

# ***THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES***

## **Law Enforcement Policy in Corruption Based on Approach Non Penal**

**Japansen Sinaga**

Doctoral Program Student, Advocate and Legal Studies, Faculty of Law, University of North Sumatra, Indonesia

**Abstract:**

*Definition of criminal policy, can be divided into 3 (three) meanings, namely: in the narrow sense, is the overall principles and methods are the basis of the reaction to the legal form of a criminal offense; in a broad sense, is the overall functioning of law enforcement officials, including the workings of the courts and the police; in the broadest sense, is the overall policy, which is done through legislation and official bodies, which aims to establish a central norms of society.*

*In the midst of national development efforts in various fields, public aspiration to eradicate corruption and other forms of irregularities increased, because in fact the act of corruption has caused huge losses to the state, which in turn may have an impact on the onset of the crisis in various fields. Overcoming this needs to be done non-penal policy is to undertake measures aimed at preventing corruption. Relating to the use of means of penal and non-penal, the use of a means of non-penal given a larger portion than the use of means of penal, means there is a need in the context of prevention of corruption, comprehension oriented to achieving the factors conducive to causing corruption (factor kriminogen).*

**Keywords :** Law Enforcement Policy, Corruption, Non Penal

### **1. Introduction**

Crime is prepared according to the category of people who see glasses, certain behavior is called "evil. Understanding crime cannot be done by looking for a causal relationship as that of the school of thought positivis. Understanding crime should clarify the process of interaction between actors and observers were then generates crime label applied to people who engage in behavior that is labeled as a crime.

According to the labeling of thought, evil is relative and defined (and produced) by the public. Becker theorized that social groups create deviations by making the rules and determined that those who violate them are perverts. The rules apply to certain people, social groups such labeling (label) as an outsider (outsider). Based on this perspective, the deviation is not the nature of people the action, but it is a consequence of the application of the rules of others and the imposition of sanctions to the person who entered the category of perpetrators of irregularities. Perpetrators of irregularities is a behavior that is labeled as such by the public.

According Lemert, an event offenses committed by a person and the reactions given to him is not enough to say that the person is a deviant. Being a perverts there must be action, a number of reactions, and a number of counter-reaction before it suggests that such people as criminals. In the first action or series of actions beginning, there can be denial, neutralization or other businesses to consider that the action taken is perfectly natural. Is the cause of such measures are still in the category of "primary deviation", is the tension, lack of socialization, socialization deviation values or different associations. The primary perpetrators of irregularities began to make deviations that stamped him as a role that must be done and all actions in various situations based on irregularities cap earlier, the irregularities committed by the person becomes secondary.

According to Hirschi, a person's behavior can be controlled by creating harmony between the individual and the group. Because the behavior of one's alignment with the values and norms of society is the result of the attachment. Social cohesion is a resistance to the super ego or consciousness, this attachment is a form of genius (commitment), involvement (envolment) or pleasure in social activities both conventional and non-conventional, confidence (belief) of the system of common values of society. The relationship between attachment with elements of society such as family, school, conventional activity and other logical social factors are factors that provide attachment for someone to behave in harmony.

Corruption is not a stand-alone event, but involves a variety of things that are complex. Factors that cause corruption, influenced by not only internal factors perpetrators of corruption, but it can also come from external factors, such as the situations conducive environment for a person to engage in corruption. According Sarlito W. Sarwono, there are two things as the cause of corruption carried out, namely: 1. The thrust of the self (desire, desire, will and so on); 2. Stimulation from the outside (the encouragement of friends, the opportunities, lack of control and sebagainya). Andi Hamzah suggested several causes of corruption, namely:

- a) Lack of civil servants' salaries as compared to the increasing demands
- b) Cultural background or culture of Indonesia which is the source or cause the smooth running of corruption.
- c) Poor management and control are less effective and efficient, which provide the opportunity for corruption

## d) Modernization development of corruption

*1.1. Financial and Development Supervisory Agency (BPKP) in his book entitled "strategy eradication of corruption," among other things: Aspects someone Actors*

(a) The nature of human greed Possible Corruption people do not because the person poor or insufficient income. The possibility of the person is already quite rich, but still have a great desire to enrich themselves. The causative agent of the perpetrators of such corruption comes from within ourselves, namely the nature of Greedy and Greedy.

(b) Moral of less powerful

Someone who is not strong moral tend to be tempted to do corruption. The temptation that can come from superiors, subordinates or other party member the opportunity for it.

(c) Income insufficient income of an employee of a work should meet reasonable living. If it does not happen then someone will try to fill it with a variety of ways. But if any attempt is made it is difficult to obtain, these circumstances will members opportunities for corruption, be it corruption of time, the institution, the mind in the sense that all the outpouring of the opportunities for outside employment purposes should be.

(d) Life Urgent Needs In the span of life there is the possibility of a person experiencing a situation of urgency in terms of economy. Recessive it opens a space for a person to take a shortcut in between with corruption.

(e) Consumer Lifestyle Life in big cities often encourages a person's lifestyle Consumer. This kind of consumer behavior if not offset by revenue capital would enable someone to perform a variety of actions to meet his business. Slaah the possibility of action it is by corruption.

(f) Lazy or do not want to work

Part of people want to get the result of a work without sweat aka lazy to work. Such properties will potentially do anything by the way - easy and quick way, such as by corruption.

(g) Lack of Religious Teachings in Indonesia known as the Nation Apply Relegius that would prohibit acts of corruption in any form. Reality on the ground determine if corruption is still running fertile in the community. This paradox situation indicates that religion is less adequate for in life.

*1.2. Organizational Aspects*

(a) Lack of leadership Exemplary attitude

The position of a leader in a formal and informal institutions have an important influence for his subordinates. If the leader cannot be a member exemplary good in front of his subordinates, such as do corruption, most likely his subordinates will take the same chance with his superiors.

(b) The absence of a True Culture Organization

Organizational cultures typically have a strong influence on their members. If the organizational culture is not managed properly, will give rise to a variety of life situations are not conducive coloring Organization. In such a position of negative actions, such as corruption has a chance to occur. Accountability systems are correct in inadequate Government Agencies on Government Institutions generally has not formulated with clear vision and his mission and also has not formulated with the aim of the objectives to be achieved within a certain period in order to achieve the mission. As a result, government agencies is difficult to assess whether these institutions managed to achieve their goals or not. Further due to a lack of attention on efsiensi use of its resources. This situation led to a situation that is conducive to the organization of corrupt practices.

(c) Weaknesses Management Control Management Control system is one of the requirements for the offenses of corruption within an organization. Getting loose / weak management control of an organization will be more open acts of corruption inside it members or employees.

(d) Management tends to cover up corruption in the Organization

In general, the management always cover acts of corruption committed by a handful of persons within the organization. Due to the closed nature of the offense of corruption is actually kept going with various forms.

*1.3. Individual and Organizational Aspects places Being*

(a) Values in Society kundusif for the occurrence of corruption. Corruption can be evoked by culture. For example, people respect someone because of its richness. This attitude often makes people not critical to the conditions, for example where the wealth was obtained.

(b) The public is less aware of as the main victims of the corruption. People are still unaware if the conditions of the most disadvantaged in society. The general public perception that it is a condition of losses by the State. Whereas State loss, that loss is the community as well as the process of the development budget could be reduced because in corruption.

(c) The public is less aware of when he was involved in corruption. Each of corruption inevitably involves members of the public, it is less recognized by the community itself. Oftentimes, people have regularly engaged in activities of daily corruption in ways open but not realized.

(d) The public is less aware that corruption can be prevented and eradicated when people actively participate. In general, people argued the problem of corruption was the responsibility of the government. The public is less aware that corruption can be eradicated only if people also do. People tend to be silent about acts of corruption. Besides going to report it, also with the consideration that the report will not be addressed honestly. During the public think so it will be difficult to expect the behavior of the people who helped to

eradicate corruption. Community participation is expected to increase if government regulation that gives rewards and incentives to community members who contributed to uncover corruption.

(e) Aspects of the legislation Corruption easily arise because of the weakness in the in the legislation which may include the regulation of monopoly that only benefit the cronies of the ruling, the quality of regulation inadequate, regulations are less socialized, penalties are too light, sanctions inconsistent and indiscriminately, and weak areas of evaluation and revision of legislation.

Corruption always brings negative consequences of the systemic process of democratization and sustainable development are: corruption legitimizes democratic process by reducing public confidence in the political process through political money. Corruption distorts decision-making on public policymakers. Creating the absence of public accountability, and denying the rule of law. Legal and bureaucratic only serve to power and capital owners. Corruption negates the system of promotion and penalties based on performance as patron-client relationships and nepotism. Corruption results in development projects and public facilities junky and not in accordance with the needs of the community that it interferes with sustainable development. Corruption resulted in the collapse of the economic system because the products are not competitive and the accumulation of foreign debt burden.

Systematic corruption cause:

- a. High economic costs by irregularities incentives;
- b. Political costs by looting or exile to a public institution; and
- c. Social welfare costs by division and the division of powers improperly.

The purpose of the law is to bring law and order, peace, and justice. The law also aims to protect human, which not only protects the human in the sense of passive, i.e. only prevent arbitrary actions and violations of rights of course, also includes the notion protect actively, meaning that include efforts to create conditions and encourage people to always humanize themselves continuously, in general, it can be said, that the task / function of law is to regulate the social relations between citizens, so that the established order and justice. In addition to realizing the order and justice, the legal duty is to create, order and legal certainty. Embodiment legal certainty, legal assignment is to create, enforce, preserve and maintain security and order fair.

Legal certainty is the will of everyone, how the law should be enacted or implemented in a concrete event. Legal certainty means that everyone can demand that the law be implemented and demands it must be met, and that any violation of the law will be prosecuted and penalized according to law. If the rule of law loses its effectiveness, then he also lost legitimacy. No longer refers to the whole "rules of law" as a legal order, everything was just the rules of law "paper" mere. The legal validity sociologically, the core on the effectiveness of the law, the applicable law is based on acceptance or recognition by the public. The law is for humans, then the implementation of the law or law enforcement must provide benefits and usefulness to society. Society is very concerned that the implementation or enforcement of the law, the justice noted.

Quality construction and law enforcement, which are required of today's society is not just a formal qualities, but especially the quality of the material / substantial. Strategy development targets and law enforcement should be directed to the substantive qualities as revealed in some of the central issues of today's society that demanded, among other things: a. the protection of human rights; b. upholding the values of truth, honesty, fairness, and trust between the members; c. there is no abuse of power / authority; d. net of the practice of favoritism (favoritism), corruption, collusion, and nepotism and mob justice; e. the realization of the power of judicial / law enforcement independence and the establishment of a code of conduct / code of the profession; f. the government organization clean and respectable.

Law enforcement with regard to corruption, the seriousness of the government to tackle corruption is borne Act No. 20 of 2001 on the Amendment of Law No. 31 of 1999 on the Eradication of Corruption (UUPTPK), which brings a change that gives certainty law, eliminating interpretations / interpretation and equitable treatment in discussing Corruption. Judging from the material side cargo, bringing substantial changes, so philosophical, sociological and juridical force are expected to provide a strong power, in an effort to realize the law enforcement based on justice, truth and the rule of law.

UUPTPK basically refers to the provisions contained in the Criminal Code, so that the legal framework used as the basis for the prosecution perpetrators of corruption as a criminal act using the legal norms of the Criminal Code (*lex generalis*). Provisions governing in UUPTPK only a few chapters from the formulation of the manufacturer's own UUPTPK (*lex specialist*), while the other is pulled from the formulation of the Criminal Code. The chapters were, among others, Article 1,2,3,4,13,18,19,20,21,22,41,42 and 43. However, Article 21, 22 and 24 is not about corruption in the sense of material and financial, because the three chapters of the acts that complicate the proceedings at the level of investigation, prosecution and court examination siding upfront. Crime in the material sense and finance as stipulated in Article 2 and 3 UUPTPK.

## 2. Prevention Corruption

### 2.1. Penal Policy

Justice system is currently not yet implemented properly; due to lack of understanding and the ability or even the sincerity of those involved in the justice system. Indications judiciary bad service can be felt, seen and measured also from services that are not optimal. Among them: a. the slow process of investigation, b. the failure of major lawsuits and attract public attention, c. court decisions away from the sense of justice, d. abuse of authority, e. the strength of corruption, ranging from the investigation until a court decision even to the execution.

Law enforcement process in Indonesia has not been able to run well, so it cannot meet society's sense of justice. Indications of judicial mafia who did: 'buying and selling' case, the practice of corruption in almost every judicial process, the intervention of the executive

and legislative branches of the judiciary, so it cannot meet the public sense of justice, laws and regulations that overlap, welfare judicial executor is still low, and the ineffectiveness of the existing supervisory functions. Weaknesses internal watchdog is due to: a. height solidarity in the form of protection corps (corps Geest) in the sense of wrong, b. and the law of silence when it comes to weaknesses or errors fellow corps or institution.

Law enforcement is not wise contrary to the aspirations of the people, due to the quality of human resources is not good or the application of outdated legal spirit. The use of the principle of legality that is too rigid, overly accentuate the rule of law, to the detriment of justice. Utilization of other aspirations outside the law less intensive, such as jurisprudence, common law, the doctrine of law and international treaties. Lack of legal knowledge unprofessional impression and not infrequently lead to malpractice in the field of law (legal aspects of illiteracy). There are still a lot of practice vigilantism, both between citizens and law enforcement officers against citizens.

Factors that affect law enforcement is: factor own law (the law); Law enforcement factors that the parties establish and apply the law; factor means or facilities to support the enforcement of the law; community factors, namely the legal environment applicable / applied; cultural factors, being born in human social life.

From some of the above factors, the most important factor is law enforcement. Is the primary law enforcement as a police investigator, prosecutor as a public prosecutor, judge, Officers Society Institute. There are still a lot of law enforcement officers who do not understand human rights, or deliberately assume authority as law. In connection with this matter needs to increase the professionalism of law enforcement officers and government officials, in order to always concerned for the development of society, so as to maintain a balance between legal certainty and justice. In improving perfection of the criminal justice system, thought out system of recruitment and human resource development are: a. knowledge knowledgeable (knowledgeable) as required; b. trained (a well-trained); c. have the skills (high skilled). The level of resources as described above, is expected to: increase professional development (professional advancement), provides improved performance (performance improvement), improve behavioral improvements (improve behavior), and develop a career (career development). Demanded of the judge: optimization of the use of the potential of (optimal utilization of human potential), so that they will appear on the way to work effectively and efficiently. If the available resources are able to work effectively and efficiently, the result of favorable (profitable). Law enforcement officials are expected to be professional, it is important to avoid malpractice in the legal field. The law enforcement professionals are less frequent malpractice in the legal field.

In order for a legislation to function properly, it is necessary for the harmony of four (4) elements, namely: 1. The rule of law itself, where there is a possibility of incompatibility-incompatibility of legislation concerning certain areas of law, other possibilities - mismatch can occur is a mismatch between the legislation with the unwritten law or customs prevailing in society, and so forth; 2. The mentality of officers who apply the law. The legal officer (formally), which includes judges, prosecutors, police, Advisor / Defenders of Law, and so must have good mental implement (apply) a legislation, if not so then occur disturbances or obstacles in the law enforcement system; 3. The facility, which is expected to support the implementation of the rule of law. If a legislation is good, supported by the mentality of the executive officer is also good, but (in certain sizes) are not supported by the availability of inadequate facilities, it will also cause disturbances or obstacles-servanthood in executive-ness; 4. citizens as objects, in this case required the existence of legal awareness, legal compliance, and behavior of citizens as required by law. Legal norms will be institutionalized (institutionalized) in a particular social system when at least three conditions are met, namely: 1. The largest part of citizens in a social system has accepted the norm; 2. The norms have been animating citizens the greatest part of the social system; 3. The norm punishment

Steenhuis give advice or recipes that criminal law has a high level of efficiency and reflect something "criminal policy" is good, namely: a. Critical review of existing legislation to determine that such provisions are realistic as the criminal law; b. Enforcement of the entire principle which has been set as the protection of the public from crime, i.e. effective prosecution, and efficiency of criminal law can only be achieved if the direction were conducted to obtain public support; c. The relationship and continuity between the actions of investigation and prosecution action continuation; d. Required efficiency by taking into account the ability of the judiciary by means of prosecution (formal) and the means of settlement (informal); e. Develop alternative sentencing for crimes often occur, especially in the process of rebuke and the rules of proof; f. Law enforcement more efficient and effective for all types of crime.

Some criticism directed toward justice, among others: 1. Settlement of disputes "slow", is a chronic disease that first popped up in courts around the world. Settling disputes through litigation, generally "slow" or so-called "waste on time" (waste of time), it is due to the inspection process very formalistic and highly technical (technically); case flow more freely, so the court crammed with too much load (overloaded); 2. The court fees expensive, all parties considered the court fee is very expensive, especially if linked to the length of the settlement. The longer the settlement, the higher the costs to be incurred; 3. Justice did not respond in the form of behavior: less responsive to defend and protect the public interest, in this case the court is often closed eyes of the heart and generally do not pay attention to the interests of the people. Courts often considered unfair (unfair) because only provides services and opportunities and flexibility to large institutions and wealthy individuals. Based on true justice: unresponsive serve and defend the interests of "ordinary people" and "poor" (ordinary citizens); ordinary people often get care and treatment that is not fair, even inhumane; 4. The court's ruling does not resolve the issue, the court ruling was not able to give a satisfactory settlement to the parties. Court decisions are not able to give peace and tranquility to the litigant parties. Confusing court rulings, court decisions often do not provide legal certainty (uncertainty) and unpredictable (unpredictable). 5. The ability of the judges are generalists. The judges considered only had a very limited knowledge, only in the field of law, beyond the knowledge they are general, even a layman. Judges are knowledgeable generalist, highly improbable able to resolve disputes that contains the complexity of the various fields. Such as construction disputes, directly related to the problems of construction technology, accounting, credit and so on.

In law enforcement associated with the image of human rights, there are still many rapes and abuses, such as: the arrest and detention were not immediately accompanied by the investigation, instead often not told to the family; still violence, coercion and persecution in the investigation, so that there is a death or lifelong disability; still frequent mistreatment in detention or in Penitentiary Son, so that no disability or died discriminatory treatment based on power or wealth, so it is still bouncing differential treatment (unequal treatment) either functional or institutional; still frequent misuse notice penalize civil disputes or criminal acts; the process for settling disputes that are contrary to the principle of justice is simple, quick and inexpensive; the right to legal counsel at this stage of the investigation, still lack adequate services.

In philosophical idealism formulation of legislation (law) is for justice. Law made solely to meet and answer the interests of society, which must have built wisely and fairly. Reality or form when justice was successfully established and presented to the public at least have some indications, which include the public feel protected and secured from various modes of appropriation of their property and be compensated for losses suffered, the graph of crime qualified show a decline and the realization of the recognition of the role and the position of people in equality before the law. Law enforcement is expected to bridge the ideals of equality before the law embodied in reality, it means the charge normative legislation into force engineers who relied on the community demanding the competence of law enforcement to implement honestly and openly (fair trial and transparency).

Proper enforcement and justice should be the starting point of the postulates of civilization, community, decency. Only law enforcement that contains the values of civilization and humanity and decency that can reach the truth (truth) and justice (justice). Every law enforcement starts from the values of civilization and humanity and decency, closer to the truth and justice. Law enforcement is not merely enforcing the legislation and the law alone, but must be addressed to uphold truth and justice (to enforce the truth and justice), the reason is: something wetmatig (legal) not necessarily rechtvaardig (just); Something rechtmatig (lawful) is not necessarily rechtvaardig (just); but something that is in accordance with the values of civilization and humanity and decency, must contain the values of proofing and justice. In accordance with the development, the meaning of "justice" at the present time has put forward a postulate, which is a proposition stating philosophically, justice is the essential values that correspond to humanity, civilization and decency. Every human values, civilization and propriety in accordance with the state of the place, the environment and the time at which the relevant community living, community members felt completely right and fair.

## 2.2. Law Enforcement

In law enforcement is not merely run the "implementation of the law" or law enforcement and "the implementation of the decisions of the judges" or execution but theoretically, enforcement is an activity to harmonize the relationship values - values that span the 'hierarchy in the rules steady and manifest, and the attitude acts as a series of translation of the value of the final stage, to create, maintain and sustain peace social life, however, in implementing law enforcement depends on several factors that can influence it, namely:

1. The legal factors or the rules themselves
2. factors that officers enforce the law
3. The factors that affected citizens the scope of legal regulation
4. cultural factors or legal culture
5. factor means or facilities that can be expected for support the implementation of the law.

Factors affecting the enforcement of the above, it can be used to view the phenomenon in a court of law behavior in carrying out law enforcement dignified. There are three classifications in law enforcement and justice, the rule of law, justice, and law enforcement and justice comprehensively and proportionally. First: Law enforcement. Law enforcement is intended to re-establish the function of the law to protect the rights of God, the value - the value of truth, public order, public interest, legal certainty, public rights, and human rights. Such laws serve us category as public law that are dwangerecht (legal force). In the science of Islamic law, the law of this type is categorized as wadli'iy law, the law governing the pillars, conditions, causes, and the way of doing things a certain legal actions. Law in this category, there is no right for anyone to bargain or compromise because it is not a civil right. Bargain or compromise in enforcing the laws that protect the rights of God, the values of truth, public order, public interest, the rule of law, the rights of the public, and the rights of man is actually going to knock down the function of the law itself. Disputes about peace is not possible otherwise than seek and find common ground in the form of unity understanding and views on disputed legal object. Law in this category, the coercive enforcement (imperative) and there should be no compromise in this case, because only in that way can the law function is re-established.

Second: Enforcement of justice. Justice is meant to enforce the laws that protect the civil rights of a person or legal entity for the actions of others who default or breaking the law to the detriment of the first. Such laws serve us categorized as private nature anullenrecht law (the law does not compel). In the science of Islamic law, the law of this kind is referred to as the law of takli'iy, the legal burden to the subjects of law (mukallaf) to undertake any obligation to others in order to fulfill the civil rights of others, or give suffrage to subject the law to do something or do not do anything. Law in this category, the enforcement is not forcing (facultative / takhyiyriy) and the necessary compromises for the sake of respecting the rights of civil and sense of justice of each party so as to create a sense of justice that is intersubjective, because only in that way function of law in this category may is re-established.

Third; Law enforcement and justice in a comprehensive and proportional. Law that it contains provisions that protect the rights of the public but at the same time there are those that protect civil rights. Here collected between law enforcement and justice. In case like this, the enforcement should be proportionate and should be sorted out and high selectivity, which is public law and the ubiquitous nature civil. Laws are public (wadli'iy) imperatively being enforced laws that are civil / private (takli'iy) enforced facultative. Included are the state administrative disputes. Regarding the legality of the decision of the state administration, this includes public

law (law wadli'iy), while the loss due to the decision of the state administration, including private law (law takli'iy). In the administrative dispute, the nature of civilization more dominant than on the nature of its public, because the administration's decision is always concrete individual. Decisions of the state administration may not be disputed when not harm party who is the subject of state administrative decisions in question. Settlement is a compromise must take precedence.

### 2.3. Non Penal Policy

Soedjono Dirdjosisworo say that crime can be reviewed: a. juridical terms, the act which is prohibited by law and violators are threatened with sanctions; b. terms of criminology, that acts that violate the norms prevailing in the society and got a negative reaction from the public; c. in terms of psychology, the abnormal human actions that are in violation of legal norms, which are caused by psychological factors of offender such actions.

A rational policy to combat crime called criminal politics. Criminal policy when viewed in scope, very wide and high complexity. In essence, a crime is a matter of humanity and also the social problems that require an understanding of its own. Crime as a social problem is a symptom that is dynamic, always growing and associated with symptoms and other community structures are very complex, which is a socio-political problems.

Relating to the use of means of penal and non-penal, the use of a means of non-penal given a larger portion than the use of means of penal, means there is a need in the context of prevention of corruption, comprehension oriented to achieving the factors conducive to causing corruption (factor kriminogen). Criminology occupies an important position, in addition to the role of criminology through research to understand the nature and background of corruption, as well as drill down and find a means of non-penal, criminological approach is necessary in the context of the use of penal facilities.

According Soedjono Dirdjosisworo, in crime prevention efforts conceptional general way, done by combining various elements relating to the mechanism of criminal justice and public participation, which can be explained as follows:

- a. Improvement and strengthening of law enforcement officials, including strengthening of organization, personnel and infrastructure for the settlement of the criminal case;
- b. Legislation which can function and stem analyzing crime and have reach into the future;
- c. Effective criminal justice mechanisms that the terms fast, accurate, inexpensive and simple;
- d. Coordination between law enforcement agencies and other relevant government officers, to increase the efficiency in combating crime;
- e. Community participation to help facilitate the countermeasurof criminality.

Related to "crime prevention" includes steps as follows: a. Settling coaching and Law Enforcement Apparatus that includes organizational structure, personnel, and equipment, which are aligned with the development pattern of criminality, which is influenced by the development of the communities and technologies; b. Utilizing the procedures and mechanisms of criminal justice, which is aligned with the image of crime prevention, such as the judiciary that is fast, inexpensive, precise and indiscriminate; c. The renewal legislation, in tune with the demands of social and technological developments; d. Coordination among law enforcement agencies, between government officials whose duties associated with crime prevention with law enforcement officials. Coordination is an integral / integrated for the purpose of law enforcement; e. Community participation in crime prevention, through fostering a sense of security and sense of responsibility for the security and peace of the region.

Definition of criminal policy, can be divided into 3 (three) meanings, namely:

1. In a narrow sense, is the overall principles and methods are the basis of the reaction to the legal form of a criminal offense;
2. in a broad sense, is the overall functioning of law enforcement officials, including the workings of the courts and the police;
3. in the broadest sense, is the overall policy, which is done through legislation and official bodies, which aims to establish a central norms of society.

A rational policy to address the so-called political crimes criminal scope, very wide and high complexity. Crime is a humanitarian issue and also social problems. Crime as a social problem is a symptom of a dynamic, growing and associated with symptoms and other community structures are very complex, which is a socio-political problem. Correlational relationship between the development of crime with the development of the structure of society in all its aspects (social, economic, political, cultural), is a very important requirement for the prevention of crime. Crime prevention policy is by linking with social politics. Criminal policy goal is the welfare of the community. Political crime is an integral part of policies to achieve the welfare of the community.

Crime prevention policies carried out measures that modification steps penal and non-penal. Political crime is that the need for the integration of crime prevention policy with social and political policy enforcement. Crime prevention policy, political modified the welfare of society and the political protection of the general public.

Crime prevention efforts need to be taken with a policy approach, in the sense that (a) there is political integration between criminal and social policy; and (b) there is integration between the penal crime prevention and non-penal. It appears that there is a demand in the form of crime prevention strategies and the reduction of elimination of conditions that could be the causes of crime. Policy measures by means of penal incapable prevent crime, because according to the "prevention without punishment" countermeasures by means of penal crimes must be accompanied by measures of crime prevention by means non-penal.

Relating to the use of penal and non-penal facilities, especially for crime prevention policy, conditions are different. The use of non-penal facilities was given a larger portion than the use of penal facilities, means there is a need in the context of crime prevention, which is oriented to achieving understanding the factors conducive to causing crime (kriminogen factor). Criminology occupies an

important position, in addition to the role of criminology through research to understand the nature and background of the crime, as well as drill down and find a means of non-penal, criminological approach is necessary in the context of the use of penal facilities.

Use of means of penal and non-penal means, the necessary understandings oriented to seek factor conducive factors that cause crime (kriminogen factor). This is where the emerging role of criminology, to carry out research activities, whether they are classical, positivist and interactionist, can contribute in order to gain insights about the nature and background of the incidence of crime. Criminology approach was also necessary in the context of the use of penal facilities. In the context of penal facilities, known to concerns in the sense of criminal law and the *ius constitutum constituendum*.

According Soedjono Dirdjosisworo, in crime prevention efforts conceptional general way, done by combining various elements relating to the mechanism of criminal justice and public participation:

- a. Improvement and strengthening of law enforcement officials, including strengthening of organization, personnel and infrastructure for the settlement of the criminal case;
- b. Legislation that can serve analysing and stem crime and have reach into the future;
- c. Effective criminal justice mechanisms that the terms fast, accurate, inexpensive and simple;
- d. Coordination between law enforcement agencies and other relevant government officers, to increase the efficiency in combating crime;
- e. Community participation to help facilitate the prevention of crime.

Related to "crime prevention" includes steps as follows: a. Settling coaching and Law Enforcement Apparatus that includes organizational structure, personnel, and equipment, which are aligned with the development pattern of criminality, which is influenced by the development of the communities and technologies; b. Utilizing the procedures and mechanisms of criminal justice, which is aligned with the image of crime prevention, such as the judiciary that is fast, inexpensive, precise and indiscriminate; c. The renewal legislation, in tune with the demands of social and technological developments; d. Coordination among law enforcement agencies, between government officials whose duties associated with crime prevention with law enforcement officials. Coordination is an integral / integrated for the purpose of law enforcement; e. Community participation in crime prevention, through fostering a sense of security and sense of responsibility for the security and peace of the region.

### 3. Conclusion

1. In the center of national development efforts in various fields, public aspiration to eradicate corruption and other forms of irregularities increased, because in fact the act of corruption has caused huge losses to the state, which in turn may have an impact on the onset of the crisis in various fields. Overcoming this needs to be done non-penal policy is to undertake measures aimed at preventing corruption. Relating to the use of means of penal and non-penal, the use of a means of non-penal given a larger portion than the use of means of penal, means there is a need in the context of prevention of corruption, comprehension oriented to achieving the factors conducive to causing corruption (kriminogen factor).

2. The decentralization policy has fostered corruption at the local level. Rampant corruption cases, occurred shortly after the implementation of regional autonomy or decentralization of government, with release Law Number 22 Year 1999 on Regional Government which replaces Law No. 5 of 1974 on Regional Government, local governance institutions have more power, especially in budget management arrangements, which implies the increasingly opening opportunities for corruption, it needs to be done with regard to the review of the local government authority, especially in the use of finances.

3. The cause of the weakness of the eradication of corruption in Indonesia, especially in the regions, while still less than the number of law enforcement insightful extensive legal, law enforcement officers who dared to clash with authority is also lacking, which dared to clash with authority is also lacking. Only the brave law enforcement agents who are already weak in power, former officials, or employers that there is no back-up power is strong, so it seems like selective perpetrators of corruption are exposed to justice.

### 4. References

- i. Barda Nawawi Arief.2002. Bunga Rampai Kebijakan Hukum Pidana. Bandung: Citra Aditya Bakti
- ii. Barda Nawawi Arief, Pokok-Pokok Pikiran Kebijakan Pembaharuan Undang-Undang Pemberantasan Korupsi, Makalah Seminar di Unsoed, Purwokerto, 1999 bahwa The Asian Wall StreetJournal pada tahun 1997 saja sudah menuliskan corruption ranking in 1996, based on the level of corruption in a country, Indonesia masuk
- iii. Komariah Emong Sapardjaja, 2002, Ajaran Sifat Melawan Hukum Materiel Dalam Hukum Pidana Indonesia, Studi Kasus tentang Penerapan dan Perkembangannya dalam Yurisprudensi, Bandung: Alumni.
- iv. Lilik Mulyadi, 2007, Tindak Pidana Korupsi Di Indonesia (Normatif, Teoretis, Praktik dan Masalahnya), Bandung. Penerbit PT Alumni
- v. Muladi,1995, Kapita Selekta Sistem Peradilan Pidana, Semarang: Badan Penerbit Universitas Diponegoro,
- vi. -----,1994, Konsep Indonesia Tentang Tindak Pidana di Bidang Perekonomian, Bandung: Penataran Tindak Pidana di Bidang Ekonomi, Fakultas Hukum UNPAR.
- vii. Muladi, Barda Nawawi Arief,1992, Bunga Rampai Hukum Pidana, Bandung: Alumni.
- viii. -----, 2005, Teori-teori dan Kebijakan Pidana, Alumni, Bandung
- ix. Soedjono Dirdjosisworo, 1984, Ruang Lingkup Kriminologi. Bandung: Remadja Karya
- x. Soedjono Dirdjosisworo. 1982, Pemeriksaan Pendahuluan Menurut KUHAP. Bandung: Alumni
- xi. Soerjono Soekanto dan Sri Mahmudji. 1995, Penelitian Hukum Normatif Suatu Tinjauan Singkat. Rajawali Pers, Jakarta
- xii. Syed Hussein Alatas, 1983,Sosiologi Korupsi, Sebuah Penjelajahan dengan Data Kontemporer, Jakarta: LP3ES