special legislation outside the Criminal Code and the Law on the Eradication of Criminal Acts of Corruption, the authority for Civil Servant Investigators is also given by the legal provisions which are the legal basis for each. respectively.

The Police of the Republic of Indonesia as a law enforcement institution, based on the Law of the Republic of Indonesia Number 2 of 2002 concerning the State Police of the Republic

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of Indonesia and the Criminal Procedure Code have the authority to conduct investigations and investigations in criminal cases including special criminal cases of corruption. The authority in eradicating criminal acts of corruption is for the Indonesian National Police as instructed in the Presidential Instruction of the Republic of Indonesia Number 5 of 2004 concerning the Acceleration of Corruption Eradication, the eleventh letter point 10 is instructed to the Head of the Indonesian National Police.

Furthermore, in Article 38C of the Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to the Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, it is stated that if after the court decision has obtained permanent legal force, it is known that there are still assets belonging to the convict which is suspected or reasonably suspected to have originated from a criminal act of corruption which has not been confiscated for the state as referred to in Article 38 B Paragraph (2), the state may file a civil lawsuit against the convict and/or his heirs. These provisions provide a possibility for the creation of justice for despicable acts which according to the feeling of justice of the community must be prosecuted and punished.

2. The Practice of Implementing Cooperation Agreements Between the Ministry of Home Affairs, the Prosecutor's Office, and the Police

Initially, the presence of the Law of the Republic of Indonesia Number 30 of 2014 concerning Government Administration eroded hopes in eradicating corruption. there are problems related to the Government Administration Act, namely the debate on the decisive interpretation of acts of abuse of authority in corruption. Law enforcement officers in conducting investigations must coordinate with the government's internal control apparatus in determining whether the actions committed by the reported party are administrative errors or criminal matters.

It is hoped that the eradication of corruption will not be hampered by the existence of the law, but should instead strengthen the coordination between law enforcement agencies and the government's internal supervisory apparatus. The existence of the Government Administration Law should also sharpen the division regarding what is meant as discretion, policy, and abuse of authority that can be withdrawn in the administrative area or into the area of criminal acts of corruption [19].

Following up on Article 385 of the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government and the Presidential Mandate dated July 19, 2016, at the State Palace to the Kajati and Kapolda as well as Presidential Instruction Number 1 of 2016 concerning Acceleration of Implementation of National Strategic Projects, in providing certainty to reports of public complaints in implementing government administration, the Ministry of Home Affairs of the Republic of Indonesia enters into a cooperation agreement or memorandum of understanding between the Inspectorate General of the Ministry of Home Affairs with the Criminal Investigation Police and the Attorney General's Office. The Cooperation Agreement between the Ministry of Home Affairs and the Police and the Prosecutor's Office regarding the Coordination of the Government's Internal Supervision Apparatus with Law Enforcement Officials is made in 2 (two) forms, namely:

1. Memorandum of Understanding between the Ministry of Home Affairs with the Attorney General's Office and Police Number: 700/8929/SJ, Number: KEP-694/A/JA/11/2017, Number: B/108/XI/2017 concerning Coordination of Government Internal Supervision

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Apparatuses with Apparatus Law Enforcement related to the handling of public complaints reports in the administration of local government; and

2. Cooperation Agreement between the Ministry of Home Affairs with the Attorney General's Office and the Police Number: 119-49 the Year 2018, Number: B-369/F/Fjp/02/2018, Number: B/9/II/2018 concerning Coordination of Government Internal Supervisory Apparatus with Apparatus Law Enforcement in Handling Public Reports or Complaints with Indications of Corruption in the Implementation of Local Government.

These two memorandums of understanding aim to provide clear boundaries regarding administrative and criminal classifications derived from a public complaint. So, the government's internal supervisory apparatus and law enforcement officers, in this case, the Police and the Prosecutor's Office, agreed to provide administrative criteria for a public complaint.

These two memorandums of understanding apply to the handling of corruption cases in the distribution of village funds, in their application law enforcement officers in taking action against misuse of village funds, the Inspectorate as an internal supervisory apparatus of the district/city government must first conduct supervision and guidance on reports of alleged village funds to the apparatus. village. If after guidance by the Inspectorate there are still irregularities, law enforcement officers will take action according to the applicable law.

In Article 7 Paragraph (5) letter b of the Cooperation Agreement between the Ministry of Home Affairs with the Prosecutor's Office and the Police in 2017, it states if there is a state or regional loss and has been processed through a claim for compensation or a treasury claim no later than 60 days from the report on the results of the inspection by the internal control apparatus. the government or the Supreme Audit Agency is accepted by the official or followed up and declared completed by the government's internal supervisory apparatus or the State Audit Board. The norm in Article 7 Paragraph (5) letter b regulates state losses originating from reports on audit results by the State Audit Board or internal control. So that this norm does not apply to state losses caused by criminal acts such as bribery, gratuities, extortion, and others.

Regarding the prevention and eradication of corruption, law enforcement officers, namely the Prosecutor's Office and the Police, have their mechanisms. However, seeing the urgency of eradicating corruption, the Ministry of Home Affairs considers it necessary to form a synergy between the Ministry of Home Affairs, in this case, the government's internal control apparatus, and law enforcement officers. Regarding the MoU, the corruption complaint itself, in principle, respects each other and cannot interfere with the authority of each institution [20].

This cooperation agreement also stipulates that the coordination of government internal control officers and law enforcement officers is carried out at the stage of investigating a public complaint, and does not apply if caught red-handed or an operation is caught red-handed. So that if law enforcement officers handle a public report and then after an investigation, a person is determined to be a suspect, then the coordination mechanism for the government's internal control apparatus and law enforcement officers as stated in the MoU does not apply.

The role of the government's internal supervisory apparatus is currently very important in the midst of the strong flow of transparency and accountability in the administration of government. The community as stakeholders demands that the government be more transparent in managing state finances and be accountable. Therefore, the government's internal supervisory apparatus must play its role as internal supervisor and quality assurance for all

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government programs and activities so that the demands of these stakeholders can be met for the realization of good governance and clean government.

The authority of the Police and the Prosecutor's Office in investigating cases involving regional officials will be coordinated with the government's internal supervisory apparatus, so any reports from the public are not immediately followed up by law enforcement officers. The aim is to ascertain whether the report is related to allegations of corruption, or just only a matter of administrative error. Against reports that from the start immediately depicted acts against the law (men's rea) then the report is still responded to by law enforcement officials because in determining the presence or absence of men's rea is the capacity of law enforcement officers but coordinates its handling with the government's internal supervisory apparatus [21].].

Associated with the determination of state financial losses in the investigation and investigation of administrative corruption, the determination of a suspect cannot be without being preceded by a calculation of state financial losses from the State Audit Board. The practice so far is that the Investigation Order precedes the request for the calculation of state losses to the State Audit Board.

The technical implementation of public complaints reports indicating criminal acts of corruption is carried out based on a memorandum of understanding between the government internal supervisory apparatus and law enforcement officers, namely by inviting law enforcement officials to jointly expose the government's internal control apparatus related to the alleged irregularities that occurred (in this case whether In this exposure, law enforcement officers submit findings of irregularities that indicate state losses, after exposure, law enforcement officers may ask the government's internal control apparatus to conduct an investigative audit. Determination of the occurrence of a crime can only be carried out by law enforcement officers in a series of investigations, while the government's internal control apparatus is not in the capacity to determine the occurrence of criminal acts but against the related rules and regulations where irregularities occur [22].

Provisions regarding coordination The government's internal supervisory apparatus and law enforcement officers in handling reports with indications of criminal acts of corruption are further regulated in Article 25 of Government Regulation Number 12 of 2017 concerning Guidance and Supervision of Regional Government Administration. The technical regulations regarding coordination provisions are further regulated in the government regulation with the hope of providing clearer direction regarding the coordination mechanism.

The birth of the MoU between the Ministry of Home Affairs, the Attorney General's Office, and the Police at a glance strengthen the role of the Attorney General's Office of the Republic of Indonesia in efforts to prevent corruption so that coordination between these institutions occurs when there are complaints or reports from the public regarding allegations of criminal acts of corruption. However, when we examine more deeply the MoU between the Ministry of Home Affairs, the Prosecutor's Office, and the Police, based on the nomenclature contained in this agreement, it is not found in the order of Indonesian laws and regulations or is often referred to as the hierarchy of laws and regulations of the Republic of Indonesia contained in Article 7 Paragraph (1) Law of the Republic of Indonesia Number 12 of 2011 concerning the Establishment of Legislation. Of all the written legal products that are explicitly recognized in this law, there is not a single paragraph that states that the MoU is a positive legal product in Indonesia.

The term MoU is better known in terms of civil law, namely a joint agreement or memorandum of understanding. Where the contents of the MoU are used to bind the parties in

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it before pouring the work agreement contacts [22]. MoUs usually contain agreements of the parties aimed at the interests of the parties involved in it. However, the MoU itself does not have a clear legal basis for its implementation in the Civil Code [24]. However, at the practical level, the birth of the MoU which philosophically should encourage the performance of the Prosecutor's Office to be maximized in efforts to enforce corruption when there are complaints from the public creates legal loopholes for suspected perpetrators of corruption to take refuge in the argument of administrative error, even if there is an arrest. against the perpetrators of the crime of corruption, automatically this MoU cannot be applied.

The MoU between the Ministry of Home Affairs, the Prosecutor's Office, and the Police has violated the current positive legal norms, including Articles 2 and 3 of the Corruption Eradication Law which states that anyone who causes state losses can be charged with imprisonment or a fine. However, with Article 7 Paragraph (5) of the MoU between the Ministry of Home Affairs, the Prosecutor's Office, and the Police, Articles 2 and 3 of the Corruption Eradication Law cannot be applied, due to suspected perpetrators of corruption if they have returned the lost money, state finances then the legal process of the criminal act will be stopped because the actions taken by the alleged corruption act are only considered to be mere administrative errors [25].

The Police and the Prosecutor's Office in handling a case, of course, have collected various reports and evidence, so that they are not arbitrary in processing the case. With this agreement, law enforcement officers cannot follow up on existing reports and evidence. The MoU gives the impression that there is an effort to protect regional officials because there is authority from the government's internal supervisory apparatus to examine and determine reports from the public as administrative errors or criminal acts of corruption. Those who are suspected of committing a criminal act of corruption or abusing their authority should be able to immediately carry out an investigation and investigation by law enforcement officials.

The birth of the MoU hampered the law enforcement process carried out by the Prosecutor's Office in processing suspected perpetrators of corruption. And it contradicts the provisions in Article 4 of the Law on the Eradication of Criminal Acts of Corruption, which states that refunding state losses does not erase the crime and returning state money only affects the severity of criminal penalties that will be received.

4. CONCLUSION

Based on the results of the research and discussion, it can be concluded that law enforcement on corruption is carried out by the Corruption Eradication Commission based on the Law of the Republic of Indonesia Number 30 of 2002. The Police of the Republic of Indonesia based on the Law of the Republic of Indonesia Number 2 of 2002 and the Criminal Procedure Code have the authority to conduct investigations and investigations in special criminal cases of corruption. Article 30 Paragraph (1) letter d of the Law of the Republic of Indonesia Number 16 of 2004 has explicitly stated that the Prosecutor's Office has the authority to investigate criminal acts of corruption. The authority to adjudicate cases of criminal acts of corruption is regulated in the Law of the Republic of Indonesia Number 46 of 2009. The cooperation agreement between the Ministry of Home Affairs, the Police, and the Prosecutor's Office hamper the law enforcement process carried out by the Police and the Prosecutor's Office in processing suspected perpetrators of corruption. Every report of corruption from the public is not immediately followed up by the Police and the Prosecutor's Office as law

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enforcement officers. The case will first be examined by the government's internal supervisory apparatus. With the cooperation agreement, law enforcement officers cannot follow up on existing reports and evidence.

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