

Juridical Review Regarding Cases of Corruption in Social Assistance Funds during the Covid-19 Pandemic

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Abstract

The Covid-19 pandemic that has hit the world has had a major impact on the country's economy. Indonesia is one of many countries that are trying to restore economic conditions by holding government programs such as social assistance. However, the program was misused by Juliari P. Batubara as an official of the Minister of Social Affairs who committed the criminal act of corruption in aid funds for personal use. Therefore, these actions are very detrimental and must be held criminally accountable for the perpetrators in order to provide a deterrent effect. The results of this study are that the death penalty is appropriate for those who are not responsible for using social assistance funds belonging to underprivileged people. In the writing that we make, this writing is motivated by Pancasila and the Law. So have the authorities carried out the appropriate punishment for the perpetrators? This act has been regulated in Law Number 31 of 1999 concerning the Eradication of Corruption Crimes. This research uses a normative method which is carried out by examining library materials or secondary data.

Keywords: Covid-19 Pandemic, Pancasila, Law, Corruption



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INTRODUCTION

At the beginning of 2020 was the initial journey of the Indonesian nation's struggle to fight and get through the Covid-19 Virus Pandemic. The existence of Covid-19 has quite a complex impact in the health sector, besides that it also has an impact on the social, economic and security fields (Nwokeocha, 2023b). At that time the government and society were required to help each other and work together to restore the current situation. The government is asked to meet all the needs of the poor and make every effort so that people can survive. However, behind the misery that society feels there are individuals who commit corruption in order to gain profit (Obichili et al., 2023). In fact, the president has provided a budget of Rp. 700 trillion by allocating Rp. 72 trillion to each region in Indonesia for the health sector, social and regional economic assistance (Daniel et al., 2022).

The high number of Covid-19 funds has made the Corruption Eradication Commission (KPK) vigilant to monitor and prevent the occurrence of irresponsible officials (Alfiyah: 2021). The KPK's worries became a reality, after the arrest of the Minister of Social Affairs, namely Juliari P. Batubara, the Commitment Making Officer (PPK), the Ministry of Social Affairs (Kemensos), the Social Assistance Fund Program (Bansos), and also three other people from the private sector. Corruption occurs in social assistance funding programs by reducing recipient quotas or not receiving social assistance (Martins, 2022). The perpetrators did this by making a virtual list of recipients of social assistance but there was no receipt, but the funds were still used (Ioraa, 2023). This action was taken because the government lacked strict supervision and policies in the regulation process for social assistance for Covid-19 (Nwokeocha, 2023a).

KPK leadership stated that the Minister of Social Affairs was caught in a bribery case from the social assistance program in handling Covid-19 in the form of basic food packages with a value of approximately IDR 5.9 trillion and 272 contracts in two periods (Amrulloh: 2020). Judging from the case above, the Ministry of Social Affairs, Juliari P. Batubara caused losses to the state of more than Rp. 100 billion, was only sentenced to 12 years in prison and a fine of Rp. 500 million, a subsidiary of 6 months, and an additional penalty of Rp. 14.5 billion. In the online reading of the Pledoi at the Corruption Court, the defendant asked for sympathy from the Panel of Judges in handing down a verdict later on the grounds that the defendant has a small child who needs a father figure. The leniency of these charges illustrates the KPK's lack of firmness towards the perpetrators of corruption (HMPH Untidar: 2021). This action is contrary to the Pancasila theory of "Just and Civilized Democracy", the 2nd Precept, and "Social justice for all Indonesian people" 4th Precept.

Corruption is an extraordinary crime (extra ordinary crime) because it has a very detrimental impact on state finances. even in the local economy. Corruption is included in the criminal acts that have been regulated in the provisions of Law 31 of 1999, concerning the Eradication of Corruption Crimes as amended to become Number 20 of 2001 (TiPiKor Law). In the provisions of Law no. 20 of 2001 concerning the Eradication of Corruption Crimes in conjunction with Article 55 paragraph (1) of the Criminal Code's efforts to eradicate Corruption Crime cases have been regulated based on the issues above, this study will review how cases of corruption in social assistance funds occurred during the Covid-19 pandemic. The problem that will be discussed in this paper is how is the juridical review regarding cases of corruption in social assistance funds during the Covid-19 pandemic?

RESEARCH METHODS

Legal research is a process of discovering legal rules, legal principles, and legal doctrines that are useful for providing answers to legal issues at hand. This research is a type of normative legal research which is carried out by examining literature or secondary data (Marzuki: 2007). This research focuses on acts of corruption in social assistance funds. Research related to acts of corruption in social assistance funds uses the following research approach: Statute Approach. The statutory approach as one of the research approaches used in this research is by examining laws and regulations related to legal issues. studied (Marzuki: 2007). Conceptual Approach Conceptual approach is a type of approach that provides a perspective on solving problems and can be seen from the aspects of the legal concept underlying it, the values contained in the normalization of a regulation in relation to the concepts used (Putrawan : 2017). The types of legal materials in this study are the main legal materials namely:

1. Primary Legal Materials, namely laws and regulations:
 - a. Article 11 Law no. 31 of 1999
 - b. Article 12A or Article 12B of RI Law No. 31 of 1999
 - c. Law No. 20 of 2001 concerning the Eradication of Corruption in conjunction with Article 55 Paragraph (1) 1 of the Criminal Code
2. Article 2 Paragraph (2) Law No. 31 of 1999
3. Secondary Legal Materials, are documents that provide an explanation of primary legal materials such as books, articles, journals, research results, papers and so on that are relevant to the issues to be discussed.
4. Tertiary Legal Materials, including dictionaries consisting of the Big Indonesian Dictionary (KBBI), legal dictionaries, and various other dictionaries.

Collecting data in writing this research article uses primary, secondary and tertiary data. Research is carried out through literature studies, studies of issues on the internet, and

examines all laws and regulations, information, and articles related to the issues being studied, namely data obtained indirectly from the object or research subject (Uceo: 2016). In this article we obtain data through literature studies, articles, and news which can provide additional information for this article. Data analysis in this article uses qualitative data analysis in the process does not involve numbers and the data obtained for this study uses qualitative data which is generally subjective.

RESEARCH RESULTS AND DISCUSSION

"The case of corruption in social assistance is a fundamental weakness in the social system in Indonesia, the revelation of new names in corruption cases shows how bad the bureaucracy and mentality of officials in Indonesia is," said Anton Septian in the Opinion Tempo broadcast. In the Big Indonesian Dictionary, Corruption is defined as bad actions such as embezzlement of money, receiving bribes and so on.

According to the legal view, corruption is explained in Law Number 31 of 1999 concerning the Eradication of Corruption Crimes. The Covid-19 pandemic had a huge impact on several sectors of life, one of which was the weak economy which caused commodity prices to fall. Therefore, the government took swift action for the vaccination program, the national economic recovery program, direct cash assistance and business capital for MSMEs. To overcome this, the government has organized a social assistance program (Bansos) for underprivileged people due to the impact of the Covid-19 pandemic. However, the policies that have been regulated by the government have been misused by several individuals in acts of social assistance corruption, such as the Minister of Social Affairs Juliari Peter Batubara.

Juliari P. Batubara has committed a criminal act of corruption in social assistance funds amounting to IDR 32.4 billion. Before the former Minister of Social Affairs Juliari P. Batubarara was named a suspect, the Corruption Eradication Commission (KPK) had carried out a Hand-Catching Operation (OTT) against Ministry of Social officials on December 4-5 2020. During the implementation of the Social Assistance Fund (BanSos) package of groceries during the period first, it is suspected that Juliari P. Batubara received a fee of IDR 12 billion. The total bribe money received by Juliari P. Batubara was IDR 8.2 billion. In the second period, Rp. 8.8 billion in fees were collected from October to December 2020. According to the KPK, the total bribes that Juliari had received were Rp. 17 billion and all of the money was given to Juliari's confidants, namely Eko and Shelvy N. managed and used to pay for various personal needs.

Because of the actions that Juliari has committed, he is suspected of violating Article 12A or Article 12B or Article 11 of Law (UU) No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption which has been amended by Law no. 20 of 2001 concerning Amendments to Law no. 31 of 1999 jo Article 55 Paragraph (1) to 1 of the Criminal Code. In this case, Juliari was sentenced to 12 years in prison and a fine of Rp. 500 million, a subsidiary of 6 months in prison. The sentence handed down was a year longer than what the prosecutor demanded, namely 11 years in prison. Not only sentenced to 12 years in prison and a fine of Rp. 500 million, the judge also demanded and sentenced Juliari by paying a compensation of Rp. 14.5 billion, a subsidiary of 2 years in prison.

A similar case has also occurred in Malang and dragged the name of Penny Tri Herdhiani who is a Social Assistant for the Family Hope Program (PKH) in Malang Regency, in Kanigoro village, Pagelaran District. In the 2017-2020 fiscal year, Penny was suspected of embezzling PKH aid funds for 37 Beneficiary Groups (KPM) worth IDR 450 million. For his actions, Penny was sentenced to life in prison. In Juliari's case, the value of the loss was more than Rp. 100 billion, is in the heaviest category while Penny is in the light category because of a loss of Rp. 200 million - Rp. 1 billion. In terms of the level of wrongdoing, Juliari acted as minister when he committed corruption, while Penny was only a social assistant at the sub-district level. When

compared to the Juliari case, Penny's case as the Malang Regency PKH social assistant truly reflects Indonesian law which is sharp downwards blunt upwards. Leopold whose role as a judge continued, in deciding the criminal for the former Minister of Social Affairs, the judge must consider the degree of error (position as minister), and sufficient material value (state loss).

Do corruptors get the death penalty they deserve? Or deserved relief because there is no solid evidence? From this question law enforcers can include Article 52 of the Criminal Code in the investigation of corruption cases as a legal basis for ballast for public officials. That article reads "When an official because of committing a criminal act violates a special obligation from his position, or when committing a criminal act uses the power, opportunity or means given to him because of his position, the sentence can be added by one third." The article regulates the addition or weighting of a penalty of one third for an official who commits a criminal act because of his position. The 12-year sentence imposed on Juliari is too light considering Article 12B of the Corruption Crime Law which prosecutors used to charge the accused with up to life imprisonment and a fine of Rp. 1 billion.

The claim that incriminated Juliri was that he had committed acts of corruption when the state was experiencing a non-natural disaster emergency, namely the Covid-19 Virus. There was also a consideration that eased his claim, namely that he was considered to have suffered enough because he had been insulted and insulted by the community and Yusuf Pranowo as a member judge said that during the trial Juliari attended in an orderly manner and did not issue various reasons so that the trial went smoothly and Juliari had never been sentenced.

CONCLUSION

This case of corruption in the Covid-19 social assistance fund can occur due to irresponsible parties, and weak sanctions given to perpetrators so that they can harm the state with the intention of enriching themselves. This treatment was carried out by these parties which resulted in enormous losses for the Indonesian economy and also for the less fortunate people. So that the perpetrators can be subject to the criminal penalties listed in Article 2 Paragraph (1) because the crime was committed during the Covid-19 period when at that time Covid-19 had been declared a national disaster, which was then contained in Article 2 Paragraph (2) Law Number 20 of 2001 concerning Eradication of Corruption Crimes. Thus, the death penalty can be said to be appropriate as a punishment for parties who are not responsible for using social assistance funds provided by the government during the Covid-19 period for the underprivileged and needy people.

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