

IMPLEMENTATION OF UNITED NATION CONVENTION AGAINST CORRUPTION (UNCAC) FOR INDONESIA

YOHANES WIDIYANA
ROBERT SIHOMBING

ABSTRACT

Indonesia has ratified the United Nations Convention Against Corruption (UNCAC) with Law Number 7 of 2006 concerning the Ratification of the United Nations Convention Against Corruption, 2003. The aim of Indonesia to ratify UNCAC is the commitment to enhance the nation's image in international politics by increasing international cooperation in implementing agreements extradition, reciprocal legal assistance, transfer of inmates, transfer of criminal proceedings. However, until now Indonesia still has several corruption cases in Indonesia. By ratifying the United Nation Convention Against Corruption, Indonesia is expected to be able to reduce the level of corruption and be able to provide a good example especially in Southeast Asia, especially in the Association of Southeast Asian Nations (ASEAN) as a role model in the enforcement and eradication of corruption in the Southeast Asia region.

Keywords: Anti-corruption, Indonesia, ratification

INTRODUCTION

Many experts try to formulate corruption, which is seen from the language structure and the different ways of delivering it, but in essence it has the same meaning. Kartono (1983) limits corruption as an individual's behavior using authority and office to extract personal gain, harming the public and state interests. So corruption is a symptom of misuse and mismanagement of power, for personal gain, mismanagement of sources of state wealth by using formal powers and powers (for example with legal reasons and the power of weapons) to enrich themselves (George, H. 1984).

Corruption occurs due to abuse of authority and position held by officials or employees for personal gain on behalf of personal or family, relatives and friends. Wertheim (in Lubis, 1970) states that an official is said to commit acts of corruption if he receives a gift from someone who aims to influence him so that he makes a decision that benefits the interests of the giver of the gift. Sometimes people who offer gifts in the form of remuneration are also included in corruption (Samosir, Djisman. 1985).

Furthermore, Wertheim added that remuneration from third parties received or requested by an official to be forwarded to his family or his party / group or people who have personal relationships with him, could also be considered as corruption. In such circumstances, it is clear that the most prominent feature in corruption is the behavior of officials who violate the principle of separation between personal interests and the interests of the community, personal financial insight with the community (Herbert, 1982).

There are several reasons for corruption. Singh (1974) found in his research that the causes of corruption in India were moral weakness (41.3%), economic pressure (23.8%), administrative structure barriers (17.2%), social structure barriers (7.08%) Meanwhile Merican (1971) states the causes of corruption are as follows (Erika Revida):

1. Colonial government heritage.
2. poverty and inequality.
3. Low salary.
4. Popular perception.
5. Regulatory information.
6. Insufficient knowledge of the field.

Furthermore, Mc Mullan (1961) stated that due to corruption is inefficiency, injustice, people do not trust the government, waste state resources, do not encourage companies to try especially foreign companies, political instability, government policy restrictions and are not repressive (Erika Revida).

Corruption in Indonesia is widespread in the community. Its development continues to increase from year to year, both from the number of cases that occur and the amount of state financial losses and in terms of the quality of criminal acts carried out increasingly systematically and scope that enters all aspects of people's lives.

The increase in uncontrolled corruption will bring disaster not only to the national economic life but also to the life of the nation and state in general. Extensive and systematic corruption is also a violation of social rights and economic rights of the people, and because of that all corruption can no longer be classified as ordinary crime but has become an extraordinary crime. Even so, in its efforts to eradicate it can no longer be done in an ordinary way, but it is demanded by extraordinary methods.

Law enforcement to eradicate criminal acts of corruption that have been carried out conventionally has been proven to experience various obstacles. For this reason, an extraordinary law enforcement method is needed through the establishment of a special body that has broad, independent authority and is free from any power in efforts to eradicate corruption, whose implementation is carried out optimally, intensively, effectively, professionally and sustainably.

In order to realize the rule of law, the Government of Indonesia has laid a strong policy foundation in its efforts to combat corruption. These policies are contained in various laws and regulations, including in the Decree of the People's Consultative Assembly of the Republic of Indonesia Number XI / MPR / 1998 concerning Organizers of Clean and Corruption, Collusion and Nepotism Countries; Law Number 28 of 1999 concerning State Administrators that Are Clean and Free of Corruption, Collusion and Nepotism, and Law Number 31 of 1999 concerning Eradication of Corruption Crimes as amended by Act Number 20 of 2001 concerning Amendment to Law - Law Number 31 of 1999 concerning Eradication of Corruption Crimes.

Based on the provisions of Article 43 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001, the special agency, hereinafter referred to as the Corruption Eradication Commission, has the authority to coordinate and supervise, including conducting investigations, investigating, and prosecution, while regarding the formation, organizational structure, work procedures and accountability, duties and authority and their membership is regulated by law.

This law was formed based on the provisions contained in the Act above. At present the eradication of criminal acts of corruption has been carried out by various institutions such as the prosecutor's office and the police and other bodies relating to the eradication of criminal acts of corruption, therefore the regulation of the authority of the Corruption Eradication Commission is carried out carefully so as not to occur overlapping authority with these various agencies.

The authority of the Corruption Eradication Commission in conducting investigations, investigations and prosecution of corruption includes corruption that:

1. involving law enforcement officials, state administrators, and other people related to criminal acts of corruption committed by law enforcement officials or state administrators;
2. get attention that is troubling the community; and / or
3. concerning state losses of at least Rp. 1,000,000,000.00 (one billion rupiah).

The Corruption Eradication Commission assigns four suspects in allegations of bribes related to obtaining RAPBD of Jambi Province Budget Year 2018. Determination of the suspect is conducted based on the examination and case degree conducted as a follow-up of the hand-catching event that occurred on Tuesday, November 28, 2017. The four people named as suspects are SPO (Member of Jambi Provincial DPRD 2014-2019), ERM (Plt of Jambi Provincial Secretary), ARN (Plt Head of PUPR Service of Jambi Province), and SAI (Assistant Area 3 of Jambi Province) (<https://www.kpk.go.id>).

The suspect of SPO as a member of the Jambi Provincial Legislative Assembly was allegedly receiving a gift or pledge of 400 million rupiah related to the approval of the Regional Budget Revenue (RAPBD) of Fiscal Year 2018. The money is allegedly aimed at DPRD members willing to attend for ratification of RAPBD Jambi Province Fiscal Year 2018. Previously allegedly some DPRD members plan not attend the ratification meeting RAPBD 2018 because there is no guarantee from the Provincial Government (<https://www.kpk.go.id>).

For its actions, the SPO is suspected of violating Article 12 point a or b or Article 11 of Law Number 31 of 1999 concerning the Eradication of Corruption as amended by Law No. 20 of 2001 Jo. Article 55 paragraph (1) to-1 of the Criminal Code. The other three suspects, namely ERM, ARN, and SAI are suspected to be allegedly violating Article 5 paragraph 1 sub-paragraph a or b or Article 13 of Law Number 31 of 1999 concerning the Eradication of Corruption as amended by Law Number 20 2001 Jo. Article 55 paragraph (1) to-1 of the Criminal Code.

In an investigation into a bribery case related to projects of Buton Selatan Regency Government, the Corruption Eradication Commission (KPK) arrested two suspects, AFH (Buton Selatan Regent for 2017-2020) and TK (private sector). Both of them are detained for 20 days at East Jakarta Class I Detention Center KPK Branch (AFH) and East Jakarta Class I Detention Center KPK Branch inside Jaya Guntur Military Police compound. KPK has previously named the two as suspects. After a 24-hour examination and case hearing, KPK concluded there was alleged corruption in the form of receiving gratuity by the Regent in relation to government projects under his authority. AFH is charged with Article 12 (a) or (b) or Article 11 of Law No. 31/1999 on Corruption Crime Eradication as amended by Law No. 20/2001 juncto Article 55 (1)1 of the Criminal Code. Meanwhile, TK as alleged bribery violates Article 5 (1) a or b or Article 13 of Law No. 31/1999 on Corruption Crime Eradication as amended by Law No. 20/2001 (<https://www.kpk.go.id>).

KPK arrested a total of 11 people on Wednesday (23/5) in Buton Selatan. At 4.40 p.m., KPK team nabbed TK at his house, followed by AFH, NSR, A and E at Buton Selatan official resident all the way through 9 p.m. F was caught at TK's house, while J at S's residence and T at his own house. The team also confiscated Rp409 million from S and J in the operation. The 11 people were interrogated at Bau Bau Resort Police, and seven of them arrived at KPK Building for further examination (<https://www.kpk.go.id>). Based on the case above the theme of this study is the Implementation of United Nation Convention Against Corruption (UNCAC) For Indonesia.

HISTORY OF CORRUPTION ERADICATION COMMISSION (KPK) IN INDONESIA

Formed under Law Number 30 Year 2002 on Corruption Eradication Commission, Corruption Eradication Commission (KPK) is mandated to eradicate corruption professionally, intensively and continuously. KPK is an independent state institution, which in carrying out its duties and authority is free from any power.

KPK was formed not to take over the task of eradicating corruption from existing institutions. The explanation of the law states the role of the KPK as a trigger mechanism, which means encouraging or as a stimulus for corruption eradication efforts by pre-existing institutions to be more effective and efficient.

The duties of the KPK are: coordination with institutions authorized to eradicate corruption (TPK); supervision of the authority authorized to eradicate TPK; conduct investigations, investigations and prosecutions of TPK; take precautionary measures of TPK; and monitor the implementation of state governance. In performing its duties, KPK is guided by five principles, namely: legal certainty, openness, accountability, public interest, and proportionality. The KPK is accountable to the public and submits its report openly and periodically to the President, DPR, and BPK.

The KPK is chaired by a five-person KPK, a chairman concurrently member and four vice-chairmen concurrently members. The five KPK leaders are state officials, who come from elements of government and elements of society. The KPK leadership holds office for four years and can be re-elected only for one term. In decision-making, KPK leadership is collective collegial.

The KPK leadership in charge of four areas, which consists of Prevention, Enforcement, Information and Data, and Internal Monitoring and Public Complaint. Each of these fields is led by a deputy. The KPK is also assisted by the Secretariat General, led by a Secretary-General who is appointed and dismissed by the President of the Republic of Indonesia, but is accountable to the KPK leadership.

Provisions on the KPK's organizational structure are arranged in such a way as to enable the wider community to participate in KPK's activities and steps. In operational execution, KPK appoints recruited personnel in accordance with the required competence.

KPK have **vision:** Together with the entire of nation's elements, creating a clean Indonesia from corruption and **mission:** Improving efficiency and effectiveness of law enforcement and reducing corruption in Indonesia through coordination, supervision, monitoring, prevention and action with the participation of all elements of the nation.

The Corruption Eradication Commission is an independent state institution which in carrying out its duties and authority is free from any power. The head of the Corruption Eradication Commission consists of 5 (five) people who are also members who are all state officials. The leadership consists of elements of the government and community elements so that a system of supervision carried out by the community on the performance of the Corruption Eradication Commission in conducting investigations, investigations, and prosecutions of corruption acts remains attached to the Corruption Eradication Commission.

Based on this provision, the requirements to be appointed as a member of the Corruption Eradication Commission, in addition to being carried out transparently and involving community participation, must also fulfill administrative requirements and must go through a fit and proper test conducted by the People's Representative Council of the Republic of Indonesia, which is then confirmed by the President of the Republic of Indonesia.

In addition to ensuring the strengthening of the implementation of their duties and authorities, the Corruption Eradication Commission can appoint Advisory Teams from various fields of expertise whose duty is to provide advice or consideration to the Corruption Eradication Commission. As for the institutional aspects, the provisions regarding the organizational structure of the Corruption Eradication Commission are regulated in such a way as to enable the wider community to participate in the activities and steps taken by the Corruption Eradication Commission, and the implementation of public campaign programs can be carried out systematically and consistently. The Corruption Eradication Commission can be overseen by the wider community.

To support the performance of the very broad and severe Corruption Eradication Commission in combating corruption, the Corruption Eradication Commission needs to be supported by financial resources originating from the State Budget. In this Law, the Corruption Eradication Commission is established and domiciled in the national capital, and if deemed necessary in accordance with the needs of the community, the Corruption Eradication Commission can form representatives in the province.

UNITED NATIONS CONVENTION AGAINST CORRUPTION

Recalling its resolution 55/61 of 4 December 2000, in which it established an ad hoc committee for the negotiation of an effective international legal instrument against corruption and requested the Secretary-General to convene an intergovernmental open-ended expert group to examine and prepare draft terms of reference for the negotiation of such an instrument, and its resolution 55/188 of 20 December 2000, in which it invited the intergovernmental open-ended expert group to be convened pursuant to resolution 55/61 to examine the question of illegally transferred funds and the return of such funds to the countries of origin (General Assembly resolution 58/4 of 31 October 2003, United Nations Convention against Corruption).

Recalling also its resolutions 56/186 of 21 December 2001 and 57/244 of 20 December 2002 on preventing and combating corrupt practices and transfer of funds of illicit origin and returning such funds to the countries of origin, Recalling further its resolution 56/260 of 31 January 2002, in which it requested the Ad Hoc Committee for the Negotiation of a Convention against Corruption

to complete its work by the end of 2003, Recalling its resolution 57/169 of 18 December 2002, in which it accepted with appreciation the offer made by the Government of Mexico to host a high-level political conference for the purpose of signing the convention and re-requested the Secretary-General to schedule the conference for a period of three days before the end of 2003, Recalling also Economic and Social Council resolution 2001/13 of 24 July 2001, entitled "Strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, derived from acts of corruption, including the laundering of funds, and in returning such funds".

The Ad Hoc Committee for the Negotiation of a Convention against Corruption will complete its tasks arising from the negotiation of the United Nations Convention against Corruption by holding a meeting well before the convening of the first session of the Conference of the States Parties to the Convention in order to prepare the draft text of the rules of procedure of the Conference of the States Parties and of other rules described in article 63 of the Convention, which will be submitted to the Conference of the States Parties at its first session for consideration.

The Conference of the States Parties to the Convention to address the criminalization of bribery of officials of public international organizations, including the United Nations, and related issues, taking into account questions of privileges and immunities, as well as of jurisdiction and the role of international organizations, by, inter alia, making recommendations regarding appropriate action in that regard.

The purposes of this Convention are: (a) To promote and strengthen measures to prevent and combat corruption more efficiently and effectively; (b) To promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; (c) To promote integrity, accountability and proper management of public affairs and public property.

For the purposes of this Convention: (a) "Public official" shall mean: (i) any person holding a legislative, executive, administrative or judicial office of a State Party, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority; (ii) any other person who performs a public function, including for a public agency or public enterprise, or provides a public service, as defined in the domestic law of the State Party and as applied in the pertinent area of law of that State Party; (iii) any other person defined as a "public official" in the domestic law of a State Party. However, for the purpose of some specific measures contained in chapter II of this Convention, "public official" may mean any person who performs a public function or provides a public service as defined in the domestic law of the State Party and as applied in the pertinent area of law of that State Party. (b) "Foreign public official" shall mean any person holding a legislative, executive, administrative or judicial office of a foreign country, whether appointed or elected; and any person exercising a public function for a foreign country, including for a public agency or public enterprise; (c) "Official of a public international organization" shall mean an international civil servant or any person who is authorized by such an organization to act on behalf of that organization; (d) "Property" shall mean assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to or interest in such assets; (e) "Proceeds of crime" shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence; (f) "Freezing" or "seizure" shall mean temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority; (g) "Confiscation", which includes forfeiture where applicable, shall mean the permanent deprivation of property by order of a court or other competent authority; (h) "Predicate offence" shall mean any offence as a result of which proceeds have been generated that may become the subject of an offence as defined in article 23 of this Convention; (i) "Controlled delivery" shall mean the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence.

In Article 3. Scope of application, 1. This Convention shall apply, in accordance with its terms, to the prevention, investigation and prosecution of corruption and to the freezing, seizure, confiscation and return of the proceeds of offences established in accordance with this Convention. 2. For the purposes of implementing this Convention, it shall not be necessary, except as otherwise stated herein, for the offences set forth in it to result in damage or harm to state property.

In Article 4. Protection of sovereignty, 1. States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States. 2. Nothing in this Convention shall entitle a State Party to undertake in the territory of another State the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other State by its domestic law.

In Article 8. Codes of conduct for public officials: 1. In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system. 2. In particular, each State Party shall endeavor to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honorable and proper performance of public functions. 3. For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996. 4. Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions. 5. Each State Party shall endeavor, where appropriate and in accordance with the fundamental principles of its

domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials. 6. Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes or standards established in accordance with this article.

In Article 57. Return and disposal of assets, 1. Property confiscated by a State Party pursuant to article 31 or 55 of this Convention shall be disposed of, including by return to its prior legitimate owners, pursuant to paragraph 3 of this article, by that State Party in accordance with the provisions of this Convention and its domestic law. 2. Each State Party shall adopt such legislative and other measures, in accordance with the fundamental principles of its domestic law, as may be necessary to enable its competent authorities to return confiscated property, when acting on the request made by another State Party, in accordance with this Convention, taking into account the rights of bona fide third parties. 3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

- (a) In the case of embezzlement of public funds or of laundering of embezzled public funds as referred to in articles 17 and 23 of this Convention, when confiscation was executed in accordance with article 55 and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party;
 - (b) In the case of proceeds of any other offence covered by this Convention, when the confiscation was executed in accordance with article 55 of this Convention and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party, when the requesting State Party reasonably establishes its prior ownership of such confiscated property to the requested State Party or when the requested State Party recognizes damage to the requesting State Party as a basis for returning the confiscated property;
 - (c) In all other cases, give priority consideration to returning confiscated property to the requesting State Party, returning such property to its prior legitimate owners or compensating the victims of the crime.
4. Where appropriate, unless States Parties decide otherwise, the requested State Party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property pursuant to this article. 5. Where appropriate, States Parties may also give special consideration to concluding agreements or mutually acceptable arrangements, on a case-by-case basis, for the final disposal of confiscated property.

In Article 66 say Settlement of disputes, 1. States Parties shall endeavor to settle disputes concerning the interpretation or application of this Convention through negotiation. 2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court. 3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Convention, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation. 4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

INDONESIA RATIFICATION OF THE UNITED NATIONS CONVENTION AGAINST CORRUPTION

Corruption is a threat to the principles of democracy, which upholds transparency, accountability, and iritability, and the security and stability of the Indonesian people. Because corruption is a criminal act that is systematic and detrimental to sustainable development, it requires preventive and eradication measures that are comprehensive, systematic and sustainable at both the national and international levels. In carrying out the prevention and eradication of efficient and effective corruption, it requires the management of good governance and international cooperation, including the return of assets originating from criminal acts of corruption. So far, the prevention and eradication of corruption in Indonesia has been carried out based on special legislation that has been in force since 1957 and has been amended 5 (five) times, but the legislation in question has not been adequate, among others due to lack of cooperation international in the matter of returning the proceeds of criminal acts of corruption.

The Government of the Republic of Indonesia on December 18, 2003 at the Headquarters of the United Nations has signed the United Nations Convention on Anti-Corruption adopted by the 58th Session of the General Assembly through Resolution Number 58/4 on October 31, 2003. Preparation of the Union Convention Nations began since 2000 where the General Assembly of the United Nations in its 55th session through Resolution No. 55/61 on December 6, 2000 saw the need to formulate international anti-corruption legal instruments globally. These international legal instruments are needed to bridge different legal systems and at the same time advance efforts to effectively eradicate corruption.

For this purpose, the United Nations General Assembly established the Ad Hoc Committee which was tasked with negotiating the draft Convention. The Ad Hoc Committee with the majority members of the United Nations requires almost 2 (two) years to complete the discussion before finally agreeing to the final text of the Convention to be submitted and accepted by the United Nations General Assembly.

Indonesia has a law that promotes the spirit of eradicating corruption. The two main ones were even born long before the UNCAC was present. Indonesia has issued a law combating corruption in the early 1970s (Law No. 3 of 1971). This law was later renewed with the issuance of Law No. 31 of 1999 as amended by Law No. 20 of 2001.

Next, as the foundation for the formation of the first anti-corruption commission in Indonesia, Law No. 30 of 2002 was issued. Based on this law, Indonesia also formed a special corruption court. However, the Constitutional Court in its decision ordered that the establishment of a special court of corruption must be based on separate laws. Therefore, then Law No. 46 of 2009 was born regarding the Corruption Court (<https://www.hukumonline.com>).

Laws related to eradicating corruption have been produced by legislators. The progress of the Corruption Eradication Commission (KPK) is increasingly underway, but has the corruption eradication program in Indonesia been in line with UNCAC? The visit of two British experts and two experts from Uzbekistan who are members of the UNCAC Review Team from the United Nations (UN) may be able to provide answers to the questions above. For three days, March 14-16 2011, the four experts visited the KPK office in Kuningan. They want to review the implementation of UNCAC in Indonesia. Previously, the same team had also visited Indonesia, last August. In carrying out its duties, the Review Team uses several benchmarks, including the regulatory sector (<https://www.hukumonline.com>).

In addition to the KPK, the Review Team also communicates with a number of other law enforcement agencies such as the Police, the Attorney General's Office, the Supreme Court, the Financial Transaction Reporting and Analysis Center (PPATK), the Ministry of Law and Human Rights and the Ministry of Foreign Affairs. NGOs were also involved in the review process of this UNCAC implementation. As a result, the implementation of UNCAC in Indonesia turned out to be quite "encouraging". The team, said Director of the Inter-Commission Network and Institution (PJKAKI) Development Network of the KPK Sudjanarko, concluded that Indonesian regulations had adopted UNCAC almost 80 percent. In fact, he continued, it could reach 90 percent if the revision of the Criminal Procedure Code (KUHAP) was successfully passed (<https://www.hukumonline.com>).

He added that the results of the review of the implementation of UNCAC would later be used as an action plan for Indonesia to make improvements in several sectors, especially regulations. For example, through legislation in the financial and banking sectors, a clause for preventing corruption is included. Busyro Muqoddas, Chair of the KPK, said that the review of the UN Team could be an input to improve the implementation of UNCAC. Departing from the review of the implementation of this UNCAC, said Sudjanarko, the KPK also realized that some substances of UNCAC were still not absorbed. For example, related to the involvement of foreign citizens in corruption. In addition, what has not been regulated in Indonesian regulations is corruption in the private sector and entrapment mechanism (<https://www.hukumonline.com>).

Some of the substances of UNCAC that have not been netted by Indonesian regulations actually have the opportunity to be included in the Draft Law on the Eradication of Corruption (RUU Tipikor) which is being prepared by the government. From the beginning, this bill was indeed projected to absorb as much as possible the substance of UNCAC. The issue of involvement of foreign citizens in corruption, for example, will be regulated in the bill. In addition, another new thing that has not been included in the law that now applies is the rule of conflict of interest and corruption in the private sector. However, many bills are expected to be among the anti-corruption activists "stagnant" in the discussion process. Some time ago, the government decided to withdraw the draft of the Corruption Bill from the Secretary of State because it was protested by a number of groups, including the KPK. The draft version of the government is accused of potentially weakening the corruption eradication program, especially the KPK spurs. Some indicators that are considered to lead to the weakening of the corruption eradication program are the plan to remove the prosecution authority from the Corruption Eradication Commission (KPK) - even if it is finally dropped - or minimal criminal abolition. In its extreme, the Tipikor Bill is accused of being potentially fertile corruption (<https://www.hukumonline.com>).

On the one hand, the withdrawal of the Corruption Bill needs to be welcomed positively in the sense of creating a draft bill that is better and in line with the spirit of eradicating corruption. However, on the other hand, this withdrawal also needs to be watched out so as not to end in cancellation. The reason is that the spirit behind the drafting of the Corruption Bill is actually positive, which is to accommodate as much as possible the UNCAC values. In the explanation section of the Corruption Bill, based on a document obtained by hukumonline, it is explicitly stated that "Most of the provisions in the United Nations Anti-Corruption Convention, 2003 have been adopted in this law plus a new formula to reach various modus operandi of acts corruption, the formulation of corruption acts is formulated that are more complete and in accordance with the principles of criminal law applicable in Indonesia" (<https://www.hukumonline.com>).

Still related to UNCAC, Indonesia also still has "homework" on the Asset Deprivation Bill. Based on information from the website www.dpr.go.id, this bill is included in the list of priority bills in 2011. "So if it has been ratified, it can only be held and used as a working document," Sudjanarko said. Outside the KPK, other agencies hope that the review conducted by the UN Team will have a positive impact. Chairijah, Director of International Law of the Ministry of Law and Human Rights, even hopes that the review of the implementation of UNCAC in Indonesia can be a provision to exchange information with other countries. Moreover, the results of a review by the United Nations Team stated that Indonesian regulations had accommodated the UNCAC quite a lot.

The ratification of this Convention is a national commitment to improve the image of the Indonesian nation in international politics. Another important meaning of the ratification of the Convention is (Law of the Republic of Indonesia Number 7 of 2006 concerning Ratification of the United Nations Convention Against Corruption, 2003 (United Nations Anti-Corruption Convention, 2003): - To enhance international cooperation especially in tracing, freezing, confiscating, and returning the assets resulting from corruption that are placed abroad; - enhancing international cooperation in realizing good governance; - enhancing international cooperation in the implementation of extradition agreements, assistance in return, inmate submission, process transfer criminal law, and law enforcement cooperation - encourage the establishment of technical cooperation and information exchange in the prevention and eradication of corruption under the umbrella of economic development cooperation and technical assistance in the bilateral, regional and multilateral scope, and - harmonization of legislation - and national imagination in the prevention and eradication of corruption in accordance with this Convention.

CONCLUSION

Corruption hinders development, because it harms the state and destroys the joints of the people and betrays the ideals of the nation's struggle. The method of controlling corruption is Preventive and Repressive. Prevention (preventive) that needs to be done is to grow and build the work ethic of officials and employees about a clear separation between state property or company with private property, strive to improve income (salary), foster pride and attribute the honor of each position and job, role models and leaders or superiors are more effective in popularizing views, judgments and policies, open to control, the existence of social control and social sanctions, fostering a sense of "sense of belongingness" between officials and employees. Whereas Repressive action is enforcing the law that applies to corruptors and the display of corruptors' faces on television screens and registration (re-recording) of wealth of officials and employees.

REFERENCES

- Bellone, Carl. 1980. *Organization Theory and The New Public Administration*. United States Of America. Allyn and Bacon, Inc. Boston/ London Sydney/ Toronto.
- Erika Revida, *Korupsi Di Indonesia: Masalah Dan Solusinya*, Fakultas Ilmu Sosial Dan Ilmu Politik Universitas Sumatera Utara, <http://repository.usu.ac.id/bitstream/handle/123456789/3800/fisip-erika1?sequence=1>
- Fathan Qorib , *Rapor Biru Implementasi Uncac Indonesia, Apabila Revisi Kuhap Disahkan, Maka Sudah 80 Persen Implementasi Uncac Di Indonesia*, <https://www.hukumonline.com/berita/baca/lt4daeb43d3eee3/rapor-biru-implementasi-uncac-indonesia>.
- Frederickson, George, H. 1984. *Administrasi Negara Baru*. Terjemahan. Jakarta. LP3ES. Cetakan Pertama.
<https://www.kpk.go.id/en/news/press-releases/595-kpk-arrests-2-suspects-allegedly-bribing-butan-selatan-regent>.
<https://www.kpk.go.id/en/news/public-opinion/6-kpk-set-4-suspects-of-ott-bribery-in-jambi-province>
- Kartono, Kartini. 1983. *Patologi Sosial*. Jakarta. Edisi Baru. CV. Rajawali Press.
- Kompas. *Surat Kabar Harian*. Jakarta. Bulan Oktober sampai Desember 1989.
- Kpk-Set-4-Suspects-Of-Ott-Bribery-In-Jambi-Province*, <https://www.kpk.go.id/en/news/public-opinion/6-kpk-set-4-suspects-of-ott-bribery-in-jambi-province>
- Lamintang, PAF dan Samosir, Djisman. 1985. *Hukum Pidana Indonesia*. Bandung. Penerbit Sinar Baru.
- Lubis, Mochtar. 1977. *Bunga Rampai Etika Pegawai Negeri*. Jakarta. Bhratara. Karya Aksara.
- Overview of KPK, <https://www.kpk.go.id/en/about-kpk/overview-of-kpk>
- Saleh, Wantjik. 1978. *Tindak Pidana Korupsi Di Indonesia*. Jakarta. Penerbit Ghalia Indonesia.
- Simon, Herbert. 1982. *Administrative Behavior*. Terjemahan St. Dianjung. Jakarta. PT. Bina Aksara.
- Suara Pembaharuan*. *Surat Kabar Harian*. Jakarta. Bulan Oktober sampai Desember 1989.
- Undang-Undang Republik Indonesia Nomor 7 Tahun 2006 Tentang Pengesahan United Nations Convention Against Corruption, 2003 (Konvensi Perserikatan Bangsa-Bangsa Anti Korupsi, 2003).
- United Nations Convention Against Corruption, 2003

Yohanes Widiyana
Law Doctoral Program
Sultan Agung Islamic University Semarang

Robert Sihombing
Law Doctoral Program
Sultan Agung Islamic University Semarang