

Legal Review of Criminal Acts Corruption Performed by Local Heads

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Abstract— The purpose of this research is to find out how the case of the position of corruption committed by regional heads in North Sumatra in the decision number 92/Pid.Sus-TPK/2019/PN.Jkt.Pst and how the decision on corruption crimes committed by the head in the decision number 92/Pid.Sus-TPK/2019/PN.Jkt.Pst where the normative legal research method concluded: 1. The defendant who is the Regional Head is proven to have accepted bribes from other parties who incidentally are parties who want reciprocity. come back. In this regard, as the acceptance of bribes has been carried out by the Regional Head of Talaud Regency, the act is a criminal act that is included in the realm of corruption as regulated in Law no. 20 of 2001 concerning Amendments to Law no. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. This led the regional head from Talaud Regency to be arrested and prosecuted. 2. The judge, in this case, decided to try the Regional Head of Talaud Regency and stated that the defendant had been legally proven guilty of committing a criminal act of corruption together and continuously and was sentenced to imprisonment for 4 (four) years and 6 (six) months and a fine of Rp. 200,000,000 (two hundred million rupiahs) provided that if the fine is not paid, it is replaced with imprisonment for 3 (three) months and imposes an additional penalty on the defendant in the form of revocation.

Keywords— Corruption; Regional head, Legal Examination.

I. INTRODUCTION

Indonesia is one of the big countries in the world and is one of the developing countries. So, it is not foreign if Indonesia has many problems in the life of the nation and state. To ensure security, order, public welfare and to guard development in Indonesia to realize Indonesia as a developed country, it is necessary to enforce the law. paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD 1945), which stated that: "The State of Indonesia is a state of law". State law is a state based on law, meaning that all the authority and actions of the State's equipment are regulated by law.

Thing This will reflect justice for the social life of its citizens Zaini Asyhadie stated that the definition of law is a collection of regulations that regulate order in society and should be obeyed by members of the community concerned. Meanwhile, according to E. Utrecht Law is a set of life instructions that regulate the order in society and should be obeyed by the members of the community concerned, because Violation of the guidelines for life can lead to actions from the government of that society. Law is very important in the life of the nation and state in Indonesia order to achieve a state of peace in society. Where peace as defined by Wirjono Projodikoro, namely the existence of certain harmony between order and provisions (regulations), thus the main purpose of the application of the law is to achieve a social order that is orderly according to the rules of the law itself and to provide protection of individual rights in the life of the people of a country.

At this time in Indonesia, the problem of law enforcement is becoming a problem public spotlight because many people and even state administrators a government which is the maker of the law itself, this is a bad image and corrected so that generations don't do things that have happened who should be an example in carrying out the law violates and do not heed the law itself by committing violations.

An example of a crime that has always been a public concern in Indonesia Indonesia is a corruption problem.

Corruption is not a new thing in Indonesia this country. Corruption in Indonesia is even classified as an extra-ordinary crime or extraordinary crime because they have damaged, not only state finances, but also but has destroyed the pillars of socio-cultural, moral, political, and order national security law.

In this case, corruption is one of the various terms used to describe corruption familiar to the ears of the Indonesian people, almost every day various mass media Reporting corruption cases, both committed by officials and employee's country. In criminological terms, corruption is a form of crime "white-collar crime" or white-collar crime.

This is an eye-catching thing for the community because the perpetrators are people who are in the perspective of the community as well-known and well-respected people, but they are the ones who make people destitute due to corruption.

According to J.E. Sahetapi quoted by Usman in his journal that: "The occurrence of this type of crime shows that it is not only poverty alone can influence people to do evil, but also factors of luxury and prosperity." Corruption can paralyze National development. In society, this corrupt practice can be carried out by anyone in various modes and can be carried out by anyone from all over the world various social and economic strata. Legislators state administrators, governments from the center to the regions often violated his oath of office and the provisions of the applicable law, even abuse their power and authority to enrich themselves alone. In recent years, the handling of corruption by KPK is increasing, this is already a serious matter and requires more attention by law enforcement and effective action against the perpetrators to create a deterrent effect. Corruption Crime Recapitulation as of 18 January 2019, in 2018 KPK handles corruption crimes with details: investigation 164 cases, investigation of 199 cases, prosecution of 151 cases, Eintracht 106 cases, and execution of 113 cases.

In various corruption cases that have occurred, it is more understandable by various parties rather than eradicating it, even though corruption is a type of crime that can touch various interests concerning human rights, state ideology, economy,

state finances, nation's morals and so on, which is an evil behavior that tends to hard to deal with.

The difficulty of overcoming corruption is evident from the lack of the punishment borne by Defendant is not proportional to what is do it. If this happens continuously, it can negate a sense of justice and a sense of trust in the law and legislation by citizens. Thus the law is not artworks that exist only to be enjoyed, not also a culture which only exists for social-rational study material, but the law is made to implement.

Eradication of corruption is the most urgent problem that must be carried out in the country because it has significantly hampered the progress of the nation. The habit of corruption is seen to be very large outside the control of the government. Will However, this step to eradicate corruption is often hindered by various problems complex. However, eradicating corruption must be done, it is indeed a task hard but that doesn't mean it's impossible to do. Therefore, law enforcement and extraordinary handling are needed in the eradication of corruption.

Various laws apply in Indonesia, one of which is criminal law. In the Criminal Code (KUHP) known as *strafbaarfeit* and in the literature on law criminal offenses often use offenses, while legislators formulate a law using the term criminal event or criminal act or criminal act. 10 Crime (*strafbaarfeit* or delict) means an act for which the perpetrator may be subject to a criminal penalty and this perpetrator can be said to be the subject of a criminal act.

The defendant in the preparation and implementation of the Revenue and Expenditure Budget Regions as well as in the implementation of the North Sumatra Provincial government has give money to the leadership of the Regional People's Representative Council along with member of the period 2009 to 2014 and chairman of the House of Representatives Regions and their members for the period 2014 to 2019. The judicial process This is very time-consuming and energy-consuming for law enforcement officials There are many problems in the framework of the criminal justice system, especially the judge's legal considerations against the defendant because this act was carried out jointly and continuously

II. METHOD OF RESEARCH

2.1. Methods

Continuously Linked Elements in Indonesian Criminal Law With Legal Weights Against the Perpetrators The form of the negative impact of the Regional Autonomy policy that has been implemented since 2001, namely the decentralization of corruption. Criminal act corruption or this extraordinary crime is not only rampant in the realm of the central government but also spread to the regions even remote though. Corruption activities are carried out through spending mark-ups,

manipulation of official travel to become a project broker. Even collaboration between the three elements is possible, for example between the legislature and the executive, between the executive and the private sector, and between the legislature with the private sector through the mode of project brokerage and other activities.

In general, the object of corruption that occurred in Indonesia is the regional budget comes from the Regional Revenue and Expenditure Budget (APBD).

In recent times, corruption in APBD funds in various regions has ensnared many executive officials and also often the legislature. Growing up Corruption in Indonesia, especially in the regions, cannot be separated from system problems the system of government or politics as well as the applicable legal system. In matters of government system related to the role of the legislature and executives and in areas particularly in budgeting many games, tend to be closed, and unprofessional budgeting. Starting from the layout The method of recruiting members of the legislature is also a problem because there are unwritten obligations that are burdensome enough to encourage them to look for other additions when they are seated in the legislature. Even law enforcement agencies seem difficult because they face their obstacles in uncovering corruption cases that specifically involves public officials who have considerable influence.

In the criminal burden will include aspects of quality and quantity criminal. The quality that is meant here is when the weighting occurs because of the change from a lighter type of punishment to a lighter type of punishment more severe, with due regard to the provisions of Article 69 of the Criminal Code. Temporary The weighting from the quantity aspect here is if the crime is increased by the amount previously threatened crime.

The pattern of punishment is a benchmark in making or compiling punishment for the legislator, which is distinguished by a standard punishment which is a benchmark for judges in deciding cases. In the special criminal law, the pattern of weighting criminal threats is divided into: into five parts, namely: General weighting, weighting criminal quality, criminal quantity weighting, weighting with a change in the threat model criminal charges, and weighting with special minimum threats.

2.2. Heavy Punishment Against Individual Heads of Regions as Perpetrators of Criminal Acts of Corruption

Before discussing the weighting of penalties against the chief regions that are entangled in corruption, we need to know that regional heads have a lot of authority in carrying out their duties. This is where it often becomes an opportunity for unscrupulous regional heads to abuse their authority.

In a criminal act of corruption, the authority that is in position a from the perpetrator Corruptors are a series of powers that have been attached to their positions or position of the perpetrator of a criminal act of corruption to take necessary so that the work and duties can be carried out properly. Corruption can occur in various aspects of life, for example:

- (1) The political field, the target is power, for example, commercialization politics positions, general elections, as well as informing political parties,
- (2) Economy, the target is income, for example in transactions business, project and business licenses,
- (3) The legal field, the benchmark is the avoidance of the consequences of violating the applicable law, for example, legal products, and influencing the judicial process,
- (4) The administrative field, the target is administrative tidiness, for example in financial administration, receipt of goods, and

(5) Social sector, such as irregularities in the distribution of aid for natural disasters, and time corruption. What is meant by legal structure is the implementing or implementing elements of the law itself, which consists of organizations, institutions including their officials.

In the context of corruption, institutions such as the legislature, government (executive), and judiciary with their apparatus are bureaucrats, the Corruption Eradication Commission, the Police, the Attorney General's Office, and the courts, including advocates.

Prosecution Against Perpetrators of Corruption Crimes Performed By Regional Head Taking action against the perpetrators of previous criminal acts must be meet the elements of error or in the broadest sense are:

1. There is the ability to be responsible for the perpetrator or the mental state of the perpetrator must be in normal condition.
2. The inner relationship between the perpetrator of a crime and what he did, whether by mistake (culpa) or intentionally (dolus) this is mentioned in the faults of the maker.
3. No reason can delete and eliminate mistakes or excuses for mistakes made by the perpetrator on the principle of criminal responsibility based on the principle of an error that expressly states that there is no crime without error. That is, a person can be held accountable in criminal law because there has been an act that is against law and deviate from the stipulated provisions. In the sense that the widest possible error is due to the ability responsible for the perpetrator and this becomes the justification for being dropped crime against him.

Ruslan Saleh stated that there are 4 (four) types of errors that must exist and which can result in the defendant being sentenced, namely:

1. Committing a criminal act or criminal offense
2. The ability to be responsible
3. Negligence or on purpose
4. There is no excuse for forgiveness.

Furthermore, Roeslan Saleh stated the factor in terms of ability responsible are:

1. reason, and
2. will

With the power of thought and reason, people can distinguish between actions that= is not allowed with what is allowed. Next, with a person's will and desire or will can adjust one's behavior which behavior is not allowed and which is allowed to be carried out, the investigation stage is the stage that a case must go through towards the disclosure of whether or not the alleged occurrence of a criminal act. So, the existence of the investigation stage cannot be separated from the existence of statutory provisions governing the criminal act.

On the other hand, regional autonomy should be a strategy to accelerate The achievement of the people's welfare has turned out to be an arena for equity corruption. Regional autonomy is very effective in accelerating development and regional equity, but in this development process a lot of funds flow areas that open opportunities for fraud and irregularities to looting openly by officials or authorities in the area it.

As a form of crime, corruption in Indonesia is a very serious phenomenon, in Indonesia it is not only entrenched but has

organized whose dimensions are international, therefore in its eradication is not only handled by ordinary crimes, there must be efforts, excellent in handling. While legal culture (legal culture) is related to thoughts and social forces regarding how the law is used or abused both by the community and the legal structure. The use of the rule of law in Indonesia as outlined in Article 1 paragraph (3) of the 1945 Constitution has consequences for the obligation to enforce the law.

How to declare that enforcement Law is a concrete form of application of law in a society that will affect legal feelings, community legal needs, and justice, or legal satisfaction. However, if a state of the law has poor quality in law enforcement, it will certainly cause various upheavals in society because of the failure to achieve legal goals such as justice and order. Article 52 of the Criminal Code states that "When an official because committing a crime violates a special obligation of his position, or when committing a crime using the power, opportunities, and facilities given to him because of his position, the penalty is increased by one third." What is meant in this case lies in the state of office of the quality of the maker (official or civil servant) regarding 4 things, namely in committing a crime by:

1. Violating a special obligation of the position;
2. Using the power of his position;
3. Using the opportunity because of his position;
4. Using the infrastructure provided because of his position.

In the corruption law that regulates abuse of authority, namely Article 3 of Law Number 31 of 1999 concerning the eradication of criminal acts of corruption, which as amended and added by Law Number 20 of 2001 which reads: himself or another person or a corporation, abuse of authority, facilities or opportunities available to him because of his position or position that can harm the State or state finances."

In the concept of abuse of authority based on Article 3 of the Law corruption, there is a Supreme Court Jurisprudence Number 572K/Pid/2003 relating to the above. In the legal considerations, the Supreme Court separates and distinguishes between job responsibilities and individual, personal or individual responsibilities. Abuse of authority in the concept of state administrative law is known as the concept of *detournement de pouvoir* that abuse of authority is only carried out by state administration officials or government bodies who are given authority based on law or attribution authority or delegated authority. If the abuse of authority outside the State administration officials is not included in the abuse of authority.

2.3. Barriers to Eradicating Crime of Corruption

In terms of efforts to eradicate corruption is not an easy thing. Many things and efforts have been made in eradicating corruption, however There are also many obstacles to its implementation. Some of the efforts that have for example, the Hand Catch Operation (OTT) is often carried out by the KPK, the demands and decisions handed down by law enforcement are also sufficient hard, but there are still those who commit criminal acts of corruption. Not even Rarely do we hear the term that those who get OTT are "unlucky or unlucky".

Corruption is a human act that results in harm to the life of the community, nation, and state and is threatened with criminal

penalties. Even in China, perpetrators of corruption are threatened with the death penalty. Almost every country is aware of the dangers of corruption and categorizes it as an extraordinary crime.

Even though the eradication of corruption is getting more and more intense, the reality is that corruption is increasingly rampant, including in Indonesia where recently a series of a high-ranking state official is suspected and proven to have committed a criminal act of corruption.

Not infrequently those who commit criminal acts of corruption are people who understands the law who should be a role model for the community which is the main problem why corruption has many an obstacle in solving it. The weakening of law enforcement in Indonesia, this is because law enforcement officers have not shown a positive attitude professional and do not have high integrity and morals in the State.

Obstacles in eradicating corruption can be clarified as following:

1. Structural barriers

Structural barriers come from the practices of the organizers The state and government in making the handling of criminal acts of corruption not working as expected. The occurrence of bureaucratic inefficiency and increasing administrative costs in the bureaucracy, things like this continue without any definite breakthrough in its resolution.

2. Cultural Barriers

This cultural barrier stems from negative habits that have been develop in society. Included in the section or group These are: there is still a "reluctant" and tolerant attitude among fellow officials a government that hinders the handling of corruption; lack of openness of the leadership of an agency so that it often seems tolerant and protect perpetrators of corruption; intervention of the executive, legislature, and judiciary in handling corruption, low commitment completely and decisively and some people do not care about the efforts corruption Eradication.

3. Instrumental Barriers

This obstacle stems from the lack of adequate supporting instruments in the form of legislation that can make the handling of corruption does not work as expected. Even if for example there is a law or rule of law against an act of corruption.

III. ANALYZE AND RESULT

3.1. Position Case

Defendant GATOT PUDJO NUGROHO as Governor of North Sumatra (North Sumatra) period 2013-2018 based on the Decree of the President of the Republic of Indonesia Number 62/P YEAR 2013 dated May 21, 2013, at the time between the months July 2013 to May 2015, or at some point in the year 2013 to 2015, located at the Office of the Governor of North Sumatra Sudirman Street Number 41 Medan City and the House of Representatives Office Region (DPRD) of North Sumatra Province Jalan Imam Bonjol Number 5 Medan City or at least in a place that is still included in the legal area a Corruption Court at the Medan District Court has perform some related activities in such a way that is seen as a continuing act,

giving or promising something, namely give money in the amount of Rp. 61,835,000,000.00 (sixty one billion eight hundred and thirty-five million rupiahs) to the State Administrator, namely:

The leadership of the North Sumatra Provincial DPRD and members for the period 2009 to 2014 and the North Sumatra Provincial DPRD leadership and members for the 2014 period until 2019, with the intention that civil servants or state administrators the person does or does not do something in his position, namely so that the leadership The Regional People's Representative Council (DPRD) of North Sumatra Province and its members the period of 2009 to 2014 and the leadership of the North Sumatra Provincial DPRD and their members for the period from 2014 to 2019 gave their approval to the Report Accountability for Implementation (LPJP) of the Revenue and Expenditure Budget Regional Budget (APBD) North Sumatra Provincial Government Fiscal Year (TA) 2012, approval of the Amendment to the Regional Budget of North Sumatra Province for the year Budget (FY) 2013, approval of the North Sumatra Province APBD Fiscal Year (FY) 2014, approval of the Amendment to the Provincial APBD North Sumatra Fiscal Year (FY) 2014, approval of Provincial APBD North Sumatra Fiscal Year (FY) 2015, Accountability Report Implementation of the Government's Regional Revenue and Expenditure Budget (APBD) North Sumatra Province Fiscal Year (FY) 2014, Report Approval Accountability Statement (LKPI) Governor of North Sumatra (Sumut) The fiscal Year 2014, Cancellation of Application for Interpellation Rights for Council Members Regional People's Representatives (DPRD) in 2015, which is contrary to the obligations as a State Administrator as regulated in the provisions of Article 5 number 4 and number 6 of the Law of the Republic of Indonesia (RI) Number 28 of 1999 concerning State Administration that is Clean and Free from Collusion and Nepotism, Article 327 paragraph (3) of Law Number 27 of 2009 concerning the MPR, DPR, DPD, and DPRD.

The defendant knew that the giving of money to the leadership and Member of DPRD of North Sumatra Province for the period 2009 to 2014 and the period 2014 up to 2019, totaling Rp. 61.835.0000.000.00 (sixty-one billion eight hundred thirty-five million rupiahs) above is meant to mobilize the Leaders and Members of the North Sumatra Provincial DPRD to approve the APBD Implementation Accountability Report North Sumatra Provincial Government Fiscal Year (FY) 2012, approval to the Amendment to the Regional Budget of North Sumatra Province for the 2013 Fiscal Year (FY) approval of the North Sumatra Province APBD for Fiscal Year (TA) 2014, approval of the Amendment to the North Sumatra Provincial Budget for Fiscal Year (TA) 2014, approval of the North Sumatra Provincial Budget for FY 2015, Report Accountability for the Implementation of the Regional Revenue and Expenditure Budget (APBD) North Sumatra Provincial Government in FY 2014, Approval of Statement of Accountability Report (LKPI) of the Governor of North Sumatra FY 2014 Cancellation of the 2015 DPRD Member's Interpellation Rights application, even though the provision is contrary to the obligations of the leadership and members of the DPRD

Province of North Sumatra for the period 2009 to 2014 and the period 2014 to 2019 as State Administrators as regulated in Article 5 number 4 and number 6 Law of the Republic of Indonesia Number 28 of 1999 concerning State Administration.

3.2. Public Prosecutor's Claim

The Public Prosecutor on February 13, 2017, who requested that the panel of Judges at the Corruption Court at the District Court Medan, which examined and tried this case, decided:

1. Declaring that Defendant GATOT PUJO NUGROHO has been legally proven and convincing according to law guilty of committing a criminal act of corruption as regulated and punishable by a criminal offense in Article 5 paragraph (1) letter a Law No. 31/1999 on the Eradication of Acts

Corruption Crimes as amended by Law Number 20 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption Jo Article 64 paragraph (1) of the Criminal Code in the First Indictment.

2. Sentencing the Defendant GATOT PUJO NUGROHO in the form of:

Imprisonment for 3 (three) years reduced while Defendant is in custody with an order that the Defendant be detained and added with a fine of Rp. 250,000,000,- (two hundred and fifty) million rupiahs) subsidiary for 8 (eight) months of confinement.

3. Declare Evidence:

a. Evidence No. 1 to 381 in the form of: 6 (six) photocopies of the Decree of the Governor of North Sumatra Number 188.44/190/KPTS/2014 dated 27 March 2014 About Users Budget/Goods and Expenditure Treasurer at the DPRD Secretariat North Sumatra Province in the Context of Regional Financial Management T.A 2014.

b. Evidence No. 382 to 395 in the form of:

1). Money in the amount of Rp. 100,000,000,- (One hundred million rupiah) which has been deposited into BRI Bank Account Rasuna Said Jakarta Branch Number 0378.01.000168.30.6. a.n. KPK QQ RPL 175 KPK, along with 2 (two) sheets proof of deposit dated March 10, 2016, and March 21, 2016, respectively Rp 50,000,000,- (Fifty million rupiah) by the depositor HAMAMI SUL BAHSYAN with RETURN information 2015 Provincial Government Budget.

2). Money worth Rp. 110,000,000,- (One hundred and ten million rupiah), which deposited into account Number: 0378.01.000168.30.62 in the name of KPK QQ RPL 175 KPK IDR For Deposit along with 1 (one) slip of proof BRI BANK deposit, November 26, 2015 at 08:28:29 WIB, on the slip sheet, it is written: OLOAN SIMBOLON depositor, without description. Money in the amount of Rp. 300,000,000,- (Three hundred million rupiah) along with 1 (one) copy of the original copy of the Deposit Slip of PT BANK RAKYAT INDONESIA (PERSERO) Tbk. May 3, 2016 / 13:29:38, number beneficiary account 0378.01.000168.30.6 a.n. KPK QQ RPL 175 KPK, the name of the TOTOK depositor (Alfonso & Partner), Description: Deposit money case a/n defendant H. AJIB SHAH.

3). Money of IDR 30,000,000 (Thirty million rupiah) along with 1 (one) original copy of an original copy of PT BANK RAKYAT's Deposit Slip account number INDONESIA

(PERSERO) Tbk 19 May 2016 / 11:17:44, recipient 0378.01.000168.30.6 a.n. KPK QQ RPL 175 KPK.

3.3. Court Ruling

Considering whereas to prove the veracity of the indictment, several pieces of evidence have been presented in court. The evidence presented in this trial has been legally confiscated according to law because it can be used to strengthen evidence and goods the evidence has been shown to the witnesses and the defendant where they recognize and confirm it. Considering that apart from the evidence, they have also been heard testimony of witnesses, a testimony of the defendant, and the existence of documents of evidence as well as There is evidence in court that turns out to be mutually agreeable each other.

Considering, that Defendant has been charged by the Public Prosecutor with the following charges: FIRST: violating Article 5 paragraph (1) letter a/Law Number 31 Years 1999 concerning Eradication of Criminal Acts of Corruption as has been amended by Law Number: 20 of 2001 concerning Amendment to Law Number 31 of 1999 concerning eradicating the Criminal Acts of Corruption in conjunction with Article 64 paragraph (1) of the Criminal Code. Or SECOND: violating Article 13 of Law Number 31 of 1999 regarding the Eradication of Criminal Acts of Corruption, as has been amended by Law Number 20 of 2001 concerning Amendment to Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption in conjunction with Article 64 paragraph (1)

Criminal Code Considering, that from the statements of the witnesses, the statements of Defendant, the existence of documents of evidence as well as the existence of evidence in court it turns out that they are mutually compatible with the fact that the defendant gave money to several members of the North Sumatra DPRD in streamlining the program and its performance. Considering, that based on the facts obtained above and reviewed of the indictment in the form of an alternative, the Panel of Judges has the authority to choose to consider the indictment according to the facts that revealed in court.

In this case, the panel of judges agrees with the public prosecutor and will consider the first alternative charge. Considering that the articles charged in the First indictment are: Article 5 paragraph (1) letter an of Law Number 31 of 1999 as referred to in Article 5 paragraph (1) has been amended by Law Number 20 of 2001 in conjunction with Article 64 paragraph (1) KUHP, where the elements are as follows:

1. Everyone;
2. Giving or promising something to a civil servant or administrator Country;
3. With the intention that the civil servant or state administrator do or not do something in a position that is contrary to with its obligations;
4. Which actions are considered as continuing actions (Article 64 paragraph (1) Criminal Code)

Aggravating things:

1. The defendant's actions did not support the government's program which was actively eradicating corruption.
2. The defendant as regional head did not set an example and role model for subordinates and the people of North Sumatra.

3. The defendant's actions may hinder the functioning of the DPRD's supervisory function North Sumatra on the implementation of the SKPD program in developing the region North Sumatra Province.

4. The defendant's actions involved many parties, both personal, official, and personal North Sumatra regional government agency.

5. The defendant's actions in buying and selling positions and perpetuating the practice of bribery in running the government can eliminate trust society in the state and government. Things that relieve

1. The defendant behaved politely in court

2. The defendant has a child who still needs someone's guidance old.

IV. CONCLUSION

Based on the results of the research and discussion above, the authors conclude as follows:

1. Regional autonomy is very effective in accelerating development and regional equity, but in the process of development, but a lot of funds flows to areas that open up opportunities for fraud and irregularities to open looting by officials or the rulers in the area are more prone to bribery, so that the government, which should have mutual control, has come to an agreement together for personal and group gain.

2. In taking action against corruption, especially in Sumatra North comes from the lack of supporting instruments in the form of legislation that can make the handling of criminal acts

of corruption not working as expected. Even if for example there is a law or rule of law against a certain act of corruption, however in its enforcement, there are various considerations that must be taken into account exists, so that the punishment received does not create a deterrent effect.

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