

Corruption in Infrastructure Development in Indonesia during the Covid-19 Pandemic

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Abstract

The Covid-19 pandemic, or what is often called the corona virus, is currently increasingly infecting the Indonesian economy. Corruption is one of the causes of the nation's very rapid economic system, because corruption in Indonesia is widespread, thus harming the country's economy or the state's financial condition. In this study, the author discusses corruption in infrastructure development in Indonesia during the COVID-19 pandemic. This type of research is library research using the juridical-normative type of research, namely research that is focused on examining the causal factors, punishments given and examining the implications of corruption in infrastructure development on the economy and education during the COVID-19 pandemic. The data in this study is secondary data, namely library materials that include official documents, journals, books, libraries, scientific works, articles, and documents related to this research material. The results of this paper indicate that: 1) Factors causing corruption in infrastructure development during the COVID-19 pandemic can occur for various reasons, both from within the perpetrator (internal) or from outside the perpetrator (external). 2). The KPK emphasized that it would give the death penalty to those who commit criminal acts of corruption, especially when the country is in a state of disaster or economic crisis. However, it is all in the judge's decision which decides whether a severe or light sentence is given in giving sanctions in accordance with the provisions of Law Number 31 of 1999 and Law Number 20 of 2021 concerning the eradication of corruption. 3). The implications of corruption in infrastructure development on the economy and education are very negative. The consequences of corruption in infrastructure development can result in access to mobility being unresolved, so that the community's economy becomes bad and unstable. Likewise, the impact of corruption on the education sector can have a negative impact on the quantity, quality, and efficiency of education services.

Keywords

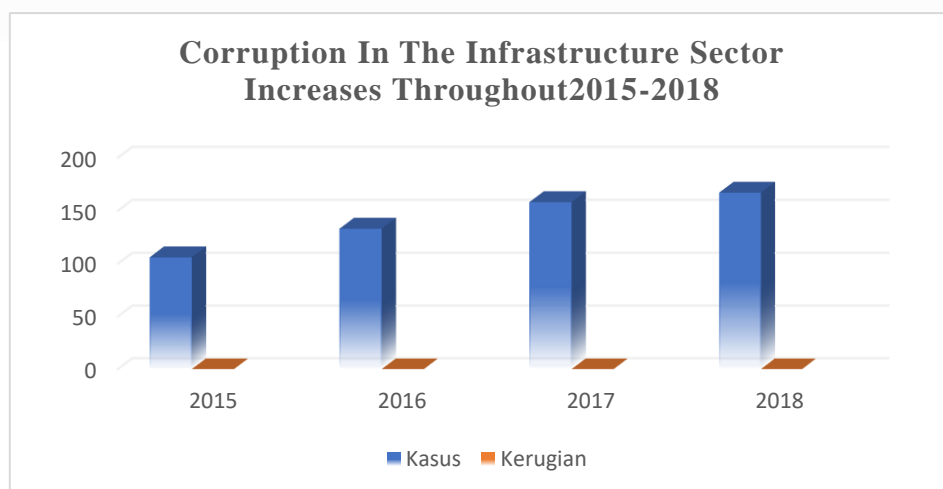
Corruption, Infrastructure Development, Covid-19, Indonesia

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Background of the Problem

The Covid-19 pandemic, or what is often called the corona virus, is currently increasingly infecting the Indonesian economy. The economic impact of COVID-19 initially only eroded the external side of the Indonesian economy. The Corruption Eradication Commission (KPK) issued two circulars, namely SE Number 8 of 2020 concerning the use of the budget for the implementation of the procurement of goods and services in the context of accelerating the handling of COVID-19 related to the prevention of corruption (Saskarayani & Puspawati, 2021). The crime of corruption is one of the causes of the nation's very rapid economic growth, because corruption in Indonesia occurs widely enough that it is detrimental to the country's economy or the state's financial condition (Yanto, Darusman, Utami, & Nurdiyana, 2020). Corruption is bribery, bribery, embezzlement, bad deeds, or often referred to as accepting bribes, abuse of position/authority for self-interest, committing a criminal act with the intention of enriching oneself directly or indirectly, where the act is detrimental to state finances and the economy of the country. Corruption is not only detrimental to the state's finances and or the state's economy, but also hampers national development. Corruption is the root cause of the nation's problems and the cause of poverty (Pachmann, 2018). Juridically, corruption is not limited to acts that fulfill the offense formulation which are detrimental to state finances or the state economy, but also acts that fulfill the offense formulation which are detrimental to society or individuals. Corruption can be grouped into two categories, namely, groups of offenses that can harm state finances or the state's economy, and groups of offenses of bribery, both active (bribery) and passive (bribery) (Akech, 2011). Based on data from Indonesia Corruption Watch (ICW) on February 18, 2020, the number of law enforcement cases of corruption throughout 2019 was 271 cases, naming suspects as many as 580 people, with the value of state financial losses caused by corruption in the amount of Rp. 8,400,000,000,000.00 (eight trillion four hundred billion rupiah) (Akbal & Umar, 2020). Increased crime in the field of corruption in the government and private sector officials in infrastructure development, which is increasing significantly, will bring disaster not only to the life of the national economy but also to the life of the nation and state (Bhagtani, Roj, & Raj, 2020). Criminology, as one of the sciences that studies crime, can contribute to analyzing and finding the causes of corruption crimes, which are currently rife in Indonesia (SMUSHKIN, 2019). The results of this analysis can later be used as a contribution to thought in preventing corruption. Indonesia and other countries are currently affected by the covid-19 pandemic, in which the impact is multi-dimensional. The impact affects many aspects, not only health aspects, but also the economic, social, and political aspects of the Indonesian nation (Atilos Osoria, 2021). In the midst of the COVID-19 pandemic, infrastructure corruption is very vulnerable. This infrastructure corruption certainly greatly affects the nation's economy, both in the fields of economy, health and education. Looking at data from ICW, corruption in the infrastructure sector has increased significantly every year.



Source: Indonesia Corruption Watch (ICW) 2019 (Lewis & Hendrawan, 2019)

The data from Indonesia Corruption Watch (ICW) shows that the number of corruption cases in

infrastructure projects has increased throughout 2015-2018. In 2015, there were 106 cases of corruption in this sector. The number increased to 133 the following year, and 158 cases in 2017. Then in 2018, it became 167 cases with a loss value estimated at IDR 1.1 trillion (Lewis & Hendrawan, 2019). Based on the explanation above, the author is interested in studying corruption in infrastructure development in Indonesia during the COVID-19 pandemic from a criminological perspective. This paper will describe the factors that influenced corruption in infrastructure development during the COVID-19 pandemic and the penalties that will be given to perpetrators of infrastructure corruption during the COVID-19 pandemic, as well as the implications of infrastructure development corruption on the economy and education.

The Research Methods

The method used by the author is a normative legal method, namely analyzing legal issues through the approach of legislation and legal theory (Benzmüller, Parent, & van der Torre, 2020). The technique of collecting legal materials is through library research (Argyres et al., 2020). The legal materials used are primary legal materials, namely laws relating to the issues studied, secondary legal materials including relevant books and journals, and tertiary legal materials in the form of dictionaries and the Ministry of Education and Culture's Indonesian law and dictionary (online) (Budianto, 2020). The legal material analysis technique uses analytical descriptive to discuss the problems that caused corruption in infrastructure development during the covid-19 pandemic, analyze penalties during the covid-19 pandemic related to corruption in infrastructure development funds, and analyze the implications of infrastructure development corruption on the economy and education in Indonesia. at the time of the covid-19 pandemic.

Result and Discussion

A Brief Understanding of Infrastructure

Development is the result of activities and programs undertaken by the government that are intended for the community to support the achievement of social welfare, social economic goals, political demographics, and so on by increasing development (Salvia, Leal Filho, Brandli, & Griebeler, 2019). According to Grigg (1988) proposed by Nawangsari, Kusumaningrum, and Wibowo (2019), infrastructure is a physical system that provides transportation, irrigation, drainage, buildings, and other public facilities that are needed to meet basic human needs, both social and physical. economy (Nawangsari et al., 2019). So, from the above definitions, infrastructure development is activities and programs undertaken by the government that are intended for the community in the form of buildings, roads, transportation, water, and other public buildings to support the achievement of social welfare, education, the economy, health, and others. Infrastructure development is a project that is being intensively carried out by the government at this time. With adequate infrastructure, the government hopes that in the future, the Indonesian economy and welfare level will increase.

Factors Affecting Corruption in Infrastructure Development during the Covid-19 Pandemic

Prevention of corruption in infrastructure development during the COVID-19 pandemic can be overcome by emphasizing the factors causing deviations and effectiveness in infrastructure development programs, namely the quality of the apparatus, administrator competence, discipline, facilities and infrastructure, as well as supervision (Apriani & Zaini, 2018). During the COVID-19 disaster, the factors that caused the misappropriation of infrastructure development funds could occur for various reasons, both from within the perpetrator (internal) or from outside the perpetrator (external). Internal factors or aspects of individual behavior, namely human greed or greed, weak morals, and consumptive lifestyles, while external factors are factors that support the occurrence of corrupt behavior, including social culture, politics, the economy, organizational culture, and weak supervision (Fajrin, Purnamasari, Rosyida, & Maulidiyah, 2020). The factor is the opportunity to commit a criminal act of corruption. During the covid-19 pandemic, the effect of the funds budgeted and distributed by the government to help the community was very large, so the perpetrators intend to take the opportunity to gain profits. Opportunities are usually born from

positions or positions that give birth to the authority to do something. Opportunities here are as contained in Article 3 of the Law on eradicating corruption, namely "opportunities, or facilities available to them because of their position or position". A person's position can give birth to an opportunity to deviate, because the position or position held provides the flexibility to do good or bad things (Prakasa, Hariri, Nuriyah, Asis, & Salam, 2021).

The Punishment to be given to perpetrators of infrastructure corruption during the Covid-19 pandemic

The Corruption Eradication Commission (KPK) will provide stricter penalties for those who commit criminal acts of corruption in the midst of the COVID-19 pandemic. KPK has collaborated with government goods/service procurement policy institutions. The KPK asserts that it will give the death penalty to those who commit criminal acts of corruption, especially those contained in Article 2 in certain circumstances, which are intended as a burden for the perpetrators of crimes committed when the country is in a state of danger in accordance with the law in force at the time. A national disaster occurs or when the country is in a state of economic crisis. The costs that have been issued by the government for handling Covid-19 are not state finances and this is the responsibility of managing State Finances and Law Number 15 of 2004 concerning Audit and Responsibility of State Finances (Din, Ghozali, & Achmad, 2017). The current Criminal Code does not yet recognize what is called a sentencing guideline. Therefore, judges in deciding a case are given the freedom to choose the type of criminal they want, in connection with the alternative system of threats in the Act. Furthermore, the judge can also choose the severity of the crime to be imposed, because what is determined by law is only the maximum and minimum punishment (Mas, 2014). In connection with this, what often causes problems in practice is the freedom of judges to determine the severity of the punishment given. It is stated that the law only determines the maximum and minimum limits of punishment. As a consequence of this problem, there will be a thing called criminal disparity that is detrimental to the state and the country's economy.

Table 1

Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (Hamzah, 2020)

No	Article	Elements of Criminal Acts	Punishment
1	Article 2	Acts against the law and enriching oneself, harming state finances	Imprisonment for a minimum of 4 years and a maximum of 20 years. And a minimum fine of Rp. 200,000,000.00 (two hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah).
2	Article 3	Benefiting oneself, abusing authority, harming state finances.	Imprisonment for a minimum of 1 year and a maximum of 20 years. And a minimum fine of Rp. 50,000,000.00 (fifty million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah).
3	Article 8	Embezzle money, assist in carrying out the act.	Imprisonment for a minimum of 3 years and a maximum of 15 years. And a minimum fine of Rp. 150,000,000.00 (one hundred and fifty million rupiah) and a maximum of Rp. 750,000,000.00 (seven hundred and fifty million rupiah).

Table 2

Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption (Lewis & Hendrawan, 2019)

No	Article	Elements of Criminal Acts	Punishment
1	Article 5	Promising something, receiving gifts from state officials	Imprisonment for a minimum of 1 year and a maximum of 5 years. And a minimum fine of Rp. 50,000,000.00 (fifty million rupiah) and a maximum of Rp. 250,000,000.00 (two hundred and fifty million rupiah).
2	Article 6	Giving and promising something influences the judge's decision.	Imprisonment for a minimum of 3 years and a maximum of 15 years. And a minimum fine of Rp. 150,000,000.00 (one hundred and fifty million rupiah) and a maximum of Rp. 750,000,000.00 (seven hundred and fifty million rupiah).
3	Article 9	Civil servant, falsifying books, position.	The minimum sentence of imprisonment is 1 year and a maximum of 5 years. And a minimum fine of Rp. 50,000,000.00 (fifty million rupiah) and a maximum of Rp. 150,000,000.00 (one hundred and fifty million rupiah).
4	Article 10	Destroying, damaging property, authorized officials.	Imprisonment for a minimum of 2 years and a maximum of 7 years. And a minimum fine of Rp. 100,000,000.00 (one hundred million rupiah) and a maximum of Rp. 350,000,000.00 (three hundred and fifty million rupiah).
5	Article 11	State administrators, powers and authorities.	Imprisonment for a minimum of 1 year and a maximum of 5 years. And a minimum fine of Rp. 50,000,000.00 (fifty million rupiah) and a maximum of Rp. 250,000,000.00 (two hundred and fifty million rupiah).

Implications of Corruption in Infrastructure Development During the Covid-19 Pandemic on the Economy and Education

Implications for the Economy

During the COVID-19 pandemic, all levels of society, especially the lower middle class, felt the impact. Many private employees have been laid off or laid off. Many traders have closed their shops and there are still many other difficulties that are felt by the community. However, with these difficult conditions, there are still public officials who corrupt infrastructure, so that access to mobility is not resolved, which results in the economy becoming stuck and difficult (Narula, 2020). The development process requires economic growth followed by changes (growth plus change) in economic structure, from agriculture to industry or services, and institutional changes, either through regulation or institutional reform. Planned development is perceived as a more rational and orderly effort for the development of communities that have not or are just developing (Lenzen et al., 2020). Regardless of the level of social and economic development that exists in each country, corruption can occur anywhere. Corruption generally occurs in the public and private sectors, and in particular occurs in public officials who have direct responsibility for the provision of public services and special regulations. Politically, corruption complicates democracy and good governance, where corruption can destroy formal processes that have been established. Corruption in elections and legislatures reduces accountability and representation in policy-making; corruption in the court system stops law and order; and corruption in public government causes injustice in public service. Corruption also reduces the legitimacy of the government and democratic values. In the economic sector, Das, Dash, and Sethi (2020) adds

that corruption complicates economic development, where in the private sector, corruption increases costs due to illegal payments and the risk of cancellation of agreements or due to investigations. However, there are also those who say that corruption reduces costs because it facilitates bureaucracy, namely the existence of bribes that cause officials to make new rules and new obstacles (Gründler & Potrafke, 2019). Thus, corruption can also disrupt trade. Companies that are in the scope of the government will be protected from competition. This causes companies to be inefficient. Another negative impact of corruption is the diversion of public investment to community projects where bribes and wages are more widely available. This creates a distortion in the public sector.

Implications for Education

The state's responsibility for education for its citizens has been guaranteed in various laws and regulations, namely the 1945 Constitution and Law Number 20 of 2003 concerning the National Education System. Meanwhile, in carrying out this role, the state faces various obstacles, including cases of corruption or budget leakage in the education sector. Education plays a very important role in social life. By having sufficient education, a person will know what is good and what can make a person useful both for himself and for others who need it (Deliversky, 2016). The phenomenon of corruption in the education sector can have a negative impact on the quantity, quality, and efficiency of education services. As educational institutions, schools are expected to have a major role in efforts to build the character of students and inculcate moral values, including eradicating corruption. Despite being a place to "seed" hope, the reality of the education sector is also inseparable from the problem of corruption at the lowest levels, starting from schools to high bureaucratic levels (Juwita, 2018). As ICW's findings state, corruption in the education sector in the country is carried out collectively and systemically. Among these systemic corruption acts is the financing strategy based on compulsory education projects, because the project model facilitates corruption (Napitupulu, Simarmata, & Abdullah, 2019). Findings from a study on the mapping of corruption in education by ICW in 2009 showed that education is a sector that is relatively prone to corruption (Napitupulu et al., 2019). It is also undeniable that during the COVID-19 pandemic, increasing corruption in the education infrastructure sector could also have a negative impact on education. There are many objects of corruption in the education sector, such as funds for the construction of school buildings, provision of educational facilities and infrastructure, operational education units, teacher salaries and fees, educational assets, and other educational activities. Institutions with high authority and supported by large budgets are most likely to commit fraud. Educational corruption can also occur at the school level by principals, teachers, school committees or school partners who have been appointed by the Education Office. Corruption in the management of school operational funds occurs through embezzlement of these operational funds. However, because schools are under the influence of the regional education office bureaucracy, it is possible for school corruption to occur due to pressure from above. An example is corruption in the procurement of school facilities and infrastructure, such as furniture, books, teaching aids, and so on. The school usually receives this item from a direct partner. During the COVID-19 pandemic, it is undeniable that infrastructure corruption in the education sector is very vulnerable. Infrastructure corruption in the education sector can have negative implications for the quantity, quality, and efficiency of education services.

Conclusion

The factors that caused corruption in infrastructure development during the COVID-19 pandemic can occur for various reasons, both from within the perpetrator (internal) or from outside the perpetrator (external). 2). The KPK asserts that it will give the death penalty to those who commit criminal acts of corruption, especially those contained in Article 2 in certain circumstances, which are intended as a burden for the perpetrators of crimes committed when the country is in a state of danger in accordance with the law in force at the time. A national disaster occurs or when the country is in a state of economic crisis. But back again to the judge who decided on a light sentence in giving sanctions in accordance with the provisions of Law Number 31 of 1999 and Law Number 20 of 2021 concerning the eradication of corruption. 3). The implications of corruption in infrastructure development for the economy and education are very negative. The

consequences of corruption in infrastructure development can result in unresolved access to mobility, which can lead to a standstill in the community's economy. Likewise, the impact of corruption on the education sector can have a negative impact on the quantity, quality, and efficiency of education services.

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