



Judicial system obstacles to handling criminal acts of corruption in the procurement of goods and services island-based

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Abstract

Corruption in the procurement of goods and services remains a significant challenge in Indonesia, particularly in island-based regions where geographical isolation, limited infrastructure, and institutional weaknesses hinder effective law enforcement. This study aims to analyze the judicial system obstacles in handling corruption cases related to goods and services procurement within island-based jurisdictions. Using a normative juridical approach combined with empirical insights from selected cases, this research identifies several key barriers: limited investigative capacity of law enforcement agencies, procedural delays in prosecution and adjudication, lack of coordination between supervisory and judicial institutions, and sociocultural factors influencing local governance. The study reveals that geographical constraints often exacerbate the ineffectiveness of legal mechanisms, resulting in weak deterrence and recurring corruption patterns. Strengthening institutional synergy, enhancing digital-based supervision, and promoting transparency in public procurement are recommended as strategic measures to improve judicial responsiveness in island-based regions.

Keywords: Corruption, judicial system, goods and services procurement, island-based regions, law enforcement

Introduction

Corruption occurs not only at the national level but also at the regional level. It is committed by government officials, council members, and local leaders, including governors, regents/mayors, and officials at the district/city level. Corruption is a serious issue because it threatens national and public security, hinders social, economic, and political development, and even undermines democratic values and ethics, as long-term corruption has become ingrained in society^[1].

The phenomenon of corruption in Indonesia continues to expand daily. Both the number of cases and the financial losses suffered by the state are increasing. The factors contributing to corruption not only influence officials in power but have also become ingrained as habitual behaviors within society at large^[2].

Corruption can hinder the growth and sustainability of national development, which demands high efficiency. One of the sectors prone to corruption is the procurement of goods and services. From the trend of corruption cases, it can be seen that on average, more than half of corruption cases in Indonesia occur in the procurement of goods and services. "With procurement cases accounting for more than half, 57% occur in construction work, and 32% in the procurement of goods. "However, this does not mean that the consulting services sector (6%) or other services (5%) are not prone to corruption. There are also service jobs that have become cases of corruption, with patterns of abuse in the process of procuring goods and services. This can be seen thru every process, from planning, selection, contracting, implementation, to evaluation.

As an archipelago, Maluku province is also prone to a high incidence of corruption in the procurement of goods and services. One example of procurement of goods and services is based on the Indictment of the Maluku District Attorney's Office No. Reg. Perk: Pds- /Q.1.10/03/2024, which states that there was abuse of authority, opportunity, or existing means by witness Joy Reinier Adriaansz, in his capacity as

Head of the Ambon City Communication, Information, and Encryption Service, during the procurement of office supplies, vehicle maintenance, book printing (hardcover), daily travel allowance, features, zoom meeting rental, launching siren, launching video, installation of billboards/banners, and incentives for operator and network personnel. This was done in conjunction with Hendra Pesiwarissa the Procurement Officer at the Ambon City Communication, Information, and Encryption Service, during the Bulletin Printing Activity, and together with Hendra Pesiwarissa and Charly Tomaso, as the Selection Working Group, and defendant Yermia Padang during the implementation of the Video and Film Studio Equipment Capital Expenditure activity, resulting in financial losses to the state in the use of the Ambon City Communication, Information, and Encryption Service's Budget Implementation Document (DPA) for the 2021 Fiscal Year, amounting to Rp.868,546,050,- (eight hundred sixty-eight million five hundred forty-six thousand fifty rupiah).

The challenges in eliminating corruption can be perceived as impediments to its eradication. Efforts to eliminate corruption are challenging; despite numerous attempts, barriers persist in achieving its eradication^[3].

Based on the background that has been outlined, the problem in this writing is what are the obstacles faced by the judiciary in handling corruption in the procurement of goods and services based on island regions.

Research Method

The type of research used in this legal writing is empirical legal research or non-doctrinal research (socio legal research) to find out the circumstances that occur in practice. Empirical legal research is research based on certain methods, systematics, and thoughts that aim to study one or several certain social symptoms by analyzing them.⁽⁴⁾ The research location is at the Ambon District Attorney's Office, the Maluku High Court, and the Ambon District Court. The data source consists of secondary data,

including primary legal materials such as the Anti-Corruption Law and the Goods and Services Procurement Law. The data collection technique is an interview method conducted by the researcher and respondents, who in this case are prosecutors and judges handling corruption cases involving goods and services. Data analysis will be conducted using a descriptive-qualitative analysis method.

Results and Discussion

Institutions In The Judicial Process For Handling Corruption Crimes

Corruption as a moral deficiency, detrimental characteristic, and condition involves the misuse of authority within governmental institutions, the exploitation of power influenced by economic and political motives, and the appointment of family, group, or faction members to positions of authority. Efforts to eliminate corruption are obstructed by the insufficient commitment of those in authority, the administration, and the political elite to thoroughly address the issue. Legal regulations are meticulously designed to regulate the nation. Furthermore, employing a less comprehensive strategy for combating corruption, which emphasizes repressive measures, also exerts an influence. Actions executed with caution will undoubtedly prove ineffective in addressing corruption. Widespread corruption in development is detrimental. The Indonesian populace has been adversely affected by the pervasive corruption. Corrupt criminal activities pose a significant threat to societal stability and security, socio-economic and political advancement, as well as democratic and ethical principles. This conduct progressively evolved into a culture^[5].

The problem of corruption is not only a problem faced by a nation or country, but corruption is a problem faced by all of humanity because of the impact caused by this crime. This impact is not only economic loss, but almost all aspects of life are affected, including social, cultural, political, and security. The government's prevention efforts include tightening supervision, both external and internal^[6].

Institutions within the criminal justice system that address corruption cases pertaining to the procurement of goods and services encompass the Attorney General's Office of the Republic of Indonesia, as delineated in Law Number 16 of 2004 regarding the Attorney General's Office, which is a governmental entity exercising state authority in prosecution and other legally defined capacities. The Prosecutor's Office is an entity or governmental agency that wields state power in the realm of prosecution and related powers. Simultaneously, the individual executing those responsibilities, roles, and powers is referred to as a Prosecutor :

Article 1, Paragraph^[1] of the Prosecutor's Law delineates that "A Prosecutor is a functional official endowed by law with the authority to serve as a public prosecutor and to implement court decisions that possess permanent legal force, along with other powers conferred by law."

Article 2, Paragraph^[1] of the Prosecutor's Law stipulates, "The Attorney General's Office of the Republic of Indonesia is a governmental entity that wields state authority in the realm of prosecution and other legally defined powers."

In the process of law enforcement, prosecutors must act in accordance with the law, based on religious, decency, and moral norms, and are obliged to uphold the values of humanity, law, and justice that exist in society, as an effort

to create a peaceful and orderly society, thru their general functions as public prosecutors and executors of court decisions. As an investigator in special criminal cases, including corruption as regulated by Law Number 31 of 1999 concerning the Eradication of Corruption (Corruption Law), and as a State Attorney, the prosecutor's office is the controller of the case process, often referred to as "Dominus Litis," meaning it holds a central position in law enforcement. This is because only the prosecutor's office can determine whether a case can be brought to court based on valid evidence as stipulated by procedural law.

Criminal justice entities addressing corruption cases associated with the procurement of goods and services encompass the Attorney General's Office of the Republic of Indonesia, as delineated in Law Number 16 of 2004 regarding the Attorney General's Office, which is a governmental institution exercising state authority in prosecution and other legally defined powers. The Prosecutor's Office is an entity or governmental agency that wields state power in the realm of prosecution and related powers. Concurrently, the individual executing such responsibilities, activities, and authorities is referred to as a Prosecutor:

Article 1, Paragraph^[1] of the Prosecutor's Law delineates that "A Prosecutor is a functional official vested by law with the authority to serve as a public prosecutor and to implement court decisions that have attained final legal force, along with other powers conferred by law."

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Challenges Encountered by the Judiciary in Addressing Corruption Offenses Associated with the Procurement of Goods and Services in an Archipelagic Region

Community involvement is crucial for combating corruption within law enforcement. It is imperative for society to recognize and possess the fortitude to disclose corrupt acts and endorse the continuing judicial proceedings. Nonetheless, popular confidence in the legal system and law enforcement frequently obstructs robust civic engagement.

Consequently, enhanced transparency and accountability in the management of corruption cases is essential, alongside heightened public knowledge of the need of eliminating corruption. The primary cause of corruption in Indonesia is the deficiency of social control, both from law enforcement and the societal milieu^[8].

Indonesia possesses the highest Corruption Perception Index ranking in Southeast Asia. This contrasts with the Southeast Asian average, which indicates a declining tendency in corrupt behavior, whereas Indonesia exhibits a rising trend^[9]. In recent decades, corruption has emerged as a significant issue confronting Indonesia. Corruption depletes governmental resources, undermines public trust in government, obstructs progress, and intensifies social inequality. Corruption may arise from individual personal influences, familial and cultural dynamics, economic and political conditions, and organizational elements^[10].

Since the reform, the level of corruption in Indonesia has increased in every aspect of community life and at all levels of state administration^[11]. This corruption did not happen by chance; instead, it was planned from the very beginning of the work, activity, or budget planning^[12].

The guidelines for the procedures of Government Procurement of Goods and Services as outlined in Presidential Regulation Number 16 of 2018 encompass the procurement activities conducted by Ministries, Agencies, and Regional Apparatuses financed by the State Budget or Regional Budget, commencing from the identification of needs to the delivery of work outcomes. The principal insights derived from the definition of PBJP encompass:

1. PBJP refers to the procurement of goods and/or services by governmental entities. The phrase "procurement" is synonymous with "purchasing."
2. The referenced government agencies include State Ministries, Government Institutions, and/or Regional Apparatus, typically abbreviated as K/L/PD.
3. State Ministries (hence referred to as Ministries) are governmental entities responsible for managing particular matters within the government. For instance, the Ministry of Home Affairs manages domestic issues, while the Ministry of Education and Culture oversees educational and cultural matters for Indonesian society and the nation, among others.
4. Government Institutions (hereafter referred to as Institutions) are non-State Ministry entities and other budget-utilizing bodies established to execute specified functions in accordance with the 1945 Constitution of the Republic of Indonesia. For instance, LKPP 1 Presidential Regulation of the Republic of Indonesia Number 16 of 2018 provides a general overview of the procurement of goods and services for business entities, established to develop and formulate PBJP policies.
5. The Regional Apparatus is a component that aids the Head of Region and the Regional People's Representative Council (DPRD) in executing governmental responsibilities under the Region's jurisdiction. The Department of Agriculture and Fisheries in a Province or Regency/City is responsible for assisting the Governor or Regent/Mayor in the administration of agricultural and fisheries matters within that jurisdiction. The term 'regional apparatus' differs in meaning from 'regional government.' Regional government is characterized as the leader of the region, who is a component of regional

administrative governance, overseeing the execution of governmental responsibilities that pertain to autonomous areas. For instance, local governments encompass the DKI Jakarta Regional Government and the City/District Regional Governments present in each province.

6. The expenses of PBJP activities are financed by the State Budget (APBN) or the Regional Budget (APBD).
7. The PBJP process commences with the agency recognizing the necessity for products or services to support governmental organizational functions, culminating in the transfer of the work or procurement outcomes.

Article 8 of Presidential Regulation Number 16 of 2018 states that in the procurement of government goods and services, the procurement actors consist of:

1. Budget user as budget user is a term used in Indonesian government goods and services procurement regulations, referring to the official holding the authority to use the budget within ministries, agencies, parts of regional work units, or officials with equivalent status in institutions using the State Revenue and Expenditure Budget (APBN) or the Regional Revenue and Expenditure Budget (APBD).
2. Budget user's representative a budget user's representative is an official in the procurement field appointed by the Budget User to use the State Revenue and Expenditure Budget (APBN) or appointed by the Regional Head to use the Regional Revenue and Expenditure Budget (APBD).
3. Commitment making official a commitment making official (PPK) is an official responsible for the implementation of goods or services procurement.
4. Procurement official a procurement official is an administrative official/functional official/personnel tasked with carrying out direct procurement, direct appointment, and/or e-purchasing.
5. Procurement working group the procurement working group or Procurement Task Force is the human resource designated by the leadership to manage the selection of providers.
6. Procurement agent a procurement agent is a business entity that performs part or all of the procurement work for goods/services entrusted to them by the Ministry. Agencies/Regional Apparatus as the Employer.
7. Officials/Committees, the official/committee examining the results of the work the official/committee examining the results of the work is one of the parties in the procurement of goods/services responsible for examining the results of the procurement of goods/services in accordance with the provisions stated in the contract, receiving the results of the procurement of goods/services after examination, and preparing and signing the handover report of the work results.
8. Self-Managed procurement organizer, the self-managed procurement organizer is a party involved in the procurement of goods/services consisting of a preparation team, an implementation team, and a supervision team. The preparation team is responsible for preparing the goals, activity plans, implementation schedules, and cost plans. The implementation team is responsible for carrying out, recording, evaluating, and periodically reporting on the progress of activities and

budget absorption. The supervision team is responsible for overseeing the physical and administrative preparation and implementation of self-managed procurement.

9. Provider a provider is another party appointed to carry out the procurement of goods/services.

Cases of corruption in government procurement of goods and services based on island regions at the Ambon District Attorney's Office and the Maluku High Prosecutor's Office can be seen in the following table:

Table

Year	Criminal Offense	Handling	Note
2020	Corruption in Procurement of Goods and Services	Ambon District Attorney's Office	1
2024	Corruption in Procurement of Goods and Services	Maluku High Prosecutor's Office	1
Total Cases			2

Data Source: Ambon District Attorney's Office and Maluku High Prosecutor's Office

The data indicates that the Ambon District Attorney's Office managed one ^[1] corruption case related to the procurement of goods and services in 2024, while the Maluku High Prosecutor's Office handled one ^[1] such case in 2020. The corruption cases concerning the procurement of goods and services managed by the Ambon District Attorney's Office and the Maluku High Prosecutor's Office have progressed to the trial phase, resulting in prison sentences for the offenders involved.

Law enforcement initiatives addressing corruption in the procurement of goods and services can be evaluated by examining Presidential Decree (Keppres) Number 18 of 2000, as amended by Presidential Decree (Keppres) Number 80 of 2003, which outlines the Guidelines for Government Goods/Services Procurement. Both regulations exhibit insufficient emphasis on preventing corruption, which, according to various sources, is widely regarded as the most significant risk for the misappropriation of state finances, whether detailed in the State Budget (APBN) or the Regional Budget (APBD).

Based on the research findings, it was discovered that the obstacles in handling corruption cases related to procurement of goods and services in the island regions at the Ambon District Attorney's Office and the Maluku High Prosecutor's Office include the following:

1. Witnesses who are needed for investigation, prosecution, and suspect determination do not appear and often postpone giving testimony for various reasons.
2. During the trial, the testimony provided by the defendants and witnesses always changes or is inconsistent with the case examination reports at the prosecutor's office.
3. Compensation for state financial losses is never paid to the defendants.

Conclusion

Challenges in addressing corruption offenses associated with the purchase of goods and services in the island region at the Ambon District Attorney's Office and the Maluku High Prosecutor's Office encompass the following:

1. The investigation, prosecution, and identification of suspects are hindered by the absence of witnesses, who are solicited for information but frequently fail to appear, causing significant delays for various reasons in providing their testimonies.
2. According to the case examination report at the prosecutor's office, defendants and witnesses in court consistently alter or exhibit inconsistencies in the material supplied.
3. Compensation for state financial losses is never provided to.

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