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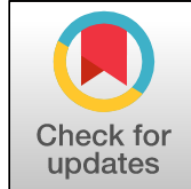
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The Corruption Investigation In The Regional Police of Riau Islands, Indonesia

Penyidikan Korupsi Di Kepolisian Daerah Kepulauan Riau, Indonesia

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Abstract

This research aim to analyzes the authority of the Regional Police of Riau Islands in a criminal act of corruption investigation. The method used is normative-empirical research. The results found that investigation of criminal corruption in Regional Police of Riau Islands conducted according to the authority of police investigators. In addition to proving the deeds of perpetrator, criminal investigation of corruption is also a means of restoring the state's financial losses as much as possible. In its implementation, corruption criminal investigation is influenced by legal factors, law enforcement factors, supporting facilities or facilities supporting law enforcement, community factors, and cultural factor.

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Introduction

Investigation is one of Police Regulations article 13 letters (b) of Law Number 2 Year 2002 on The Police of the Republic of Indonesia. That in connection with the Indonesian National Police, where the State Police of the Republic of Indonesia has the duty of "Law Number 2 Year 2002 on the Police of the Republic of Indonesia (POLRI) to conduct preliminary investigation and investigation of criminal offenses against Criminal Procedure Law and other laws and regulations. The issuance of Law Number 2 of 2002 on The Police of the Republic Indonesian establishes clear limits on the duties and authorities of the Police.

Law enforcement is conducted in a system called Criminal Justice System (CJS). In CJS, there are supporting institutes, such as Police department, Attorney's Office, Court of Law, and Correctional Institutions. Even though the law enforcement has been done within the system, however, its result is a long way off from expectation, therefore, Indonesia is being included in the category as one of the state with the worst reputation in law enforcement.

The relation between law enforcement in Indonesia in a case of corruption researcher elaborates International Transparency's data (TI) Indonesia mentions a refinement of Corruption Perception Index of Indonesia in 2016. Indonesia's CPI in 2016, goes up one point to 37 than previous year which only gains 36. However, Indonesia's rank instead decreased to the 90th position of 176 measured states. Whereas previously Indonesia stays at the 88th rank. Between the states from South-East of Asia, score 37 that Indonesia reaches only capable of passing Thailand with the score of 35. Thailand is known for always being above of Indonesia since the last five years, it means Indonesia's CPI score in this 2016 still under Malaysia with the score 49, Brunei (58), and Singapore (85). This perception index is the result of the observation that is conducted by TI during 2016 and announced in 2017. TI ranks ICP's rank of 168 states over the world, with score 0 for the very corrupt, and 100 for cleanest. Average score in the world are 43, it means all states with score under that are still considered corrupt.

Based on the duty ranks of *POLRI* in executing the official duties, it can be pulled one opinion that Law Enforcement is ranks second under *POLRI*'s main duty in the first rank as a keeper of the security and crowd control. The duties are mutually related between one another. It means that *POLRI* cannot abandon the other main duty in which to give protection, guidance, and services to the public.

In this research, the researcher is taking the object in the Local Police (*POLDA*) of Riau Islands. In The Riau Islands of Regional Police the structure consists of 3 (three) directorates that handling investigation of crime namely Directorate of Common Criminal, Directorate of Special Criminal, and Directorate of Drugs Related Criminal. The act of criminal investigation were handled and become the responsibility of Directorate of Special Crime of *POLDA* Kep. Riau is as follows:

Criminal act of corruption is one of the duty that carried out by Sub-Directorate III according to the main function of each duty in Directorate of Special Criminal. Sub-Directorate is led by a middle-rank officer ranked adjunct of chief commissioner of the police. In their own implementation the available Sub-Directorate could handle, for example investigator in the I's Sub-Directorate is able to handle the investigation which become part of Sub-Directorate II or III's and so do on the contrary that standing as an investigator or on duty in directorate of criminal unit conduct other duty such as traffic control, provides security in the rallies, gives emergency help after floods and other disaster. That common condition also does not miss from the experience of the investigators in the line of the *POLDA* Kep. Riau. An Investigator in the line of the local *POLDA* of Riau Islands is often assigned to do a duty outside their main everyday duty, likely to conduct activity of open security, involved in securing of the rally in the certain time. The thing was done because of the challenge of the complex task, incidental that requiring the existence and strength of police fully. That strength is, of course, cannot be overcome by the amount of allocations of *POLRI*'s personnel in the normal circumstances. Therefore, the reality of the burden of the duty is more or less affecting the performance of investigator of law enforcement especially in the corruption investigation and prosecution.

Material and Methods

This research is normative empiric, conducted by studying the secondary data that its implementation is tested through empiric research that in contrast with the primary data. Data acquisition is done by interview, functioning to make the description or exploration. The data is collected systematically and classified according to the main discussion. Further, the data analyzes qualitatively that is according to its true quality. The result of research is added in the description form that answering the statement of problem comprehensively.

Results and Discussion

Corruption Investigation Process in The Riau Islands of Regional

Police

Constituting The Telegram Letter of *KaPOLRI* Number: ST // X/ 2016, mentioned that:

"The Riau Islands of Regional Police is nominated as the best on handling the case of corruption during the last three months in Indonesia. The assessment of the Indonesian National Police Headquarter determining the success of the Riau Islands of Regional Police is based on the handling of the 18 cases of corruption where 16 cases can be solved. Yet, the completion of case by the Riau Islands of Regional Police which is 88,9 % are the highest number in Indonesia".

This social phenomenon will be analyzed further in this research to gain the input and output to find out about the quality of *POLRI* investigator's ability in conducting an investigation of corruption. The elaboration of successfulness of the the Riau Islands of Regional Police in carrying out its duty and authority in handling the corruption cases are reflected in the quantity data and the quality of corruption cases handling at the region of the Riau Islands of Regional Police including the ranks underneath. It happened because not every *POLRES* can handle or stop the corruption and its spread. *POLRES* with a minimum level of a corruption investigation, possibly at its region the devotion and consciousness of law of its government administrator is very high. On the contrary region, the corruption spreading and overwhelming, the consciousness level of law and devotion of the state apparatus is very low. Successfulness in uniting the region or an institution, of course, inseparable from the performance, loyalty, ability of the apparatus that manning the institution, plus how the task force eliminates problems and challenges that occurs.

As a supporting facility in the investigation and prosecution of special criminal cases especially corruption, supporting facilities needed are in the table 1.

No	NAME OF GOODS	SUM	CONDITION	ORIGIN OF GOODS	YEAR ACQUIRED
1	Car Operational	1	Good	CIA of Indonesian National Police	2013
2	Identification Car Unit	1	Good	CIA of Indonesian National Police	2012
3	Aceso Field Kit	1	Good	AFP (Australian Federal Police)	2012
4	Universal Forensic Extraction Device	1	Good	CIA of Indonesian National Police	2013
5	Voice Analysis Investigation Toll (USB)	1	Good	CIA of Indonesian National Police	2012
6	Ufad Celebraite	2	Good	CIA of Indonesian National Police	2013

Table 1. Data of special tools of supporting facilities Supporter of Barelang District Commands Data Source: *POLRES ta Barelang Year 2016*

From description above, it can be concluded that the existence of law enforcement is an activity that is activity of adjusting our attitude or action in a life of society accommodates (law of in of action) with values which is contained in the norms of law (law in the of book) to create and to maintain the orderliness, social stability and public concern.

Authority of *POLRI*prosecutorin conducting the wiretapping to disclosure the criminal act of corruption, based on the section 26, act number 31 year 1999 which is turned into the act number 20 year 2001 about corruption crime in explanation of section 26 is "authority of prosecutor in this condition involves the authority to do the wiretapping.

Further Budi Suryanto, explains, "*KPK*'s prosecutor independency has fully authority while independency of *POLRI*prosecutor is still influenced by loyalty to commanders. As in the Riau Islands of Regional Police any instruction and guidance from a commander, prosecutor will fully following to command of the commander. Although its theory is often said that prostecutor has the independency and could not be affected by the commander. However almost there is no prostecutor in the Riau Islands of Regional Police that denying guidance of their commander."

Crime investigation process of corruption by the Riau Islands of Regional Police investigator differ to the prosecutor of attorney office prosecutor and *KPK*'s prosecutor, the difference is when case file has been completed. Then the case file will be delegated to the attorney office. After attorney office prosecutor and *KPK*'s prostecutor

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complete the case then it is given to the its own institution.

Investigation budget of the criminal act of corruption for *KPK* the amount is limitless while investigation budget of the criminal act of corruption for *POLRI* is limited, the maximum amount for a case is Rp. 208.700.000,- and the case handled is limited to five cases for *POLDA* and two cases for *POLRES* and it is given based on target that has been decided in the early of fiscal year. This means which cases is handled by the Riau Islands of Regional Police will be supported with the available budget. But the last three years, period 2015 up to period 2016 the Riau Islands of Regional Police and its ranks is always target of handling of crime corruption.

Investigation implementation of the criminal act of corruption which is conducted in the law region of the Riau Islands of Regional Police and its ranks is accordant to important principles an investigation is applied, they are :

According to this principle, provisions in *KUHAP* follows the legality principle because placing law concern on other concern so that creates the defeated nation under "The Law Supremacy" which is harmonic with legislation provisions and sense of the Indonesian nation justice. Based on interview with prosecutor which become responders in the research are a prosecutor of Riau Islands of Regional Police and a prosecutor of Tanjungpinang Regency Police Riau Province are Andri Kurniawan, agree that process of investigation which is conducted by the Riau Islands of Regional Police and the Tanjungpinang Regency Police accord to law which is applied for both the institutions in conducting the investigation.

Investigation that is conducted by *POLRES* as foundations on the Police in carrying out duties and authority to conduct the investigation and lawsuit to the criminal act of corruption refers to Law Number 31 Year 1999 canged Law Number 20 Year 2001 on Cange law Number 31 Year 1999 on Corruption Eradication as material law and Law Number 8 Year 1981 on Criminal Procedure as formal criminal law. During the investigation procedure which has been conducted by the Riau Islands of Regional Police and Tanjungpinang of Resort Police there is no difference as well as it is according the procedure which is applied without giving the discriminative behaviour to the prepertator as well as giving the rights is given by law to the prepertator. As description of both the respondents can be concluded that investigation to the criminal act of corruption do not differ to the law which applying in Criminal Code Procedure.

b. Principle Of Innocence Presumption

Principle of innocence presumption is one of the evident appreciation of *KUHAP* at human right. This is similar with the prosecutors opinion of both the Riau Islands of Regional Police and Tanjungpinang Police Resort. In the implementation of investigation always respect perpetrator right itself, because current law enforcement in Indonesia had followed the *aqusatoir* principle therefore prosecutor in doing investigation do not doing violence and it is not appropriate at the present because defendant confession is no longer the evidence.

c. Principle of Swiftness, Simplicity and Low Budget

In conducting investigation, this principle is one of the important principles of an investigation process for the law enforcers. This principle explanation is reflected in provision investigation deadline, investigation, prosecution till process of trial that with legally binding. Based on interview result with the informant in this research is Arif Budiman, implementation of the principle has been worked as maximum as possible is achieved in investigation process of but sometime constrained by accused and the witnesses that less cooperative in giving the description so investigation process is not resolved quickly.

d. Principle of Functional differentiation

In *KUHAP* is arranged the division of duties and authority to law enforcement officer, from beginning of investigation until execution. As the step is always established continuous functional relationship and monitoring between institute of law enforcement institution. According to description of respondents, the function have been conducted by the Riau Islands of Regional Police and Tanjung Pinang Resort Police but in conducting investigation there is division of duties between police and attorney's officer. If investigation which is conducted by the Police department, Police only has the task to conduct the investigation of the criminal act of corruption and after completing investigation is delegated to the attorney's officer to conduct prosecution.

e. Principle of Mutually Coordination

Principle of mutually coordination is followed by *KUHAP* closely related to principle of functional differentiation, it can be said that even happened distribution of strict authority among each law enforcer institution, but there is coordination relationship among the institution in processing law enforcement itself. In the implementation of coordination when investigation is conducted by attorney's office as well as the Police department when conducting corruption crime in a region, according to respondent coordination has been conducted when starting an investigation. In case which prosecutor is prioritized, is prosecutor that having the evidence which is proved the criminal act of corruption. So there is always coordination between Police department and attorney's office when conducting an investigation in order not to create overlap between both institutions.

In addition, according to Andi Kurniawan when Tanjungpinang Police Resort starts an investigation to the corruption crime, investigator of Tanjungpinang Police Resort will coordinate with public prosecutor and report to the Directorate of Special Crimes the Riau Island of Policy Regional about a case which is conducted. But on the contrary KPK never has conducted the supervision and coordination to attorney's office in region of Riau Islands. For that reason we could conclude that law enforcer institution in the region of Riau Islands have conducted the investigation according to principle of mutually coordination between law enforcer institution. But KPK is opposite, never have conducted the supervision and the coordinations with law enforcer institution in a region, especially Riau Islands as the research object.

f. Principle Of Equality Before The Law

Obstruction of the criminal act of corruption is also implicit in one of principles that is applied in criminal law which says "*lex specialis derogat legi generali*". When daily practice in handling the criminal act of corruption is formed an image likely overlap authority between sub system in criminal judiciary system. Image or opinion which is formed about who has the authority conducting the investigation in the criminal act of corruption. Overlap authority is expected do not affect process of law enforcement of the criminal act of corruption which if it occur, the image of law enforcement of the criminal act of corruption will be worse certainly in the world view.

g. Principle accusatoir and inquisitoir

In process of examination to the perpetrator, investigator is not allowed doing any form of pressure to the perpetrator. Because KUHAP itself do not recognize perpetrator confession as one of evidences. As it is explained that investigators have the principle of *accusatoir*. About the principle according to respondent, it has been conducted by police and the attorney's office, because there is no violent or inhuman behaviour to the perpetrator. It is regarded to humanitarian investigation by using psychology approach, criminalistics, psychiatry and other supporting knowledge but decrease the investigator firmness himself as consequence perpetrator has respect to the investigator. So investigator get the investigation result as expected.

In implementation of an investigation is certainly uses the system approach of criminal justice which is applied, this according to opinion of Romli Atmasasmita that is: "system approach of criminal justice focus on the coordination and synchronization appear with monitoring and control of power usage by component of criminal justice (Police department, attorney's office, court and prison) and uses the law as instrument to settle the administration of justice.

In investigation on criminal system of judiciary, law placing obligation to the investigator to do the followings are:

1. If investigation have been conducted, result of investigation is obliged giving to public prosecutor as soon as possible.
2. Receiving back investigation file from public prosecutor, if according to public prosecutor assessment the investigation result that have been conducted by investigator is considered as the incomplete.
3. As soon as possible complete the required deficiencies according to the guidance of public prosecutor. While the obligation of the public prosecutor is to correct the investigation results from the investigator within a short time according to the provisions of the article that do not exceed 14 days since file investigation is received. If according to the public prosecutor assessment of investigation result is not significant enough, then public prosecutor should provide the guidance of what particular things should be significant in the concern of making indictment letter and requisitoir later.

According to Hengki Fadilah about the investigation authority is: "In case concerning the special criminal acts obviously arranged in Section 284 article (2) KUHAP that is transitional provisions from HIR to KUHAP still leaves prosecution authority to the attorney's office. But after implementaion of KUHAP prosecution function is delegated to the institute of police. Yet after some special criminal acts attorney has authority to prosecute as in economic criminality and the criminal act of corruption because of special crime itself arranged the authority.

Handling of the criminal act of corruption is conducted by processing by functionary investigator with purposes and aim collects the initial evidence which is required in order to conduct the follow-up of investigation. In fact the criminal act of corruption in the Riau Islands of Regional Police its progress is up down from year to year, number of cases occurred to amount of state financial loss can be seen on the table 2.

No	Tahun	The amount of Tipikor	Percentage (%)
1	2014	16	18,60
2	2015	35	40,70
3	2016	35	40,70
The amount of		100	
Data Source: The Riau Islands of Regional Policy the year 2016			

Table 2. The Investigation of Corruption on the Riau Islands of Regional Police Year 2014-2016

According to the data above, the percentage of investigation crime of corruption in Kepulauan Riau Regional Police is 18,60% in 2014, increase to 40,70% in 2015, and stagnant at the same number in 2016 at 40,70%.

The Factors of Influencing in The Investigation of Corruption in Riau Islands of Regional Police

The characteristic of the criminal act of corruption, multi dimension, relates to other complex problems, such as mental act/morality, life style/attitude and customs, needs/economy and economic system/structure, environment/social, and imbalances of social economic, political structure/culture, chances in development mechanism or bureaucracy weakness/administration (include monitoring system) in finance and public service. So, power and condition, in case of creating the corruption, are very wide (multi dimension), which may appear in various sectors, for example moral, social, economy, politic, culture, the imbalances of social economy, bureaucracy weakness/administration, etc. Corruption caused by "chance and power/authority as main source of corruption", which can not be denied. Everyone who have both factors will increase possibility to enrich themselves, with assumption of "whilst", as stated by Lord Acton, "*power tends to corrupt, absolute power tend to corrupt absolutely*", and a low moral integrity also decrease national discipline.

Intrinsically, the issue of law enforcement is as stated by Syamsuddin Pasamai, "*The issue of law effectivity relates closely to application, implementation, and law straightening in society to reach the purpose of law. It means law is philosophically, juridically, and sociologically apply.*"

By the factors above, the researchers explain that responsibility as investigation of criminal corruption is obstructed because of the following reasons.

- a. It is difficult to obtain document asked by investigator from government or private institution due to bureaucracy approval.
- b. the document is incomplete because it can not be found or lost.
- c. Auditing requirements by *BPKP* should be complete, so that the auditing result has legitimacy.
- d. The information like witness or expert explanation and documents should be given by institution who has competences consequently, so that obstruct the investigation.
- e. The different perception between law enforcement (investigator and prosecutor).
- f. Intrinsically, when the case investigated by POLRI in assumption that case conference, which investigated by attorney, is clearly different with continuing their own case. For example presenting witnesses in the conference and understand themselves will be easier to the prosecutor for they are known further and deeper since the investigation begin. It is different to the case of POLRI, because the prosecutor just learn the witness data right before the conference.
- g. If there is any of them, it may appear as to prove efforts of subject and witness protecting each other.
- h. Documents lost or hidden
- i. Process of calculating financial loss spend a long time.

Therefore, investigator efforts to reduce judicial and non-judicial obstruction in the investigation of corruption in the Riau Islands of Regional Police. On one hand, judicial obstruction, for it is in national legislation scope, make the Riau Islands of Regional Police impossible to access it, but become an input for their higher leader. On the other hand, the Riau Islands of Regional Police make coordination to all institutions for non-judicial obstruction, besides reporting to their head according to the level. A normative law in conducting investigation will exactly face obstruction in the process. It can be internal or external obstruction. Arif Budiman as the head of Sub Unit in Criminal Corruption of Riau Islands of Regional Police states that the obstructions can be both internal and external.

Internal factor is the factor from police institution itself. The factors are:

- a. The quality of human resource
- b. Facilities
- c. Customs in the police institution
- d. corruption Investigation Budget

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There is also external obstruction from outside of the police institution. The factors are: society, witness' protection, region and geography, legal process which take a long time, prosecutor's or judges' attitude who has different perception with investigator, and justification on the corruption act. For example, corruption by Regional Government is blurred by legitimation of Regional Revenues and Expenditure Budget Estimation or by legalizing of Regional Law, there are many lawyers or family of the accused use the institutions which have supervising authority or even internal supervising to influence the process of investigation by debilitating investigator or by giving different information and direction, the gap of law in Indonesian law, which usually used by lawyers or even the apparatus of law enforcement in investigation process in trial to release the accused, the auditing result from BPKP on financial loss which still argued by the accused so that the investigation based on BPKP about the financial loss is not final, the authority and connection of the accused to blur their corruption which is done by imitating/ counterfeiting the administration of financial report, so that it is not clearly seen as corruption.

Efforts of The Riau Islands of Regional Policy to reduce judicial and non-judicial obstructions in investigation of corruption cases are as following.

- a. Sending investigator/investigator's assistant to take a specialist course on criminal act of corruption, not only the one held in *POLDA* but also in *POLRI*'s Headquarters.
- b. Placing investigator/investigator's assistant who has background in law education, at least graduated from law faculty.
- c. Giving technical guidance and direction to investigator/investigator's assistant in understanding a case.
- d. Maximizing internal supervising function in each institution
- e. Empowering society, Independent Society Movement and NGO roles to help in giving information about corruption in government and private institutions, as well as controlling apparatus against corruption.
- f. Increase the quality of public service in investigation of criminal corruption by composing a report of investigation of criminal corruption result (SP2HP).
- g. Conducting investigation on corruption based on constitution, fairness and human rights and also freed from political influence and particular interest proportionally and professionally.
- h. Avoiding intervention on investigator from particular people that may obstruct the investigation.

Concept of Investigation of Corruption in The Future in The Riau Islands of Regional Police

The Human life of flourishes all the time. The development occurs with the influence of the law in it. Law is a necessity in social life, the media to serve the relationships among members of society, so there must be certainty in the relationship. There are statements and opinions of experts presumption that criminality can be vanished or reduced itself when development in various aspect of economy can be reached. The opinion is not completely accepted for it is argued by a research, which conclude that the economic development itself has followed by the increasing of criminality or the development itself can be said as the source of criminality. The fact at least has prove the previous theory which connecting criminality and economic, where people do crime under the economic pressure or economical factors. The issue of constitutional obstruction affect the minimal result of investigator against corruption held by the Riau Islands of Regional Police and Resort Police. It is a do analysis and evaluation in police institution. After that, it is necessary to take steps on investigational works in future to obtain an optimal result. In order to solve the problems which affected by constitution in straightening law of criminal corruption such as Investigation Birocracy in handling corruption, the Riau Islands of Regional Police and Resort Police take the following action.

- a. Giving suggestion to several institution such as Comision III of Indonesian Representative, Law and Human Right Department, Anti-Corruption Committee, through a horizontal regarding the staff's problems. Gives solution or suggestion to eliminate the problems.
- b. Associating with academician to held seminar on law, pubric hearing about corruption eradication through the prosecution of the criminal act of corruption and other problems. Through the seminar and the public hearing in order to get advice and recommendation to solve problems.
- c. Dealing on problem solving between prosecutors of the Riau Islands of Regional Police and the ranks of *POLRES* so that the case will not getting wide and obstruct the investigation process on corruption. This is maximized and detailed in cooperation between the *KPK* and the Police on March 29, 2012.

The steps taken by the Riau Islands of Regional Police to develop the criminal investigation of corruption are:

a. Priority Scale of Corruption Case

Humans, in his daily activities require other human beings, because humans are social beings who cannot survive on themselves. The relationship between one individual to another is called social interaction, which is often responsible in causing friction. To maintain the harmony of relationships, the law is required as a mean of social control and as a mean of social engineering. Law and crimes are inseparable parts because the law was created to combat crimes. Crime must be fought by the law enforcement apparatus. The pattern of crime eradication efforts committed by the law enforcement officials is called "*Political Criminal*". In the eradication of the corruption, law enforcements officers have to work hard in various ways and patterns as a part of *Political Criminal* to eradicate or at least suppress the development rate of corruption in its working area. Law enforcement is an attempt to materialize the law (*law on the books*) into reality (*law in action*). In its implementation, the aspects of legal certainty, justice, and legal protection as well as goals to be achieved have to be considered.

The effort of the law enforcement of corruption to succeed the government policy as stated in Presidential Instruction Number 5 Year 2004 concerning the Acceleration of Corruption Eradication, the Riau Islands of Regional Regency and Ranks of *POLRES* must understand the factors that influence law enforcement process. Understanding is needed to minimize the barriers that can affect the law enforcement process and maximize the opportunities available in law enforcement to the maximum. By *de facto* and *de jure*, the Riau Islands of Regional Regency and the Ranks of *POLRES* are entitled and authorized to eradicate corruption in its jurisdiction. The technical execution of the task has been clearly imprinted in the authority and role in daily tasks. the Riau Islands of Regional Police as one of the territorial units of *POLRI* has the task of law enforcement. The experience and existence in handling of criminal case so far, makes the hope and trust of society in jurisdiction of the Riau Islands of Regional Police and its surroundings depend on the Riau Islands of Regional Police and the Ranks of *POLRES* to be able to show its capability to eradicate the crime of corruption in the area of the Riau Islands of Regional Police and its surroundings.

The eradication of corruption committed by the Riau Islands of Regional Police in these three years was still not considered maximal. The unsuccessful attempt on the eradication of corruption through the investigation of corruption cases was considered unsupportive to the government's policy on the birth of Presidential Instruction No. 5/2004 regarding the Acceleration of Corruption Eradication. This problem will be followed up by setting the eradication of corruption in the top scale priority. The policy formulation as a form to follow up the orders and directions from *KaPOLRI* as stated in a meeting organized by the Headquarter of Crime Investigation Agency of *POLRI* as an effort to eradicate corruption in Indonesia. In the meeting that was held in Jakarta, March 2005 *Ka POLRI* explained and gave the order to all ranks to analyze the complex problem of corruption in Indonesia. According to the "New Paradigm", *POLRI* prioritizes community service, protection and guidance while law enforcement is done as a means to internalize Security and Order, policy directives from the Police to combat corruption in the region are.

1. Law enforcement activities by *POLRI*, intended to have deterrence to the perpetrators and the potential perpetrators;
2. The investigation of corruption cases, in addition to prove the perpetrators' actions, also as a mean to restore the state financial losses as much as possible;
3. There is a consideration of the level of investigation of corruption crime, for example, in a case involving the Governor will be handled by *POLDA*;
4. In order to avoid the file issues of the corruption case, the coordination and communication with the Research Attorney has been done from the start of investigation;
5. Intensify the coordination and communication with relevant agencies to optimize the investigation of corruption cases;
6. Upgrade the members of Investigators credibility

b. The Human Resource of Investigator

The direction from *KaPOLRI* is clearly clarifying about the technical direction of *POLRI* Institution in response to Presidential Instruction No. 5/2004 regarding the Acceleration of Corruption Eradication by Law Enforcement Agency. Out of its complex duties, *POLRI* was required to remain consistent in enforcing the law, while keeping their identity according to the "New Paradigm" of *POLRI*, as the state apparatus that provides service, protection, and guidance to the community. Besides, *POLRI* is also expected to eradicate as well as to prevent corruption, especially in its own institution, and also to improve the coordination and communication among common law enforcement agencies to optimize the eradication and investigation of corruption cases.

Law enforcement apparatus is an important role in the eradication of corruption, because the law will only be enforced in the hands of the law enforcement apparatus themselves. The law is expected to be placed in its position and role, both as "*a tool of social control*" and as "*a tool of social engineering*". Therefore, the role of Riau Islands of Regional Police Investigators and the ranks of *POLRES* is to commit in its role to eradicate the corruption for good. The role is carried out by conducting a full effort on criminal investigation of corruption in each institution and put it on a top scale priority, as a respond to Presidential Instruction No. 5/2004 on Acceleration of Corruption Eradication by Law Enforcement Agency.

POLDA Kep. Riau is making a respond by taking steps such as:

1. Proposing the addition of investigator personnel which will be assigned specifically to handle the corruption cases in the top ranks.
2. To send the investigator personnel to be educated and trained in the corruption cases' investigation, in order to improve the professionalism and the capability of the investigator in corruption eradication
3. Provide a Reward and Punishment to the investigator personnel that succeeded in handling the corruption case. On the contrary, the investigator personnel who are considered negligent or unable to carry out their duties and obligations in the eradication of corruption will be punished.
4. Provide a technical guidance and direction in the form of Guidebooks, Letters, and Telegram from the highest unit, *POLRI* Headquarter to each of its territorial units underneath.

The next stage is the development process of personnels will be conducted through the Basic Cadet Training. The process of Basic Cadet Training started from the recruitment, forming through education, career coaching in stages and oath when the cadet assigned to become a member of *POLRI*, as well as applicable rules that binds and demands all of *POLRI* members' behavior in his daily life. The Police department is an institution that must remain upright even if the state collapses, the government or the regime falls or changed to secure the community from any life, bodies, and possessions-threatening excesses. Technically, it is implemented by the Attorney and all institutions or government agencies. The culture of public servants is attached to it, as the state apparatus paid by the state for its devotion and services to the state.

Conclusion

The criminal investigation of corruption in the Riau Islands of Regional Police is carried out optimally in accordance with the *POLRI* investigators' authority from the stage of receiving reports of complaints, inquiries, police reports which are the initial stage of investigation, summoning, examination, arrest, detention, searches, filing, until the submission of the case file to the public prosecutor. The criminal investigation of corruption, in addition to prove the perpetrators' actions, also as a mean to restore the state financial losses as much as possible. And third, the factors that influences the criminal investigation of corruption by Riau Islands of Regional Police are:

1. legal factor, in the practice there are times when there is a conflict between legal certainty and justice, causing public dissatisfaction of law enforcement apparatus.
2. law enforcement factor, the right mentality or personality of investigator and the capability to handle the investigation of corruption cases helps to solve the corruption case investigation.
3. The factor of means or facilities that supports the law enforcement, such as the equipments, vehicles, and communication tools are sufficient enough to support the task of corruption criminal investigation.
4. community factor, the community and NGO supports by providing information on the crime of corruption, and
5. cultural factor, the culture of society has began to support the war on corruption because they have realized that corruption is very harmful to the state and society itself.

References

1. D. Hadijaya, N. Rosidah, and M. Akib, "Pelaksanaan Tugas dan Kewenangan Penyidik Dalam Melakukan Tindak Pidana Pengelolaan Lingkungan Hidup," *J. Kebijak. dan Pembang.*, vol. 1, no. 2, 2014.
2. H. Djanggih and K. Ahmad, "Effectiveness of Indonesian National Police Function on Banggai Regency Police Investigation (Investigation Case Study Year 2008-2016)," *J. Din. Huk.*, vol. 17, no. 2, p. 152, May 2017. doi: <https://doi.org/10.20884/1.jdh.2017.17.2.722>
3. M. Mugiman, "Implementasi Undang-Undang Nomor 3 Tahun 1997 Tentang Pengadilan Anak (Studi terhadap Anak yang Berhadapan dengan Hukum dalam Tingkat Penyidikan di Polres Purbalingga)," *J. Din. Huk.*, vol. 10, no. 2, May 2010. doi: <https://doi.org/10.20884/1.jdh.2010.10.2.144>
4. A. Raharjo, S. Sunaryo, and N. Hidayat, "Pendayagunaan Teknologi Informasi Dalam Pemberdayaan Masyarakat Untuk Mengawasi Bekerjanya Sistem Peradilan Pidana Di Jawa Tengah," *J. Din. Huk.*, vol. 10, no. 3, Oct. 2010. doi: <https://doi.org/10.20884/1.jdh.2010.10.3.37>
5. Editorial, "Peringkat Korupsi Indonesia Menurun, KPK Tetap Apresiasi," 2017. [Online]. Available: <http://nasional.kini.co.id/2017/01/25/20203/peringkat-korupsi-indonesia-menurun-kpk-tetap-apresiasi>. [Accessed: 04-Feb-2017].
6. A. Kurniawan, "Interviewed by Ahmad Ramdhan." Corruption Crime Prosecutor in Riau Islands *POLDA*, 16 May 2016, 2016.
7. A. Budiman, "Interviewed by Ahmad Ramdhan." Corruption Crime Prosecutor in Riau Islands *POLDA*, 20 May 2016, 2016.
8. S. Lasmadi, "Tumpang Tindih Kewenangan Penyidikan Pada Tindak Pidana Korupsi dalam Perspektif Sistem Peradilan Pidana," *Fak. Huk. Univ. Jambi*.
9. R. Atmasasmita, "Prospek Penanggulangan Korupsi di Indonesia Memasuki Abad XXI: Suatu Reorientasi atas Kebijakan Hukum Pidana di Indonesia." Fakultas Hukum Universitas Padjadjaran, Bandung, 1999.

Rechtsidee

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10. H. Fadillah, "Interviewed by Ahmad Ramdhan." Lawyer in Riau islands, 23 May 2016, 2016.
11. S. Pasamai, *Sosiologi & Sosiologi Hukum; Suatu Pengetahuan Praktis dan Terapan*. Makassar: Umitoha Ukhuwah Grafika, 2009.
12. S. Rahardjo, *Membangun Polisi Sipil*. Jakarta: Gramedia Pustaka Utama, 2007.
13. E. Danil, *Korupsi; Konsep Tindak Pidana dan Pemberantasannya*. Jakarta: Rajawali Press, 2005.
14. Indonesian Police, *Bagaimana Penanggulangan Tindak Pidana Korupsi di Indonesia*, Maret. Jakarta: Badan Reserse Kriminal Polri Direktorat III/ Pidana Korupsi & WCC, 2005.