

CORRUPTION IN THE DISTRIBUTION OF PEOPLE'S BUSINESS CREDIT: LEGAL ENFORCEMENT AND ACCOUNTABILITY ANALYSIS

Yahya Boudelo^{1*}, Dian Ekawati Ismail^{2**}, Erman I Rahim^{3***}
Faculty of Law, Universitas Negeri Gorontalo

Abstract

This study aims to examine the Enforcement of Criminal Law Against Corruption in the Provision of People's Business Credit Facilities in Bone Pantai and the Accountability of BRI Management in Corruption in the Provision of People's Business Credit Facilities in Bone Pantai. The type of research used is normative legal research and empirical legal research. Empirical normative research starts from primary/basic data, and is then linked to law enforcement and criminal liability in corruption crimes in KUR. The results of this study indicate that criminal law enforcement against corruption in the provision of people's business credit facilities in Bone Pantai has not been implemented optimally and efficiently due to several weaknesses and problems that are obstacles in eradicating corruption and the involvement of internal bank figures and related parties by carrying out the mode of corruption of People's Business Credit (KUR) at Bank Rakyat Indonesia (BRI) Bone Pantai Unit involving data engineering. The accountability of BRI management in corruption crimes in the provision of people's business credit facilities in Bone Pantai shows that state losses are accounted for by the legal subject or defendant and the accountability of BRI bank, namely the head of the unit and the credit manager. The implementation of business ethics is very important in the distribution of KUR to ensure that the funds distributed are right on target to eligible recipients. Therefore, it is necessary to increase transparency in decision-making and credit distribution and increase the capacity of law enforcement regarding the handling of corruption cases involving people's business credit facilities (KUR).

Keywords: law enforcement, accountability, corruption, people's business credit

A. Background

People's Business Credit (KUR) is an Indonesian government program that aims to provide business financing for small and medium-sized communities who have not or have difficulty gaining access to formal sources of financing. This program first launched in 2007 and continues to be developed to date. The aim of the KUR program is to increase the competitiveness of micro, small and medium enterprises. and medium enterprises (SMEs) in Indonesia and also improve welfare public.

People's Business Credit (KUR) is one of the Indonesian government's flagship programs in efforts to empower the micro, small and medium economy. Medium enterprises (MSMEs), this program aims to provide wider access to financing for business actors, especially those in the informal sector, with easier requirements and low interest rates. Bank Rakyat Indonesia (BRI) as one of the banking institutions that manages KUR has a strategic role in the implementation of this program, including at the BRI Bone Pantai Unit. In its development, along with the implementation of the KUR program, various cases have emerged deviations and criminal acts of corruption that are

¹ * yahyaboudelosh@gmail.com

² ** dian.ismail@ung.ac.id

³ *** erman@ung.ac.id

detrimental to the state and hinder the effectiveness of the program. Corruption cases in the distribution of KUR often involves data manipulation, abuse of authority, and other actions which damages the integrity of the program and has a negative impact on beneficiaries, which are actually.

Corruption is a criminal act of abuse of power against the public for the sake of personal enrichment. This illegal act is rampant in Indonesia, and its existence continues to counted and increasing every year. The Indonesian government has tried various ways to stop the occurrence of corruption.

According to Law No. 20 of 2001 concerning amendments to Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, the act Corruption crimes not only harm state finances, but are also violations towards the social and economic rights of society at large. According to Article 1 Law No. 20 of 2001, Corruption is an unlawful act with the aim of enriching oneself or others resulting in loss state finances or state economy.

One of effort action to action corruption is action to act criminal related corruption with provision of KUR. Data from Indonesia Corruption Watch (ICW) shows that the sector banking, especially Bank Rakyat Indonesia (BRI), is one of the people who most involved in corruption cases. From 2021 to 2024, there were indications of vulnerability in the management of customer funds and credit distribution, with Total state losses due to corruption in the financial sector reached IDR 45 trillion.⁴

The crime of corruption in the provision of KUR is a significant legal problem in Indonesia, considering the importance of KUR. in supporting the development of micro, small and medium enterprises (MSMEs). Issues This covers various aspects, ranging from administrative violations to criminal acts that harm state finances.⁵ Corruption crimes in context KUR is regulated in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption. In this case, The perpetrator can be subject to sanctions if proven to have committed an unlawful act which results in state losses. Corrupt practices often occur in the KUR distribution process, including: Forgery of documents, there are cases where bank employees are involved in forgery documents to process credit for fictitious debtors. Abuse of authority Several bank employees are suspected of abusing their authority to provide credit without fulfilling the specified conditions, which results in state losses. Law enforcement against criminal acts of corruption in the program.

There are corruption cases involving abuse of authority in the distribution of KUR, including manipulation of beneficiary data and irregularities in the use of funds. These cases often result in financial losses for the state and hinder the effectiveness of the KUR program. Then some challenges in law enforcement including limitations in implementation existing laws, difficulties in proving the elements of criminal acts of corruption, and there is resistance from the parties involved. The existence of vulnerability to action corruption in the process of providing KUR the practice also occurs in Gorontalo Province. Although effort prevention to close room the occurrence practice fraud in provision of KUR, however action corrupt also still happens, like on

⁴ Siaran Pers, “Kasus Korupsi Di Lingkungan BUMN: Marak Dan Rawan Pada Sektor Finansial,” 2022, <https://antikorupsi.org/id/kasus-korupsi-di-lingkungan-bumnmarak-dan-rawan-pada-sektor-finansial>.
⁵ Maulana Damarjati Raden Bagas Arya Jatmika and Shofiyah Mardiyah Hasya, “Tindak Pidana Penyuaan Dalam Pemberian Fasilitas Kredit Bank Yang Diterapkan Melalui Pengawasan Lembaga Otoritas Jasa Keuangan,” *Padjadjaran Law Review* 11, no. 2 (2023): 226.

case at BRI Bank Unit Bone Pantai as Wrong one unit of BRI located in region Bone Beach District.

Case This started in 2021 but will continue again in 2022. In case This happen criminal acts of corruption in the distribution of people's business credit (KUR) facilities and BRI Bank Bone Pantai Unit in 2021, namely 45,742,094,400.00 then the suspect consisted of a brother with the initials DH as suspect I and cooperated with suspect II, brother with the initials PH.

Suspect I worked as a marketing assistant, then in the implementation of the distribution process or provision of KUR facilities by PT. Bank BRI Unit Bone Pantai, it is suspected that he has sought debtors by working together with the suspect II sdra. PH. The suspect's actions are contrary to the regulations of the Coordinating Minister for the Economy of the Republic of Indonesia as the chairman of the policy committee financing for micro, small, and medium enterprises No. 11 of 2017 concerning guidelines for the implementation of people's business credit. The suspect's actions resulted in a state financial loss of Rp. 3,483,857,875.00--, at the investigation stage, the suspect, Mr. DH Asan and suspect II PH tried to hide the criminal acts committed by the suspect by shifting all responsibility to all customers and suspect III Mr. Fajril Abd. Razak, even though the most suspects responsible for criminal acts that result in losses the country's finances. Based on the description above, the author is interested in studying more about "Law Enforcement Against Criminal Acts of Corruption In the Provision of People's Business Credit at Bri Bone Pantai Unit". This research It is hoped that it can provide a significant contribution to efforts to improve law enforcement system and ensure the success of the KUR program in improve community welfare.

B. Identified Problems

- 1) How is Criminal Law Enforcement Against Corruption in the Provision of People's Business Credit Facilities in Bone Pantai?
- 2) How is BRI Management Accountable for Criminal Action? Corruption Crime in the Provision of People's Business Credit Facilities in Bone Beach?

C. Research Methods

The type of research used is normative-empirical research, which The author will do this by digging up information in the field (field research). Normative-empirical research is used to analyze or find out how far the regulations or laws and laws have gone effectively. Empirical normative research starts from primary/basic data, and then linked to Law Enforcement Against Criminal Acts Corruption in the Provision of People's Business Credit Facilities in Bone Pantai.⁶

D. Research Findings and Discussions
Criminal Law Enforcement against Corruption Crimes on the Provision of People's Business Credit Facilities in Bone Pantai

Law enforcement is the process of making efforts to enforce or function legal norms in real terms as a guideline for behavior in traffic or legal relations in social and state life. What people have interpreted so far as law enforcement seems to only be

⁶ Marzuki Peter Mahmud, "Penelitian Hukum Edisi Revisi," Jakarta: Kencana Prenada Media Group, 2017.

directed at repressive actions by law enforcement officers in taking firm reactions to criminal prosecution.⁷

The meaning of law enforcement in this way is very narrow, therefore the authority to enforce the law seems to be the sole responsibility of the authorities law alone. In fact, law enforcement in a broad context is in the realm of real or factual action, deed or behavior that corresponds to binding rules or norms. However, in an effort to maintain and restoring order in social life, the government is the actor security.

The definition of law enforcement can also be viewed from the perspective of its object, namely from the legal aspect in this case, the definition also includes broad and narrow meanings,⁸ In a broad sense, law enforcement also includes the values of justice contained in the formal rules and the values of justice that live in society. The main task of law enforcement is to realize justice, therefore with law enforcement the law becomes a reality. Without law enforcement, the law is nothing more than a gutless textual formulation, which Achmad Ali usually calls a dead law.⁹

The concept of total law enforcement demands that all values that which is behind the legal norms is also enforced without exception. The concept that full nature requires the need to limit the total concept with a formal law in the context of protecting individual interests. The concept actual law enforcement emerged after it was believed that there was discretion in law enforcement due to existing limitations and lack of community participation.¹⁰

According to Soerjono Soekanto, law enforcement is an activity harmonizing the relationship between values outlined in solid and manifest rules/value views and attitudes and actions as a series of final stage value descriptions to create, maintain and maintain peaceful social life.¹¹ Temporary that, Soetjipto Rahardjo, law enforcement is an effort to realizing ideas about justice, legal certainty and social benefits become reality. The process of realizing ideas is the essence of law enforcement.¹²

Muladi also provided views related to law enforcement, According to him, law enforcement is an effort to uphold legal norms and rules as well as the values behind them. Law enforcement officers should truly understand the spirit of the law (legal spirit) which underlies the legal regulations that must be enforced, related to various dynamics that occur in the process of making legislation (law making process).¹³

Concrete law enforcement is the implementation of positive law in practice as it should be obeyed. Therefore, providing justice in a case means deciding the law in

⁷ Muhammad Adam HR, "Lemahnya Penegakan Hukum Di Indonesia," *JISH: Jurnal Ilmu Syariah Dan Hukum* 3, no. 1 (2021): 57.

⁸ Hasaziduhu Moho, "Penegakan Hukum Di Indonesia Menurut Aspek Kepastian Hukum, Keadilan Dan Kemanfaatan," *Warta Dharmawangsa* 13, no. 1 (2019).

⁹ Heriyono Tardjono, "URGensi ETIKA PROFESI HUKUM SEBAGAI UPAYA PENEGAKAN HUKUM YANG BERKEADILAN DI INDONESIA," *Jurnal Kepastian Hukum Dan Keadilan* 3, no. 2 (June 13, 2021): 51–64, <https://doi.org/10.32502/khdk.v2i2.3462>.

¹⁰ Agus Rahardjo, *Cybercrime Pemahaman Dan Upaya Pencegahan Kejahatan Berteknologi* (Bandung: PT.Citra Aditya Bakti, 2016).

¹¹ M. H. Putu Ary Prasetya Ningrum, "Penegakan Hukum Terhadap Pelaku Tindak Pidana Pengancaman Yang Ditunjukkan Dengan Ucapan Dan Hinaan Oleh: Putu Ary Prasetya Ningrum, M.H," *Jurnal Hukum Agama Hindu* 4 (2020): 39.

¹² Vivi Ariyanti, "Kebijakan Penegakan Hukum Dalam Sistem Peradilan Pidana Indonesia," *Jurnal Yuridis* 6, no. 2 (2019): 35.

¹³ Muladi, *Hak Asasi Manusia, Politik Dan Sistem Peradilan Pidana*, Cetakan Kedua (Semarang: Badan Penerbit Universitas Diponegoro, 2012).

concreto in maintaining and guaranteeing the obedience of material law by using procedural methods established by formal law.¹⁴

The main objective of law enforcement is to ensure the existence of justice without ignoring the aspects of benefit and legal certainty for society. Gustav Radbruch mentioned justice, utility and legal certainty as a pillar of law enforcement. All three needed to arrive at an understanding and implementation of the law. adequate.¹⁵ Conceptually, the essence and meaning of law enforcement is contained in in the activity of harmonizing the relationship between the values that have been explained in definite rules and attitudes as a series of value explanations the final stage, in order to create, give birth to and maintain peace social life.¹⁶

Description about enforcement law the show that to the law that has been formulated or even normalized must be need effort implementation or more known with enforcement law. Action enforcement law the including enforcement law criminal as issues discussed in part background behind namely about act criminal corruption on provision of KUR is carried out by insider from the bank Alone.

Third suspect namely DH, PH, and FA are suspected of falsifying data KUR applicants, including KTP, KK, and Business Certificate (SKU), and facilitate credit to applicants who do not meet the requirements. As a result, the state suffered a loss of Rp. 3,483,857,875. The suspect was charged with Article 2 paragraph (1) subsidiary to Article 3 of the Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 55 Article (I) of the Criminal Code, with a maximum sentence of 20 years.

The modus operandi in this KUR corruption case includes forgery debtor data, credit distribution to parties who do not meet the requirements. KUR funds sourced from the APBN should be used for strengthening the capital of small and medium enterprises (SMEs), but in the practice is misused for personal or group interests.

To case In this case, criminal law enforcement in concrete consists of the following stages: implementation (investigation) and implementation stages of the law by law enforcement officers (judicial and execution stages). Law enforcement in this case will go through the stages of investigation, prosecution, and demands to impose criminal penalties on the perpetrators of document forgery. In this case, there was a violation of business ethics in the Bone Pantai KUR case because certain employees falsified documents to provide funds to recipients who did not meet the requirements. The application of business ethics is very important in the distribution of KUR for ensure that the funds distributed are right on target to the recipients meet the requirements. This case occurred due to lack of supervision and management's control over employee performance becomes factors causing document forgery. Increased supervision the implementation of a strict internal control system can minimize fraudulent practices unethical in distributing KUR.

Corruption case in the provision of KUR in the Bone Coast area If it is linked to the theory put forward by Andi Hamzah, corruption can defined in Ideological corruption, is a type of illegal corruption or discretionary which is intended to pursue

¹⁴ Dellyana Shant, *Konsep Penegakan Hukum* (Yogyakarta: Liberty, 2014).

¹⁵ Yohanes Suhardin, "Fenomena Mengabaikan Keadilan Dalam Penegakan Hukum," *Jurnal Mimbar Hukum* 21, no. 2 (2019): 345.

¹⁶ Andrew Shandy Utama, "Kepercayaan Masyarakat Terhadap Penegakan Hukum Di Indonesia," *Jurnal Ensiklopedia Social Review* 1, no. 3 (2019): 306–13.

group goals.¹⁷ Based on this theory, researchers argue that ideological corruption is type of corruption that is carried out illegally or by using discretion to achieve group goals. This type of corruption involves actions that deviate from the law and ethics, with the aim of benefiting a group or certain organizations. In the context of criminal penalties for corruption Credit People's Business (KUR) Bone Pantai, the theory of ideological corruption can be applied to understand the motives and objectives behind the acts of corruption that occur in Bone Beach area.

Criminal law enforcement against criminal acts of corruption in provision of credit facilities for people's businesses in Bone Pantai is carried out by charge the suspects with articles in accordance with the Law Eradication of Criminal Acts of Corruption, through law enforcement processes starting from:

- 1) Identification and investigation: Bone Police Criminal Investigation Unit Bolango conducts investigation into alleged corruption case distribution of KUR by BRI Bank Bone Pantai Unit.
- 2) Determination of Suspects: After investigation, the police determined three The suspects in this case are DH alias Djufri, PH alias Ebi, and FA aka Odi.
- 3) Completion of Files and Submission to the Prosecutor's Office: After the files were declared complete (P21), the Corruption Crime Investigation Unit (Tipidkor) of the Bone Bolango Police handed over the third suspect along with evidence to the Bone Bolango District Attorney's Office.
- 4) Prosecution: The suspects were charged with Article 2 paragraph (1) Subsidiary Article 3 of Law Number 31 of 1999 as amended in Law Number 20 of 2001 concerning the Eradication of Criminal Act of Corruption in conjunction with Article 55 Paragraph (I) of the Criminal Code.
- 5) Trial: Trial of alleged corruption of BRI KUR Unit Bone Pantai continued at the Corruption Crime Court (Tipikor) and Gorontalo Industrial Relations. Public Prosecutor (JPU) presenting witnesses to provide information regarding the case the.
- 6) Court Decision: The court will decide whether or not you are guilty. whether or not the debtors are based on the facts revealed in conference and valid evidence.

BRI Management's Accountability in Action Corruption Crime in the Provision of People's Business Credit Facilities in Bone Beach

Responsibility according to the legal dictionary is defined as liability and responsibility, the importance of obligation refers to legal responsibility, becoming a special responsibility because of the intention carried out by the legal subject, while the meaning of obligation refers to political responsibility. "Responsibility is more directed at the importance of obligations brought from statutory regulations, therefore responsibility is described in the sense of liability or obligation. As one of an idea related to legitimate commitment, an individual who legally responsible for his actions can be subject to sanctions in situations where such actions are contrary to the law"¹⁸.

Legal accountability becomes obligation to provide a response which is an estimate of everything that has happened in the obligation to provide restitution for losses obtained from an action that has been done occurs. Legal¹⁹ responsibility arises from use of office

¹⁷ Ermansjah Djaja, *Memberantas Korupsi Bersama KPK* (Jakarta: Sinar Grafika, 2016).

¹⁸ Dewa Gede Sudika Mangku and I. Ketut Radiasta, "Tanggung Jawab Negara Terhadap Penembakan Pesawat MH17 Berdasarkan Hukum Internasional," *Pandecta: Research Law Journal* 14, no. 1 (2019): 25–33.

¹⁹ F. Sugeng Istanto, *Hukum Internasional, Ed. Cahaya Atma Pustaka*, Edisi Revisi (Yogyakarta: Cahaya Atma Pustaka, 2014).

in the implementation of each individual's capacity to exercise his freedom or/and fulfill his obligations. "In addition to it is emphasized that every obligation and use of rights special, either inadequately or adequately resolved, on basically must be accompanied by responsibility considering the fact that based on what has been done, as well as in the exercise of power."²⁰

According to Hans Kelsen, a person must be legally responsible for a certain act or he has legal responsibility, meaning he must be responsible for a sanction for the contrary act. Hans Kelsen further stated that: "A failure to carry out something that needs to be carefully required by law is negligence and the error is usually seen as another type of error (*culpa*), although not as serious as the error that is filled with anticipation and hope, with or without evil intent. Intention, harmful results"²¹.

Accountability law criminal or can also be called accountability criminal become part from Wrong One form accountability Law. Section the can given on prabdi as subject law and also for a body law. When discussing the criminal liability of legal entities, it is important to consider a formulation system that would allow the body law can accountable in the context of criminal law. Motivation behind this system lies economic and environmental development, in where the imposition of criminal sanctions against company managers alone is not always enough.²²

In the context of banking crimes, there are several dimensions that need to be considered. This includes individual criminal acts against banks, bank crimes against other banks, or bank crimes against individuals. Banks can be victims or perpetrators in this context. In addition, banking crimes are not limited to the territorial boundaries of a country, and can occur in the short term or long term. Scope of action banking crimes cover all aspects of banking life and related financial institutions, and includes banking norms that written or unwritten, all with criminal sanctions that have been arranged.

Criminal acts in the banking sector as part of the risk can still be threatened with criminal penalties through other laws and regulations such as the Criminal Code, Law Number 31 of 1999 concerning the Eradication of Criminal Acts Corruption (Corruption Law 1999), and so on. "In practice, the system The provision of credit by banks has risks in its implementation. One of them one of them is counterparty credit risk which is a form of risk on due to failure to fulfill obligations from the opposing party at the same time also because there are transactions with certain characteristics such as transactions that affected by movements in market values ”.

The implementation of credit in conventional banks has risks separately so that banks need to pay attention to the principles of credit. the aim is to gain confidence in the debtor's ability to pay off his obligations. This can be done by apply the credit principle through assessment of character, ability, capital, collateral, and business prospect funds owned by debtor customers.

This is a form of criminal act of corruption. debtors to obtain credit facilities from creditors (banks). In the case of In granting credit between debtors and creditors, it should be noted that its implementation must refer to the principles of healthy credit, in particular

²⁰ Julista Mustamu, "Pertanggungjawaban Hukum Pemerintah (Kajian Tentang Ruang Lingkup Dan Hubungan Dengan Diskresi)," *Sasi* 20, no. 2 (December 1, 2014): 21–27.

²¹ Hans Kelsen, *Teori Hukum Murni: Dasar-Dasar Ilmu Hukum Normatif Sebagaimana Diterjemahkan Oleh Raisul Mutaqien*, Cetakan XV (Bandung: Nusa Media, 2018).

²² Agam Alusinsing Adilang Meysita Arrum Nugroho and Kiki Firmantoro, "Perspektif Hukum Dan Pertanggungjawaban Pidana Terhadap Tindak Pidana Sektor Perbankan," *Humaniorum* 2, no. 1 (2024): 29.

based on the principle of prudence in accordance with Article 8 of the Banking Law. This needs to be taken into account to minimize and calculate the risks. for the bank from the credit given to the debtor so that it does not causing problems with people's business credit.

Regarding the provision of credit at the bank, every party involved in this matter a criminal act, the activity consists of internal parties of the bank such as employees, board of directors, board of commissioners, and shareholders bank. While external parties to the bank can also be involved in criminal acts criminal acts such as bank customers. Corruption in the distribution of credit is one form of fraudulent act by debtors who work the same as creditors (banks) to provide mutual benefits. "In Article 3 of the 1999 Corruption Law has emphasized that anyone who "Anyone who abuses their authority and power in order to benefit themselves or another party and potentially harms the state will be subject to a maximum of 20 years in prison."²³

Temporary That is, Article 49 paragraph (4) of the 2023 PPSK Law concerning Banking, explains that every party in a bank, including employees, members of the board of directors, board of commissioners, to shareholders or people who have positions equivalent to these positions, are prohibited from receive or ask for something in the form of money or services as a reward for personal or family gain. Actions This is done with the intention of giving or obtaining One of the banking facilities is the provision of people's business credit. Furthermore, a person from the bank is also prohibited from allowing debtors to withdraw funds in excess of the credit limit at the bank the consent of the parties is regulated through Article 37E paragraph (2) of the PPSK Law 2023. These restrictions are intended as a precautionary measure the occurrence of abuse of position or power in order to obtain personal gain or for the benefit of others that can detrimental to the bank. The article has confirming criminal penalties in the form of a maximum imprisonment of 8 (eight) years and a maximum fine of one hundred billion rupiah.

This banking crime can be categorized as a violation the precautionary principle because this principle has a coercive nature to parties and those mentioned in the laws and regulations. This causes the bank not to carry out its obligations in implementing the principle of caution when carrying out business activities as mandated in Article 20A paragraph (1) of the 2023 PPSK Law.

According to Munir Fuadi 85 a bank in distributing credit to its customers adhere to the principles of the Credit Distribution Eligibility Guidelines, including: First, the principle of trust is in accordance with the origin of the word credit which means trust, then every grant of credit must actually always be accompanied by trust. Namely the trust of creditors will the benefits of credit for debtors as well as trust from creditors that the debtor can repay his credit. Of course, to be able to fulfills this element of trust, the creditor must see whether prospective debtors meet various criteria that are usually applied towards the granting of credit. Second, the principle of prudence. The principle of prudence is one of the concretization of the principle of trust in providing credit. Besides also as a manifestation of the principles of Prudent Banking from all over banking activities.

Potential for Corruption in KUR Distribution has the potential for corrupt practices corruption. KUR funds are part of the APBN, so misappropriation in its distribution can be considered a criminal act of corruption. Legal Responsibility Bank BRI has

²³ "Lihat Pasal 3 UU Tipikor," n.d.

responsibility for customer guarantees. Banks must adhere to the principle of prudence and ensure the implementation of laws, articles of association and regulations internal. BRI must have an effective internal control system to prevent irregularities from occurring. The bank is also responsible for maintaining environmental sustainability through credit policies and policies other.

Accountability of the management of Bank Rakyat Indonesia (BRI) in Criminal acts in the provision of People's Business Credit (KUR) include several important aspects, including the principles of good corporate governance (GCG) and potential criminal liability if there is a deviation. BRI as State-Owned Enterprises (SOEs) and public companies are committed to improve the implementation of GCG.

Referring matter said, then according to writer based on Bank management accountability BRI, as explained above, is of the opinion that corruption in Distribution of People's Business Credit (KUR) can occur at Bank Rakyat Indonesia (BRI), which can be seen from the legal facts. KUR is government program with interest subsidies from the State Budget (APBN) which is distributed through banks or institutions designated finance. BRI management can be asked criminal liability if proven to have committed a criminal act of corruption in the distribution of KUR, such as the distribution of fictitious credit or violations credit granting procedures that cause state losses. This accountability also includes cases of carelessness in the credit granting process that result in state financial losses. Characteristic against the law which is an element of criminal responsibility The same with an unlawful nature as an element of a criminal act. According to the analysis Researchers based on the theory above that the theory of criminal responsibility with BRI management's accountability in criminal acts of corruption in the provision of people's business credit facilities in Bone Pantai can be seen from the point of view that management has responsibility for every actions that cause state losses. If management is proven committing an unlawful act, either intentionally or unintentionally negligent, so that corruption occurs in the provision of credit facilities, then they can be held criminally responsible. This responsibility based on the mistakes made and their role in violation of the criminal act.

E. Conclusions

Criminal law enforcement against criminal acts of corruption in provision of credit facilities for people's businesses in Bone Pantai is carried out by charge the suspects with articles in accordance with the Law Eradication of Criminal Acts of Corruption. Mode of criminal acts corruption of People's Business Credit (KUR) at Bank Rakyat Indonesia (BRI) Unit Bone Pantai involves data engineering by internal bank officials and other parties related. By because that, BRI management's responsibility in criminal acts of corruption in providing credit facilities for people's businesses in Bone Pantai that are responsible in this crime, the parties involved are the credit manager and the head of the BRI bank unit with this investigation aiming to identify the perpetrators and the mode operandi before handing over the case to the authorities. And covers several important aspects, including the principles of good corporate governance (GCG) and potential criminal liability in the event of deviations.

REFERENCES

- Agam Alusinsing Adilang, Meysita Arrum Nugroho, and Kiki Firmantoro. “Perspektif Hukum Dan Pertanggungjawaban Pidana Terhadap Tindak Pidana Sektor Perbankan.” *Humaniorum* 2, no. 1 (2024): 29.
- Ariyanti, Vivi. “Kebijakan Penegakan Hukum Dalam Sistem Peradilan Pidana Indonesia.” *Jurnal Yuridis* 6, no. 2 (2019): 35.
- Djaja, Ermansjah. *Memberantas Korupsi Bersama KPK*. Jakarta: Sinar Grafika, 2016.
- HR, Muhammad Adam. “Lemahnya Penegakan Hukum Di Indonesia.” *JISH: Jurnal Ilmu Syariah Dan Hukum* 3, no. 1 (2021): 57.
- Istanto, F. Sugeng. *Hukum Internasional, Ed. Cahaya Atma Pustaka*. Edisi Revisi. Yogyakarta: Cahaya Atma Pustaka, 2014.
- Kalsen, Hans. *Teori Hukum Murni: Dasar-Dasar Ilmu Hukum Normatif Sebagaimana Diterjemahkan Oleh Raisul Mutaqien*. Cetakan XV. Bandung: Nusa Media, 2018.
- “Lihat Pasal 3 UU Tipikor,” n.d.
- Mahmud, Marzuki Peter. “Penelitian Hukum Edisi Revisi.” *Jakarta: Kencana Prenada Media Group*, 2017.
- Mangku, Dewa Gede Sudika, and I. Ketut Radiasta. “Tanggung Jawab Negara Terhadap Penembakan Pesawat MH17 Berdasarkan Hukum Internasional.” *Pandecta: Research Law Journal* 14, no. 1 (2019): 25–33.
- Maulana Damarjati Raden, Bagas Arya Jatmika, and Shofiyyah Mardiyah Hasya. “Tindak Pidana Penyuapan Dalam Pemberian Fasilitas Kredit Bank Yang Diterapkan Melalui Pengawasan Lembaga Otoritas Jasa Keuangan.” *Padjadjaran Law Review* 11, no. 2 (2023): 226.
- Moho, Hasaziduhu. “Penegakan Hukum Di Indonesia Menurut Aspek Kepastian Hukum, Keadilan Dan Kemanfaatan.” *Warta Dharmawangsa* 13, no. 1 (2019).
- Muladi. *Hak Asasi Manusia, Politik Dan Sistem Peradilan Pidana*. Cetakan Kedua. Semarang: Badan Penerbit Universitas Diponegoro, 2012.
- Mustamu, Julista. “Pertanggungjawaban Hukum Pemerintah (Kajian Tentang Ruang Lingkup Dan Hubungan Dengan Diskresi).” *Sasi* 20, no. 2 (December 1, 2014): 21–27.
- Ningrum, M. H. Putu Ary Prasetya. “Penegakan Hukum Terhadap Pelaku Tindak Pidana Pengancaman Yang Ditunjukkan Dengan Ucapan Dan Hinaan Oleh: Putu Ary Prasetya Ningrum, M.H.” *Jurnal Hukum Agama Hindu* 4 (2020): 39.
- Pers, Siaran. “Kasus Korupsi Di Lingkungan BUMN: Marak Dan Rawan Pada Sektor Finansial,” 2022. <https://antikorupsi.org/id/kasus-korupsi-di-lingkungan-bumnmarak-dan-rawan-pada-sektor-finansial>.
- Rahardjo, Agus. *Cybercrime Pemahaman Dan Upaya Pencegahan Kejahatan Berteknologi*. Bandung: PT.Citra Aditya Bakti, 2016.
- Shant, Dellyana. *Konsep Penegakan Hukum*. Yogyakarta: Liberty, 2014.
- Suhardin, Yohanes. “Fenomena Mengabaikan Keadilan Dalam Penegakan Hukum.” *Jurnal Mimbar Hukum* 21, no. 2 (2019): 345.
- Tardjono, Heriyono. “URGENSI ETIKA PROFESI HUKUM SEBAGAI UPAYA PENEGAKAN HUKUM YANG BERKEADILAN DI INDONESIA.” *Jurnal Kepastian Hukum Dan Keadilan* 3, no. 2 (June 13, 2021): 51–64. <https://doi.org/10.32502/khdk.v2i2.3462>.
- Utama, Andrew Shandy. “Kepercayaan Masyarakat Terhadap Penegakan Hukum Di Indonesia.” *Jurnal Ensiklopedia Social Review* 1, no. 3 (2019): 306–13.