

LEGAL ANALYSIS OF CORRUPTION CASES SOCIAL ASSISTANCE THE MINISTER OF SOCIAL RESPONSIBILITY BASED ON THE CRIMINAL ACTION OF CORRUPTION AND ITS IMPACTS

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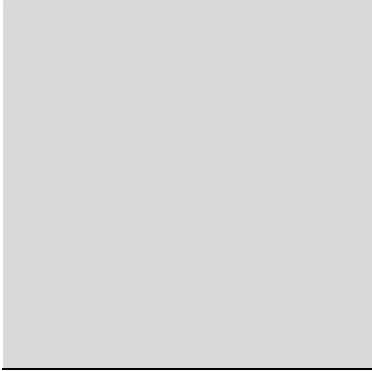
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Abstract

This article is intended to find out and examine the news that is currently being discussed, namely the corruption case of the social minister for social assistance provided to citizens affected by Covid 19. A social minister named Juliari Batubara was officially named a suspect by the Corruption Eradication Commission (KPK). The former Minister of Social Affairs Juliari was caught for corrupting social assistance funds from the government that were supposed to be used to help people affected by the Covid 19 pandemic. Social assistance that should be for the community is instead kept alone to enrich and support their families. Even the funds that were corrupted were not small, amounting to approximately Rp. 17 billion. The money confiscated by the KPK which was used as evidence also had suitcases. How can the minister of social corruption, social assistance, which is supposed to be for the daily lives of the difficult people who are affected by Covid 19. Like not having any sense of empathy because what is being corrupted is social assistance. Many famous people were very angry with this former social minister.

Abstrak

Artikel ini dibuat bertujuan untuk mengetahui dan mengkaji mengenai berita yang sedang hangat diperbincangkan saat ini yaitu kasus korupsi menteri sosial atas bantuan sosial yang diberikan kepada warga masyarakat yang terdampak covid 19. Seorang menteri sosial bernama Juliari Batubara resmi ditetapkan menjadi tersangka oleh Komisi Pemberantasan Korupsi (KPK). Mantan Menteri sosial Juliari tertangkap karena telah mengkorupsi dana bantuan sosial dari pemerintah yang seharusnya digunakan untuk membantu masyarakat yang terkena dampak dari pandemic covid 19 ini. Bantuan sosial yang seharusnya untuk masyarakat malah disimpan sendiri untuk memperkaya dan menghidupi



keluarganya. Bahkan dana yang dikorupsi tidak sedikit, berjumlah kurang lebih Rp. 17 miliar. Uang yang disita KPK yang dijadikan barang bukti pun berkoper-koper. Bagaimana bisa menteri sosial korupsi bantuan sosial yang seharusnya untuk kehidupan sehari-hari rakyat susah yang terkena dampak covid 19 ini. Seperti tidak memiliki rasa empati sama sekali karena yang dikorupsi merupakan bantuan sosial. Banyak orang terkenal yang sangat geram terhadap mantan menteri sosial ini.

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Preliminary

As we know, since Covid 19 came to Indonesia, many people have been affected by this virus. Making many people die as a result of being exposed to this dangerous virus, whether it be died because they could not eat because they did not have a job after being laid off, died because of stress on life that has changed greatly since Covid 19 entered Indonesia. Almost everyone is affected by this dangerous virus. Starting from losing work, working and studying from home, activities outside the home must be limited, not being able to travel and confining yourself for a few months at home. Schools, offices, eating places and malls are closed to prevent this virus. Because of this virus, many workers have been laid off because they cannot pay their employees due to a lack of income. Imagine, after being fired, finding a new job would be difficult because of this pandemic.

Fortunately, Indonesia has a good government (President) who is willing to provide social assistance to people affected by Covid 19. There is not only one type of assistance provided by the government. So that almost all people affected by this pandemic get social assistance, the government divides social assistance into 7 types. The first is basic food assistance. The assistance provided is in the form of basic necessities that have been distributed since March, namely the beginning of the corona pandemic entering Indonesia. The assistance is provided for residents living in the areas of DKI Jakarta, Bogor, Depok, Tangerang, South Tangerang and Bekasi.

In DKI Jakarta, basic food assistance is given to 2.6 million people or 1.2 families. Each family will receive basic food items worth Rp. 600,000 every month and will get assistance for 3 months. For other areas such as Bodetabek (Bogor, Depok, Tangerang, and Bekasi), assistance was given to 576,000 families. Each family will receive the same amount and time of assistance as in Jakarta. The second type of assistance is cash social assistance. This assistance is the same as basic food assistance which aims to help people affected by the Covid 19 pandemic. But this assistance is given to people who are outside Jabodetabok.

The assistance was given in cash amounting to Rp. 600,000 per month for 3 months, namely April, May, and June. The third type of assistance is BLT and villages. Apart from social assistance for families, the government also provided assistance for village funds for BLTs who were also affected by covid 19. Furthermore, there was assistance in the form of free electricity. This assistance is in the form of bill exemption, electricity discount, elimination of minimum fees, and elimination of

subscription. Customers who will receive electricity assistance are subsidized 450VA and 900VA customers. Then the electricity bill relief was expanded to MSME businesses using business 900VA and industrial 900VA.

The fifth is social assistance in the form of pre-employment cards. The government released pre-employment cards to help employees affected by layoffs and unemployment. The government provides assistance in the form of job training for Rp. 1,000,000 per month. And the government will provide funds of Rp. 3,550,000 for participants who pass and get the 2020 Pre-employment Card.

The sixth social assistance is subsidized employee salaries. This social assistance is new. The government decided to provide assistance in the form of salary subsidies for private employees. However, not all private employees can get salary subsidies from the government, only private employees who are registered with BPJS Ketenagakerjaan who have salaries below Rp. 5,000,000. Private employees who are registered with BPJS Ketenagakerjaan will receive a salary subsidy of Rp. 600,000 per month for 4 months.

And the last type of social assistance is BLT for micro and small enterprises. This assistance was given in the amount of Rp. 2,400,000 via bank transfer. The condition for this assistance is that the business actor has never received loan assistance from a bank. It is hoped that these micro and small businesses will actively register themselves with the closest cooperative.

Social assistance is provided with the aim that people who are in trouble, who do not have a job, are dismissed from work, so that they can live, can still eat from basic food assistance or money provided by the government. The government also does not just provide assistance, the basic materials provided are of good quality so that people can live properly.

Assistance is not only given to underprivileged families. The government also provides assistance to children who are still in school or studying at public schools or universities. Because learning is done remotely, school from home, study from home, online learning via zoom or google meet which requires a lot of quotas because learning is done according to the normal school schedule. The only difference is the method and the place. You do this via cellphone or laptop and the place at home because of the lockdown.

The government provides monthly study quota assistance that students can get for free by registering with schools or universities and from the school or university they will register with the government and monthly will automatically get a study quota and general quota. Not only students and students / female students who get free quota. Teachers and lecturers will also get it because teachers and lecturers also teach through online media.

Apart from assistance from the government in the form of basic necessities, money and quotas. Some schools and universities also help ease the burden on students and their students. Some schools and universities provide discounted rates, discounted tuition fees for students who are underprivileged or there are other conditions that must be met to get a monthly or per semester discount. There is also ASN credit assistance. Through the Ministry of Finance (Kemenkeu) decided to provide credit allowances to the State Civil Apparatus (ASN). The credit given is around Rp. 200,000 to Rp. 400,000. This assistance is provided to help State Civil Servants work from home via online which requires pulses or quotas.

Assistance is given based on 2 types. The first ASN credit assistance was given of Rp. 200,000 per month given to officials at echelon II level and below. The second assistance of Rp. 400,000 per 1 month given to ASN echelon I and II levels. Credit support for ASN is given every month from September to December 2020. While only given until December, which is expected in 2021, the corona will end soon and the Indonesian economy is back or more advanced and better than before.

With the 9 types of assistance above provided by the government to people affected by the COVID-19 pandemic, the government hopes that the community can use the assistance provided very well to be useful and sufficient to fulfill their daily lives. And the government hopes that this pandemic will end soon and not cause more casualties, let alone die and leave their families.

When the ministers were appointed to become the cabinets of President Jokowi, he reminded his cabinets not to play games with the use of disaster budgets, especially the disaster budget during the Covid-19 pandemic. Jokowi has reminded the ministers in the Advanced Indonesia Cabinet not to become corrupt. When former social minister Juliari was arrested over a corruption case in social assistance funds, Jokowi said he respected the legal process and would not protect anyone involved in corruption. "That's why, regarding the determination of the Minister of Social Affairs as a suspect by the KPK, I respect the ongoing legal process. I will not protect anyone who is involved in corruption," said Jokowi via President Jokowi's own Twitter.

On December 6, 2020, Juliari Batubari turned himself in to the KPK after being named a suspect in the alleged corruption case of social assistance. December 5 was the determination of Juliari as a suspect in connection with the alleged corruption of social assistance for the Jabodetabek area in 2020 at the Ministry of Social Affairs. Juliari came to the KPK wearing all black, down to black masks at 02.45 WIB, almost an hour after the KPK held a press conference to determine the suspect himself and a number of Ministry of Social Affairs officials and the private sector.

At the press conference, the KPK chairman, Firli Bahuri, suspected Juluari Peter Batubara of receiving Rp. 17 billion from the corruption of basic food assistance aimed at poor families affected by the corona covid pandemic. The KPK said that they suspected Juliari was using the money for personal purposes. KPK Chairman Firli Bahuri said "The KPK has named five suspects. As a recipient of JPB, MJS, and AW. Then the givers are AIM and HS "at the press conference. The press conference will be held in the early hours of December 6, 2020.

In the news on social media and TV, it was reported that Juliari could face the death penalty. Mahfud Md, the coordinating minister for the Political, Legal and Security Affairs, said that central and regional officials who commit acts of corruption related to the Covid-19 disaster budget could be threatened with death. Mahfud said at the 2020 National Government Internal Supervision Coordination Meeting on June 15 that, "I remind you that according to the Corruption Act (Tipikor), the maximum threat is life or 20 years in prison. However, in a disaster situation such as during Covid-19, the death penalty will be imposed based on the applicable law ".

"In the case of a criminal act of corruption as referred to in paragraph (1) carried out under certain circumstances, the death penalty can be imposed," reads

Article 2 paragraph 2 of Law Number 20 Year 2001 concerning the Eradication of Corruption Crimes. In last August, KPK chairman Firli Bahuri said that the Covid-19 pandemic conditions entered or fulfilled the element of "under certain circumstances" in accordance with paragraph 2 of article 2 of Law Number 20 Year 2001 concerning Eradication of Corruption Crimes. Thus, the death penalty deserves to be a punishment for corruptors of social assistance.

Research methods

In this study, the object of research is the Corruption Case of the Covid-19 Social Assistance Fund by the Minister of Social Affairs. The method used is normative legal research. Normative legal research is research that is carried out by reviewing the laws and regulations that apply or are applied to a particular legal issue. The type of approach used is a statutory approach (statue approach), a case approach (case approach), a conceptual approach (conceptual approach). The statutory approach (statue approach) is taken to examine and analyze the provisions regarding the criminal act of corruption studied through the special criminal law and the Corruption Act. In addition to using a statutory approach (statue approach), this research uses a case approach, which aims to find out the chronology and consequences of the case in question so that it is true that there has been and knows the solution to the dispute resolution, and uses a conceptual approach. aims to understand the concepts of dispute resolution. Legal Analysis of the Corruption Case for Social Assistance of the Minister of Social Affairs

In recent years, perhaps the word Social Assistance Fund, then abbreviated as Bansos Fund, has often been heard both through the media and in the news in various places. Social assistance is one type of regional expenditure that draws the attention of many parties, not only the community or community groups but also the government, members of the regional people's representative council, regents, governors, mayors who have an interest in social assistance, thus social assistance accounts have a high enough risk. to be abused or perverted.

The government has issued a number of policies to save the domestic economy from being caught in an economic recession due to the corona virus. This policy was mainly issued to encourage public consumption so that the economy could be spurred on to a cycle.

For social safety nets, for example, the provision of grants / social assistance (bansos) in the form of money or goods from local governments adequately to individuals / communities who are affected or have social risks, community / government health facilities that are participating in handling the Covid-pandemic. 19, and vertical agencies in regional areas in order to support the handling of the Covid-19 pandemic.

The granting of grants / social assistance is carried out directly by considering a thorough and in-depth analysis and evidence-based taking into account the social and economic impacts that arise and / or requests from the grantee / social assistance recipient. On the other hand, giving grants / social assistance does not refer to the management of grants and social assistance sourced from the APBD as regulated in Permendagri Number 32 of 2011 as amended several times, most recently by Permendagri Number 99 of 2019.

How did the alleged corruption case with social assistance begin? This case began on December 5, when the KPK conducted a hand-arrest operation against MJS and SN who were officials from the Ministry of Social Affairs, as well as other suspects from the private sector, namely AIM and HS. Firli said "the money was prepared by AIM and HS in one of the apartments in Jakarta and Bandung which was stored in seven suitcases, three backpacks and an envelope, which amounted to Rp 14.5 billion". Then the Team from KK secured MJS, SN and other parties in various places in Jakarta and then they were secured at the KPK to conduct an investigation. The alleged corruption case at the Ministry of Social Affairs began with the procurement of goods in the form of social assistance in the context of handling covid-19, said KPK chairman Firli Bahuri. The procurement of goods is in the form of basic food packages at the Ministry of Social Affairs in 2020, which are valued at Rp. 5.9 trillion with a total of 272 contracts and carried out in two periods.

Social Minister Juliari appointed MJS and AW as officials who made commitments in the project by direct appointment between partners. The KPK suspects that there is an agreed fee for each work package that must be deposited with the partner to the Ministry of Social Affairs through MJS. Firli said, "MJS and AW agreed that the fee for each package of social assistance was Rp. 10,000 for basic food packages of Rp. 300,000 per bansos." The KPK revealed that Juliari allegedly received bribes of approximately Rp. 8.2 billion in the implementation of the basic food social assistance package in the first period. Firli Bahuri said that, "allegedly received a fee of Rp. 12 billion, the distribution of which was given in cash by MJS to JPB through AW with a value of around Rp. 8.2 billion". Firli added that the money giving was then managed by EK and SN, who are the trustworthy people of JPB. Firli said the money was allegedly used to pay for various personal needs from JPB.

Then in the second period of the implementation of basic food social assistance, which was held from October to December 2020, the amount of money was collected around Rp. 8.8 billion. Similar to the first period, the proceeds from the social assistance corruption in the second period were allegedly used to meet JPB needs. Juliari was also suspected of receiving bribes totaling approximately Rp. 17 billion which was allegedly used for personal needs from JPB.

With these allegations, the KPK named Juliari and four other people as suspects. Juliari was named as a suspect in receiving bribes along with MJS and AW. Meanwhile, two of his colleagues, AIM and HS, were named as suspects who gave bribes. The KPK said that JPB had violated article 12 letter a or article 12 letter b or article 11 of the Corruption Eradication Law. Unlike JPB, MJS and AW are declared to have violated article 12 letter a or article 12 letter b or article 11 and article 12 (i) of the Corruption Eradication Act. And other suspects, namely AIM and HS who gave bribes were declared to have violated article 5 paragraph (1) letter a or article 5 paragraph (1) letter b or article 13 of the Corruption Eradication Law. The KPK has made various efforts to eradicate corruption and efforts to prevent corruption in handling covid-19 since the beginning of this pandemic.

Fihril said, "From the start, the KPK has informed the areas or points prone to corruption, one of which is social assistance". The KPK prevents corruption from occurring, among others by issuing Circular No. 8 of 2020, which contains the use of the budget in the context of implementing the procurement of goods and services to accelerate the handling of covid 19, especially social assistance.

Apart from Circular No. 8, the KPK also issued Circular Letter no. 11 of 2020 which contains the use of integrated data-based social assistance. Firli said, "Social assistance must be right on target, appropriate and not misused". Firli also added that the KPK has also built the Jaga Bansos application so that all people can follow the governance of providing assistance. Firli added, "Even directly, the Deputy of Prevention is directly involved in the Task Force to prevent corruption at the central and regional levels, so that governance is carried out in a transparent and accountable manner".

Hanifah Febriani, a researcher at the Center for Anti-Corruption Studies at Gadjah Mada University (Pukat UGM), previously revealed that the provision of social assistance funds in disaster situations tends to be prone to opening gaps in corruption. Hanifah said, "In a disaster situation, supervision and openness are weak and lacking because speed and wide affordability are prioritized. The main thing is the problem is resolved, and the audit is the last. In general, the mode of corruption that appears in the distribution of social assistance funds, namely reducing the quota of recipients or even not providing social assistance at all". President Jokowi in April has detailed the amount of social assistance that will be distributed to people across Indonesia who are affected by the corona virus pandemic.

After the former social minister was named a suspect, officers took down attributes such as billboards and social minister banners for Juliari. On Monday 7 December 2020, a Juliari billboard installed near the entrance to the Ministry of Social Affairs Building on Jalan Salemba, Jakarta was removed by officers. On the same day, guests are not allowed to enter the building until 9 am. Meanwhile, to replace the interim social minister, President Jokowi appointed Muhadjir Effendy to replace the Minister of Social Affairs Juliari because he was in the legal process at the KPK. Muhadjir is scheduled to give a press statement at 11 noon to the media crew. But this had to be postponed because Muhadjir had to hold an internal meeting.

The Corruption Eradication Commission (KPK) continues to investigate the alleged corruption case of social assistance funds (bansos) by the former Minister of Social Affairs, Juliari Batubara. The KPK will investigate the alleged flow of illicit money in the bribery case for the provision of covid-19 social assistance. The KPK suspects that the beneficiaries of this bribe were not only former social ministers, but also other parties who enjoyed the illegal money. Acting KPK spokesman, Ali Fikri said, "Regarding the flow (of money), of course this is the investigation material that will continue to be extracted and confirmed from the witnesses who will be summoned and examined by the investigating team," he said when confirmed on Sunday, December 13, 2020. Anti-corruption agency again talking about the potential threat of death penalty against Juliari Batubara. Deputy Chairman of the KPK, Alexander Marwata, said that the death penalty could be given to Juliari Batubara in accordance with Law No. 31/1999 on Corruption Eradication Crime (Tipikor). Alex said, "The death penalty is regulated in Law (Tipikor) Article 2".

The KPK will find out who is suspected of enjoying the illegal money. The KPK ensures that it will investigate the alleged flow of illicit money from the bribery case of the corona virus social assistance which has also been enjoyed by parties other than former social minister Juliari who has become a suspect. KPK spokesman Ali

Fikri said, "Regarding the flow of (money), of course this is the investigation material that will continue to be explored and confirmed from the witnesses who will be summoned and examined by the investigating team". According to Ali, to date, the initial evidence that the investigating team has found in this case is that there are allegations of bribes received by parties who have been named as suspects.

Alexander Marwata as deputy chairman of the KPK suspects that the social assistance for the corona pandemic from the former Minister of Social Affairs Juliari Batubara was cut to Rp 100,000 per aid package. The deputy chairman of the KPK admitted that he received information from the budgeted value of 300 thousand per social assistance package, only about 200 thousand received in the form of semabko. Alex said, "If the information is outside, that's from 300 thousand, at most 200 thousand that reached the community, right? We want to see how much of the budget actually reaches the public ". The KPK will study all information received from the public outside. Alex confirmed that he would explore the process of appointing a vendor or company in the distribution of the Covid 19 social assistance package at the Ministry of Social Affairs. Alex said that, "Later we will also see who are the vendors who distribute the groceries, right, whether they are eligible". Alex will explore the background of these vendors. In addition, the KPK will also investigate the process of appointing vendors who have indicated indications of corruption. Said Alex, "Are they (endors) worthy, it means that he owns the business, procures the basic needs, or suddenly the company is just being established and then he immediately gets the job." But then he subordinated it to another party, he just wanted to get a fee, and that we have to understand ".

This deepening, namely the deepening of the identities of the vendors, is important because there are around 272 contracts related to the procurement and distribution of social assistance packages in the form of basic necessities for the Jabodetabek area which KPK investigators are currently investigating. The Corruption Eradication Commission again spoke about the death penalty that could be imposed on the corrupt former social minister. Alex said that the death penalty could be given to the former social minister in accordance with Law Number 31 of 1999 concerning the Crime of Corruption Eradication (Tipikor). Article 2 of Law Number 31 Year 1999 allows for the death penalty if it is proven that there has been a loss of state finance from the actions of former Minister Juliari. "Yes, we will see the systematic, if it is massive, and he is the mastermind of the perpetrators and the losses are trillions, yes, it is possible if based on the existing law. If the sentence is up to the judge," added Alex.

The latest news regarding the Covid 19 social assistance corruption case is that the eldest son of President Jokowi named Gibran Rakabuming Raka is reportedly involved in this social assistance corruption. However, Gibran strongly denied that he was not involved in the corruption of the covid-19 social assistance fund. According to Gibran, the allegations or the news were completely baseless because he himself had never met the former social minister, Juliari Batubara. Gibran said, "That is not true. I never recommend or order or interfere in this social assistance affairs. That's untrue news ". Gibran was once said to have recommended PT Sri Rejeki Isman to work on making cloth bags for covid-19 social assistance. Even though he is the son of President Jokowi, Gibran admits that he never met Juliari. There has never been any communication, let alone communication

regarding the procurement of cloth bags for the distribution of Covid-19 Social Assistance. "I know you know. But never met at all. Moreover, recommending a goodie bag. Never once," said Gibran. Gibran also said, "If you want corruption, why only now, not first? If you want a project, it's a bigger project. PLN, Pertamina, toll roads. It's worth trillions. But I've never been like that".

In addition, Gibran also dismissed the issue that the money from the corruption of covid-19 social assistance flowed to a number of regional head candidates who were nominated by the PDIP in the 2020 Pilkada. Gibran also invited all parties to examine the flow of campaign funds he used in the 2020 Pilkada Solo City yesterday. Gibran said, "LHKPN, campaign funds, just check it. Everything is online. If you want to be clear, please meet Mrs. Roro (treasurer of DPC PDIP Solo, Roro Indradi Sarwo Indah). I've never been covered up." The chairman of DPC PDIP Solo, named FX Hadi Rudyanto, admitted that he did not know anything about the flow of Covid-19 Social Assistance Corruption funds. According to Hadi, the operational funds for the PDIP Solo winning team were collected from a joint venture of cadres

PDIP. Hadi said, "We made the shirts ourselves, a joint venture of party, executive and legislative cadres". The chairman of the DPC PDIP Solo also admitted that he had never intervened in the campaign funds collected by Gibran and his team. "I don't understand. Wow, I never asked for money. Mas Gibran where the funds come from, please ask yourself there. My job is just to win," said Hadi.

The day continued, the KPK continued to investigate this social assistance corruption case which resulted in the development of the issue that PDIP regional head candidates also received the results of the corruption crime allegedly committed by Juliari Batubara. As reported in Tempo Magazine, there are a number of officials as well as regional head candidates who are nominated by PDIP who are suspected of having participated in receiving money from the social assistance corruption case. In fact, money is also received by a commission chairman in the DPR RI to officials who work at the Financial Audit Board (BPK). Looks like DPR members cannot be separated from corruption. The social assistance program for people affected by the corona virus pandemic is thought to be arranged to become a bancakan project with a direct appointment mechanism.

Julari is also suspected of specifically forming a special team to select vendors or companies providing basic food packages, goodie bag providers, and aid delivery services to groups that will receive covid-19 social assistance. There are 6 known companies that are suspected of receiving social assistance distribution projects from the Ministry of Social Affairs. The company that makes cloth bags named PT Sri Rejeki Isman is suspected of being the company appointed by the minister of social affairs to make goodie bags for social assistance. Whereas previously, this project was promised to small and medium-sized companies as well as to help their struggling businesses.

Meanwhile, the PDIP, which is suspected of having participated in the flow of covid-19 social assistance corruption, has denied receiving the reported cash flow. Bambang Pacul Wuryanto, as Chairman of the Election Winning Board of the PDIP DPP, strongly opposes those who accuse his party of receiving money from corruption crimes. When contacted by CNN Indonesia by telephone, Bambang said, "I make sure he can't prove it. I am the head of the election winners. Tell me if the

head of the election is angry ". From the start, it is suspected that cuts in social assistance funds for handling Covid-19 in the Jabodetabek area in 2020 have been drafted.

Juliari will be extended his detention period by the Corruption Eradication Commission (KPK). Apart from Juliari, 4 other suspects also extended their prison terms. Detention was carried out for 40 days starting from December 26, 2020 to February 3, 2021, which was applied to suspects JPB and AW who were committed officials in the ministry of social affairs. Apart from the 2 suspects, the KPK also extended detention for 40 days starting December 25, 2020 to February 2, 2021, fortunately the other 3 suspects, namely MJS, AIM, and HS. Ali said, "The extension of the detention is carried out because the investigating team still needs time to complete the investigation process and file the case".

In addition to the form of legal violations as stated above, the misuse of social assistance can be carried out by starting the realization that is not transparent and uneven, deliberately cutting budget funds, cutting funds on the pretext of the principle of justice for those who do not receive, tired money, reducing the balance of food packages some have even been corrupted in a big way.

For this reason, all the perpetrators can be charged under legal provisions so that they can be sent to prison. Legal instruments that threaten the misappropriation of Covid-19 social assistance funds, namely Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning Eradication of Corruption Crimes. In Article 2 paragraph (1) it reads:

"Every person who illegally commits an act of enriching himself or another person or a corporation that can harm the state finances or the country's economy, will be sentenced to life imprisonment / imprisonment for a minimum of 4 years and a maximum of 20 years and / or a fine of at least Rp. 200 million and a maximum of Rp. 100 billion. " Then in Article 2 paragraph (2) it reads: "The criminal act of corruption as referred to in paragraph (1) is committed under certain circumstances, the death penalty may be imposed." What is meant by certain conditions in this article, is contained in the explanation of article 2 paragraph (2) in Law No. 20/2001 concerning amendments to Law No. 31/1999 concerning the Eradication of Corruption Crimes, explaining that: what is meant by "certain conditions" in the provisions This is a situation that can be used as a criminal objection to the criminal act of corruption, that is, if the criminal act is committed against funds intended for handling dangerous situations, national natural disasters, overcoming the consequences of widespread social unrest, overcoming economic and monetary crises, and repeating criminal acts. corruption.

As is currently happening, the Covid-19 outbreak has been designated as a public health emergency and a national disaster by the government. This is stated in Presidential Decree No.11 of 2020 concerning the determination of the Covid-19 public health emergency. Then, can a law as firm as this really be applied to misappropriation of Covid19 funds?

Even though it is considered to be hampered by article 27 of Perppu No.1 / 2020 which had drawn controversy among legal experts, because the substance of the article states that the cost of saving the economy is not a loss to the state so the actions of the executing officials in good faith cannot be criminally prosecuted / sued / civil and not on-object TUN.

According to Prof. Romli Atmasasmita (professor of criminal law at the Faculty of Law, Pandjajaran University), criminal sanctions or the death penalty for perpetrators of corruption during a disaster can still be enforced. In this case, there can still be opportunities for investigations and investigations to be carried out if there is a suspicion of a potential mark-up for the budget for handling Covid-19, including allegations of acts of gratification, bribery or extortion in office.

Indonesia Corruption Watch (ICW) researcher Kurnia Ramadhana, as quoted by hukumonline.com, 20/03/2020, said there needs to be a strong commitment for law enforcement officials to prevent or take action against the perpetrators of criminal acts of corruption, especially when a disaster occurs. Because so far perpetrators have often been prosecuted and punished with low penalties, even though the threat of punishment according to statutory regulations is quite high.

"There must be weighting against perpetrators of disaster corruption. Law enforcement officials, including the courts, should also be aware of the consequences of perpetrators of disaster corruption. The demand must be weighted and punished as well," concluded Kurnia. We have often heard the KPK threatening to prosecute the death penalty for those who corrupt funds for the Covid-19 pandemic disaster relief. Chairman of the Corruption Eradication Commission (KPK) Firli Bahuri promised his agency would provide stern penalties for those who commit corruption in the midst of the corona pandemic or COVID-19 disaster. Unmitigated, Firli threatened him with a death sentence. This was said by Firli during the DPR RI Commission III hearing to discuss the handling of Covid-19, Wednesday (29/4/2020).

Conclusion

The application of the death penalty for corruptors in Indonesia itself is regulated in Article 2 paragraph 2 of Article 2 paragraph 2 of Law Number 31 Year 1999 concerning the Eradication of Corruption (Corruption Act). The article reads "In the event that the criminal act of corruption as referred to in paragraph (1) is committed under certain circumstances, the death penalty may be imposed." Based on the constitution and human rights law, the application of the death penalty for criminals, in this case the criminal act of corruption, especially if it is carried out in a disaster situation, such as depriving the people of the right of the people to get social assistance (bansos), is not a violation in the field of human rights because it is an act of respect for people's human rights. others in the orderly life of the community, nation and state.

Given that basically the corruptors have tormented the people slowly, namely by taking people's rights illegally, eventually the people suffer the consequences of poverty, hunger and health, so that there is no fulfillment of respect and protection of the human rights of others.

The application of the death penalty for corruptors is also a manifestation of the legal adage, *culpue poena par esto* or let the punishment be equal the crime, which can be interpreted as imposing a punishment that is equivalent to the deed and the adage *lex dura sed tamen scripta* or the law is harsh, that's how it sounds.

Suggestion

We hope that law enforcers, especially the KPK, should not just give a warning by threatening the death penalty. However, it is true to supervise and enforce these rules if it is proven that there are parties who are indicated to have misused aid for disasters.

People are tired of hearing false promises or empty hopes from state officials. Do not let the threat of the death penalty for the perpetrators of corruption of the corona virus funds spread by the Chairman of the Corruption Eradication Commission (KPK) only to a lip.

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