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Corruption Crime Eradication by Corruption Eradication Commission Through Red-handed Catch Operation on Bribery Action

Kamaluddin Abbas ✉

Doctoral Program of Law, Borobudur University

✉ lowkerakurat@gmail.com

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Abstract: The government has made many laws and regulations, but corruption issues cannot yet be controlled. Police and Prosecuting Attorney Institutions have not yet functioned effectively and efficiently in eradicating corruption. Therefore, the public hopes Komisi Pemberantasan Korupsi (KPK)/the Corruption Eradication Commission eliminates the crime. KPK is considerably appreciated by the public due to Operasi Tangkap Tangan (OTT)/Red-handed Catch Operation to many government officials involved in bribery action, but the subject matter thereof is whether the OTT is in line with the fundamental consideration of KPK founding pursuant to Law Number 30 of 2002 as updated by the Law Number 19 of 2019 in order to increase the eradication of corruption crime causing the state's financial loss with respect to people welfare particularly KPK powers pursuant to the provision of Article 11 thereof, among others, specifying that KPK shall be authorized to conduct inquiry, investigation and prosecution on corruption crime related to the state financial loss of at least Rp 1,000,000,000 but in fact many OTTs performed by KPK have a value of hundred million Rupiah only and even there are any cases below Rp 100,000,000.-, and bribery action control through OTT being more dominant if compared to the state's financial corruption is not in line with the primary consideration of KPK founding, and similarly the OTT below 1 billion Rupiah doesn't conform to the provision of Article 11 thereof.

Keywords: law state; welfare; red-handed catch operation

1. Introduction

The Constitution 1945, particularly Article 1 paragraph 3, confirms that Indonesia is a Law State (Supriyanto, 2020), associated with the preamble of the Constitution 1945, particularly the fourth paragraph, among others, stating the founding of an Indonesian administration to promote public welfare, so that Indonesia is a law state with the objective for people's interest. For the achievement of ambitions and goals of the Constitution 1945, some provisions of the laws and regulations shall be prepared, among others, Law Number 31 of 1999 in conjunction with the Law Number 20 of 2001 regarding Corruption Crime Eradication and the Law Number 30 of 2002 regarding corruption eradication commission and the Law UU Number 19 of 2019 regarding the second Amendment to the Law UU No. 30 of 2002 regarding Corruption Eradication Commission.

The purpose of establishing KPK is to increase the usefulness and results of efforts to eradicate corruption. Concerning money laundering, gratification, and others, KPK can handle corruption cases such as Operation Capture Hands. Is Hand Capture Operation the same as Hand Caught? Not. The operation itself means that, according to KBBI, it is the implementation of the plan that has been developed (Supriyanto, 2021).

The purpose of establishing KPK is to increase the usefulness and results of efforts to eradicate corruption. KPK has the authority to handle corruption cases such as Operation Capture Hands about money laundering, gratification, and others. Is Hand Capture Operation the same as Hand Caught? Not. The operation itself means that according to KBBI, it is the implementation of the plan that has been developed.

From this understanding, it is clear that Operation Capture Hands is not intended as a legal term, let alone implementing a norm, but a name of the type of operation carried out by KPK. There is no actual obligation for KPK to give the name of a kind of operation or action strategy. If KPK calls it other terms, missal Operation Kuda Lumpung or Operation Delta Force, it is legal. Assessing whether OTT is wrong or not from whether the word exists in KUHAP is a big mistake.

The recent rise of arrests made by KPK, known as Operation Capture Hand or OTT, raises polemics, whether legitimate or illegitimate. This discourse arises starting from the intensesness of DPR member Fahri Hamzah concerning OTT KPK on his Twitter. The issue of OTT then became a debate between two professors of criminal Law, Prof. Romli Atmasasmita and Prof. Eddy OS Hiariej, through an opinion column in Kompas and Koran Sindo (Saputra & Nasrudin, 2015).

One argument related to Operation Hand Capture is associated with the definition of Caught Hand in KUHAP. Those who consider that OTT is illegal are based on the argument that there is only Caught Hands in the absence of the term Hand Capture Operation in KUHAP. The discrepancy was later concluded that OTT was illegal.

On this issue, the author sees a rather severe error of thought. Indeed, KUHAP does not recognize the term Operation Capture Hands, and there is not even a single rule of Law in Indonesia that contains this term. But that does not mean automatic OTT is illegal. So before discussing (OTT) itself, it is certainly important to discuss what Caught Hands is.

Issuance of the Law No. 31 of 1999 regarding Corruption Crime Eradication approved on 16 August 1999 is a reaction to rampant corruption committed in new order era deemed to be a cause resulting in monetary crisis by 1997-1998, where Article 43 thereof mandates that within no later than two years from the effects of the Law the Corruption Eradication Commission shall be established to execute any duties and authorities of coordination and supervision including to conduct inquiry, investigation, and prosecution according to the provisions of the prevailing laws and regulations.

Consideration in letter a) of the Law confirms that the corruption crime exceptionally harms state finance or economy and hinders national development. It must be eradicated to achieve a fair and prosperous society based on Pancasila and

the Constitution 1945. Subsequently, Law No. 20 of 2001 regarding Amendment to Law No. 31 of 1999 regarding Corruption Crime Eradication was issued.

Based on Article 43 of the Law Number 31 of 1999, Law Number 30 of 2002 regarding the Corruption Eradication Commission has been enacted. Based on the consideration in letter a) of the Law Number 30 of 2002, the Law's enactment is considered to achieve a fair, prosperous, and welfare society following Pancasila and the Constitution 1945, where eradicating corruption crime has not been optimally executed so far. Therefore, stopping corruption crime needs to be increased professionally, intensively, and sustainably as corruption has harmed state finance and economy and has hindered national development.

Thereby, the said Law mandates to prioritize corruption crime eradication related to state's financial loss than bribery to achieve fair and prosperous society and public welfare.

Therefore, with such specialty and so great powers of KPK according to Law Number 30 of 2002 in conjunction with the Law Number 19 of 2019, KPK should have been able to return state finance more than present achievement for the benefit of people welfare, as the objectives of corruption crime eradication are not only to punish public officers for deterrent effect purpose only but the most priority is law enforcement for the welfare of the people at large, among others, by maximizing the return of the state finance.

Accordingly, we hope that KPK is more focused on controlling the state's financial corruption than bribery action through OTT at a minimum value of one billion Rupiah. We must concede that the public significantly appreciates KPK due to the red-handed catch operation (OTT) conducted by government officials associated with bribery. Still, the issues thereof are whether such OTT for corruption is in line with the objectives of enactment of Law Number 30 of 2002 in conjunction with Law Number 19 of 2019 and particularly the powers of KPK according to the provision of Article 11, among others, specifying that KPK shall be authorized to conduct the inquiry, investigation, and prosecution of corruption crime related to the state's financial loss of at least Rp1,000,000,000 but many of the OTTs executed by KPK have only a value of hundred million Rupiah. Even there are any cases below Rp100,000,000, and bribery is more dominant than the state's financial corruption. So, this article will discuss it further related to this problem.

2. Methods

This Research uses normative law research method obtained from references called secondary data covering; first, Primary Legal Materials, namely any binding legal materials comprised of 1) Basic or norms or fundamental principles, in this case, Preamble of the Constitution 1945; 2) Basic rule, Body of the Constitution 1945 and Decree of MPR (People's Consultative Assembly); and 3) Laws and regulations. Secondary Legal Materials, explaining primary legal materials, e.g., draft law, research results, a masterpiece of a jurist, and others (Efendi & Ibrahim, 2018).

The approach applied in this Research is a law approach, by analyzing any laws and regulations related to legal issues being dealt with, to learn whether there is any consistency and conformity of one Law to another direction or the Constitution for the solution of any problems confronted, understanding of philosophical contents existing behind the laws. In addition, the conceptual approach builds a concept serving as a reference in this Research, departing from any views and doctrines that develop in law science (Duncan, 2020).

Research in this thesis refers to the rules of legal norms or any laws and regulations applicable in Indonesia related to Law Number 31 of 1999 with Amendment to the Law Number 20 of 2001 regarding Corruption Crime Eradication and the Law Number 30 of 2002 with Amendment to the Law Number 19 of 2019 regarding corruption Eradication Commission. This Research will describe how KPK executes the eradication of bribery corruption crime through OTT concerning the performance of

KPK within the period of 2015-2019 associated with KPK powers and fundamental consideration on KPK founding needs (Santiago, 2014). Evaluation is done by analyzing the existing case by case and then defining it to eradicate corruption in Indonesia. Eradication of corruption with cross-disciplinary that the KPK has not done. The author focuses on only a few cases that emerge on the surface so that research materials are easy to find.

3. Results and Discussion

3.1. Understanding and Legal Grounds of Red-handed Catch Operation

Red-handed Catch Offense derives from Roman times called a term *delictum flagrans*. The Red-handed Catch Offense is further adopted by French Criminal Law under the term *flagrant delit* and has legal consequences different from other offenses. In Kamus Besar Bahasa Indonesia (KBBI)/Indonesian Big Dictionary, caught red-handed means caught in the act and, in daily conversation, means caught while committing a crime or prohibited act. Such understanding is not much different from that in legal dictionary defining caught red-handed as being caught while the crime is being committed or not long after the crime has been committed.

Caught red-handed according to the provision of Article 1 paragraph 19 of the Law Number 8 of 1981 means the catch of a person while committing a crime, or immediately after a few moments the crime has been committed, or a moment later considered by the general public as a person who committed the crime, or if a moment later on him/her is found an object allegedly used to achieve the same indicating that he/she is a perpetrator or jointly engages or helps to commit the same.

Concerning the red-handed catch operation (OTT) executed by KPK, it ended with a decision as a suspect for a person, whether a public officer can be deemed to have been caught red-handed. Considering that one of four conditions is not found in a public officer when KPK brought him/her for inquiry, some matters require clarification. Firstly, KPK before the OTT is undoubtedly be preceded by a series of tapping within a certain period. Results of the tapping are the beginning proof of a crime. Secondly, according to Article 12 of Law Number 30 of 2002, KPK powers shall be to conduct tapping at the inquiry stage. Inquiry is the first stage of the criminal case process before investigation. This means that the tapping is carried out at a location to determine whether or not a crime exists. Thirdly, OTT is only intended to concrete a series of tapping that has been carried out before that the first proof obtained will be sufficient (Rahmanto, 2019).

Red-handed catch operation is not governed in Law, either in KUHAP (Civil Law), KUHP (Criminal Law), Corruption Crime Law or KPK Law, but the understanding of caught red-handed is only outlined in Article 1 paragraph 19 KUHAP, in this case, the catch of a person in the act of committing a crime or immediately after that, e.g., a person acting as a pickpocket in a crowded place. According to the writer's opinion, OTT executed by KPK is not the same as caught red-handed outlined in KUHAP because the OTT is preceded by investigation and tapping operation activity, to collect pieces of evidence on a person who allegedly will commit a crime, and then catch is executed, so that a potential crime has been known, in this case, when and where. Accordingly, the OTT cannot be categorized as a red-handed catch as referred to in Article 1 paragraph 19 of KUHAP, but more accurately called operation or inquiry for a catch or operation to collect shreds of evidence for net (Ramadhani et al., 2018).

Provision of Article 18 paragraph 2 of KUHAP specifies that in case of a red-handed catch, no arrest warrant is required because philosophically, a law enforcer does not know yet a crime action occurring, but in case of not red-handed catch, an arrest warrant is needed as KPK officer has known place and time on which a crime will be committed.

Eradicating corruption is one of the essential agendas in improving governance in Indonesia. Good governance and law enforcement, especially in crime, is the most

basic democratic plan to prevent the triple crisis of governance. The three crises are the robustness of law enforcement, the inability of the government to maintain the peace of the people or regions, and stagnant economic growth or crisis as a result of the failure of monetary policy and the low capacity and integrity of government bureaucracy (Arifin, 2017).

KPK was formed based on Law No. 30 of 2002 concerning The Corruption Criminal Eradication Commission. KPK was mandated to eradicate corruption professionally, intensively, and continuously. KPK is an independent state institution that carries out its duties, and authorities are free from any power (Saputra & Nasrudin, 2015).

The Corruption Eradication Commission (KPK), in exercising its authority to eradicate corruption in Indonesia, must conduct investigations, investigations, and prosecutions of corruption crimes as stated in Article 6 letter (c) of Law No. 30 of 2002 concerning the Commission for the Eradication of Corruption. This authority makes the Corruption Eradication Commission (KPK) fully carry out its duties to eradicate corruption in Indonesia.

Not infrequently, there is a clash because the Task of investigation, investigation, and prosecution is not only owned by the Corruption Eradication Commission, the Police and Prosecutors also have to perform the Task. Therefore, to avoid the clash of duties, the Corruption Eradication Commission can take over the Task-based on Article 8 paragraph (2) of Law No. 30 of 2002 concerning the Corruption Eradication Commission, namely in carrying out the authority as referred to in paragraph (1), the Corruption Eradication Commission is also authorized to take over the investigation or prosecution of perpetrators of corruption crimes that the Police or prosecutors are carrying out.

The above article states that the Corruption Eradication Commission (KPK) can take over the duties of the Police and prosecutors only in the realm of corruption cases. The Corruption Eradication Commission (KPK), based on its authority to conduct investigations, investigations, and prosecutions as stipulated in Article 12 paragraph (1) of Law No. 30 of 2002 concerning the Corruption Crime Eradication Commission, states that the KPK to conduct investigations, investigations, and prosecutions are authorized to act wiretaps and voice recordings to find preliminary evidence that the suspected person has or will commit corruption crimes can be trapped by anti-corruption laws.

After sufficient evidence from the results of the wiretapping to crack down on repressive and prevent the occurrence of corruption crimes, the KPK Corruption Eradication Commission can conduct an arrest mechanism by conducting a Hand-Capture Operation. In practice, there is a case of OTT Hand Capture Operation.

The term OTT is not known in KUHAP, but there is the term Caught Hands and Arrest. Here are some meanings of the term Caught Hand, i.e., the Caught hand is Caught when committing a crime or an act that should not be done, caught red-handed; Caught hands equal to "heterdaad," i.e., Caught in the middle of being caught red-handed, at the time the crime is being committed or shortly after it is known to people; The investigation of the seen delink originated in France, where since Roman times it has been known offense caught hand-held offense that is caught in the medium or soon after taking place that has different legal consequences than other offense; and in offense grabbed hands called by the man: i) *Roman delictum flagrans*; ii) *German or ancient dutch handcraft (ig) e daet and verse daet*; iii) *French flagrant delit*; iv) *German Frische tat*.

3.2. Corruption Eradication Commission Powers

The abstract should be brief, factual, and state briefly the purpose of the Research, the top results, and significant conclusions. An abstract is often presented separately from the article, so it must be able to stand alone. For this reason, References should be avoided. Also, non-standard or uncommon abbreviations should be avoided, but they must be defined at their first mention in the abstract itself is essential.

According to the provision of Article 11 of the Law Number 30 of 2002, in performing any duties as referred to in Article 6 c) hereof, the Corruption Eradication Commission has powers to conduct inquiry, investigation, and prosecution on corruption crime which: involves law enforcer, state administrator, and any other person having relation to corruption crime committed by the law enforcer or the state administrator; gets attention troubling the public, or concerns a state loss of at least Rp1,000,000,000.00 (one billion Rupiah).

The provision is the same as Article 11 paragraph 1 b) of Law Number 19 of 2019, in this case, related to a state loss of at least Rp1,000,000,000.00 (one billion Rupiah).

The previous also conforms to consideration for KPK establishment in the preamble by considering letter a) of Law Number 30 of 2002 confirming that eradicating any corruption that harms the state finance is required to increase to realize a prosperous society. It is further confirmed by KPK powers to deal with corruption cases concerning a state loss of at least Rp1,000,000,000.00 (one billion Rupiah), in line with the Constitution of 1945, Indonesia is a law country for public welfare.

Accordingly, through the KPK powers, it should prioritize corruption crime eradication that harms state finance and a minimum state of one million Rupiah to maximize the return of state finance that is corrupted for people's welfare.

In addition, corruption crime related to state finance is outlined in Article 2 and Article 3 of the Corruption Crime Eradication Law, the provisions of which include against the law/for power abuse, self-enrichment/self-benefit or to benefit any other person or a corporation that may harm state finance or state economy. In contrast, bribery action is outlined in Article 5, Article 11, Article 12 a) and b), Article 13 and Article 12B, regarding the grant or receipt of something/gift due to official position or conflict with obligations.

Corruption crime in Indonesia develops widely and increases from year to year, either from any cases occurring or from the amount of state financial loss or the aspect of quality of crime committed more systematically with a scope covering all aspects of people life that will lead to disaster not only on the national economy but also on the life of the nation and state in general. Corruption crime that expands and is systematic also constitutes violations of the people's social and economic rights. Therefore, corruption crime cannot be categorized as an ordinary crime but has become an extraordinary crime. Likewise, any efforts to eradicate corruption cannot be made ordinarily but should be made extraordinarily.

The grant of very great power to KPK indeed worries the occurrence of overlap with the authority of any other state apparatuses in dealing with corruption crime, namely attorney office and Police with authority in dealing with corruption crime eradication.

The maker also thinks of the forgoing of Law Number 30 of 2002 wherein the general elucidation, the sixth paragraph of the Law. It is specified that presently the corruption crime eradication has been carried out by various institutions, such as the attorney's office and Police and any other bodies related to corruption crime eradication. Therefore, regulation on the authorities of the Corruption Eradication Commission under this Law should be prepared carefully to avoid authority overlap with such various institutions.

That such worry of overlap of the authorities between Police and attorney office and KPK in executing law enforcement to corruption crime may be resolved by the provision of Article 11 of the Law Number 30 of 2002 confirming that the Corruption Eradication Commission has powers to conduct inquiry, investigation, and prosecution on corruption crime associated with a state loss of at least Rp1,000,000,000 (1 billion Rupiah).

There are many OTTs executed so far by KPK, having value far below 1 billion Rupiah. According to the writer's opinion, the OTTs are not in conformity with the provision of Article 11 c) of Law Number 30 of 2002. Otherwise, any cases handled by KPK are mostly bribery actions caught through OTT, not corruption crime related to

state finance where the same is not in line with the background of thought, purposes, and objectives of the enactment of Law Number 30 of 2002 by considering letter a) thereof.

Moreover, lawmakers are cautious in preparing a regulation on the authorities of KPK under the Law to avoid authority overlap with various institutions, such as Police and attorney office, so that Article 11 is made to limit KPK powers in corruption crime eradication. KPK should also be careful in executing its powers to avoid deviation from the requirement. If KPK deals with any corruption crimes regardless of the amount outlined in the conditions, then KPK will monopolize the handling of corruption crime cases. In contrast, the elucidation of the seventh paragraph of Law Number 30 of 2002 confirms that through the enactment of the Law, KPK shall not monopolize any duties and authorities of inquiry, investigation, and prosecution. The provisions should function as the stimulation and empowerment of existing institutions that have been existed in corruption eradication, where KPK may prepare vital networking and treat the existing institutions as a conducive counter partner so that corruption eradication may be carried out efficiently and effectively.

Consequently, if KPK intends to execute OTT on bribery action in small value, the OTT should be delegated to Police or attorney office so that KPK will function to supervise and monitor police institution or attorney office that deal with the OTT based on information from KPK, as outlined in Article 6 a) and b) of KPK Law.

Statement of KPK chairperson in Malang, East Java on 17 September 2017, informed that KPK would not cease to execute OTT for corruptors where corruption value will not be considered. Still, the impact of corruption, which harms the public, will be a reason, therefore. The statement is not in line with Law Number 30 of 2002, particularly Article 11, intending to limit KPK powers. The worry of the lawmaker on the possible overlap of KPK authorities with the Police and attorney office will be truly realized.

3.3. Execution of Red-handed Catch Operation on Bribery Action

The keywords should be avoiding general and plural terms and multiple concepts. Be sparing with abbreviations: only abbreviations firmly established in the field may be eligible. These keywords will be used for indexing purposes.

KPK, in executing a red-handed catch operation on a bribery corruptor, is always preceded by tapping to collect any shreds of evidence when and where bribery action will be committed, and then red-handed catch will be executed. KPK's success in disclosing many cases of bribery action through red-handed catch operation is caused by tapping action.

According to the elucidation of Article 31 paragraph 1 of the Law Number 11 of 2008, interception or tapping means any activity to hear, record, divert, change, hinder, and save electronic information transmission or electronic documents which is not public, either using a cable, communication or wireless network, such as electromagnetic emission or radiofrequency.

According to Article 12 paragraph (1) a) of Law Number 30 of 2002, KPK shall be authorized to conduct tapping and record the conversation in the execution of inquiry, investigation, and prosecution duties for corruption crime. In the provisions of the Law, no elucidation is made on the meaning of drumming. There is no elucidation on how KPK may execute tapping procedures, but in the provision of Article 12 B of Law Number 19 of 2019, tapping processes have been regulated.

In case of corruption crime, results of the tapping serve as evidential items according to the provision of Article 26 A of the Law Number 20 of 2001 that any valid evidential items in the form of hint as referred to in Article 188 paragraph (2) of the Law Number 8 of 1981 regarding Criminal Procedure Law, particularly for corruption crime may be obtained as well from: any other evidential item in the form of information expressed, sent, received, or stored electronically with optical water or of the same kind; Elucidation: "stored electronically" means any data stored in Micro

Film, Compact Disk Read Only Memory (CD ROM), or Write Once Read Many (WORM); and Documents, in this case, any data or information recording that may be recorded, read, and or heard and retrieved with or without aid, either those embodied on the paper, any physical object other than paper, or those recorded electronically, in the form of writing, sound, picture, map, draft, photo, letters, marks, figures, or any perforation having a meaning.

Procedural Law applied in examination at court session for corruption crime is executed according to applicable criminal procedural Law, unless specified otherwise in Law Number 46 of 2009. Specificity of the procedural Law regulates, among others, evidential items submitted at the court session, including any evidential items obtained from the results of tapping that must be obtained lawfully according to the provisions of laws.

Under the provisions of Article 28 of Law Number 46 of 2009, all evidential items submitted at the court session, including any evidential items obtained from the results of tapping, must be received lawfully under the provisions of laws and regulations. A judge shall determine whether an evidential article submitted before the court session is valid or not, either those raised by a public prosecutor or the accused.

Some Cases of OTT by Corruption Eradication Commission shall, under the provisions of Article 11 c) of Law Number 30 of 2002 and Article 11 b) of Law Number 19 of 2019, be authorized to conduct inquiry, investigation, and prosecution on corruption crime involving a state's financial loss of at least one billion Rupiah.

In 2018, the Corruption Eradication Commission (KPK) recorded the most red-handed catch operations (OTT) since the institution was established in 2002 (Sosiawan, 2018).

The following is the summary of Kompas.com related to OTT executed by KPK along 2018 in a value below 1 billion Rupiah;

1. On 18 November 2018, the Regent of Pakpak Bharat, Remigio Yolando Berutu, was caught red-handed by KPK. Remigio became a suspect due to his receipt of a bribe amounting to about Rp550 million from contractors who performed any Public Works and Public Housing Service of Pakpak Bharat.
2. On Friday (27/10/2018), KPK executed OTT in Jakarta. In operation, KPK arrested four members of DPRD (the Regional People's Representative Assembly) of Central Kalimantan and three private persons. The seven persons were decided as a suspect for a bribe of Rp240 million. The four members of DPRD were the Chairperson of Commission B of DPRD of Central Kalimantan Province Borak Milton, the Secretary of Commission B of DPRD of Central Kalimantan Province Puding LH Bangka, and two members of Commission B of DPRD of the Province Arisavanah and Edy Rosada.
3. The Regent of Cirebon Sanjaya Purwadisastra was caught red-handed by KPK on Wednesday (24/10/2018). Sunjaya became a suspect as he allegedly received the gift or promised position transfer, project, and permits in Cirebon Regency. He reportedly received money amounting to about Rp100 million from the Secretary of PUPR Service of Cirebon Regency, amounting to Rp100 million and Rp125 million from any government officials within Cirebon Regency.
4. KPK executed OTT to Mayor Setiyono on Thursday (4/10/2018). Setiyono was decided as a suspect because he allegedly received a bribe from the businessman Muhammad Baqir amounting to Rp115 million. Such alleged bribe is related to project in Cooperative and Micro-Business Service of Pasuruan Municipal Government.
5. KPK on Wednesday (3/10/2018) caught the Head of Tax Office KPP Pratama Ambon La Masikamba allegedly receiving a bribe from the businessman Anthony Liando amounting to Rp100 million. He was allegedly related to tax obligation for the personal taxpayer of the Year 2016 in KPP Pratama Ambon.

6. KPK arrested the Regent of Lampung Selatan Zainudin Hasan in OTT on Friday (27/7/2018). Zainudin and a government official of PUPR Service allegedly received a gift or were promised to receive Rp600 million from the owner of CV 9 Naga, Gilang Ramadhan, who requested to be appointed as project operator in Lampung Selatan.
7. On Tuesday (17/7/2018), KPK executed OTT and arrested the Regent Labuhanbatu Pangonal Harahap. Pangonal allegedly received bribes related to any projects within Labuhanbatu by the fiscal year 2018. Proof of transaction amounting to Rp576 million was found.
8. KPK caught the Regent of Purbalingga Tasdi in OTT on Monday (4/6/2018). He allegedly received gratification amounting to Rp100 million from a contractor as the winner of a tender for Purbalingga Islamic Center development project stage 2 of 2018.
9. KPK executed OTT in Buton Selatan Regency, Southeast Sulawesi, on Wednesday (23/5/2018). KPK arrested the Regent Agus Feisal Hidayat, allegedly receiving gratification amounting to Rp409 million from contractors related to any job projects in Buton Selatan Regency Government.
10. KPK executed OTT in Bengkulu Selatan on Tuesday (15/5/2018) night by catching four persons. One of them was the Regent of Bengkulu Selatan Dirwan Mahmud. Dirwan, his wife Hendrati, and a Section Head in the Health Service of Bengkulu Selatan Regency Government Nursilawati allegedly received a bribe from a contractor named Juhari amounting to Rp98 million.
11. KPK caught the Regent of Jombang, East Java, Nyono Suharli Wihandoko, at Solo Balapan Station, Central Java, on Saturday (3/2/2018). Nyono allegedly received a bribe from the Acting Head of Health Service of Jombang Regency Inna Silestyanti. At that time, the total bribe granted to Nyono amounted to about Rp275 million.
12. Judge Wahyu Widya Nurfitri was caught in OTT KPK allegedly receiving a bribe of Rp30 million. KPK, which had tracked such transactions, directly arrested her with several solid pieces of evidence.
13. Regional Heads arrested through OTT KPK during 2017 are, among others, as follows:
14. The Regent of Pamekasan Achmad Syafii was caught red-handed by KPK on 2 August 2017, allegedly granting a bribe of Rp200 million to the Head of District Attorney Office Pamekasan Rudy Indra Prasetya. The fix served allegedly as an effort to induce the attorney office not to prosecute a report of alleged corruption for village funds in Pamekasan.
15. The Mayor of Tegal Siti Masitha was caught red-handed by KPK on 29 August 2017. Siti was seen due to allegedly receiving a bribe of Rp300 million related to medical service fund management at Kardinah Regional General Hospital.
16. The Regent of Nganjuk Taufiqurrahman was caught red-handed by KPK at Borobudur hotel in Jakarta on 25 October 2017. Taufiqurrahman was seen due to allegedly receiving a bribe of Rp298 million related to collaboration for a position within the Nganjuk Regency Government.

Based on the performance of KPK in the period of 2015–2019, there are three dominant cases of corruption crime handled, namely 475 cases of bribery, 77 cases of procurement for goods and services, and 21 cases of money laundering. From the said performance of KPK, it is clear that the corruption cases handled by KPK are related to bribery cases more than corruption cases that harm state finance, so that they do not conform to the basis of consideration for the needs of KPK founding by Law 30 of 2002, including the Law Number 31 of 1999, prioritizing corruption eradication that harms state finance for people welfare (Suyatmiko & Ratnaningtyas, 2019).

3.4. Evaluation of Hand Catch Operation

Following the evaluation framework in the previous section, this section discusses six evaluation criteria, namely effectiveness, efficiency, adequacy, equality, responsiveness, and accuracy.

The critical question in this criterion is: Has the hand-catching operation successfully achieved its objectives? To answer this question, we need to know the purpose of the KPK's hand-catching operation policy. In a vision, KPK strives to realize a clean Indonesia from corruption. This statement can be the outcome of all procedures carried out by the KPK. Of course, each policy has its output. In the context of hand-catching operations, if we use the meaning of "caught hands" in the penal code, then the KPK hand-catching operation can be interpreted as a strategy used to catch someone suspected of corruption. In addition, during the period 2015–2018, there were 270 corruption suspects or equivalent to 49%, out of a total of 554 suspects who successfully arrested KPK with the mechanism of hand-catching operations (Koeswadi, 1976).

The second evaluation criterion, effectiveness, is crucial: how much hand-catching surgery is needed to achieve the desired results? It is seen that the hand-catching operations conducted by KPK are getting massive in the period 2015–2018 under the leadership of Agus Raharjo CS with a total of 71 functions or at least an increase of 263% from the period 2010-2014, which is only 27 operations. This condition indicates that the rise in the number of corruption suspects (corruptors) is directly proportional to the increase in hand-catching procedures.

This fact can be interpreted from two sides, namely, to eradicate corruption in Indonesia, hand-catching operations need to be massive, or hand-catching functions do not entirely give rise to scare off the effect and a sense of deterrent for corruptors and or prospective corruptors, as in the case of the Holy Regent who has been twice entangled in criminal cases because of corruption cases. If only the scare-off effect of hand-catching operations occurred, then this policy could serve as a strategy to crack down and prevent corruption cases in Indonesia (Apriani et al., 2018).

In line with the discussion in the previous section, the success of hand-catching operations whipped quite many suspects. Still, it failed to cause a scare-off effect, which made it not much of a role to decrease Indonesia's corruption. The corruption figures in Indonesia are still volatile and do not show a significant decrease despite several hand-catching operations.

The implementation of hand-catching operations led to the crackdown on corruption and the arrest of corruptors at the national to regional levels. This suggests that the benefits of this policy are distributed to regions.

Hand-catching operations also arrest public officials such as governors, regents/mayors, or legislature and structural officials, as in the case of Lampung regent's hand-catching process (2019) 2. Service heads are designated as suspects. This shows that this hand-catching operation can touch up to structural positions in the area whose impact can be directly felt by the community (Amin et al., 2021).

The community's positive response to KPK hand-catching operation can also be seen from the massive KPK operation. This is because hand-catching operations cannot be carried out without reports and complaints from the public in advance for information collection to be carried out. From the information, if an indication of suspicious transactions is found, it will be followed up with the title of the case and issued a sprinlidik (investigation warrant). In principle, KPK can conduct wiretapping and surveillance if necessary. If in the wiretapping and other activities found there is an indication of the handover of money, a task force (task force) is formed to be then processed until a hand-catching operation occurs.

4. Conclusion

Law Number 31 of 1999 regarding corruption crime eradication and Law Number 30 of 2002 serving as the basis of KPK founding, as considered in letter a) thereof, in

essence, confirm that corruption must be eradicated as it harms state finance to realize fair, welfare and prosperous people, to be in line with the Constitution 1945, in this case, a law state to learn people welfare then confirmed more in the provision of Article 11 of the Law Number 30 of 2002 and Article 11 of the Law Number 19 of 19 regarding KPK powers to deal with corruption-related to state loss at a minimum value of 1 billion Rupiah, to maximize the return of state's financial loss in the interest of public welfare, but KPK more deals with bribery cases.

Provision of Article 11 of KPK Law specifies KPK powers to deal with corruption cases related to a state loss of at least one billion Rupiah, to limit KPK authorities for the avoidance of overlap with police institution and attorney office and to maximize the return of state's financial loss in the interest of people welfare. Still, many of the KPK's red-handed catch operations on bribery actions have the small value of the bribery, in this case, below one billion Rupiah.

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