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Problems of law enforcement against civil servants involved in corruption cases of the complete systematic land program in Palembang city

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ABSTRACT

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Civil Servants Corruption Law Enforcement Problematics This paper explains, Corruption comes from the Latin Corruption from the verb corrumpere means rotten, damaged, shaken, overthrown, bribed. According to Transparency International, it is the behavior of public servants, both politicians/politicians and civil servants, who illegally and illegally enrich themselves or their families by abusing the public power entrusted to them. The research method used is empirical legal research or sociological research that prioritizes field data (field research) which is evaluative in nature with the aim of assessing the implementation of a legal regulation. The formulation of the problem is the factors that influence law enforcement against civil servants involved in corruption cases of the Complete Systematic Land Program (PTSL) in Palembang City. The conclusion is that the factors that influence the prosecution of officials involved in corruption cases of the Complete Systematic Land Program (PTSL) in Palembang City, namely the legal regulation factor itself, due to the absence of supporting instruments in the form of laws and regulations that implement the criminal act of corruption is not running properly.

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1. INTRODUCTION

Corruption comes from the Latin Corruption from the verb corrumpere means rotten, damaged, shaken, overthrown, bribed. According to Transparency International, it is the behavior of public servants, both politicians/politicians and civil servants, who unlawfully and illegally enrich themselves or their families by abusing the public power entrusted to them. (Dwiputrianti, 2009) Corruption is a crime that is fully accounted for by those who truly consider themselves learned and educated people. (Harahap, 2018) Corruption can also occur in situations where a person holds a position related to the allocation of financial resources and has the opportunity to abuse them for his or her own benefit (Halimang, 2020)

For example, corrupt practices have now become part of the culture so that many people think that doing something is normal even though it is morally and legally recognized as wrong.(Sari et al., 2020) Responding to the worsening economic situation, not a few blame the various problems on the deep-rooted practices of conspiracy, corruption and nepotism (KKN) (Gule, 2021). Corruption has taken root in Indonesian society. Corruption not only threatens the country's economy, but can also jeopardize the environment, democratic institutions, human rights

and basic freedoms, and in the worst cases hinder development progress and exacerbate poverty (Fatimah & Harmanto, 2022)

The government seeks to prevent and eradicate corruption. One of the extraordinary efforts was to establish a new police institution in the criminal justice system, the Corruption Eradication Commission (KPK), which was established by Law Number 30 of 2002 on the Corruption Eradication Commission based on Law Number 31 of 1999 on the Eradication of corruption crimes. In addition to the establishment of the anti-corruption commission, laws and regulations must also be reviewed so that there are no more loopholes for the growth and development of the explosion of corruption. (Anggoro, 2022) Combating the crime of bribery through the provisions of the Criminal Procedure Code is considered insufficient. The system of changing the burden of proof, confiscation of assets, payment of compensation and trial in absentia does not look any less "ruthless" in combating this extraordinary form of crime. The existence of bribery clauses added in the Anti-Corruption Law, the Criminal Procedure Law, and Law No. 3 of 1971 Article 1 Paragraph 1 and Articles 5-13 of Law No. 31 of 1999, for the time being only as dormant clauses that have no meaning. In the history of corruption eradication, the application of these articles does not reach 0.1% of the total corruption cases. Corruption can occur in all areas of people's lives and often the perpetrators are government officials. One of them is in the Earth area. Land acquisition is about structuring land acquisition through seminars, consultations and training in such a way that makes it easier for the general public to understand how the process of acquiring or transferring land rights voluntarily works. (Pamungkas et al., 2023) When the public will understand the issues related to the property registration process, it will be able to understand the development or implementation carried out by the government based on the village planning deliberation (Rahmawati et al., 2023)

The importance of land acquisition and registration for the Indonesian people is mainly for the benefit of socio-economic businesses and to make it easier for interested parties to know the legal status or status of certain land and become valid legal evidence and ensure actual legal certainty, property rights based on land registration rules outlined in Government Decree No. 10 of 1961 and Government Decree No. 24 of 1997. To realize land registration in all parts of Indonesia, the government issued a new policy, namely the Complete System Land Registration Policy (PTSL). The PTSL policy is regulated in Minister of Home Affairs Decree No. 189 of 1981. (Kansil & Saputra, 2023) The opening of the decree states that the government has issued a policy of state mass testimony in land affairs. Implementing legal certainty in the control of land rights and property rights to land as evidence as a strong law (Sibuea, 2016)

The current phenomenon is that there are many corruption cases related to the Complete Systematic Land Registration (PTSL), such as Case No. 8/Pid.Sus.TPK/2019/PN PLG, namely: "The Palembang District Attorney's Office (Kejari) arrested two officers (civil servants) namely JK and AZ who work at the Palembang City State Land Office related to the 2019 Complete Systematic Land Registration (PTSL) program case. The two people are now named as suspects of receiving gifts related to PTSL in 2019. The alleged gift involved the state issuing certificates through the 2019 PTSL program. Budi explained, the role of each suspect is different. JK acted as the Head of the PTSL Legal Task Force Team in 2019. Meanwhile, AZ served as an arbitration team or conflict resolution team outside the court process at that time. According to Bud, the two suspects took advantage of their positions to gain traction in the certification process of the PTSL program in 2019. One of them involves a notary in issuing a deed of transfer of rights which is the basis of service, ownership certificate. In 2019, the application was also submitted to the Head of Village as a member of PTSL for processing, but the application was not processed and the ownership certificate was issued. In addition, investigators will escort the two suspects for the next 20 days between February 21, 2022 and March 12, 2022. The 2019 PTSL registration is one of the programs launched by the President of the Republic of Indonesia, Joko Widodo (Sibuea, 2016).

In addition, the handling of this case is also in accordance with the instructions of the Indonesian Minister of Justice, especially regarding the land mafia. For their actions, the suspects were initially charged with Article 12 (a) or Article 12 (B) in conjunction with Article 18 in conjunction with Law No. 31 of 1999 on the Eradication of Corruption. Looking at the background above, the

author's problem statement is the Factors Affecting Law Enforcement against Civil Servants Involved in corruption cases of the Complete Systematic Land Program (PTSL) in Palembang

2. RESEARCH METHOD

This research is included in the category of empirical legal research or sociological research that prioritizes field data (field research) which is evaluative in nature with the aim of assessing the implementation of a legal regulation (Muhaimin, 2015). The approach used in this research is an empirical legal research approach, which is research conducted by conducting field research, namely looking at legal facts or legal facts of legal practice, both in terms of legal attitudes, legal actions, legal knowledge and legal opinions related to the main problem being studied. However, it does not rule out the possibility if necessary, this research also uses secondary data with literature studies aimed at answering the second last question.

3. RESULTS AND DISCUSSIONS

Factors Affecting Law Enforcement against Civil Servants Involved in Corruption Cases of the Complete Systematic Land Program (PTSL) in Palembang City

People have an emotional and spiritual connection with the country. Land is not only considered a commodity that has economic value, but the relationship between land and its owner also includes certain cultural, customary, economic and spiritual values. Similarly, for the government, every development carried out by the government must require land (Ardiansyah et al., 2022).

Because land is so valuable to human life, it often leads to disputes in society. People use various means to own or control land, even if they do so in violation of the law. Possession of land without a valid license or legal authorization, often referred to as unauthorized use of land, is not uncommon in society. On the one hand, this is due to the scarcity of space and at the same time, people's need for space is increasing (WIDYA LESTARI, 2013).

To achieve legal certainty in relation to one's property, the Nawacita Central Government, which has 9 (nine) priorities, provides a program that facilitates municipalities to organize certificates of proof of rights to the Decree of the Ministry of Agriculture and Regional Planning / Land Agency of the Republic of Indonesia No. 1 of 2017 with the Minister of Agriculture and Regional Planning / Land Agency Amendment to the Prime Minister's Decree No. 35 of 2016 concerning Agricultural Development. Implementation of Full System Land Registration (PTSL). However, many implementation factors affect the prosecution in corruption cases of the Complete System Land Program (PTSL). Factors affecting the prosecution of officials involved in corruption cases of the Complete Systematic Land Program (PTSL) in Palembang City.

First, the factor of the rule of law itself, which is due to the absence of supporting tools in the form of laws, causing corruption investigations to not run well. This is in line with the results of the interview that "regarding the PTSL program, for example, it is not yet clear what provisions should be set regarding the appropriate cost standards in the implementation of PTSL, where in the SKB of the three ministers the certification fee is Rp. 150,000, - (one hundred and fifty thousand), but the community arranges more funds in accordance with financial regulations for the preparation of PTSL introduction, but the PTSL overpayment is Rp. This opens up opportunities for criminal acts of corruption, because the price of the certificate is not a certain figure (Ramadhan, 2017).

The factors that cause corruption in this program are very influential in minimizing the causes of corruption in the complete land registration system. Because it is based on the clarity of the legal content in the form of the PTPK law, SKB 3 ministers and Perbub, namely on financing the preparation for the implementation of the full system of real estate registration, and on the legal structure in the form of the police. , Minister of Justice and Corruption Court (Fadhilla et al., 2022).

Second, law enforcement factors, where government practices still lack supervision and legal advice for PTSL program implementers, so that the handling of corruption crimes does not run properly. This is in line with the results of the interview which states: "In this PTSL program, there is no legal advice from the police who are authorized to prevent corruption, except in this case the prosecutor's office must wait for problems caused by complaints from the public. This is because the perpetrators have taken advantage of every opportunity for false information to come

to the police agency in collaboration or compensation with village officials, NGOs and organizations involved in this PTSL activity (SIDDIQ, 2022).

Third, social factors where the lack of legal awareness in society leads to corrupt behavior both at the grassroots level and among the officials themselves. Low public participation in corruption provides ample opportunities for lawlessness, such as corruption. For example, if they engage in activities that lead to self-enrichment with coworkers or neighbors, they usually keep to themselves (Dwiputrianti, 2009).

This community factor comes from negative habits that develop in society. This group includes: the persistence of "moderation" and tolerance between government officials which can hinder the handling of corruption crimes; the lack of transparency of heads of departments, so that they often seem to tolerate and protect perpetrators of corruption, and permissiveness (ignorance) (Dwiputrianti, 2009).

Fourth, the cultural factors of society. Community cultures that allow for more corrupt behavior often tend to give things away as a culture of gratitude. This policy also refers to some of the fully systematic applications of property registration. So it is not surprising that this can be misused by stakeholders, leading to abuse of power. In addition, the PTSL payment rules still do not clearly state the nominal price of the certificate, which opens up opportunities for criminal acts related to corruption. This is consistent with the interview findings: "Most people try to eradicate corruption because people have a culture that usually allows more corruptive behavior, which is often a habit of giving as a culture of gratitude." This practice is also linked to some fully systematic implementations of property registration, so it is not surprising that it can be misused by stakeholders as an abuse of power, and even in this case many are not inclined to deny PTSL corruption as a pretext that the cost of certification is still much higher and cheaper than the process itself (Halimang, 2020).

However, according to the legal culture, at a fundamental level, this is one of the causes of the emergence of corruption in the program, namely the lack of legal awareness in society, which leads to corrupt behavior at both the base and official levels. This means that the culture of bribery, extortion (some experts argue that the category of extortion) still applies, abuse of office and awards, so that the essence of legal culture, namely the social climate of thought about how to apply, damage or enforce the law has a major influence on the emergence of corruption (Satria, 2020).

This legal culture is reinforced by another cause of corruption, namely the culture and way of thinking of society. This is characterized by public indifference to various acts of corruption. Low public participation in corruption is not only due to a lack of understanding of corruption and its extent, but also due to misunderstandings in the perception of public and private space. This misunderstanding also often means that they cannot distinguish between a person as a member of society and a person in public office. (Silitonga et al., 2023) As an example of the fact that humans are fundamentally dependent on community and social life, they have always shown a desire to live together in peace and harmony. That is why they try to avoid conflict in order to harmonize society. (Wirakusumah Juwanda, 2023) Any activity that violates harmonization is considered an anomaly (deviation) and deserves social sanctions. In this construction, people tend to "shut up" when there are things they may disagree with. The main reason for prioritizing social harmonization is the decision to allow different ways to break the law, such as corruption. For example, if they engage in activities with coworkers or neighbors that lead to self-enrichment, they tend to keep to themselves for fear of conflicts arising within themselves (Dwiputrianti, 2009).

Some social cultures tend to tolerate corrupt behavior, often as a culture of gratitude. This policy also refers to some fully systematic applications of property registration. So it is not surprising that it can be misused by stakeholders and lead to abuse of power. Finally, as a result of such habitual behavior, damage is done to the community, which affects the progress of the implementation of the National Strategic Land Program work (Achmad et al., 2023).

The culture or way of thinking of the community, namely the indifference of the community to various actions or behavior of corruptors who allow corruption in the social environment, as in the previous discussion, is actually closely related to the perpetrators of crime. The act of corruption proposed by Jack Bologne is often referred to as the past theory, namely the disclosure

factor. It is not entirely clear where disclosure means action or the consequences faced by the fraudster if the offender is found to have committed fraud. (Indra et al., 2023) That is, if society continues to prioritize harmonization to avoid conflict, then the corrupt practices of officials in authority or peers or neighbors make them a culture in themselves and certainly affect the criminal prosecution process. Corruption and concealment or obscurity in the stages of detecting corruption, especially in the implementation of PTSL (Ayuningtyas et al., 2018).

Ending the culture of corruption can only be achieved by maintaining an ethical and honest culture and making the law a top priority. Corruption cannot be protected. Because the more it is protected, the more it becomes an enduring culture whose power is eternal. Without a strong culture of ethics and honesty in the nation, all efforts to eradicate corruption will be in vain. Every citizen must participate in ending the culture of corruption. In addition, it requires the integrity and coherence of the government and all high and highest institutions of government to build systems, management and policies that make corruption powerless. Eliminating the culture of corruption requires developing the mindset that office is a tool for practicing honesty, not a tool for profit.

Eliminating a culture of corruption requires developing the mindset that the position is a tool for practicing honesty, not a tool for profit. Therefore, this change in thinking must be implemented through systems and management, which will then be measured for effectiveness over time. Coupled with the active participation of citizens in eradicating the culture of corruption. What is urgently needed is the integrity and consistency of the government and all the highest and highest government institutions to build systems, governance and policies that undermine corruption. (Mohd Yusuf Daeng et al., 2023)

Continuous and sustainable efforts must be made to prevent and eradicate new acts of corruption. The need for support from various resources, both human resources and other resources, such as institutional capacity building and legal strengthening to increase public awareness and attitudes towards corruption (Setiadi, 2018).

This is in accordance with Soeriono Soekanto's police theory which states that the police factor is determined by 5 (five) factors, namely: a) Certain legal factors (regulations). In practice, there is often a conflict between legal certainty and justice in the implementation of prosecutions in the regions. Because the concept of law is an abstract formulation, while legal certainty is a normatively determined procedure. b) Law enforcers, namely those who make and apply the law. In the process of law enforcement by every police agency, the law and its truth must be ensured, recognized, seen and actualized. c) Police assisted factors or institutional facilities. Supporting facilities and infrastructure include trained and professional staff, good organization and adequate equipment. Law enforcement cannot function properly and law enforcement agencies cannot fulfill their duties. d) Community factors, namely the environment in which the law applies or applies. Society has a strong influence on the implementation of law enforcement because law enforcement comes from society and tries to operate in society. The higher the legal awareness, the greater the possibility of good prosecution. e. Cultural factors, namely as a result of work, creation and social life, based on the tastes of human initiative. Indonesian culture is the basis for the adoption of customary law. The enactment of written law (legislation) must reflect the values underlying the common law. In law enforcement, the more conformity between legislation and community culture, the easier it will be to implement (Siregar, 2018).

The success of law enforcement is influenced by several important factors that are neutral, so the negative or positive influence lies in the content of these factors (Prabowo, 2007). The close relationship between these factors is at the core of, and the measure of, police effectiveness. The theory of law enforcement put forward by Soerjono Soekato is related to Romli Atmasasmita's theory, namely that the factors that hinder the effectiveness of law enforcement do not only lie in the mental attitude of law enforcement officials (judges, prosecutors, police and soldiers). (legal counsel), but also factors that are often overlooked in legal socialization.

4. CONCLUSION

The conclusion of the factors affecting the prosecution of officials involved in corruption cases in the Complete Systematic Land Registration Program (PTSL) of Palembang City is that there are several main factors that jointly contribute to the low prosecution of corruption in the program.

These factors include inadequate legal regulations, weak law enforcement, lack of public legal awareness, and a corrupt culture that still exists in society.

First, the factor of inadequate legal regulation is the main cause of weak prosecution of corruption in the PTSL program. The lack of legal instruments and laws and regulations governing corruption has hampered law enforcement. Without a strong legal basis, efforts to prosecute corruption perpetrators are difficult to carry out effectively. Second, law enforcement factors also have a major impact. The lack of supervision and legal assistance for PTSL program implementers has resulted in low effectiveness in tackling corruption. Sloppy government administration practices allow opportunities for corrupt acts, and the lack of supervision allows perpetrators to avoid responsibility. Third, the lack of legal awareness among the public also plays a role in the low prosecution of corruption. Lack of understanding of the negative impact of corruption and involvement in corrupt activities, both at the individual and group level, indicates a lack of commitment to fight corrupt practices. Finally, the corrupt culture in society also influences this situation. The practice of giving bribes as a form of a culture of gratitude and a misunderstanding of the use of power often facilitates corrupt acts. This culture supports unlawful behavior and harms society as a whole.

Overall, the inadequate prosecution of officials involved in corruption cases of the PTSL Program in Palembang City is due to a complex interrelationship of factors of weak legal regulations, ineffective law enforcement, lack of public legal awareness, and a persistent corruptive culture. To address these issues, a comprehensive effort is needed involving improved legal regulations, increased supervision, public legal education, and cultural changes that encourage integrity and accountability.

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Often, corruption cases occur due to the lack of a strict and systematic monitoring mechanism. The Palembang City Government needs to strengthen the internal and external monitoring system of the PTSL program. This can involve parties such as the Supreme Audit Agency (BPK), the Corruption Eradication Commission (KPK), and civil society. On the other hand, performance appraisals and periodic evaluations of civil servants involved in PTSL also need to be conducted, to prevent corrupt practices and ensure the integrity of the program.

Corruption cases can also be reduced through increased transparency and accountability in the management of the PTSL program. This involves information disclosure, starting from the application process, determination, to the distribution of PTSL funds. The government must ensure that the entire process can be accessed and monitored by the public. In addition, the accountability of civil servants must also be improved. Every civil servant involved in the PTSL process must be responsible for their actions and there are clear sanctions for those who commit violations.

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