



The Role Model of Guiding Team of Regional Government and Development in the Prosecutor District of Padang Panjang in the Prevention Attempt of Corruption

Mevina Nora; Ismansyah; Yuslim

Faculty of Law, Universitas Andalas Padang, Indonesia

<http://dx.doi.org/10.18415/ijmmu.v6i2.745>

Abstract

The implementation of a clean government of corruption, collusion and nepotism, President of The Republic of Indonesia Joko Widodo made a program to run the government in 9 (Nine) Priority programs known as Nawa Cita. As a follow-up to the 9 (nine) Priority Programs of Nawa Cita, dated 6 May 2015 President of The Republic of Indonesia Joko Widodo issued Presidential Instruction (Inpres) Number 7 concerning Action on the Prevention and Eradication of Corruption. Quickly, The Prosecutor of The Republic of Indonesia respond to what the President said. The Prosecutor of The Republic of Indonesia as the government institutions authorized by the Law to eradicate and prevent corruption has formed a Government and Development Guards Team at the Central and Regional levels. The establishment of this Team based on the Decision Letter of Attorney General of The Republic of Indonesia Number: KEP-152 / A / JA / 10/2015 dated 1 October 2015 concerning Establishment of the Government and Development Guards Team of The Prosecutor of The Republic of Indonesia or known as TP4. It will support the government and development at the central and regional levels through by guarding in the planning and implementation proces of development, including in to prevent mistakes and state losses that result in Corruption Crimes. Head Attorney District of Padang Panjang has formed a Regional Government and Development Guards Team known as TP4D based on the Command Letter Number : SK-17 / N.3.16 / Dek.3 / 10/2015 dated 21 October 2015, concerning the Appointment of Officers Regional Government and Development Guards Team (TP4D) The Prosecutor District of Padang Panjang. In its existence, TP4D The Prosecutor District of Padang Panjang has contributed a lot to the development process in the city of Padang Panjang in preventing corruption in development efforts.

Keywords: Regional Government; TP4; TP4D; Prevention of Corruption

Introduction

Corruption that happens systematically and widely is a violation towards social and economics rights of society, so that corruption is not longer able to be categorized as an ordinary violation but as an extraordinary violation (*extra-ordinary crime*¹), and the prevention attempt is no longer able to be grouped as ordinary officials but as extraordinary officials (*extra ordinary officials*). Besides, corruption

¹ Evi Hartanti, *Corruption Crime ED.2*, Sinar Grafika, Jakarta, 2012, p.1.

crime can be categorized as white collar crime because the offenders are mostly intellectual people and have influence in power².

Corruption preventive action is not that simple as said because the development of corruption in some countries vary based on the conditions of politics, culture, society's law awareness, and the development of law system believed in each country. From this fact, it can be seen that corruption eradication in some countries including Indonesia is a crucial and multidimensional country. It means that it cannot be approached only from one approach, but attempt, thought, and method from some life aspects should be done because corruption is not a matter of law violation, but it is also related to culture, economy, and politics.

Corruption is a unique crime; the uniqueness of corruption can be seen from its position behind policy and regulation in Laws which set an authority of an agency or an official, so that it seems that the authorities are all discretion which can be done as willingness without paying attention on the implementation principle of a good governance and country's finance order or even society order will hamper the fundamentals and the orders of country's finance, or even the order of society, nation, and country³. Therefore, it must have maximum attempts in eradicating it both from preventive and repressive action⁴; the law enforcers here are demanded to play a professional role and have high moral integrity in law enforcement towards the offender of corruption crime.

So far, law enforcement repressively for the corruption crime offenders especially on government institutions in scope of procurement of goods and services of government related to corruption crime in form of the abuse of authorities make the government officials afraid of being caught in corruption crime so that government's goods and services become "stuck". Consequently, budget absorption becomes law.⁵

Goods and services procurement is one of the biggest corruption sources in Indonesia. Approximately, 70% corruption cases handled by Police, Attorney, and Corruption Eradication Agency are related to goods and services procurement. It is not that few of country officials both executive and legislative (including private parties) must deal with laws because they are suspected or proven wrong in committing violation or using government's budget as not it is through government's projects especially in terms of goods/services procurement owned by the government.⁶

The consequence from the number of officials both in central level or regional level involved in the legal process make the officials in region afraid in using the budget in which its implication is the budget absorption becomes minimum so that many government programs which then do not run, whereas if the policy takers understand their functions and are brave to ask the related parties if hesitant in taking policy, the anxiety problem actually should not happen.

Criminalization towards a policy becomes a frightening problem from government officials, especially in conducting goods and services procurement program from the government. By seeing this condition, the President of the Republic of Indonesia in the commemoration of the 55th Supreme Attorney

² Shelley, Louise I. *Dirty entanglements: Corruption, crime, and terrorism*. Cambridge University Press, 2014.

³ Wagner, Benjamin B., and Leslie Gielow Jacobs. "Retooling Law Enforcement to Investigate and Prosecute Entrenched Corruption: Key Criminal Procedure Reforms for Indonesia and Other Nations." *U. Pa. J. Int'l L.* 30 (2008): p.183.

⁴ Lilik Mulyadi, *Corruption Crime in Indonesia: normative, theoretical, practical, and its problems*, PT. Alumni, Bandung, 2007, p.78

⁵ www.equator.co.id/rasa-takut-berlebihan-bikin-penyerapan-anggaran-rendah/ / visited on Monday in April 02, 2018 at 20.00 Wib.

⁶ Website of Supreme Prosecutor General of South Sulawesi: www.kejati-sulsel.go.id (recently visited in November 16, 2018 at 16.30 Wib)

Service Day dated July 22 2015 emphasized the corruption eradication and law must be enforced for the sake of improving the society's welfare by maintaining development program.⁷

Attorney General of the Republic of Indonesia states that it needs to provide guiding towards the related government officials in terms of development acceleration and national strategic programs. Besides, it is as the place of implementor of Instruction of the Republic of Indonesia Number 7 of 2015 concerning Action of Corruption Eradication and Prevention in 2015.

The form of the guide is by forming Guiding and Securing Team of Governance and Development (TP4) both in Central level and in Regional level. The forming of this team is based on the Attorney Decision of the Republic of Indonesia Number KEP-152/A/JA/10/2015 regarding the Forming of Guiding and Securing Team of Government and the Development of Attorney of the Republic of Indonesia dated October 1, 2015. The team consists of Central team placed in Supreme Prosecutor General Office of the Republic of Indonesia; Regional team placed in District Prosecutor General.

The team will play a role of supporting the implementation of governance and national development in center and in region through guiding and securing in activity of planning, implanting, and using the result of development including in attempt of preventing violation and nations' loss which lead to the Corruption Crime.⁸ The forming of this team is the effort of the Prosecutor General of the Republic of Indonesia to improve the prevention of corruption in Government Institutions and to maintain the smoothness of development program; this Attorney General's idea is good because the corruption eradication through prevention attempt is in line with the mission of the nation itself which is to achieve an effective, an efficient, and an accountable government (*good governance*).

By seeing the importance of TP4 team role in the attempt of preventing corruption crime in the government development program both in center and in region, then it needs to see how the working pattern of TP4 itself and how the attempt form of preventing violation of development and nation's loss which can be done by TP4.

Besides, it also needs to see how the coordination pattern of TP4 both with the same team in Central Government and Regional Government or what is known as Government Internal Supervisor Official (APIP) and how the implementation of duties and policies of TP4D in the attempt of supporting the corruption crime eradication in the area of Padang Panjang.

It is expected to have synergy between TP4 of Prosecutor General and Central Government as well as Regional Government which can create a transparent and fair condition for the actors in business field, especially related to the project of goods/services procurement so that it can make a conducive economy condition and situation in order to support the run of good and smooth governance which then will give effect on improving legal wisdom and regional government as well as conducive politics nuance.

Research Method

The method of problem approach used in this research is Empirical Judicial which is problem approach through legal research by seeing legal norms in the prevailing regulations⁹. Besides, it also explains the legal norm which is seen from its implementation in the middle of society life. The research nature used in this research is descriptive.¹⁰ This research is conducted where the knowledge and or

⁷ Phrase of considering b letter the Decision of Prosecutor of the Republic of Indonesia Number Kep-152/A/JA/10/2015 regarding the Formation of Guiding and Securing Team of Governance and Development of the Prosecutor General of the Republic of Indonesia dated October 01, 2015

⁸ *Ibid.* letter c

⁹ Amirudin and Zainal Asikin. *The Introduction of Legal Research Method*. PT. Raha Grafindo Persada, Jakarta: 2004. p. 118

¹⁰ Soerjono Soekanto. *Legal Research Method*. UI Press, Jakarta, 2010, p. 50

theory related to the object that will be discussed has exist then used in order to provide overview regarding research object completely and holistically.¹¹

Documentation Techique of Legal Material

a. Library Research

In this phase, data are collected from some relevant and related materials and literatures regarding to the studied problems. Besides, inventory of regulations is also done and summary of experts' opinions existing in the literature used in writing this research. Not only that, the researcher also comes to the field to take documents which are considered important related to the research being conducted.

b. Interview

Interview is the method of data collection by doing question and answer orally between the researcher and the respondents. The interview type used is semi-structured interview meaning that the research arranges question lists, the researcher improvises the questions but they are still related to the research object. In this interview method, the research will interview Mr. Eky Rizki Asril, SH. MH as the Leader of Guiding and Securing Team of Government and Regional Development (TP4D) of Prosecutor General of Padang Panjang.

c. Field Data

This field data is obtained from the field research done by the researcher in the Office of Prosecutor General of Padang Panjang, Education Department, Public Works Office, and Health Department of Padang Panjang related to the duties implementation of Guiding and Securing Team of Governance and Regional Government (TP4D).

Collection Tool of Legal Material

The collection of legal materials is done by activity of inventory and categorization of legal materials in to information system so that it enables the search of legal materials. The legal materials are collected by documentation study which is by doing noting towards the primary legal material source, secondary legal material source, and tertiary legal material source. This research is done by literary research to obtain research sources consisting of:

a. Primary Legal Material

It is a legal material which has binding power in form of Regulations of Indonesia such as:

1. Criminal Code (KUHP);
2. Law Number 31 of 1999 as amended to be Laws Number 20 of 2001 Regarding Corruption Crime;
3. Law Number 28 of 1999 regarding Clean Governance and Free from Corruption, Collution, and Nepotism;

¹¹ McConville, Mike, ed. *Research methods for law*. Edinburgh University Press, 2017.

4. Law Number 16 of 2004 regarding Prosecutor General of the Republic of Indonesia;
5. Law Number 30 of 2014 regarding Governance Administration;
6. President Regulation Number 54 of 2010 regarding Goods/Services Procurement of Government;
7. President Regulation Number 29 of 2016 regarding Amendment on President Regulation Number 38 of 2010 regarding Organization and Working Order of Prosecutor General of the Republic of Indonesia;
8. President Regulation Number 3 of 2016 regarding Implementation Acceleration of National Strategic Project;
9. President Instruction Number 7 of 2015 regarding Corruption Prevention and Eradication Action;
10. President Instruction Number 1 of 2016 regarding Implementation Acceleration of National Strategic Project;
11. Decision of Prosecutor General of the Republic of Indonesia Number KEP-152/A/JA/10/2015 regarding the Forming of TP4 team of Prosecutor General of the Republic of Indonesia;
12. Instruction of Prosecutor General Number INS-001/A/JA/10/2015 dated October 5, 2015;
13. Regulation of Prosecutor General Number PER-014/A/JA/11/2016 dated November 22, 2016.

b. Secondary Legal Material

It is legal material which has close relation with the primary legal material and can help to analyze, understand, and explain the primary legal material such as books, expert's theories, scientific articles, journals, thesis, dissertation, newspaper, and magazines.

c. Tertiary Legal Material

It is legal material which provides hints or explanation on primary and secondary legal material such as encyclopedia, dictionary, and internet to support information in the research.

Processing and Analysis of Legal Materials

All data obtained, either primary, secondary, or tertiary, are then analyzed by qualitative judicial way. It means that the analysis done by non-statistical way, but it is related to the theories and experts' opinions obtained from library research and related to the interview result and the field data obtained in order to be able to explain or to answer objectively the problems formulated.

Research Results and Discussion

The Position and the Role of Guiding and Securing Team of Governance and Development (TP4) of Prosecutor General of the Republic of Indonesia

The decision stipulated in the decision of Prosecutor General Number KEP 152/A/JA/10/2015 dated October 1, 2015 regarding the Formation of Guiding and Securing Team of Governance and Development (TP4) of Prosecutor General of the Republic of Indonesia. To regulated further about TP4, Prosecutor General then commands in the Instruction of Prosecutor General Number INS-001/A/JA/10/2015 dated October 5, 2015 regarding the formation and the implementation of Central and Regional TP4 duties of Prosecutor General of the Republic of Indonesia.

Afterwards, President Instruction Number 1 of 2016 dated January 6, 2016 related Implementation Acceleration of National Strategic Project that instructs to Prosecutor General of the Republic of Indonesia to perform 3 (three) main duties. Preventive action is the part of law enforcement parts done by Prosecutor General of the Republic of Indonesia besides repressive action in performing duties and authorities as the law enforcing institution. The position of TP4 obtains authorities attributively through Article 2 Subsection (1) Law Number 16 of 2004 regarding Prosecutor General of the Republic of Indonesia. Besides, TP4 obtains delegation authorities through President Regulation Number 38 of 2010 regarding Organization and Working Order of Prosecutor General of the Republic of Indonesia and President Regulation Number 3 of 2016 regarding National Strategic Project Acceleration so that TP4 has constitutional base in attempt of preventing and eradicating corruption crime.

To set technical workin mechanism of the TP4, the Prosecutor General issues Prosecutor General Regulation Number PER-014/A/JA/11/2016 dated November 22, 2016 regarding Technical Works and Administration of Guiding, Securing Team of Govenance and Development of Prosecutor General of the Republic of Indonesia. For the activity of Guiding and Securing Governance and Regional Development, it must be started with socialization by Guiding and Securing Governance and Regional Development Team (TP4D) to the area of Central Government/Ministries/Regional Government/State-Owned Agency/Regional-Owned Agency to socialize the duties of Guiding and Securing Governance and Regional Development. Based on the Prosecutor General Regulation Number PER-014/A/JA/11/2016 dated November 22, 2016 regarding Technical Works and Administration of Guiding and Securing Governance and Regional Development are as follows:

1. Guiding and Securing Governance and Regional Development (TP4) performs Guiding and Securing Governance and Regional Development towards the development activity which will be and or is being done;
2. Guiding and Securing Governance and Regional Development is conducted based on the proposa from the Central Government/Ministries/Regional Government/State-Owned Agency/Regional-Owned Agency;
3. The proposal requested is accompanied with the explanation by the appellant regarding to activity or problem that will be monitored and secured by TP4D, the appellant must explain legal problems that he is afraid. If the appellant cannot explain it, the proposal will be rejected; the appellant is also asked to be transparent and make integrity fact;
4. After the activity or the problem is explained, the leader of TP4D makes a team with Command Letter;
5. The team that has been made do review towards the result of proposal explanation in order to determine whether Guiding and Securing can be done or not;¹²

In the duty implementation of Guiding and Securing Governance and Regional Development both in Center and in Region, it covers some things such as:

- a. Prevention and persuasive action in order to guide, secure, and support the success of governace and development which is done by:
 1. Providing legal explanation in the area of Central Government/Ministries/Regional Government/State-Owned Agency/Regional-Owned Agency regarding planning, auction, working performing, working implementation supervision, permit, goods and services procurement, administration discipline and finance management discipline;

¹² Pasal 9 Peraturan Jaksa Agung RI Nomor : PER-014/A/JA/11/2016

2. Doing discussion with Central Government/Ministries/Regional Government/State-Owned Agency/Regional-Owned Agency to identify the problems faced in budget absorption and development implementation;
 3. Giving legal explanation and legal counseling on the initiative of TP4 or the request from the parties that need in which the place and the time of implementation are determined based on the agreement or in line with the needs;
 4. TP4 can involve institution or other parties that have capacity, competence, and relevance with the legal explanation and legal counseling delivered to Central Government/Ministries/Regional Government/State-Owned Agency/Regional-Owned Agency;
- b. Legal Accompaniment
1. In every phase of development program from the beginning to the ending, legal accompaniment can be given in form of:
 - a) Legal explanation from side of regulation implementation, mechanism from the procedure with the budget management officials on the problems faced in terms of budget absorption;
 - b) Legal opinion in phase of planning, auction, supervision, works implementation, and goods/services procurement on the initiative of TP4 and the parties that need;
 - c) Legal opinion given by TP4 can be made as a recommendation for appellant

2. Coordination

To prevent the occurrence of violation which is potential to hamper, fail, and make loss for nation's finance, TP4 makes coordination with Government Internal Supervision Officials (APIP) and/or related institutions;

3. Monitoring and Evaluation

TP4 and the appellant do monitoring and evaluation of the work implementation of development with the following provisions:

- a) Monitoring and Evaluation is done gradually in line with the phase of work implementation and development program.
 - b) The output of monitoring and evaluation is arranged in form of working papers and submitted to the leader of TP4 to the appellant in every ending of work and reported to the head.
- ## 4. Repressive Law Enforcement
- a. Repressive law enforcement is done when enough beginning proof is found after coordination is done with the Government Internal Supervision Officials (APIP) regarding to the action against law has happened, authority violation and/or other action which leads to the loss for the nation's finance.
 - b. If violation happens or authority violation occurs in performing national strategic project, the resolution is done by prioritizing administration process as in line with the provision in government administration.
 - c. If enough beginning proof is found by the Government Internal Supervision Officials (APIP) which is not administrative of head of Central Government/Ministries/Regional

Government/State-Owned Agency/Regional-Owned Agency, it is submitted to Supreme Prosecutor General to be further executed as in line with the regulations.¹³

To improve the effectivity and the optimalization of duties performance from Guiding and Securing Team of Governance and Central and Regional Development, it needs to enhance coordination and good, strict, and clear teamwork between Guiding and Securing Team of Governance and Central and Regional Development and Central Government/Ministries/Regional Government/State-Owned Agency/Regional-Owned Agency as well as Government Internal Supervision Officials (APIP) for the sake of doing Guiding and Securing development and realizing the development implementation acceleration which is free from deviations and improving budget absorption power for development which is very beneficial for society.

The Existence of Guiding and Securing Team of Governance and Central and Regional Development (TP4D) of Prosecutor General of Padang Panjang in the Process of Development in Padang Panjang

The presence of TP4 of Prosecutor General of the Republic of Indonesia both in central level and in regional level absolutely must have a clear legal standing. What makes the TP4 of Prosecutor General of the Republic of Indonesia exist are as follows:

- a. Decision Letter of Supreme Prosecutor General of the Republic of Indonesia Number: KEP-152/A/JA/10/2015 regarding the Forming of Guiding and Securing Team of Governance and Development (TP4).
- b. The Supreme Prosecutor General's Instruction of the Republic of Indonesia Number: INS-001/A/JA/10/2015 regarding the Forming and the Duty Implementation of Guiding and Securing Team of Governance and Central (TP4P) and Regional Development (TP4D).

It is to follow up the forming standing of TP4 of Prosecutor General of the Republic of Indonesia aforementioned. In the legal area of every Prosecutor General office, Command Letter is issued from the Head of Prosecutor General which becomes the base in forming Guiding and Securing Team of Governance and Regional Development (TP4D). For Padang Panjang which is the legal area of Padang Panjang Prosecutor General, Command Letter Number: SK-17/N.3.16/Dek.3/10/2015 is issued dated October 21, 2015 regarding the Pointing of Officers of Guiding and Securing Team of Governance and Regional Development (TP4D).

The composition in the structure of TP4D of Padang Panjang Prosecutor General office itself consists of some existing fields in the Prosecutor General. The fields are Intelligent Department, Civil Department, Nation's Order Department, and Special Crime Department. All departments make a synergy in the implementation of TP4D duties. The researcher also states regarding the structure of TP4D of Padang Panjang Prosecutor General based on Command Letter Number: SK-17/N.3.16/Dek.3/10/2015 dated October 21 2015 regarding Pointing of Officers of Guiding and Securing Team of Governance and Central and Regional Development as follows:

The first and the main duty that must be performed by TP4D of Padang Panjang Prosecutor General is by making a socialization towards Central Government/Ministries/Regional Government/State-Owned Agency/Regional-Owned Agency in Padang Panjang. It aims to introduce the main duties and functions as well as existence of TP4D of Prosecutor General of Padang Panjang which has existed in Padang Panjang City.

¹³ Regulation of Supreme Prosecutor of the Republic of Indonesia Number : PER-014/A/JA/11/2016

Based on the research results that the researcher did in the secretariat of TP4D of Padang Panjang Prosecutor General towards the existence of TP4D of Padang Panjang Prosecutor General in the implementation of the main duty and function in performing guiding and securing the development in Padang Panjang City, then the research will explain it in form of comparison data as follows:

Table 1. TP4D of Padang Panjang Prosecutor General

Guiding Proposal of TP4D of Padang Panjang Prosecutor General	ON-GOING BUDGET YEAR			
	2015	2016	2017	2018
	NIL	NIL	NIL	EXIST

From the data, it can be known that the request on guiding and securing in the process of development activity implementation in Padang Panjang since Budget Year of 2015 until Budget Year of 2017, the Government of Padang Panjang in running its development process works without any guidance and security from TP4D of Padang Panjang Prosecutor General. Then, it starts from 2018 in which the Government of Padang Panjang, in performing their duties, is assisted by guidance by TP4D of Padang Panjang Prosecutor General.

As a form of existence of TP4D Padang Panjang Prosecutor General, in Budget Year of 2018, Education, Youth, and Sport Department has proposed a guiding request to TP4D Padang Panjang Prosecutor General towards some activity packets that use the fund from Special Allocation Fund (DAK) in Budget Year of 2018. The activity that is guided is in form of the activity of building new school and class building rehabilitation in every school in Padang Panjang City which gets the help.¹⁴

On the other hand, TP4D Padang Panjang Prosecutor General has done guidance towards building rehabilitation activity in Medium and Difficult level in the classroom of Learning Activity Studio (SKB) with helping fund of IDR 55.000.000.- (fifty five thousand millions rupiah), the activity of Building New Classroom for Elementary School and Junior High School with helping fund of IDR 2.508.200.000.- (two billions five hundreds eight millions two hundreds thousand rupiah), the activity of Medium/Difficult Rehabilitation of Junir High School with funding of IDR 394.800.000.- (three hundreds ninety four million eight hundreds thousand rupiah), the activity of procuring Elementary School and Junior High School library books with fund of 312.500.000.- (three hundreds twelve millions five hundreds thousand rupiah), the activity of providing education media with fund of 199.500.000.- (one hundred ninety nine millions five hundreds thousand rupiah) and towards the activities accompanied by guiding have been done and conducted and during guiding by Guiding and Securing Team of Governance and Central and Regional Development of Padang Panjang Prosecutor General, convenience and security are guaranteed because during performing it, there is no intervention from other parties and the budget of Special Allocation Fund can be absorbed over all and there is no fund returned to the country.

In Public Works Office of Padang Panjang before 2015, the activity of providing goods and services are done in the area of Public Works Office of Padang Panjang without any guidance from Guiding and Securing Team of Governance and Central and Regional Development and for running their activities, in 2018, the Public Works Office of Padang Panjang started to ask for guidance to Guiding and Securing Team of Governance and Central and Regional Development of Padang Panjang Prosecutor General and the work that needs a guidance from Guiding and Securing Team of Governance and Central and Regional Development (TP4D) of Padang Panjang Prosecutor General consists of 5 (five) activities which are further activity of Market Development of Padang Panjang city with fund of IDR 2.312.798.000.- (two billions three hundreds twelve millions seven hundreds and ninety eight thousands rupiah), further activity of Islamic Center Mosque development of Padang Panjang with fund of IDR

¹⁴ Interview with Mr. Syahrinal Efendi, The Head of Facilities Sub-department of Education Department in Padang Panjang city

5.000.000.000.- (five billions rupiah), the activity of pipe development of Water System of West Padang Panjang Regency with fund of 2.994.850.000.- (two billions nine hundreds four millions eight hundreds fifty thousands rupiah), the activity of developing Islamic Center complex street with fund of IDR 12.314.000.000.- (twelve billions three hundreds fourteen thousand millions rupiah), and the activity of Packet 1 Street (street to BKPSDM) with fund of IDR 3.450.000.000.- (three billions four hundreds and fifty millions rupiah) and from five activities, the activities that get guidance are only 2 (two) which are pipe develop of water system of West Padang Panjang and Islamic Center street development; while the other three activities specifically Further Development of Central Market of Padang Panjang and Further Development of Islamic Center Mosque of Padang Panjang do not get guidance from TP4D of Padang Panjang Prosecutor General while the activity of Packet 1 Street Development (Street to BKPSDM) is cancelled to be guided because it is cancelled to run because of there is no land for the activity.¹⁵

For the guidance activity done by Guiding and Securing Team of Governance and Central and Regional Development (TP4D) of Padang Panjang Prosecutor General on the activities asked for guiding by Public Works and Residence Office of Padang Panjang in which until the guidance is finished is only Islamic Center Street Development activity with fund of IDR 12.314.000.000.- (twelve billions three hundreds fourteen millions rupiah) while Pipe Development of Water System of West Padang Panjang Regency with fund of 2.994.850.000.- (two billions ninety four millions eight hundreds thousand rupiah) is not until finish because the party of Public Works and Residence Office of Padang Panjang asking for guidance is no longer consistent with the requirements that have been agreed previously so that the party of Guiding and Securing Team of Governance and Central and Regional Development of Padang Panjang Prosecutor General stops the guidance towards Pipe Development of Water System activity of West Padang Panjang Regency.

Based on the proposal letter from Health Department of Padang Panjang City to have guidance from Guiding and Securing Team of Governance and Central and Regional Development (TP4D) of Padang Panjang Prosecutor General also conduct guidance and security towards the activity done by Health Department of Padang Panjang City in 2018. Health Department of Padang Panjang city asks for TP4D of Padang Panjang Prosecutor General to have guidance and security towards 5 (five) activities done which are New Development of Health Center with fund of IDR 1.618.621.000.- (one billion six hundreds eighteen millions six hundreds twenty thousands rupiah), the activity of Capital Shopping of Circulated Health Center Car (2 unit) with fund of IDR 970.290.000.- (Nine hundreds seventy millions two hundreds ninety thousand rupiah), the activity of capital shopping of waste management installation machine development of Gunung Health Center with fund of 545.790.000.- (five hundreds forty five millions seven hundreds and ninety thousand rupiah), the activity of developing and widening the building of Ganting subdistrict health post with fund of IDR 152.400.000.- (one hundred fifty two millions four hundreds thousand rupiah), and the activity of developing and widening the building of Koto Panjang subdistrict health post with fund of IDR 152.400.000.- (one hundred fifty two millions and four hundreds thousand rupiah); the five (5) activities that can get guidance from TP4D of Padang Panjang Prosecutor General are only four activities namely the activity of Health Center New Development, Capital Shopping of Circulated Health Center Car (2 units), Development and Widening Ganting subdistrict health post, and Development and Widening Koto Panjang subdistrict health post; while the activity of Capital Shopping of Waste Management Installation Machine of Gunung Health Center does not have guidance because the activity is cancelled being done and the four activities which have guidance until finish are only three activities namely Capital Shopping of Circulated Health Center Car (2 units), Development and Widening Ganting subdistrict health post, and Development and Widening Koto Panjang subdistrict health post and the activity of Kebun Sikolos new health center development is not until finish because the implementing committees do not run the activity based on the agreement before running it like the committees must report any progress and change of the activity to TP4D and it is not done and it makes TP4D only as a guard for the activity in order that it is not disturbed by any parties.¹⁶ Therefore, TP4D of Padang Panjang Prosecutor General stops the guidance in the

¹⁵ Interview with Mr. Andri Putra, The Head of Public Works Sub-department and Water Resources in Padang Panjang city

¹⁶ Wawancara dengan Bpk. Drs. H. Nuryanuawar, Apt. , Kepala Dinas Kesehatan Kota Padang Panjang

activity of new health center development in Kebun Sikolos Health Center and the new health center development in Kebun Sikolos is still continued without any guidance from TP4D of Padang Panjang Prosecutor General until the activity is accomplished.

While Guiding and Securing Team of Governance and Central and Regional Development (TP4D) of Padang Panjang Prosecutor General also conducts guidance and security towards the activities done by Regional Public Hospital of Padang Panjang consisting of 2 activities from 3 activities requested for Guidance and Security from TP4D of Padang Panjang Prosecutor General and the activities that have guidance and security are the activity of shopping the third party service (cleaning Service) of Regional Public Hospital with fund of IDR 2.200.000.000.- (two billions two hundreds million rupiah) and the activity of providing health tools that need fund or budget from Regional Revenue Budget of Padang Panjang with fund of 6.042.000.000.- (six billions fourty two millions rupiah); while for the activity of providing health tools that use Regional Public Service Agency fund, guidance is not used because the committees that have done the explanation do not follow it up by sharing or telling how the process of providing and when TP4D of Padang Panjang Prosecutor General requests or asks about how the process of the activity, the committees do not provide what actually they should report; thus, TP4D of Padang Panjang Prosecutor General do not provide guidance and security towards the activity of providing health tools that use Public Service Agency of Padang Panjang Regional Hospital.

The Attempt of Corruption Crime Prevention by Guiding and Securing Team of Governance and Regional Development (TP4D) of Padang Panjang Prosecutor General

TP4D of Padang Panjang Prosecutor General is a team formed by the Head of Padang Panjang Prosecutor General based on command letter. The presence of TP4D of Padang Panjang Prosecutor General is expected to give benefits and is also able to be used by the government of Padang Panjang in terms of guiding and securing the implementation of development activities in Padang Panjang. The forming of TP4D of Padang Panjang Prosecutor General is a positive side to support the run of governance and development. The presence of TP4D of Padang Panjang Prosecutor General guarantess the run of governance and development can work well.¹⁷

One of the important roles of TP4D of Padang Panjang Prosecutor General in the attempt of corruption crime prevention in Padang Panjang is by doing Legal Counseling or Legal Opinion giving to the related institutions in the process of implementing the activities in the institutions. The attempt is the concrete step in order to give understanding about prevention of violation on the activities implementation.

One of the examples is in Education, Youth, and Sport Department of Padang Panjang. Before the presence of TP4D of Padang Panjang Prosecutor General, in Education, Youth, and Sport Department from Budget Year of 2011 to Budget Year of 2017, there is activity that has been set in the department but it is not implemented at all, so that budget absorption is not there or 0% towards the budget absorption in that year in Education, Youth, and Sport Department of Padang Panjang in which the activity is from Special Allocation Fund of Education.

The failure of budget absorption on the budgeted activity in Education, Youth, and Sport Department of Padang Panjang in Budget Year of 2011 until Budget Year of 2017 is caused by the presence of corruption crime in providing Learning Book from Special Allocation Fund of Education in 2011. Therefore, at that time, the party of Education, Youth, and Sport Department of Padang Panjang and the school parties in Padang Panjang city systematically are not brave to do book providing. Whereas the book providing is a very essential thing in order to support the run of learning process in school.

Then, the presence of TP4D of Padang Panjang Prosecutor General, the party of Education, Youth, and Sport Department of Padang Panjang proposes a request by asking for guidance to TP4D of Padang Panjang Prosecutor General. The proposal is then processed and followed up by the party of

¹⁷ Interview with the Head of TP4D of Padang Panjang

TP4D of Padang Panjang Prosecutor General. Thus, then, in Budget Year of 2018 in Education, Youth, and Sport Department of Padang Panjang city with the presence of guidance from TP4D of Padang Panjang Prosecutor General, Education, Youth and Sport Department is able to run the activity of providing books in all schools in Padang Panjang by using Special Allocation Fund of Education, In Budget Year of 2018, budget absorption is 100% in Education, Youth, and Sport Department of Padang Panjang by having run all activities budgeted and guided by TP4D of Padang Panjang Prosecutor General.¹⁸

With the presence of TP4D of Padang Panjang Prosecutor General which is highly beneficial in the attempt of prevention towards corruption crime in governmental institutions in Padang Panjang. The existence of TP4D of Padang Panjang Prosecutor General can also help the development implementation in Padang Panjang by anticipating as early as possible the problems that may happen in an activity Besides, the officials who are responsible for in the activity of Activity Implementing Official, Technical Implementing Official of Activity (PPTK), Output Investigating Official of Activity (PPHP) and ther officials who are responsible for in the activity of providing can work safely and in accordance with the prevailing legal regulations.¹⁹ The presence of TP4D of Padang Panjang Prosecutor General can solve the problems that become an anxiety for governmental institutions that are willing to run activities that have been budgeted in the institutions. The prevention on the disturbances from irresponsible parties towards the activities that have guidance from TP4D of Padang Panjang Prosecutor General can be solved initially until the process of activities implementation can work well until finish.²⁰

Conclusion

The existence of Guiding and Securing Team of Governance and Central Development (TP4D) is a manifestation form of prevention and eradication action of corruption crime. The presence of TP4 can be the attempt of prevention and eradication of corruption crime in Central Government/Ministries/Regional Government/State-Owned Agency/Regional-Owned Agency which can be pressed and prevented. The attempt should also be supported and implemented based on planning. Besides, TP4 also has responsibility in guiding and securing strategic projects funded by country. The presence of TP4 is expected to be able to improve the budget absorption power of government development and has positive impact that can be perceived by community.

The existence of TP4D of Padang Panjang Prosecutor General is as the part of TP4 placed in region especially in Padang Panjang city. Since its presence in 2018 through Command Letter of Padang Panjang Prosecutor General Head, it has done its responsibilities in form of guidance and security on the strategic projects in Padang Panjang city. Besides, with the presence of good coordination and good teamwork between TP4D of Padang Panjang Prosecutor General with the institutions guided by TP4D of Padang Panjang Prosecutor General, it has shown positive working result in realizing the implementation acceleration of development which is free from violation that leads to the indication of corruption crime and the improvement of budget absorption power for the development in Padang Panjang city.

¹⁸ Interview with Mr. Syahrinal Efendi, the Head of Facilities Sub-department of Education Department of Padang Panjang city.

¹⁹ Interview with Mr. Andri Putra, the Head of Public Works Sub-department and Water Resources in Public Works Service and Residence Department of Padang Panjang city.

²⁰ Interview with Mr. Drs. H. Nuryanuawar, Apt. , the Head of Health Department of Padang Panjang city.

References

Books

Amirudin and Zainal Asikin.(2004). The Introduction of Legal Research Method. PT. Raha Grafindo Persada,Jakarta. p. 118.

Evi Hartanti.(2012). Corruption Crime ED.2, Sinar Grafika, Jakarta.p.1.

Lilik Mulyadi.(2017). Corruption Crime in Indonesia: normative, theoretical, practical, and its problems, PT. Alumni, Bandung. p.78.

McConville, Mike.(2017). ed. Research methods for law. Edinburgh University Press.

Shelley, Louise I.(2014). Dirty entanglements: Corruption, crime, and terrorism. Cambridge University Press.

Soerjono Soekanto.(2010). Legal Research Method. UI Press, Jakarta. p. 50.

Journal

Wagner, Benjamin B., and Leslie Gielow Jacobs. "Retooling Law Enforcement to Investigate and Prosecute Entrenched Corruption: Key Criminal Procedure Reforms for Indonesia and Other Nations." *U. Pa. J. Int'l L.* 30 (2008): p.183.

Internet

www.equator.co.id/rasa-takut-berlebihan-bikin-penyerapan-anggaran-rendah / visited on Monday in April 02, 2018 at 20.00 Wib.

Website of Supreme Prosecutor General of South Sulawesi: www.kejati-sulsel.go.id (recently visited in November 16, 2018 at 16.30 Wib)

Other

Phrase of considering b letter the Decision of Prosecutor of the Republic of Indonesia Number Kep- 152/A/JA/10/2015 regarding the Formation of Guiding and Securing Team of Governance and Development of the Prosecutor General of the Republic of Indonesia dated October 01, 2015.

Pasal 9 Peraturan Jaksa Agung RI Nomor : PER-014/A/JA/11/2016

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal. This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).