

# The Government Guard and Security Team in Regional Development (TP4D): Proposed Concept of Corruption Prevention by the Surakarta District Attorney's Office

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Research aimed at describing and explaining the effectiveness of the program conducted by the TP4D of the Surakarta District Attorney's Office was based on a qualitative non-doctrinal approach. Therefore in this study, it is more focused on primary data that were collected by interviews and observations and supported by secondary data that were collected by library research. Data that have been processed were analysed using qualitative analysis. Based on the results of the study, it was obtained that the TP4D effectively achieved the objective of the formation of TP4D through the regulation of the attorney general of the Republic of Indonesia (PERJA RI) Number PER-014/A/JA/11/2016, in preventing corruption. The effectiveness of the TP4D implementation was supported by facilities (supporting facilities), community, and culture. However, it is not yet supported by legal factors and law enforcement. The novelty of the results of this study was that law enforcement with the community and cultural factors influence more the implementation of TP4D.

**Key words:** *Effectiveness, TP4D, Attorney's Office, Prevention, Corruption.*

## Introduction

Corruption is one of the most dangerous actions (Bogolib, 2015) in Indonesia that has expanded in various sectors, including executives in the regions, so that weak laws are actually used to protect themselves from corruption. (Mauchu, 2018) The Indonesia Corruption Watch (ICW) revealed that there were 30 district heads who were suspected of corruption cases, for abusing the APBD and causing state losses of around IDR 231 billion and a bribe value of IDR 41 billion. (Rizki, 2019). Meanwhile, based on the decision of the Surakarta District Court, five cases were sentenced guilty of committing specific criminal acts of corruption in 2001, 2003, 2006 and 2010 (Pengadilan Negeri Surakarta) as follows:

**Table 1:** Data on corruption cases before the formation of TP4D in Surakarta State Attorney's Office 2000 to 2016

Year	Decision Number	Name of Convicted	Punishment
2001	No.191/Pid.B/2000/PN.Ska	Benny Djaka Santosa	Criminal imprisonment for a year and a fine of IDR 20,000,000 and replacement money of IDR 100,000,000
2003	No.94/Pid.B/2003/PN.Ska	Ruhimat Natadilaga	Criminal imprisonment for a year and eight months and a fine of IDR 50,000,000 and replacement money of IDR 127,600,000.
2006	No.140/Pid.B/2006/PN.Ska	Slamet Suryanto	Criminal imprisonment for a year and three months and a fine of IDR 50,000,000
2010	No.488/Pid.B/2009/PN.Ska	Drs. Amsori, S.H, M.H	Four years imprisonment and a fine of IDR 50,000,000
2010	No.46/Pid.Sus/2010/PN.Ska	Adi Buntaran, S.H bin Kasdi dan Naman, S.H	Imprisonment for a year and a fine of IDR 50,000,000

Source: [www.putusan.mahkamahagung.go.id](http://www.putusan.mahkamahagung.go.id)

So far what has been done is focused on efforts to eradicate corruption by emphasising the enforcement of corruption (Solaiman, 2018), while efforts related to prevention (Veresha, 2018) are still very limited. For this reason, as part of efforts to improve the prevention of corruption, a Presidential Instruction No. 7/2015 was issued concerning the Prevention and Eradication of Corruption in 2015 (Kejaksaan Negeri Jakarta Barat, 2019), which was followed up with the issuance of Regulation of the Attorney General of the Republic of

Indonesia Number PER-014/A/JA/11/2016, concerning the Technical and Administrative Work Mechanisms of the Government Escort and Security Team and the Building of the Attorney General's Office of the Republic of Indonesia. The formation of the TP4D received appreciation from SKPD/BUMN/BUMD that the TP4D assistance could prevent corruption since the development project was accomplished quickly/on time and the results could be immediately perceived by the community (Suhendi, 2017).

Government escort, security and development in article 4 paragraph 1 PER-014/A/JA/11/2016 includes prevention efforts to provide legal information, even to monitor and evaluate work and development programs that are usually conducted by other government institutions, such as inspectors in their respective each ministry, the Audit Board of the Republic of Indonesia (Badan Pemeriksa Keuangan or BPK), or the Financial and Development Supervisory Agency (Badan Pengawasan Keuangan dan Pembangunan or BPKP). It actually does not include the main duties and functions of Attorneys as state Attorneys and executors of court decisions.

Based on the description of the research problems above, the problem formulas are (1) what is the effectiveness of the TP4D program implementation in preventing corruption in the Surakarta District Attorney's Office? (2) what factors influence the effectiveness of the TP4D program implementation in the prevention of corruption in the Surakarta District Attorney's Office? The purpose of this study is to describe and explain the effectiveness of the TP4D of the State Attorney's Office in the Surakarta District Attorney's Office in preventing corruption in Surakarta.

## **Literature Review**

### ***a. About Corruption***

According to Law Number 31 of 1999 jo. Law Number 20 of 2001, the definition of corruption has been explained in 13 articles. Based on these articles, corruption is formulated into thirty forms/types of corruption that can be classified: state financial losses, bribery, embezzlement in office, extortion, fraudulent acts, conflict of interest in procurement, and gratification. The articles elucidate in detail the actions that could be imposed with imprisonment for corruption (Komisi Pemberantasan Korupsi, 2006).

According to Law Number 20 of 2001, there is an understanding that corruption is an act against the law with the intention of enriching oneself, another person, or corporation which results in detriment of the country's finances or the country's economy. There are nine acts of corruption category, i.e.: bribery, illegal profits, secret transactions, gratification, grants (gifts), embezzlement, collusion, nepotism, and abuse of office, authority and state facilities.

Corruption is stated to be “legally wrong, morally wrong and economically unfeasible” (Ertimi & Saeh, 2013).

According to Transparency International, corruption is the behaviour of public officials, politicians and civil servants, who improperly/illegally enrich themselves or enrich those close to themselves by abusing the entrusted public power (Hamzah, 2012), where such crimes are notoriously difficult to detect by law enforcement agencies because the benefits are secretly imparted and received (Labuschagne, 2006).

### ***b. Legal Effectiveness***

Law Effectiveness is a theory that studies and analyses the successes, failures, and factors that influence the implementation and application of the law. The study focuses on the legal effectiveness theory which are (Salim & Nurbani, 2013):

1. Success in the implementation of the law, that the created law has been obeyed and implemented by the community and law enforcement, then the implementation of the law is declared to be effective or successful in its implementation.
2. Failure in its implementation, i.e., the stipulations of the law that have been set up but they have not achieved the intentions or have not been successfully implemented by the community or law enforcers, are stated to be ineffective in their implementation.
3. The influencing factors can be assessed from the aspect of success and failure aspects. Factors that influence success involve legal substance (Mousmanti, 2014), structure, culture, and facilities. The legal norm is stated to be successful or effective if the norm is obeyed and implemented by the community and the law enforcement apparatus themselves. While the factors that influence failure in the implementation of the law are due to vague or unclear legal norms, corrupt legal apparatus, or people who are not aware or obedient to the law or facilities available to support the implementation of this law and are very minimal.

According to Soerjono Soekanto, (2008:8) effective or ineffective a law is determined by five factors, as follows:

#### 1) Legal factors

The law functions for justice, certainty, and expediency. In the practice of the implementation of law in the field, there are times when there is a conflict about the certainty of justice. The legal certainty is concrete and tangible, while justice is abstract so that when a judge decides on a case by applying the law, there are times when the value of justice is not achieved. So when looking at a problem regarding the law, at least justice is a top priority that can fight corruption. (Ageev & Khuzina, 2016). Since the law is not only comprehended from the perspective of written law, bad law can produce more corruption (Houston, 2007).

## 2) Law enforcement factors

Law enforcement officers in government are decisive (Shleifer & Vishny, 2017) in the law. During this time there is a strong tendency in the community to interpret the law as officers or law enforcers, meaning that the law is identified with the real behaviour of officers or law enforcers. However, in exercising their authority, problems often arise because attitudes or treatments that are seen as exceeding the authority or actions of others that are considered to fade the image and authority of law enforcement. This is due to the low quality of law enforcement officers, (Gumerov et al., 2017) so it needs to be encouraged to have strong ethical standards in the public service (Kim & Kim, 2016).

## 3) Facilities' factor or supporting facilities

Facilities' factor or supporting facilities include software and hardware. According to Soerjono Soekanto, law enforcers cannot work properly if they are not equipped with proportional vehicles and communication devices. Therefore, facilities have an important role in law enforcement. Without these facilities, it is impossible for law enforcers to harmonise the roles that should be done by them and their actual roles.

## 4) Community factors

Law enforcer that comes from the community is very important for the success of a program (Richards, 2016) and aims to achieve peace in the community. Every citizen or group more or less has legal awareness. The problem that arises is the level of legal compliance, i.e., high, moderate, or poor legal compliance. The degree of community legal compliance with the law is one indicator of the functioning of the law in concern.

## 5) Cultural factors

Cultural factors are basically very valuable (Rahmati & Khadem, 2015), because they include the values that underlie applicable law, which values are abstract conceptions of what is considered good (so it is obeyed) and what is considered bad (so it is avoided). Therefore, Indonesian culture is the basis or underlying customary law. Besides that, written law (legislation) also applies, which is formed by certain groups in society who have the power and authority to do so. The law must reflect the values that form the basis of customary law so that the law can be actively applied (Khalil et al., 2019).

## Research Method

This research was based on a qualitative non-doctrinal approach. (Wignjosoebroto) This study prioritised primary data collected by interviews and observations with informants, i.e. the members of the Surakarta District Attorneys' TP4D, and Regional Work Units (Satuan Kerja Perangkat Daerah or SKPD) in Surakarta City, i.e. the Regional Secretariat, the Department of Commerce, and the Public Health Office, supported by secondary data collected with

library studies. (Soemitro, 2001) The data that has been processed will be analysed qualitatively.

Qualitative data analysis methods are performed sequentially. First, domain analysis is done to obtain a comprehensive picture of the subject matter being studied. Second, taxonomic analysis is done to organise or gather elements of the same domain. Third, componential analysis is done to examine the differences between elements and domains. Fourth, the cultural theme method observes a relationship between the results of domain, taxonomic and componential analysis, in order to obtain meaning from the studied object.

## **Findings and Discussion**

### ***Implementation of TP4D Activities***

The existence of TP4D in the Surakarta District Attorney's Office received a positive response from interviewed respondents, who are the TP4D Team Leader and TP4D Team Sub-Team 1. Regarding the formation of TP4D, this team had been formed based on the decision of the Head of the District Attorney's Office and that it was going well enough to assist the development stability and governance, especially in the downtown of Surakarta by striving for results on time, on the right quality and on the right way to oversee and secure the project, starting from the planning stage to the completion stage of development. Projects that are supported by TP4D are focused on the implementation of national strategic projects that have high urgency and provide facilities to ease the project implementation, including supporting national strategic projects and other strategic work at the Central and Regional levels. Furthermore, positive responses to TP4D also came from other agencies through interviews with the Surakarta Regional Secretariat for Legal Aid, the Department of Commerce, and the Public Health Office, that the existence of the Surakarta District Attorneys' TP4D greatly assisted the Surakarta City Government in escorting and securing the implementation of development in the Surakarta City area. Projects that are escorted by TP4D are all projects/activities in the Surakarta City Government, both physical and non-physical projects. As well as projects with strategic value, both with large nominal budgets and involving many other sectors and the community.

Through Article 4 paragraph (1) of the Regulation of the Attorney General of the Republic of Indonesia Number PER-014 / A / JA / 11/2016, concerning the Technical and Administrative Work Mechanisms of the Government Escort and Security Team and the Building of the Attorney General's Office of the Republic of Indonesia, the scope of escort and security of government and development include (Suhendi, 2017):

## 1. Preventive and persuasive

According to Article 11 of the Regulation of the Attorney General of the Republic of Indonesia Number PER-014/A/JA/11/2016, concerning the Technical and Administrative Work Mechanisms of the Government Guard and Safety Team and the Building of the Attorney General's Office of the Republic of Indonesia, forms of TP4 conducted preventive and persuasive efforts in order to escort, secure and support the success of governance and development can be done by:

- (a) Providing legal information in the environment of the Central Government/Ministry/Institution/ Regional Government / BUMN / BUMD related material about planning, tendering, work implementation, supervision of work implementation, licensing, procurement of goods and services, orderly administration and orderly management of state finances.
- (b) Conducting discussions with the environment of the Central Government/Ministries/Institutions/Regional Governments/BUMN/BUMD to identify the problems encountered in the absorption of the budget and the implementation of building.
- (c) Providing legal information and legal counselling on TP4 initiatives as well as at the request of parties who require the place and time of implementation determined by agreement and as needed.
- (d) TP4 can involve the agencies or other parties who have the capacity, competence and are relevant to legal lighting and legal counselling material that will be delivered to the Central Government/Ministry/Institution/Local Government/BUMN/BUMD environment.

While persuasive efforts are the best way of communication to be understood, (Lamond, 2010) in order to change or influence one's beliefs, attitudes and behaviour, so that they act as expected. With persuasive communication between TP4 and Central Governments/Ministries/Institutions/Regional Governments/ BUMN/BUMD, this can influence a more professional attitude in conducting project activities with caution.

Prevention/preventive is an act of social control that is applied to be able to prevent or reduce the possibility of unexpected things in the future. Legal information/legal counselling/discussion conducted by TP4D Surakarta District Attorney in the Central Government/Ministry/Institution/Local Government/BUMN/BUMD as well as other parties that have the capacity, competence and relevant, is as follows:

**Table 2:** TP4D Surakarta Public Prosecution Service

Day/ Date	Activity
Friday, 2 <sup>nd</sup> of August 2019	Through the <i>Jaksa Menyapa</i> Program at RRI Surakarta City with guest speakers Satriawan Sulaksono, S.H, M.H (Head of Investigation Subsection) Endang Sapto Pawuri, S.H (Special Crime Functional Attorney) and Hafis Zulfikar (UNIBA Legal Observer) with the theme of Corruption.
August 2018	Dissemination of Procurement Services Section (Bagian Layanan Pengadaan or BLP) with the theme “Socialisation of the Implementation of Presidential Regulation Number 16 of 2018 Regarding Procurement of Government Goods/Services in the Perspective of Legal Supervision”
Thursday, 25 <sup>th</sup> of October 2018	Through the <i>Jaksa Masuk Kampus</i> Program at the Faculty of Law UNS, Discussion of the Criminal Law Section with the theme “The Role of the Surakarta State Attorney's Office in Eradicating Corruption”

Source: Surakarta State Attorney’s Office

Comparison of the implementation of the Surakarta District Attorney’s TP4D activities with the norms and doctrines of prevention/preventive and persuasive namely the implementation of TP4D activities on prevention/preventive and persuasive, various activities were conducted in the form of legal information, legal counselling, and discussion. Whereas in the norm, it is mentioned how to make prevention efforts by providing legal information, conducting discussions, and legal counselling, then in the doctrine, it is stated that preventive/preventive and persuasive efforts are actions to prevent or also reduce the possibility of unexpected things. Therefore, the implementation of the Surakarta Attorney General’s TP4D activities with existing norms and doctrines, is already appropriate. It is verified that the implementation of TP4D activities has been applied with preventive and persuasive efforts to prevent or also reduce the possibility of unexpected things, by providing legal information, conducting discussions, and legal counselling.

## 2. Legal assistance

According to Article 12 of the Attorney General’s Regulation Number PER-014/A/JA/11/2016, concerning the Technical and Administrative Work Mechanisms of the Government Escort and Safety Team, and the Building of the Attorney General’s Office of the Republic of Indonesia, the activities conducted by TP4 in each stage of the building program from beginning to end of legal assistance that can be provided are in the form of:

- (a) Legal discussion in terms of the application of regulations, legislation, mechanisms, and procedures with budget management officials on the problems encountered in the terms of budget absorption.
- (b) Legal opinion on the stages of planning, auctions, implementation, supervision, implementation of work and procurement of goods/services at the initiative of TP4 and at the request of agencies and parties that demand it.

Legal assistance is legal services or legal opinion sustainably for a proposed activity by the applicant and ends with a conclusion on the provision of legal opinion in the form of working papers. The following projects/activities that have been applied by TP4D in the Surakarta District Attorneys' Office in 2017-2019 are:

**Table 3:** Number of Assistance Requests Per Year

Activity	2017	2018	2019
Application accepted	16	59	16
Application rejected	2	2	0

**Source:** Surakarta State Attorney's Office

Based on the above data, there are more requests for escort and security for the Surakarta District Attorneys' TP4D, which was in 2017, the initial year of TP4D provided 16 activities with a total activity value of Rp. 51,069,625.62 and two applications were rejected. In 2018 TP4D provided assistance in 59 activities with a total value of Rp 523,129,314,442 and two applications were rejected. Then in 2019 to February 28<sup>th</sup>, 2019 TP4D has received applications for requests for 16 activities with a budget of Rp. 278,287,342,500 which are still in the process of implementation and no projects have been rejected. Request applications for escort and security can be rejected based on the following considerations:

- a. The aspect of the strategic value of work for the implementation of government and/or development located in the centre/region. For example, road construction that has been regularly scheduled does not need to be escorted and secured by TP4D.
- b. Is it based on the stages of work that is ongoing, and escort and security can still be completed optimally to prevent potential irregularities that can initiate state financial losses? For example, projects that have been running on at least 50%, have been underway.
- c. Is there any potential conflict of interest between escort and security with the implementation of the duties and functions of the Attorney's office in the field of law enforcement?
- d. Potential threats, disturbances, obstacles or challenges (AGHT) that can lead to legal problems in the implementation of work, thus requiring TP4D escort and security. For instance, at the time of the auction process, no bidder offered the project/activity.

Comparison of the implementation of the Surakarta District Attorney's TP4D activities with the norms and doctrines regarding legal assistance, that is the implementation of the legal assistance activities of the Surakarta District Attorney's Office, by providing a review/analysis/opinion/suggestion to the applicant. Whereas in the norm, discussion and legal opinion are stated to be recommendations for the applicant. Then in the doctrine, it is stated that the legal assistance of the applicant to legal services to provide legal opinion ends with conclusions in the form of working papers. Thus, the implementation of the Surakarta District Attorney's Office TP4D activities with existing norms and doctrines is already appropriate, and it is confirmed by the implementation of the TP4D activities that has been applied by TP4D members by providing legal opinions to the applicant's escort and security.

### 3. Coordinate with APIP and/or related agencies

According to Article 13 of the Attorney General's Regulation of the Republic of Indonesia Number PER-014/A/JA/11/2016, concerning the Technical and Administrative Work Mechanisms of the Government Escort and Security Team and the Building of the Attorney General's Office of the Republic of Indonesia, this is to prevent irregularities that have the potential to hamper, frustrate and cause harm to state finance, TP4 coordinates with APIP and/or related agencies.

Coordination is an effort to establish communication with other parties to regulate activities so that they can run smoothly and do not cause any conflicting activity with other activities. Coordination of the Surakarta Attorney General's TP4D is with the Government Internal Control Apparatus (Aparat Pengawasan Intern Pemerintah or APIP). For example, the Inspectorate and the BPK also run quite well and smoothly in supervising through audits, reviews, evaluations, monitoring and other supervisory activities on the implementation of governmental duties and functions.

Comparison of the implementation of the Surakarta District Attorney's TP4D activities with norms and doctrines concerning coordination with APIP and/or related agencies namely the implementation of coordination activities with APIP and/or related agencies, has been applied by the Surakarta District Attorney's TP4D, by coordinating the Inspectorate and the BPK by pursuing preventive efforts through audits, while the norms are stated to prevent irregularities that have the potential to hamper, frustrate and cause losses to state finances. TP4 coordinates with APIP and/or related agencies, then in the doctrine it is mentioned efforts to establish communication with other parties to regulate activities so that they can run smoothly and do not cause conflict between one activity with another. Therefore, the implementation of the Surakarta Attorney General's TP4D activities with the existing norms and doctrines is already appropriate, and it is confirmed that the implementation of the TP4D activities that

has been coordinated with APIP and/or related agencies, to establish communication in order to prevent irregularities that cause state financial losses.

#### 4. Monitoring and evaluating

Based on Article 14 of the Attorney General's Regulation No. PER-014/A/JA/11/2016, concerning the Technical and Administrative Work Mechanisms of the Government Escort and Security Team and Development of the Attorney General's Office of the Republic of Indonesia, TP4 with the applicant monitors, evaluates the implementation of development work. Article 15 Regulation of the Attorney General of the Republic of Indonesia Number PER-014/ A/JA/11/2016, concerns the Technical and Administrative Work Mechanisms of the Government Escort and Security Team and the Building of the Attorney General's Office of the Republic of Indonesia:

- a) Monitoring and evaluation are conducted regularly in accordance with the stages of the implementation of work and development programs.
- b) The results of monitoring and evaluation are compiled in the form of working papers and submitted by the Chairperson of TP4 to the applicant at the end of each work and reported to the leadership.

Monitoring and evaluation are activities that are conducted continuously to monitor the progress of the implementation of activities and assess the achieved results and the obstacles encountered. Monitoring is a tool to control and supervise an ongoing project of costs, time and benefits. (Locatelli, 2017) Monitoring is conducted regularly in accordance with the stages of the development program and the implementation of work on the project that can minimise the occurrence of corruption. (Rivest, 2018) The importance of monitoring and evaluation in the project development process (Michael & Mendes, 2012) is that by conducting monitoring and evaluation of the project/activity, the results will be more maximal, correspond with the target of planning and can be useful. Besides that, it is expected that the development implementation process can run smoothly according to the determined schedule.

A comparison is made of the implementation of the Surakarta District Attorney's Office TP4D activities with norms and doctrines regarding monitoring and evaluation, namely the implementation of activities on a regular basis, in order to achieve quality results with timeliness and costs. While in the norms, it is mentioned that monitoring and evaluation are applied together periodically and compiled in working papers. Then in the doctrine, it is stated that the activities conducted continuously to monitor the progress of the implementation of activities, assess the results that have been achieved and the obstacles encountered. So that the implementation of the Surakarta Attorney General's TP4D activities with the existing norms and doctrines is **already appropriate**, and it is confirmed that the

implementation of TP4D activities has been conducted, monitoring and evaluating the implementation of activities to assess the results achieved and the obstacles encountered periodically.

#### 5. Performing repressive law enforcement

According to Article 16 of the Attorney General's Regulation No. PER-014/A/JA/11/2016, concerning the Technical and Administrative Work Mechanisms of the Government Escort and Security Team and the Building of the Attorney General's Office of the Republic of Indonesia, repressive law enforcement is conducted when sufficient initial evidence is uncovered after coordination with APIP, regarding the occurrence of acts against the law, abuse of authority and/or other acts that result in losses to the state finances.

Then in Article 17 PERJA RI Number PER-014/A/JA/11/2016, based on the results of coordination with APIP as referred to in Article 16, if it is indicated irregularities or abuse of authority in the implementation of the National Strategic Project, the settlement is conducted by prioritising administrative processes in accordance with the provisions statutory regulations in the field of government administration. Whereas Article 18 of PERJA RI Number PER-014/ A/ A/11/2016, in the event that sufficient preliminary evidence is obtained by APIP that is not administrative in nature, the Central Government/ Ministry/ Institution/ Regional Government/ Regional Government/ BUMD conveyed to the environment Attorney General's Office to be followed up in accordance with the provisions of the legislation.

Repressive law enforcement is a conceptual effort to deal with crime after the crime has occurred. Based on research conducted at the Surakarta District Attorney's Office that before the formation of TP4D there were 5 cases of corruption that occurred in 2001, 2003, 2006, and 2010 with various different penalties. (Pengadilan Negeri Surakarta, 2019) After the formation of the TP4D, the TP4D members of the Surakarta District Attorney's Office have never conducted repressive law enforcement because there were no cases of corruption found.

Comparison of the implementation of the TP4D Surakarta Attorney General's Office with norms and doctrines regarding repressive law enforcement, namely repressive law enforcement efforts have never been conducted since there were no cases of corruption. While in the norm, it was stated that repressive law enforcement was conducted when sufficient initial evidence was found after coordination with APIP was conducted. Then in the doctrine, it is stated that conceptual efforts to deal with the crime are selected after the occurrence of crime. So that the implementation of the Surakarta Attorney General's TP4D activities with existing norms and doctrines is already appropriate, it is confirmed that the

implementation of TP4D activities has never conducted repressive law enforcement because no crime/violations were found.

Based on the comparison of the implementation of the State Attorney's TP4D activities above, it can be concluded that the implementation of the Attorney General's TP4D activities with existing norms and doctrines are already appropriate.

### ***Factors Affecting the Effectiveness of the Implementation of the TP4D program***

To comprehend the factors that influence the effectiveness of the Surakarta District Attorney's TP4D, it can be observed by using a theoretical concept indicator coming from Soerjono Soekanto (2008:8) that the effectiveness of a law is determined by five factors, as follows:

a. Legal factors.

TP4D (Team of Escort, Government Security, and Regional Development) domiciled in the High Attorney's Office and in the State Attorney's Office, began with a speech by the President of Indonesia at the commemoration of the 55<sup>th</sup> Bhakti Adhyaksa Day on July 22<sup>nd</sup>, 2015 by emphasising the eradication of corruption and law enforcement with the aim of improving the welfare of society, which then was followed up with the issuance of Decree of the Attorney general of the Republic of Indonesia Number KEP-152/A/JA/10/2015, concerning the Establishment of the Escort Team, Government Security and Central (Tim Pengawal, Pengaman Pemerintahan dan Pembangunan Pusat or TP4) and also Regional Development (TP4D) Attorneys' General Office of the Republic of Indonesia, Instruction of the Attorney general of the Republic of Indonesia Number INS -001/A/JA/10/2015 dated 5<sup>th</sup> of October 2015, concerning the Formation and Implementation of The Duty of the Central Government Escort and Security Team (TP4P) and Regional Security (TP4D) Attorney general of the Republic of Indonesia and Regulation of the Attorney general of the Republic of Indonesia Number PER-014/A/JA/11/2016, concerning the Technical and Administrative Work Mechanisms of the Government Escort and Security Team and Development Team Attorneys of the Republic of Indonesia, with a view to increasing efforts to prevent the occurrence of criminal acts of corruption within the Central Government/Ministry/Institution/Regional Government/BUMD, which need to be supported and implemented in a planned, comprehensive, serious and beneficial manner so that corruption prevention activities conducted by the Attorney's Office the Republic of Indonesia are going effectively and optimally.

When observing the duty and authority of the Solicitor general for Intelligence based on Article 132 of the Attorney General's Regulation of the Republic of Indonesia Number: PER-

009/A/JA/01/2011 dated 24<sup>th</sup> of January 2011, concerning the Organisation and Work Procedures of the Indonesian Attorney General's Office:

Accomplishing the duties and authority of the Attorney's Office in the field of the Attorney's Intelligence which includes the activities of Intelligence Investigation, Security and Collecting to prevent criminal acts to support law enforcement, both preventive and repressive in the fields of Ideology, Politics, Economy, Finance, Social Culture, Defence and Security, implementing Preventive Crime to certain people and/or to participate in Public Order and Peace.

The main duties and functions of the Intelligence Attorney mentioned above, appear to be forced because the Attorneys' Office does not actually have a mandate of "prevention" in general. In the context of community service and public relations, there could be counselling or other forms of socialisation, but not a mandate to prevent corruption specifically.

Legal factors that influence the effectiveness of the TP4D Surakarta Attorney General's Office are inappropriate with TP4D norms because in the duties and authority of the Solicitor general for Intelligence based on Article 132 of the Attorney General's Regulation Republic of Indonesia Number: PER-009/A/JA/01/2011, attorneys do not have the mandate of "prevention" in general, while the general objective of the formation of TP4D is to prevent criminal acts of corruption. In addition, TP4D is passive based on requests for escort and security of SKPD/BUMD/BUMN involving TP4D, so that it still opens the opportunities to commit criminal acts of corruption. Therefore, the duties and functions of TP4 at the Central and Regional level should be included in the additional duties of the Attorney, so that in their implementation there is no doubt between SKPD/BUMD/BUMN in each escort and security of the implementation of work and development programs. Therefore, abuse of authority and other actions that cause losses to state finances can be prevented (Hadi, 2018).

b. Law enforcer factors

According to Article 6 paragraph (3) Regulation of the Attorney General of the Republic of Indonesia Number PER-014/A/JA/11/2016, concerning the Technical and Administrative Work Mechanism of the Government Escort and Security Team and the Building of the Attorney's Office of the Republic of Indonesia, the TP4D domiciled in the State Attorney's Office consists of:

- a. Head of Intelligence Section as Team Leader
- b. Head of the Civil and State Administration Section as Deputy Team Leader
- c. The Attorney in the Field of Intelligence as Leader of the Sub-Team

- d. The Attorney in the Civil and State Administration Sector as the Secretary is concurrently a Member
- e. Attorney in the Field of Special Crimes as a Member.

The following is the composition of the TP4D Surakarta District Attorney's Office, based on the Decision of the Head of the Surakarta Attorney's Office Number KEP-04/O.3.11/01/2019 dated January 2<sup>nd</sup>, 2019:

**Table 4:** Composition of TP4D Members of the Surakarta District Attorney's Office

<b>Name/ Position/ Nip</b>	<b>Position in Team</b>
<b>Singgih Kurniawan, S.H., M.H</b> Jaksa Muda/ NIP. 19820627 200603 1 001	Team Leader of TP4D
<b>Albertus Roni Santoso, S.H., M.H</b> Intermediate Attorney / NIP. 19780129 200212 1 001	Deputy Team Leader of TP4D
<b>Ardhias Adhi Wibowo, S.H., M.H</b> Jaksa Muda/ NIP. 19830113200501 1 003	Secretary of TP4D
<b>I Wayan Agus W, S.H., M.H</b> Jaksa Pratama/ NIP. 19800506 200603 1 001	Leader of the Sub-Team I TP4D
<b>Inliek Untari, S.H</b> Jaksa Madya/ NIP. 19650715 1988032 003	Member
<b>Titiek Maryani Agustina, S.H</b> Jaksa Madya/ NIP. 19690816 1993032 001	Member
<b>Varida Tyaningsari S, S.H</b> Jaksa Madya/ NIP. 19770117 2000122 001	Member
<b>Agus Budiari, S.H, M.H</b> Jaksa Muda/ NIP. 19780816 199803 1 002	Member
<b>Didik Ariyanto, S.H</b> Jaksa Madya/ NIP 18771201 200312 1 003	Leader of the Sub-Team II TP4D
<b>Yunaida Kiswandari, S.H</b> Jaksa Madya/ NIP. 19740613 1999032 009	MEMBER
<b>Satriawan Sulaksono, S.H, M.H</b> Jaksa Pratama/ NIP. 19870324 200912 1 002	MEMBER

<p><b>Dwiyatmoko Anton S, S.H</b> Jaksa Pratama/ NIP 19801106 200812 1 001</p>	MEMBER
<p><b>Vidi Pradinata, S.H</b> Jaksa Pratama/ NIP. 19880802 2009121 002</p>	MEMBER
<p><b>Sugeng Riyadin, S.H, M.H</b> Jaksa Madya/ NIP. 19780902 200312 1 005</p>	Leader of the Sub-Team III TP4D
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<p><b>M. Bina Prasasti, S.H</b> Jaksa Madya/ NIP. 19700223 199403 2001</p>	MEMBER
<p><b>W. Choirul Saleh, S.H</b> Jaksa Pratama/ NIP 19850807 200812 1 002</p>	MEMBER
<p><b>Nanik Setyowati. S.H</b> Jaksa Pratama/ NIP. 19851025 200812 2001</p>	MEMBER
<p><b>Tomi Aryanto, S.H. M.H</b> Jaksa Pratama/ NIP. 19751119 199403 1 001</p>	Leader of the Sub-Team IV TP4D
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<p><b>Nurbadi Yunarko, S.H</b> Jaksa Pratama/ NIP. 19851027 200812 1 001</p>	MEMBER
<p><b>Arif Hidayat, S.H, M.H</b> Jaksa Pratama/ NIP. 19850206 20082 1001</p>	MEMBER

**Source:** Surakarta State Attorney's Office

Based on staffing data of TP4D members, obtained from the TP4D composition of the Surakarta District Attorney's Office, based on the Decision of the Head of the Surakarta Attorney's Office Number KEP-04/O.3.11/01/2019 dated January 2<sup>nd</sup>, 2019, there were 22 TP4D members consisting of one TP4D Chairperson, one TP4D Deputy Team Leader, one TP4D Secretary, and four Sub-Teams consisting of 4-5 members and one of them is the Leader of TP4D Sub-Team, with 12 people with a Bachelor of Law education qualification and 10 with a Masters of Law.

The Surakarta Attorney General's Intelligence Sector and also a member of TP4D who has the duty of escorting and securing the development projects, are considered a new duty that requires knowledge, abilities, and even special expertise capable of mastering the ins and outs of the project. Therefore, the TP4D Human Resources (HR) of the Surakarta District Attorney's Office has not been sufficient (lack of personnel) given a large number of requests for assistance, as well as knowledge, abilities, and even special expertise regarding the ins and outs of projects or civilians can be said to be lacking. Attorneys who should be able to deal with corruption actually break the public trust (Choi, 2018) by a conspiracy against government administrators/development actors to enrich themselves and others and harm the country's finances. In addition, there are rogue elements who are not responsible for the implementation of development, such as contractors who terminate contracts unilaterally and cause losses to state finances.

Law enforcement factors that influence the implementation of the effectiveness of the Surakarta District Attorney's TP4D are inappropriate with TP4D norms because, in the quantity, the amount is insufficient with the number of requests for escort and security. While in terms of the quality of knowledge, abilities, even special expertise that are capable of mastering the ins and outs of the project, are inadequate. Furthermore, there are still law enforcers involved in the conspiracy that cause losses to the state finances.

c. Supporting facilities' factors

The formation of TP4D received appreciation from SKPD/BUMN/BUMD that the supporting facilities provided by the Surakarta District Attorney's Office are very satisfying and comfortable. The supporting facilities at the Surakarta District Attorney's Office include meeting rooms, workspaces equipped with air conditioners, tables, chairs, computers, printers, working papers (TP4 leader's order form and TP4 performance report form) cars, HT that can be utilised for exposure and resolve problems related to the implementation of government escort and security, and the development of national strategic projects and other strategic work at the Central and Regional levels.

The factor of supporting facilities that influence the implementation of the effectiveness of the Surakarta District Attorney's TP4D is already appropriate with the TP4D norm, evidenced by the completeness of supporting facilities and facilities used during the escort and security project.

d. Community factors

The main objective of the establishment of TP4D is to escort and secure the success of government and development, and prevent irregularities that have the potential to hamper,

frustrate and cause harm to state finances, by jointly conducting legal discussions/opinions and legal opinions. As for SKPD/BUMD/BUMN, the implementation involved the Surakarta District Attorneys' Office TP4D: Education Authorities, Public Health Office, Department of Commerce, Public Works and Spatial Planning Office, Ministry of Religion, Government tourism office, Universitas Sebelas Maret, Social Service, Fire Department, Regional General Hospital, Regional Mental Hospital, Banjarsari Subdistrict, Regional Disaster Management Agency, Environmental Services, Department of Housing and Settlement and Land Estate.

In the opinion of the SKPD in the Department of Commerce, the TP4D of the Surakarta District Attorney's Office has greatly assisted the Surakarta City Government, especially in the Department of Commerce in terms of market development by always backing up programs, coordinating, and guiding to avoid corruption, in order to realise programs in the Department of Commerce. Community factors that influence the implementation of the effectiveness of the Surakarta District Attorney's TP4D are already appropriate with TP4D norms, as evidenced by the large number of requests for escorting and securing projects conducted by SKPD/BUMN/BUMD.

#### e. Cultural Factors

Government escort and security and development are conducted based on requests from the SKPD/BUMN/BUMD circle. It certainly creates TP4 to be passive on request, and not reactive as expected by some parties. Although TP4 is demanded to be proactive in coordinating between relevant agencies to conduct the duties of escorting and securing government and development, not all requests acquire escort and security approval immediately. (Artikel, 2019) Based on the opinion of the SKPD/BUMN/BUMD, the Surakarta District Attorneys' TP4D program assists the implementation of government project development from the beginning to the end of the implementation of activities. The petitioner conveys the progress that has been applied periodically for each stage. Therefore, the SKPD/BUMN/BUMD will indirectly be monitored and at least reduce the intention to commit a criminal act of corruption. Thus, the prevention efforts by TP4D are necessitated rather than enforcement efforts.

Cultural factors that influence the implementation of the effectiveness of the Surakarta District Attorney's TP4D are already appropriate with TP4D norms, as evidenced by the benefits obtained by the SKPD/BUMN/BUMD, that is assisting the development of projects whose results can be completed on time, are of good quality and are effective.

Based on the factors that affect the effectiveness of the implementation of the TP4D Attorney's Office mentioned above, it can be concluded that the implementation of the TP4D



Attorney's Office program is supported by supporting facilities, community, and cultural factors, but not supported by legal and law enforcement factors.

## **Conclusion**

Based on what has been elucidated previously, it can be concluded that:

The implementation of the TP4D Program in the Prevention of Corruption in the Surakarta District Attorney's Office has been effective, as evidenced by the achievement of the objective of the formation of the TP4D, namely the Regulation of the Attorney General of the Republic of Indonesia Number PER-014/A/JA/11/2016, concerning the Technical and Administrative Work Mechanism and Government Safety and Development of the Attorney General's Office of the Republic of Indonesia in the prevention of corruption. It is supported by factors that influence the effectiveness of the implementation of TP4D, namely facilities (supporting facilities), community and culture, but not supported by legal and law enforcement factors.



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