



Abuse of power in crimes of corruption analysis of law enforcement in East Seram Regency: Involving local government budgets

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Abstract

Corruption is a very bad crime that hurts the state's finances and the health of the people. This study aims to analyze the law enforcement process pertaining to self-enrichment and/or the enrichment of others in corruption-related offenses within the Maluku archipelago, focusing on the geographical characteristics and structural elements that influence the effectiveness of its administration. The questions examined are: How effectively does law enforcement mitigate corruption offenses such as self-enrichment and the enrichment of others in the Maluku archipelago?

The research methodology utilized is normative legal research, incorporating a statutory approach, a conceptual framework, and a case analysis, specifically referencing the Corruption Criminal Court Decision from the Ambon District Court, Number 22/Pid.Sus-TPK/2024/PN.Amb. The study's results show that legal tools are generally enough, but things like the legal system, the culture of the law, and the lack of proper facilities and infrastructure in the archipelago still make law enforcement less effective. This study finds that improving communication between law enforcement agencies, improving internal oversight of local governments, and giving law enforcement officials in the archipelago more tools are all important for making anti-corruption efforts more effective.

Keywords: Law enforcement, corruption, self-enrichment, state financial losses, Maluku.

Introduction

Indonesia as a country based on the rule of law, as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, places the law as supreme in every aspect of government administration. However, in practice, abuse of authority by public officials remains a serious problem, particularly in the form of criminal acts of corruption. Corruption not only harms state finances, but also deprives the public of their social and economic rights on a broad scale^[1].

Law No. 31 of 1999, as amended by Law No. 20 of 2001 on the Eradication of Corruption, explicitly stipulates that anyone who abuses their authority for personal gain or for the gain of others, which could harm state finances, is punishable by law. In the context of regional government, the management of the Regional Revenue and Expenditure Budget (APBD) is one of the areas prone to corruption.

The Maluku archipelago has unique geographical characteristics, with a predominance of sea areas and limited access between islands. This condition has implications for surveillance, coordination, and the effectiveness of law enforcement. One concrete case that reflects this issue is the criminal corruption case at the East Seram Regency Secretariat in the 2021 fiscal year, which resulted in state financial losses amounting to Rp2,582,035,800.00 (Two billion five hundred eighty-two million thirty-five thousand eight hundred rupiah) based on the audit results of the Maluku Provincial Inspectorate^[2].

This case shows the abuse of authority by budget officials and expenditure treasurers through the creation of fictitious accountability and budget mark-ups. This indicates weak internal supervision and the suboptimal implementation of the general principles of good governance (AUPB).

Therefore, it is important to scientifically examine the effectiveness of law enforcement against acts of self-enrichment and enrichment of others in corruption crimes in the Maluku archipelago.

Based on this background, the problem addressed in this study is: how effective is law enforcement against corruption in the form of acts of self-enrichment and enrichment of others in the Maluku Islands region?

Methodology Research

This research is normative legal research using a statute approach, a conceptual approach, and a case approach. Primary legal materials include: Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning Eradication of Corruption Crimes; Law Number 17 of 2003 concerning State Finances; Law Number 1 of 2004 concerning State Treasury; Law Number 30 of 2014 concerning Government Administration; Decision of the Corruption Court at the Ambon District Court Number 22/Pid.Sus-TPK/2024/PN.Amb. Secondary legal materials were obtained from legal literature, scientific journals, and expert opinions. The analysis was conducted qualitatively by interpreting the relevant legal norms and relating them to the facts in the court decision and the empirical conditions of the archipelago^[3].

Conceptual Framework

This study employs several fundamental concepts as the foundation for analysis, specifically:

a. The Concept of Authority

Authority is the right and power possessed by state institutions or officials to make decisions and take legal action in the context of governance. According to Ateng

Syafrudin, authority is the scope of public legal action which includes decision-making, task implementation, and the distribution of powers as stipulated in legislation^[4]. In administrative law, authority is an important instrument that enables the government to carry out its functions effectively and in accordance with the principles of the rule of law. Without clear authority, government actions can be considered invalid and in violation of citizens' rights.

According to H.D Stout, authority is a concept derived from government organization law, which can be explained as all rules relating to the acquisition and use of governmental authority by public legal subjects within public legal relations^[5].

Legislation gives public officials the formal power to do legal things. This is called authority. Article 3 of the Anti-Corruption Law says that abuse of authority (detournement de pouvoir) is one of the main parts of criminal corruption.

Authority is the right to exercise the powers vested in an official or institution in accordance with applicable regulations. Thus, authority also concerns the legal competence to act in accordance with formal rules, meaning that authority is the formal power vested in an official or institution.

b. The Concept of Law Enforcement

Soerjono Soekanto says that five things affect law enforcement: the law itself, the people who enforce it, the resources and facilities available, society, and culture. In the context of an archipelago, the factors of resources and legal culture have a significant influence^[6].

Law enforcement is an effort to realize the ideas of justice, legal certainty, and social benefits. Thus, law enforcement is essentially a process of realizing ideas. Law enforcement is the process of upholding or enforcing legal norms as guidelines for actors in legal transactions or relationships in life, which involves many things society and the state^[7]. Law enforcement is an effort to realize the ideas and concepts of law that the people hope for. Law enforcement is a process that, according to Jimly Asshadique, is also the process of implementing efforts to uphold or enforce legal norms as guidelines for behavior in legal transactions or relationships in social and state life^[8].

Another term for law enforcement is the functionalization of criminal law, which is intended as an effort to combat crime through rational criminal law enforcement in order to satisfy the sense of justice and effectiveness. Enforcing criminal law must go through several stages that are seen as a deliberate, rational effort or process to achieve a specific goal, which is a chain of activities that does not originate from values and leads to punishment and criminalization.

c. The Concept of State Financial Loss

State financial losses are the actual and definite reduction in the amount of money, securities, or goods belonging to the state/region, arising from unlawful acts, whether intentional or negligent. These losses are calculated based on audit results, usually by the Supreme Audit Agency (BPK), and are often associated with corruption, abuse of authority, or unlawful administration^[9].

State financial loss is a real and certain lack of money, securities, or goods that happens because of illegal actions, whether they were planned or not. This part is very important for proving that someone is guilty of a crime of corruption.

Key Elements of State Financial Losses:

Real and Certain: The amount of loss can be calculated with certainty based on financial documents or reports (not merely assumptions).

Unlawful Acts: These acts violate laws and regulations, either intentionally (e.g., corruption) or through negligence (e.g., negligence in asset management).

State Assets: These include money, securities, and state/regional property.

Result and Discussions

The Law Enforcement Process against Corruption Crimes in the Maluku Islands Region

In Indonesia, the enforcement of laws against corruption is executed through the criminal justice system, which involves multiple law enforcement agencies, including the police, the prosecutor's office, and the judiciary. In the realm of corruption offenses, the law enforcement procedure may also engage additional entities, including the Corruption Eradication Commission (KPK), the Financial Audit Agency (BPK), and internal governmental monitoring bodies such as the Inspectorate. The procedure occurs through multiple stages: investigation, prosecution, trial, court examination, and execution of the court's decision.

The preliminary phase in the implementation of anti-corruption legislation is the investigation, which comprises a sequence of measures undertaken by law enforcement agents to seek and identify an occurrence suspected of constituting a crime, with the aim of ascertaining if the occurrence warrants advancement to the investigative stage. In the Maluku archipelago, the investigative process typically commences with public reports, outcomes of internal oversight by local authorities, or audit results from financial auditing bodies such as the BPK and the Inspectorate. These audit results typically signify possible financial losses to the state, so providing a foundation for law enforcement agencies to initiate further investigations.

Following substantial evidence of a corruption offense, the subsequent step is investigation. The investigation is a crucial phase in law enforcement, during which officers gather evidence to elucidate the offense and ascertain the legally accountable party. The corruption case in East Seram Regency involved an investigation that included the examination of financial documents, the summoning of witnesses pertinent to budget management, and the execution of an investigative audit to ascertain the existence of state financial losses. The process of substantiating state losses is crucial, since it is a fundamental component of the crime of corruption as delineated in Law Number 31 of 1999 jo. Legislation Number 20 of 2001.

The subsequent phase is prosecution, governed by the prosecutor's office as the public prosecutor. At this juncture, the prosecutor formulates the indictment based on the findings of the investigator's inquiry. The indictment provides a comprehensive account of the conduct purportedly undertaken by the offender, encompassing the components of the breached criminal violation. In corruption cases, the indictment typically cites Article 2 or Article 3 of the Anti-Corruption Law, which governs actions that result in personal enrichment or that of others at the expense of state finances, as well as the misuse of authority by public officials.

The case is subsequently reviewed in a trial at the Corruption Court (Tipikor). The trial seeks to establish the defendant's actual commission of the crime as alleged by the public prosecutor. During the trial, the judge will evaluate evidence including witness testimonies, expert testimonies, correspondence or documents, indications, and comments from the defendant. The judge will evaluate the evidence to determine if the criteria for the corruption offense have been met, including the aspects of personal or third-party enrichment and the occurrence of financial damages to the state.

In the Maluku archipelago, the law enforcement procedure addressing corruption possesses certain characteristics that diverge from those in mainland regions. The topographical configuration of numerous islands restricts transportation and communication accessibility. This impacts the procedures for gathering evidence, summoning witnesses, and coordinating among law enforcement organizations. Witnesses residing on disparate islands frequently must go on an extensive maritime voyage to participate in an examination or trial. This circumstance may indirectly impede the law enforcement procedure.

In addition to physical concerns, the constraints of human resources and infrastructure also present obstacles for law enforcement in island locations. Law enforcement personnel in the regions frequently encounter a deficiency of specialists, especially in financial auditing and forensic accounting, which are essential for substantiating corruption allegations. Demonstrating state losses is a critical element in corruption investigations.

Nonetheless, law enforcement initiatives targeting corruption in the Maluku archipelago persist in advancing. Collaboration between law enforcement agencies and oversight organizations, including the BPK, Inspectorate, and various anti-corruption entities, has emerged as a crucial strategy for improving the efficacy of corruption case management. The implementation of information technology in the regional government financial administration system aims to improve openness and accountability in regional financial management.

Consequently, the enforcement of anti-corruption laws in the Maluku archipelago is influenced not just by legislative application but also by a multitude of structural, geographical, and institutional factors. Consequently, it is imperative to fortify the legislative framework and augment the capabilities of law enforcement personnel to ensure the successful eradication of corruption in the archipelagic zone, thereby significantly enhancing the integrity of local government administration.

Factors Affecting the Effectiveness of Law Enforcement

The effectiveness of law enforcement against corruption crimes is not only determined by the existence of laws regulating prohibitions and sanctions against corrupt acts but is also influenced by various interrelated factors within the legal system. Soerjono Soekanto stated that the success of law enforcement is influenced by five main factors, namely the law itself, law enforcement officials, means or facilities, society, and culture ^[10]. Furthermore, Lawrence M. Friedman stated that the legal system consists of three main components, namely legal substance, legal structure, and legal culture, which interact with each other in determining the effectiveness of the law's functioning in society ^[11].

In the context of law enforcement against corruption in the Maluku archipelago, particularly in the case occurring in the Eastern Seram Regency, these three components of the legal system can be used as an analytical framework to understand the factors influencing both the successes and obstacles in the anti-corruption eradication process.

a. Legal Substance

The substance of law relates to the entire set of norms, rules, and legal principles that govern societal behavior. In the effort to eradicate corruption in Indonesia, the legal substance has been clearly regulated through various laws and regulations, particularly Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Corruption Crimes. The law regulates various forms of actions categorized as corruption offenses, including actions that enrich oneself or others to the detriment of state finances.

In the case that occurred in the Regional Secretariat of East Seram Regency for the 2021 Fiscal Year, the actions taken by the budget user officials and expenditure treasurer can be categorized as acts of corruption as regulated in Article 3 of the Corruption Eradication Law, namely the abuse of authority aimed at benefiting oneself or others, resulting in state financial losses. Based on the audit results from the Maluku Provincial Inspectorate, the actions caused state losses amounting to Rp2,582,035,800.00.

Normatively, the legal provisions governing corruption offenses have actually provided a sufficiently strong foundation for law enforcement officers to take action against corruption perpetrators. However, in practice, the application of these legal norms often encounters various obstacles, especially in the process of proving elements of state financial loss and abuse of authority. This shows that although the substance of the law is adequately available, its effectiveness still depends on other factors within the legal system.

b. Legal Structure

The legal structure is related to the institutions that carry out law enforcement functions and the officials who work within them. In the Indonesian criminal justice system, the handling of corruption crimes involves several main institutions such as the police, the prosecutor's office, and the courts, as well as financial oversight institutions like the Financial Audit Agency (BPK) and internal government oversight apparatus.

In the corruption case that occurred in the East Seram Regency, the law enforcement process was carried out through the stages of investigation, prosecution, and examination in the Corruption Court at the Ambon District Court. This process shows that structurally, the law enforcement system has been functioning according to the mechanisms regulated in the legislation.

However, the geographical conditions of the Maluku archipelago present unique challenges for law enforcement officers in carrying out their duties. The vastness of the maritime area, limited inter-island transportation access, and the limited number of law enforcement officers in the region can affect the effectiveness of the investigation and case examination process. In addition, the limited human resources with expertise in financial auditing and forensic accounting also pose a barrier in uncovering corruption cases involving regional budget management.

Therefore, strengthening institutional capacity and enhancing the professionalism of law enforcement officers are important steps in improving the effectiveness of law enforcement against corruption in island regions.

c. Legal Culture

Legal culture is the attitude, values, and perceptions of society toward the law and law enforcement institutions. According to Friedman, legal culture plays an important role in determining whether the law will be obeyed or violated by society.

In the context of combating corruption, a weak legal culture can be one of the main causes of rampant abuse of authority in government administration. If corrupt practices are considered normal or even part of the bureaucratic culture, then law enforcement efforts will face various obstacles.

The corruption case that occurred in East Seram Regency shows that the abuse of authority in the management of regional budgets can happen if the internal supervision system does not function optimally and the values of integrity are not strongly embedded in the government bureaucracy. In the case, the creation of fictitious accountability documents and budget markup practices were carried out to cover up the use of funds that were not in accordance with their intended purpose.

Therefore, the efforts to eradicate corruption cannot solely rely on a repressive approach thru law enforcement, but must also be balanced with preventive measures such as building a culture of integrity, increasing transparency in regional financial management, and strengthening the government's internal oversight system. With the establishment of a strong legal culture, it is hoped that the practice of authority abuse in state financial management can be minimized, resulting in clean and accountable governance.

Implications of Court Rulings on Corruption Prevention in Island Regions

Court rulings in corruption cases not only serve as a means of law enforcement against the perpetrators but also have broader implications for efforts to prevent corruption in governance. From a criminal law perspective, court rulings function as a form of repressive law enforcement aimed at imposing sanctions on the perpetrators and creating a deterrent effect for society and other government officials to prevent similar actions.

In the case of corruption that occurred in the Regional Secretariat of East Seram Regency, the Corruption Court's decision at the Ambon District Court Number 22/Pid.Sus-TPK/2024/PN.Amb provides an overview of how the criminal justice system plays a role in addressing the abuse of authority in regional financial management. The verdict shows that actions to enrich oneself and others thru the manipulation of budget accountability documents, the creation of fictitious invoices, and the practice of markup on expenses can be legally proven and subject to criminal sanctions.

Theoretically, the existence of court rulings in corruption cases has several important implications for the prevention of corruption crimes. First, court rulings serve as instruments of law enforcement that provide legal certainty regarding the application of existing laws and regulations. Legal certainty is important to demonstrate that any act that violates the law, particularly those related to abuse of

authority and state financial losses, will be processed thru the applicable legal mechanisms. This is in line with Sudikno Mertokusumo's view that law enforcement must pay attention to three main elements: legal certainty, utility, and justice.

Second, court rulings serve as a means of legal learning for local government officials in managing state finances more accountably. The corruption case that occurred in East Seram shows that the weakness of the internal supervision system and the lack of transparency in budget management can create opportunities for the abuse of authority. Therefore, the court's decision in the case can serve as a lesson for the local government to strengthen the internal control system and enhance accountability in regional financial management.

Thirdly, court decisions also have implications for the development of legal culture in society. According to Lawrence M. Friedman, legal culture is one of the important elements in the legal system that determines whether the law can function effectively in society. If the community sees that corrupt practices can be firmly addressed by law enforcement and the perpetrators are subjected to criminal sanctions, this can increase public trust in the legal system and encourage the formation of an anti-corruption culture.

However, in the context of archipelagic regions such as Maluku, the implications of court rulings on corruption prevention cannot be separated from various structural and geographical factors that affect the effectiveness of law enforcement. The geographical conditions of the archipelagic region, which consists of many islands with limited transportation access, often complicate the supervision process of regional financial management. This can create gaps for budget misuse if not balanced with an effective monitoring system.

In addition, the limited human resources in the field of financial management and oversight at the local government level can also be a factor influencing the potential for corruption. In some cases, the abuse of authority is not only caused by intentional factors but also by the weak understanding of government officials regarding the principles of good governance in financial management. Therefore, court rulings in corruption cases should not only be seen as a form of punishment for the perpetrators but also as a momentum to evaluate the regional financial management system.

In an effort to strengthen anti-corruption measures in island regions, an integrative approach is needed between repressive law enforcement and preventive measures. Repressive law enforcement thru the criminal justice process functions to impose sanctions on corruption perpetrators, while preventive measures are carried out thru increased transparency, strengthening internal oversight systems, and enhancing the capacity of government officials in managing state finances.

In addition, community participation also plays an important role in preventing corruption in the region. The community can act as social overseers by reporting alleged abuse of authority to law enforcement agencies. In the context of island regions, local community involvement in monitoring the use of regional budgets can help strengthen the accountability mechanisms of local governments.

Thus, court rulings in corruption cases not only serve as instruments of law enforcement against the perpetrators but also have broader implications for anti-corruption efforts in

the region. Thru the consistent application of the law and the strengthening of oversight systems and integrity culture within the government, it is hoped that corrupt practices in regional financial management can be minimized, thereby creating transparent, accountable, and community-oriented governance.

Conclusion

The effectiveness of law enforcement against corruption crimes involving self-enrichment and enrichment of others in the Maluku archipelago region has been normatively supported by adequate regulatory frameworks. However, in practice, that effectiveness is still influenced by factors such as the legal structure, limited facilities and infrastructure, and the legal culture of the community.

The case of the Regional Secretariat of East Seram Regency shows that elements of abuse of authority and state financial losses can be proven legally, but the handling process faces geographical and administrative challenges typical of island regions.

Recommendation

There is a need to strengthen the internal oversight system of the regional government thru the optimization of the inspectorate's role and the implementation of a digital-based financial system. There is a need to enhance the capacity of law enforcement officers in the archipelagic region, including training in forensic accounting and information technology. Local governments need to encourage transparency and public participation in the management of the regional budget (APBD) as a preventive measure against corruption eradication.

References

1. Titahelu JAS, Sopacua MG. Management of Corruption Offenses in the Procurement of Goods and Services in Island Regions. *Tadulako Law Review*,2025:10(2):164-172.
2. Sopacua MG, Titahelu JAS. Judicial System Obstacles to Handling Criminal Acts of Corruption In the Procurement of Goods and Services Island-Based. *International Journal of Law, Policy and Social Review*,2025:7(4):108-111.
3. Sopacua MG. Bab II Manfaat dan Tujuan Penelitian Hukum. Book Chapter Metode Penelitian Hukum. Bandung: Widina, 2023, 34.
4. Hidjaz K. Efektivitas Penyelenggaraan Kewenangan Dalam Sistem Pemerintahan Daerah di Indonesia. Makasar: Pustaka Refleksi, 2010, 35.
5. Ridwan HR. Hukum Administrasi Negara. Jakarta: PT Raja Grafindo Persada, 2013, 71.
6. Shant D. Konsep Penegakan Hukum. Jakarta: Rajagrafindo, 1998, 32.
7. Muladi, Nawawi AB. Penegakan Hukum Pidana. Jakarta: Rineka Cipta, 1984, 157.
8. Rahardjo S. Masalah Penegakan Hukum. Bandung: Sinar Baru, 1983, 15.
9. Manampiring R, Nirahua SEM, Titahelu JAS. Corruption In The Procurement of Goods And Services: Law Enforcement. *International Journal of Law*,2023:9(5):244-248.

10. Soekanto S. Faktor-Faktor yang Mempengaruhi Penegakan Hukum. Jakarta: Rajawali Press, 2008, 23-25.
11. Friedman LM. The Legal System: A Social Science Perspective. New York: Russell Sage Foundation, 197, 78-79.