



ANALYSIS OF SOCIAL ASSISTANCE FUND CORRUPTION IN CORRELATION WITH LAW ENFORCEMENT

Gerardus Revin Tjahja¹, Melda Maritza Permana², Hosea Noel Calvin³, Muhammad Iqbal Ibrahim⁴,
Muhammad Iqbal Farrelzy Althafah Kesuma⁵, Justin William Setiawan⁶

¹Faculty of Law, President University, Indonesia. E-mail: gerardus.tjahja@student.president.ac.id

²Faculty of Law, President University, Indonesia. E-mail: melda.permana@student.president.ac.id

³Faculty of Law, President University, Indonesia. E-mail: hosea.calvian@student.president.ac.id

⁴Faculty of Law, President University, Indonesia. E-mail: muhammad.ibrahim2023@student.president.ac.id

⁵Faculty of Law, President University, Indonesia. E-mail: muhammad.ak@student.president.ac.id

⁶Faculty of Law, President University, Indonesia. E-mail: justin.setiawan@student.president.ac.id

Article	Abstract
<p>Keywords:</p> <p><i>Corruption; Corruption Eradication Committee; Legal Enforcement; Social Assistance;</i></p> <p>Article History Received: Jan 19, 2022; Reviewed: Jan 21, 2022; Accepted: Jan 22, 2022; Published: February 10, 2022</p>	<p>Corruption is an attempt to intervene using abilities obtained from a position including information, decisions, influence, money and/or wealth for the benefit and benefit of thinking for oneself. Social assistance is the assistance in the form of money and/or goods to individuals, families, groups and/or communities which is not continuous and selective in nature with the aim of protecting against the possibility of social risks. Social assistance funding should be distributed to those who need it. However, there are some irresponsible parties that took the money only for their own interests. The legal problems we found here are 1) the social assistance fund was later found to be corrupted by the government, and 2) the legal enforcement from the KPK seems not bold enough in resolving the case. The case of corruption in social assistance funds (<i>bansos</i>) for handling the Covid-19 pandemic involving state officials has caused public unrest and disappointment. This research aims to analyze the factors behind the occurrence of corruption, its impact on the economy and community welfare, as well as legal efforts and prevention or solutions.</p>

1. INTRODUCTION

Since Indonesia had its Independence Day back in 1945, the country has had several goals and visions for the future to become a more developed nation, as stated in the 1945 Constitution. Public officials play a crucial role and wield significant power in carrying out government duties and are accountable for their performance to the public. Therefore, every institution must adhere to and respect the principles of transparency, accountability, and fairness in all its actions. If

government officials fail to adhere to their legal duties and responsibilities, it can severely impede the efficiency of government management (Fathya, 2018)¹.

The government and society collaborate to provide support to officials in maintaining order and stability in the country. Furthermore, officials are expected to prioritize the interests of society as a whole, rather than focusing solely on the interests of specific individuals or groups. The role of public officials involves overseeing various aspects of management, including decision-making, fund allocation, and the provision of public services. Their responsibility is to ensure the development and maintenance of institutions that provide essential services to society, such as education, healthcare, and infrastructure, by managing these services efficiently. At the same time, it is necessary to consider the country's interests, such as national security and economic stability, to safeguard the overall welfare of the nation. It is important to strike a balance between competing interests, such as national security and economic stability, to safeguard the overall welfare of the country. Developing countries must fulfill the needs of their people without compromising their values. Achieving a better level of public services is impossible in countries that are not based on democratic principles. However, if public services are not based on democratic principles, it increases the likelihood of corruption, collusion, and nepotism. This, in turn, causes an increase in the crime rate within the government environment (Simangunsong, 2020).²

Corruption remains a serious issue for governments in many countries, including Indonesia. The term refers to activities that harm state finances, abuse of power, extortion, fraud, conflicts of interest in procurement, and gift-giving, as defined by Law No. 31/1999 on Corruption Eradication³. This applies to all government employees, including those in the executive, legislative, and judicial branches. According to a report by Transparency International, Indonesia has a corruption perception index (CPI) score of 34 on a scale of 0-100 in 2022. This score makes Indonesia the 5th most corrupt country in Southeast Asia.⁴

Corruption has been present in Indonesia's government structure since the Dutch colonial era. During that period, Dutch colonial officials frequently misused their authority for personal gain, often by extorting money or property from the local population. Misuse of funds, power

¹ Irfan Setiawan, Christin Pratami Jesaja. "Analisis Perilaku Korupsi Aparatur Pemerintah Di Indonesia (Studi pada Pengelolaan Bantuan Sosial Di Era Pandemi Covid-19)," *JMB Media Birokrasi* (November 2022), p. 34.

² Edward Aspinall, Gerry van Klinken, "*The State and Illegality in Indonesia*," <https://library.oapen.org/bitstream/id/f96d7964-9824-4c3c-8784-31ffffe57f13/368290.pdf>, accessed on 19 December 2023.

³ Indonesia, *Law on Eradication of Criminal Acts of Corruption*, Law No.31 Year 1999, LN No. 140 Year 1999, TLN 3874, Chapter 2 Article 2 paragraph (1).

⁴ C. M. Annur, "*Indonesia Negara Terkorup ke-5 di Asia Tenggara pada 2022*," <https://databoks.katadata.co.id/datapublish/2023/02/02/indonesia-negara-terkorup-ke-5-di-asia-tenggara-pada-2022>, accessed on 19 December 2023.

conspiracies, and loss of trust all have an overall adverse impact on society. Today corruption and other illegal practices by state officials have proven more resistant to reform than people had hoped. Many new anti-corruption regulations have been created, new institutions built, elections have introduced a measure of accountability for parliamentarians and elected executives, and the much lauded Corruption Eradication Commission (*Komisi Pemberantasan Korupsi, KPK*) has made spectacular arrests⁵. The Corruption Eradication Commission (KPK) is an independent institution that carries out its duties and authorities without being influenced by any power. It was established on 27 December 2002 with the primary focus of preventing and eliminating corrupt practices at every level of government and in society.

KPK plays a pivotal role in the fight against corruption in Indonesia. The commission has achieved significant results by exposing and punishing those who commit corruption and by contributing to the creation of a more open and accountable society. However, the obstacles faced highlight the importance of continued support and protection of the commission's independence. The KPK's lack of oversight and accountability mechanisms allows government officials to engage in corruption without much constraint.

This paper discusses corruption events that occurred near the end of 2020. The corruption case investigated is related to alleged corruption in the social assistance procurement programme for handling COVID-19, committed by Juliari Batubara when he served as Minister of Social Affairs (Betresia et al, 2021; Vrischika Sani Purnama, 2021). According to Ministry of Social Affairs Regulation Number 1 of 2019, social assistance refers to aid in the form of money, goods, or services provided to individuals, families, groups, or communities who are poor, incapable, and/or vulnerable to social risks.⁶ In the distribution of social assistance, situations often arise where individuals do not receive the maximum benefit from the aid (Harahap, 2020; Latif & Pangestu, 2022; Syukur, 2020).

In 2020, the Ministry of Social Affairs launched a social assistance procurement programme to handle Covid-19. The programme provided basic food packages and had a total budget of around IDR 5.9 trillion. The procurement was carried out in two stages and involved 272 contracts. During the 2019-2020 period, Juliari Peter Batubara, the Minister of Social Affairs of the Republic of Indonesia, appointed Matheus Joko Santoso and Adi Wahyono as Commitment Making Officers (PPK) to oversee the direct appointment of partners. The parties that approve the

⁵ Edward Aspinall, Gerry van Klinken. Loc.Cit

⁶ Indonesia, *Regulation of the Minister of Social Republic of Indonesia Concerning Distribution of Social Aid Expenditures in the Ministry of Social Environment*, Permensos No. 1 Year 2019, accessed on 18 December 2023.

appointment of partners are required to pay the cost of each work package to the Ministry of Social Affairs through Matheus. Matheus Joko Santoso and Adi Wahyono have set the fee for each social assistance package at IDR 10,000, from the initial IDR 300,000 value per package⁷.

From May to December 2020 at the Ministry of Social Affairs office. Adi Wahyono and Matheus Joko Santoso have officially signed work agreements with a number of suppliers as business partners, including Ardian Iskandar Madanatja and Harry Van Sidabukke as well as the company PT Rajawali Parama Indonesia (RPI) which Matheus claims to own and has received the green light from Adi Wahyono⁸. Adi Wahyono and Matheus Joko Santoso received funds of IDR 1,28 billion from Harry Van Sidabukke and Rp 1,95 billion from Ardian Iskandar Madanatja, and also IDR 29,252 billion from several other goods suppliers to provide social assistance (Bansos) in the form of basic food needs in the context of handling Covid-19 through the Directorate of Social Protection for Social Disaster Victims (PSKBS)⁹.

In the implementation of the basic food social assistance programme in the early stages of April-June 2020, it was recorded that funds totalling IDR 12 billion had been received, which should have been handed over from Matheus to Juliari through Adi. The amount of bribes allegedly received by Juliari was estimated at IDR 8.2 billion. The funds were then managed by Eko and Shelvy N as Juliari's representatives to fulfill Juliari's personal needs. Between October and December 2020, approximately Rp 8.8 billion was collected for the basic food social assistance programme. According to the KPK's statement, Juliari received bribes totalling IDR 17 billion. It is suspected that Juliari used all the funds for personal needs¹⁰.

The COVID-19 pandemic has not only presented health and economic challenges, but has also exposed the darker side of society, including the embezzlement of funds intended for relief efforts. Corrupt officials have diverted programmes and financial resources intended to support communities and health systems in distress, leaving the most vulnerable members of society without access to the help they desperately need. These selfish actions not only worsen the suffering of those affected by the pandemic but also perpetuate the cycle of poverty and inequality.

⁷BBC Indonesia, "*Mensos Juliari Batubara jadi tersangka korupsi bansos Covid-19, ancaman hukuman mati bakal menanti?*" <https://www.bbc.com/indonesia/indonesia-55204360>, accessed on 18 December 2023.

⁸ Zunita Putri, "*Juliari Batubara Divonis 12 Tahun Penjara!*" <https://news.detik.com/berita/d-5692817/juliari-batubara-divonis-12-tahun-penjara>, accessed on 19 December 2023.

⁹ Kompas.com, "*Dua Anak Buah Juliari Batubara, Adi Wahyono dan Matheus Joko Santoso Sidang Vonis Hari Ini,*" <https://www.kompas.tv/nasional/207137/dua-anak-buah-juliari-batubara-adi-wahyono-dan-matheus-joko-santoso-sidang-vonis-hari-ini>, accessed on 19 December 2023.

¹⁰ Kompas.com, "*Awal Mula Kasus Korupsi Bansos Covid-19 yang Menjerat Juliari hingga Divonis 12 Tahun Penjara,*" <https://nasional.kompas.com/read/2021/08/23/18010551/awal-mula-kasus-korupsi-bansos-covid-19-yang-menjerat-juliari-hingga-divonis?page=all>, accessed on 19 December 2023.

Juliari Batubara's corruption undermines not only the lives of ordinary people but also the morals and integrity of government officials.

2. RESEARCH METHODOLOGY

The research methodology uses qualitative normative legal methods with secondary data, meaning that it explores and provides deeper insights into real-world problems. The qualitative research method gathers participants experience, perception, and behavior. It answers the hows and whys instead of how many or how much¹¹. This approach helped to explain the complexities of the case and provide a comprehensive understanding of the legal aspects involved. Qualitative normative legal research methodology involves interpreting and analyzing legal principles and norms to understand their application in real-life situations. The methodology involves a comprehensive analysis of legal texts, relevant legislation, case law, and other legal sources to derive insights and conclusions. Its aim is to provide a theoretical understanding of the legal framework surrounding a particular issue or case. The qualitative normative legal research methodology with secondary data enables investigators to thoroughly examine the legal aspects of the Juliari Batubara case. The analysis involved a thorough examination of Law No. 31/1999 on the Eradication of Corruption and related regulations to comprehend the legal framework concerning corruption offenses. Additionally, investigators reviewed past corruption cases to ascertain the possible legal repercussions for the defendant.

Secondary data plays a crucial role in the methodology of qualitative normative legal research. It refers to information and data that already exist and have been collected by others for different purposes. In the investigation of the alleged corruption case of Juliari Batubara, secondary data sources such as relevant literature on the discussed topic, including legal literature (law books) written by influential experts (de hersender leer), were utilized. Scholars' opinions, legal journals, non-legal literature, and internet articles were used to gather relevant information and support the analysis. Valuable insights into specific charges against Juliari Batubara were obtained from secondary data collected from court records and legal journals. This enables investigators to assess the evidence and determine the validity of the defendant's actions. By examining the legal text and precedents, researchers can determine the legal basis for the charges brought against Juliari Batubara and assess the strength of the case.

3. DISCUSSION

¹¹ Steven Tenny; Janelle M. Brannan; Grace D. Brannan. *Qualitative Study*, StatPearls, Treasure Island (FL), 2022, [1] accessed on 19 December 2023

3.1 Corruption Factors

Based on Chapter 2 Article 2 paragraph (1) of the Law No. 31/1999 concerning Eradication of Criminal Acts of Corruption, corruption means unlawfully committing acts of enriching oneself or another person or a corporation which can harm state finances or the state economy¹². According to International Monetary Fund (IMF) Paper, factors of corruptions can be divided into: first, direct factors¹³ includes: regulations and authorizations that are non-transparent nor publicly available, and can be obtained with money; taxation with complicated laws and an indirect paying system, which requires tax administrators that aren't thoroughly supervised; spending decisions, such as procurement spending and extra budgetary accounts; decisions related to public assets sale, or the rights to extract natural resources; decisions resulting in monopoly power in specific import, export, or domestic activities; and financing of political parties, when public money is not available for political activities funding, there will be huge pressure to generate funds. Second, the indirect factors¹⁴ involving: quality of the bureaucracy; low or stagnant level of public sector wages; indecisiveness of the penalty system; loose institutional controls; lack of transparency in rules, processes, and laws; and bad examples by the leadership.

3.2 The Impact of Social Assistance Corruption

The corruption case in COVID-19 social assistance funds has generated significant losses for both the citizens and the state. The COVID-19 social assistance corruption case has had a significant impact on the country's economy and community welfare. Cases of corruption in social assistance funds also cause disappointment and have a negative impact on the welfare of people in need. The significant impact of the current situation in Indonesia has had a negative impact on the welfare, health and security of the nation's people, especially those affected by the Covid-19 pandemic¹⁵. The impacts include increasing poverty rates, increasing criminal activity due to people's hopelessness in meeting their basic needs, and decreasing public trust in the government.

3.3 Law Application in the Court

If we take a deeper look into the Law No. 20 Year 2001, Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes, it is stated in Chapter 2 Article 2 paragraph (1) that "Any person who unlawfully commits an act of enriching himself or another person or a

¹² Loc.Cit, Law No. 31 Year 1999

¹³ Vito Tanzi, "*Corruption Around the World: Causes Consequences, Scope, and Cures*," p. 10-15, <https://www.imf.org/external/pubs/ft/wp/wp9863.pdf> accessed on 19 December 2023.

¹⁴ *Ibid.*, p. 16-20.

¹⁵ Indah Wulan Pratiwi, "*Kasus Korupsi Bansos Covid-19 dan Dampak Sosiologinya Bagi Masyarakat*," https://www.kompasiana.com/indah59439/61c8a16717e4ac1714376822/kasus-korupsi-bansos-dimasa-covid-19-dan-dampak-sosiologinya-bagi-masyarakat-yang-berdampak?lgn_method=google, accessed on 19 December 2023

corporation which may harm the state's finances or the state's economy, shall be sentenced to life imprisonment or imprisonment for a minimum of 4 years and a maximum of 20 years and a fine of at least IDR 200 million and maximum of IDR 1 billion¹⁶. Later in paragraph (2), it is stated that, “In an event that the criminal act of corruption as intended in paragraph (1) was committed under certain conditions, the death penalty can be applied.”¹⁷

These certain conditions or circumstances can be defined as if these criminal acts were done to the funds intended for overcoming dangerous situations, national natural disasters, overcoming the consequences of widespread social unrest, overcoming economic and monetary crisis, and repetition of criminal acts of corruption. As the Covid-19 situation falls under social disasters, and the funding is included in the “overcoming economic crisis”, then we conclude that such an act done by Juliari Batubara is enough to be dropped into the death penalty verdict. However, after KPK stipulates him on 6 December 2020, it took almost another year until he was sentenced by the judges of Corruption Criminal Court on 23 August 2021, with him proven to be violating the Article 12a/12b of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes in conjunction with Article 55 paragraph 1 of the Criminal Code.¹⁸

3.4 Final Verdict of The Case

Juliari Peter Batubara was then proven legally guilty of committing the crime of corruption jointly and continuously. He then was sentenced by the Supreme Court to imprisonment for 12 years and a fine of IDR 500 million, provided that if the fine is not paid, it shall be substituted with 6 months imprisonment. Adding to the verdict, The defendant shall pay restitution in the amount of IDR 14,597,450,000 with the provision that if it is not paid within 1 month after this case has permanent legal force, the property of the convicted person shall be confiscated to cover the state losses. If the property is insufficient to pay the restitution, it will be replaced with imprisonment for 2 years. Adding to another sentence, in the form of revocation of the right to be elected in public office for 4 years after the defendant has completed serving the main sentence. Further conclusion states that the defendant shall remain in the custody of the state detention center.¹⁹

¹⁶ Indonesia, *Law on Eradication of Criminal Acts of Corruption*, Law No.31 Year 1999, LN No. 140 Year 1999, TLN 3874, Chapter 2 Article 2 paragraph (1).

¹⁷ *Ibid*, par (2).

¹⁸ Sahara, Wahyuni. *Loc.Cit*

¹⁹ Supreme Court Verdict No : 29/Pid.Sus-Tpk/2021/PN.Jkt.Pst, [630-631].

<https://putusan3.mahkamahagung.go.id/direktori/putusan/zaee925eada6bb328002313133363233.html>, accessed on 20 December 2023.

4. CONCLUSION

The judge's basis for sentencing the decision is based on two basic aspects, which are the juridical basis and the non-juridical basis juridical. The juridical basis is Juliari Batubara as perpetrators of corruption in social assistance funds in the era. He was legally declared guilty of violating Article 12 letter b j.o Article 18 of the Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication Corruption Crime as amended with the Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes j.o Article 55 paragraph (1) 1st of the Criminal Code j.o Article 64 paragraph 1 of the Criminal Code. Non-juridical basis in cases is aggravating the verdict and also mitigating the sentence, aggravating matters. Some of them, Juliari, had denied his actions when the public prosecutor read out the indictment, corruption Juliari did this when Indonesia was experiencing an emergency situation, Juliari's actions are considered unsupportive.

However, according to our view, KPK lacks firmness and fairness in considering punishment and compensation in accordance with what Juliari Batubara has done. While he has made the country lose over IDR 17 billion, he was only requested to give back IDR 14.5 billion with a IDR 500 million fine. He didn't get the death penalty, nor the maximum punishment of 20 years imprisonment and IDR 1 billion fine, because the judge said that, "the defendant has suffered enough from being reviled, cursed and insulted by society," as said by Yusuf Pranowo, according to Juliari Batubara's defense letter (*pledoi*).²⁰ With this article, we are looking forward to seeing more justice and firmness in the judge's decision, especially in cases that involve corruption of the rights of the poor.

²⁰ BBC Indonesia, "Vonis Juliari Batubara: Diringankan karena cacian publik, 'keberpihakan hakim untuk pelaku atau korban pandemi?'" <https://www.bbc.com/indonesia/indonesia-58320105>, accessed on 19 December 2023.

BIBLIOGRAPHY

Book

Edward Aspinall, Gerry van Klinken, *The State and Illegality in Indonesia* (KITLV Press 2011) [4] <https://library.oapen.org/bitstream/id/f96d7964-9824-4c3c-8784-31ffffe57f13/368290.pdf>.

Journal/Article

Agnes Betresia, Priskilla Verdina, Suyanti Welvyna, Lina Miftahul Jannah, Evie Oktafia. *KORUPSI BANTUAN SOSIAL COVID-19: ANALISIS IMPLEMENTASI ETIKA NORMATIF PEJABAT PUBLIK DI INDONESIA*. (vol. 3, December 2021, ejournal2.undip.ac.id)
<https://ejournal2.undip.ac.id/index.php/dialogue/article/view/13126/6772>

Arta, I Gede Tangkas Wirya. *HUKUMAN MATI DALAM PERSPEKTIF PEMBERANTASAN TINDAK PIDANA KORUPSI*. (vol. 6, October 2021, Fakultas Hukum Universitas Muhammadiyah Surabaya) [233-239] <https://journal.um-surabaya.ac.id/Justitia/article/download/7582/4296/24768>

Irfan Setiawan, Christin Pratami Jesaja. *Analisis Perilaku Korupsi Aparatur Pemerintah Di Indonesia (Studi pada Pengelolaan Bantuan Sosial Di Era Pandemi Covid-19)*. (JMB Media Birokrasi, November 2022) [34] <https://ejournal.ipdn.ac.id/JMB/article/view/2744>

Steven Tenny; Janelle M. Brannan; Grace D. Brannan. *Qualitative Study*. (National Library of Medicine, September 2022)

<https://www.ncbi.nlm.nih.gov/books/NBK470395/#:~:text=Qualitative%20research%20is%20a%20type,well%20as%20further%20investigate%20and>

Vavirotus Sholichah, Satria Wicaksana Prakasa. *ANALISIS KEADAAN TERTENTU TENTANG PENERAPAN PIDANA MATI: STUDI KASUS KORUPSI BANSOS COVID-19*. (vol. 8, August 2022, Universitas Muhammadiyah Surabaya)
<https://ejournal.undiksha.ac.id/index.php/jkh/article/view/48292/22114>

Vito Tanzi, *Corruption Around the World: Causes Consequences, Scope, and Cures*. (IMF, May 1998) <https://www.imf.org/external/pubs/ft/wp/wp9863.pdf>

News

Annur, Cindy Mutia. Databoks. *Indonesia Negara Terkorup ke-5 di Asia Tenggara pada 2022*. (February 2023) <https://databoks.katadata.co.id/datapublish/2023/02/02/indonesia-negara-terkorup-ke-5-di-asia-tenggara-pada-2022>

BBC Indonesia, *Vonis Juliari Batubara: Diringankan karena cacian publik, 'keberpihakan hakim untuk pelaku atau korban pandemi?* (BBC News Indonesia, August 2021)
<https://www.bbc.com/indonesia/indonesia-58320105>

BBC Indonesia. *Mensos Juliari Batubara jadi tersangka korupsi bansos Covid-19, ancaman hukuman mati bakal menanti?* (BBC News Indonesia, December 2020)
<https://www.bbc.com/indonesia/indonesia-55204360>

CNN Indonesia. *Kronologi Mensos Juliari Jadi Tersangka Kasus Bansos Corona*. (CNN INDONESIA, December 2020). <https://www.cnnindonesia.com/nasional/20201206015241-12-578488/kronologi-mensos-juliari-jadi-tersangka-kasus-bansos-corona>

Ernes, Yogi. *KPK Tetapkan Mensos Juliari Batubara Tersangka Kasus Bansos COVID-19*. (detiknews, December 2020) <https://news.detik.com/berita/d-5283357/kpk-tetapkan-mensos-juliari-batubara-tersangka-kasus-bansos-covid-19>

Faaizah, Noor, *9 Pengertian Korupsi Menurut Para Ahli, Dari Aktivis Barat-Perspektif Islam*. (DETIK.COM, October 2023). <https://www.detik.com/edu/detikpedia/d-6975355/9-pengertian-korupsi-menurut-para-ahli-dari-aktivis-barat-perspektif->

Supreme Court Verdict No : 29/Pid.Sus-Tpk/2021/PN.Jkt.Pst, [630-631].

<https://putusan3.mahkamahagung.go.id/direktori/putusan/zaee925eada6bb328002313133363233.html>.