

The Effectiveness of Criminal Liability Implementation in Law Enforcement Against Village Fund Corruption Cases in Indonesia

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Abstract

This study aims to analyze the effectiveness of implementing criminal liability for perpetrators of village fund corruption in Indonesia. Village fund corruption is one form of abuse of authority that results in a loss of public trust toward village governments and hinders national development. Village funds, which are intended to improve community welfare, have instead become a means for some village officials to enrich themselves through misuse of authority. Law enforcement for this offense is regulated under Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption Crimes, which serves as *lex specialis* to the Indonesian Penal Code (KUHP). However, its implementation often faces obstacles, including issues of proof, limited capacity of law enforcement officials, and local political interference. Using a normative juridical approach, this research examines relevant legislation, theories of criminal liability, and law enforcement practices by legal institutions. The findings show that the effectiveness of implementing criminal liability against village fund corruption perpetrators remains suboptimal due to weak internal oversight systems, low legal awareness among village officials, and poor coordination between supervisory and law enforcement institutions. Therefore, improving human resource capacity, encouraging participatory public supervision, and applying consistent legal sanctions are needed to achieve the goals of eradicating village fund corruption.

Keywords: Effectiveness, Criminal Liability, Corruption, Village Funds, Law Enforcement

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2nd International Conference on Islamic Community Studies (ICICS)

Theme: History of Malay Civilisation and Islamic Human Capacity and Halal Hub in the Globalization Era

Introduction

Indonesia is a state based on law, as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which declares that Indonesia is a state governed by law (*rechtstaat*), and all actions of the government must be grounded in legal principles (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 1 ayat (3)). The principle of the rule of law implies that every government action must be accountable and based on justice, legal certainty, and expediency (Rahardjo, 1980).

One of the practical manifestations of this principle is the implementation of *village funds* (*dana desa*) as part of Indonesia's fiscal decentralization policy. Village funds are intended to strengthen village governance and promote equitable development to enhance community welfare. This is regulated under Law No. 6 of 2014 concerning Villages (Undang-Undang Nomor 6 Tahun 2014 tentang Desa). However, the reality shows that autonomy in financial management often opens opportunities for abuse of authority when not accompanied by proper supervision and accountability mechanisms (Utrecht, 2006).

The phenomenon of corruption in the management of village funds has become a major legal issue in Indonesia. According to data from the Corruption Eradication Commission (KPK, 2023), dozens of village officials have been implicated in corruption cases involving misuse of village funds, causing billions of rupiah in state losses. Reports from *Kompas.com* and *Kompas.id* also revealed numerous cases of fictitious projects and inflated budgets within village fund programs.

In essence, village funds are allocated to support rural development and poverty alleviation, yet the misuse of these funds has hindered their intended goals (Ramadani, 2023). The corruption that occurs within village fund management typically involves embezzlement, falsification of financial reports, and the use of budgets for personal interests by village officials (Siregar, 2022).

From the perspective of criminal law, every act that causes state financial losses must be followed by criminal accountability. This reflects the principle of *geen straf zonder schuld* (no punishment without fault), meaning that no one shall be punished without proven guilt (Moeljatno, 2008). In cases of village fund corruption, the element of *mens rea* (criminal intent) becomes crucial to establish the perpetrator's responsibility. As stated by (Hamzah, 2009), the law must distinguish between intentional abuse of power and administrative negligence.

The legal basis for criminal liability in corruption is stipulated in Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption Crimes, which serves as *lex specialis* to the Indonesian Penal Code (KUHP). This law details the forms of corruption, the elements of criminal liability, and the sanctions that may be imposed on perpetrators (Arief, 2017). However, its implementation often encounters various challenges, such as difficulties in proving intent, incomplete financial documentation at the village level, and limited institutional capacity (Atmasasmita, 2020).

Furthermore, Sudarto (1990) emphasizes that the expansion of the authority of law enforcement agencies must always be balanced with the protection of human rights to avoid arbitrary prosecution. Similarly, Barda Nawawi Arief (2017) explains that a comprehensive and integrated criminal justice system (*integrated criminal justice system*) is necessary to ensure coherence between investigative, prosecutorial, and judicial functions in corruption cases.

In this context, the Prosecutor's Office plays a significant role in law enforcement against village fund corruption. As mandated by Article 30C letter (a) of Law No. 11 of 2021 concerning the Prosecutor's Office, prosecutors are authorized to carry out the function of *law enforcement intelligence* (*intelijen penegakan hukum*), which is further strengthened by the Attorney General's Instruction No. 7 of 2023 on the Implementation of Law Enforcement Intelligence (Undang-Undang Nomor 11 Tahun 2021; Instruksi Jaksa Agung Nomor 7 Tahun

2023). According to (Hamzah, 2009), legal intelligence serves as a supporting and preventive function, not a repressive one.

According to (Saragih, 2023), synergy between law enforcement agencies such as the Prosecutor's Office, the Police, and the Corruption Eradication Commission (KPK) is essential in ensuring proportional authority distribution and avoiding overlapping functions in handling corruption. The implementation of such synergy aligns with the concept of *criminal justice synergy* within an integrated legal system.

Moreover, data from the 2023 Annual Report of the Attorney General's Office show that 172 corruption cases were uncovered through law enforcement intelligence activities (Kejaksaan Republik Indonesia, 2023). This demonstrates that intelligence-based approaches contribute significantly to early detection and prevention of corruption (Ramadani, 2023).

Nevertheless, the effectiveness of criminal liability implementation in village fund corruption remains limited. According to (Rahmayanti, 2020), several factors contribute to this condition: (1) weak internal control systems within village administrations, (2) low integrity and awareness of law among village officials, and (3) political interference that undermines the independence of law enforcement agencies.

Furthermore, (Atmasasmita, 2020) argues that internal oversight mechanisms within law enforcement institutions must be strengthened to prevent abuse of authority during investigations. The same view is supported by (Arief, 2017), who highlights that effective enforcement depends heavily on the competence of human resources and the quality of technology-based administrative systems.

Therefore, improving the effectiveness of criminal liability in combating village fund corruption requires not only strict enforcement but also preventive strategies, including training for village officials, the establishment of transparent information systems, and public participation in monitoring (Siregar, 2022; Saragih, 2023). In line with the perspective of (Rahardjo, 1980), law should serve as a means to achieve substantive justice, not merely formal compliance.

Problem Formulation

1. What is the form of criminal liability imposed on perpetrators of village fund corruption?
2. How effective is the implementation of criminal liability in law enforcement against village fund corruption in Indonesia?

Research Methodology

This study employs a normative juridical method, focusing on the study of positive legal norms applicable in Indonesia. The approaches used include:

1. Statutory Approach: reviewing relevant laws and regulations;
2. Conceptual Approach: analyzing criminal law principles and liability theories.

Data were obtained through a literature review of books, journals, legislation, and scientific sources relevant to village fund corruption. Qualitative analysis was used to interpret legal norms and principles of criminal liability within Indonesia's criminal law framework (Soekanto, 2021).

Discussion

4.1 The Concept of Criminal Liability in Indonesian Criminal Law

Criminal responsibility is a fundamental principle in criminal law, affirming that there is no punishment without fault (*geen straf zonder schuld*) (Arief, 2021). In the context of Indonesian law, criminal responsibility is governed by the principle of fault, which requires a link between the act and the perpetrator, who consciously knew its legal consequences

(Rahmayanti, 2022). Therefore, any act that causes financial losses to the state must be proven to have an element of intent or negligence on the part of the perpetrator.

In village fund corruption, the element of intent is crucial because perpetrators typically knowingly exploit their positions and authority to manipulate village financial mechanisms for personal gain. Therefore, criminal law on corruption assesses not only the consequences of the act but also the underlying malicious intent (*mens rea*).

According to Rahmayanti, criminal liability for perpetrators of corruption is not limited to administrative violations but must also be traced to motives and moral culpability, as corruption is a crime with a high level of public morality (Rahmayanti, 2023). This opinion demonstrates that the aspect of culpability in criminal law encompasses not only formal legal aspects but also ethical and social ones.

4.2 Criminal Liability of Village Heads and Officials

Village heads bear the primary responsibility for village financial management as stipulated in Law No. 6 of 2014 on Villages. When irregularities occur, they can be held criminally liable as principal offenders. Other village officials, such as treasurers and secretaries, may also be held accountable if proven to have participated.

For instance, in a 2022 corruption case in Banyuasin Regency, a village head was sentenced to six years in prison for inflating a village road construction budget and falsifying reports. The court concluded that the offender had intentionally misused authority and enriched himself, thus fulfilling Article 2 paragraph (1) of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001.

Based on Barda Nawawi Arief's theory, any public official managing public funds bears a legal duty to ensure transparency and accountability. Neglecting these duties constitutes negligence, which may serve as grounds for criminal liability (Arief, 2021).

4.3 Criminal Liability of Third Parties or Village Partners

Village fund corruption often involves third parties such as contractors or suppliers. In a 2021 case in Blora Regency, a construction provider conspired with the village head to fabricate project reports. The contractor was convicted under Article 55 of the Criminal Code for complicity in corruption.

According to Suci Ramadani, criminal liability may extend to individuals or corporations depending on their involvement (Ramadani, 2023). If the act was conducted on behalf of or for the benefit of a corporation, the entity itself may be held liable under Article 20 of Law No. 31 of 1999.

4.4 Obstacles to Implementing Criminal Liability in Village Fund Corruption

Despite a clear legal framework, criminal liability enforcement faces significant challenges. First, weak internal supervision at the village level makes early detection difficult. Second, limited human resources cause poor understanding of financial regulations. Third, local political interference often disrupts investigations and prosecutions.

According to Rahmayanti, the biggest obstacle to enforcing the law on village fund corruption is the gap between legal ideals and social reality (Rahmayanti, 2020). This means that while the law provides strict criminal sanctions, its implementation is often hampered by non-legal factors such as social, political, and economic pressures at the local level.

Moreover, corruption eradication cannot rely solely on punitive measures; preventive efforts like legal education and ethical training for village officials are essential. Public participation and legal literacy programs are also vital in reducing rural corruption.

Conclusion

Based on the discussion above, several conclusions can be drawn:

1. Criminal liability for village fund corruption encompasses all individuals involved in managing village finances, including village heads, officials, and third parties. The legal basis is Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption Crimes. The element of fault (*mens rea*) is crucial, as liability requires proof of intent or deliberate misuse of authority resulting in state loss.
2. The effectiveness of criminal liability implementation remains limited due to weak supervision, low integrity among officials, and minimal public participation. Therefore, beyond strict law enforcement, preventive measures such as legal training for village officials, strengthening accountability systems, and promoting transparency in public finance are necessary to achieve optimal rural development and empowerment.

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