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The Game of Truth in Criminal Law Enforcement Process on Corruption Crimes

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Abstract.
The enforcement of criminal law against corruption, nowadays, increasingly shows the existence of a form of truth play through the construction of knowledge that is normalized through authority as a manifestation of the cognitive interpretation of law enforcement. The formation of the game of truth hides behind social framing, thus ignoring the provisions of existing legal norms. The power and authority possessed as capital to determine legal action are not based on the law itself. This study aims to describe a form of truth game that overrides legal provisions. This research is a legal research using the relational trichotomy approach and critical discourse analysis approach. The results of this study indicate the formation of a truth game to maintain social anger against the perpetrators of corruption, thus ignoring the legal rights of the perpetrators of corruption.

Keywords: truth game, corruption, legal effort, relationship trichotomy

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1. INTRODUCTION

Law enforcement is one of the important aspects that must be considered within the framework of legislation activities, in addition to determining the source of law-both writtenor unwritten, the atmosphere of mysticism and the distribution of power of power in implementing the legislation system formed.[1] Thus, law enforcement will always be related to the trinity of power (power-authority-discretion) from law enforcement officials to be able to understand the values hidden in legal norms. However, the thing that is not realized by the formation of the law is that the use of the Trinity of Power is subjective in the attitude of law enforcement itself.[2] So, it becomes an interesting thing to be examined about the attitude of the act of law enforcement officials relating to their ability to interpret the applicable legal norms.

The ability to carry out these interpretations, academically, also obtains legitimacy through legal doctrines in an effort to make legal discovery. An activity to apply the law means establishing what is the legal norm of concrete events. Where, the activity, basically, is an activity to formulate a hypothesis about the meaning of a text. So, it is not surprising when the meaning of law is the science of finding meaning. Therefore, the application of law in the judicial process is related to the issue of the legal paradigm, and a legal decision itself is a set of processes from its interpretation and application activities based on authoritative texts, or positive law.[3]

Interpretation activities, within the framework of the legal discovery, often gain meaning in general or experience generalizations, which are directed at giving answers to questions about the law caused by concrete events. Related to him, among others, asked questions about the explanation (interpretation) and the application of legal rules, and questions about the meaning of the facts of which the law must be applied. Legal discovery, regarding the matter of finding solutions and answers based on legal rules, which are more or less exactly (careful), states how to the types of certain problematic situations should be given sanctions.[4]

The attitude of giving a general meaning to the interpretation activity is not realized either by the formation of the law or by criminal law experts in Indonesia, who eliminates and even impressing a fact that the interpretation activities are actually an activity that contains elements of creativity from the interpreter, which According to Timothy Endicott.[5] Is the meaning of the interpretation of the law is a common mistake in giving meaning. In fact, creativity in interpreting activities becomes a form of coercion and violence based on power, when attached to someone who acts as a law enforcement official.[4] Through language and communication skills. This ability by Charles W. Collier is referred to as ”professional narrative” which is socially constructed into authoritative legal interpretations.[6] And hiding behind the authoritative nature by using existing legal material.[7]

As a result, every legal decision is only a reflection of a single narrative in the monologue logic of the positive paradigm extrenization process in legal science - especially in the field of criminal law, by prioritizing order and legal certainty. Ironically, the situation obtains justification from a part of legal stamps in Indonesia. Where, the uncertainty and uncertainty of the legal, only interpreted by the problem of the severe or light of the punishment of the defendant.[8] [9]—especially in the criminal act of corruption. In fact, both of these studies have created a single narrative against criminal punishment against legal efforts carried out by being carried in corruption cases as a

social framing.[10] Until finally, legal dialectics is seen to have been completed with the distillation of the paradigm of legal positivism ideologically.[11]

The establishment of legal academics and law enforcement officials found their articulation to bring up social framing through various mass media and social media reports.[12]–[13], as well as through forms of social campaigns that prioritize the impact of corruption on the emergence of the phenomenon of social unrest and social anger through An empirical fact of the impact of state financial losses associated with the violation of the fulfillment of community rights in the government bureaucracy.[14] The social construction gave rise to the creativity of the legal interpretation of law enforcers actually gave rise to ”legal barbarity” by ignoring the regularity of straight legal reasoning patterns.

The ”legal barbarity” phenomenon is the result of interpretation of law based on social phenomena that give rise to legal decisions that actually go beyond the law itself. As conducted by the Supreme Court contained in the Supreme Court’s decision Number 148 PK/Pid.Sus/2010 which rejected the request for a review on the grounds that the application was a legal effort that utilized the legal gap in the Criminal Procedure Code, namely by not submitting an appeal and cassation legal effort. In fact, juridically normative, submission of requests for review can be taken by way, namely (1) through the mechanism of appeal and cassation; or (2) through the mechanism of the issuance of the status of a court decision with permanent legal force. The two legal efforts are regulated in the Criminal Procedure Code.

Another ”legal barbarity” phenomenon emerged in the decision of the District Court Number 02/Pid.Sus-TPK/2021/PN. PGP Jo District Court Decision Number 03/Pid.Sus-TPK/2021/PN. PGP, where the Public Prosecutor who constructs the charge of corruption on the basis of the Corporate Regulation Number: 05/Tbk/PER- 0000/2016/S11.1 on Land Tin Objects and Sea Tin Objects and Instructions of PT Timah Tbk Number: 1276/Tbk /Sk-0000/18-s11.2 with Law Number 31 of 1999 concerning Eradication of Corruption Crimes (Law No. 31/1999).

The same thing appeared in the decision of the District Court Number 46/Pid.Sus-TPK/2021/PN.JKT.PST, where the Public Prosecutor constructed criminal acts with Law No. 31/1999 through the argument of acts that violate Law Number 8 of 1995 concerning the Capital Market (Law No. 8/1995), as a criminal act of corruption. The two indictments above are interesting to be studied when, juridically normative, directed at Article 14 of Law No. 31/1999 which confirms ”Any person who violates the provisions of the law that explicitly states that violations of the provisions of the law as a criminal act of corruption applies the provisions stipulated in this law.”

In the realm of investigation, epistemological wrong phenomena raises legal action from investigators who are on a thin line between the fulfillment of the principle of transparency (openness) and violation of the principle of presumption of innocent, through the actions of the press conference by 'displaying' the suspect through mass publication.[13]

In this study, the research problem is how the mechanism for the work of truth (truth-games) that gives rise to legal decisions and actions from law enforcement officials as a form of violation of human rights.

2. METHODOLOGY

This study focuses on the impact of the emergence of truth in the practice of criminal justice, especially in the phenomenon of corruption. The independent variable in this study is the type of work of law enforcement officers in creating decisions and/or legal actions against someone who is the target of norms (norm address) of this variable. Meanwhile, the dependent variable is the ability to interpret and argue. This study aims to determine the causal relationship. The causal relationship that will be investigated in this study is the impact of the emergence of truth (truth-games) on the loss of potential legal efforts on the decision and/or legal actions. In other words, this research aims to investigate the process of forming truth (truth-games) that forms decisions and/or legal actions in relation to dominating someone by eliminating their ability to make legal efforts normatively. Where the research procedures produced are descriptive data, speech, writing, and observed behavior from the community or the research subject itself.[15]

In order to find a conclusion from the issuance of the problem mentioned above, in this study using legal methods of research that use secondary data through literature studies using conceptual approaches, law approaches, case approaches, and philosophical approaches. However, in order to complement the inadequacy of the approach in legal science in describing false awareness in the practice of criminal justice requires a multidisciplinary approach from the realm of social sciences, namely Trichotomy Relationships with the Model of Critical Discourse Analysis (AWK) and Semiotic Interpretation.

3. RESULTS AND DISCUSSIONS

The phenomenon of law enforcement-reportedly is ignored as part of a social phenomenon, is seen as a mechanical phenomenon that is marked by the use of discretion-as part of the Trinity of Power (power-authority-discretion), which gives rise to an attitude of action in distillation in value in legal norms.[2], [16]The ability to interpret to explore values in a norm based on Trinity of Power which is tangible becomes the attitude of law enforcement officials towards someone. The problem is the ability to interpret the legal norms on concrete facts that occur, undergoing a totalitarianism process through the use of Trinity of Power as a capital to impose a decision and/or legal action through violence.[4]

Decisions from public officials-as administrators of government, through Law Number 30 of 2014 (Law No. 30/2014) implies a written decision as a result of the use of Trinity of Power by certain positions in the government structure. Likewise with the concept of actions from public officials, which contain the meaning of concrete actions - based on Trinity of Power, for the benefit of governance. Therefore, every decision and/or action of law enforcement officials - as government officials, is a legal decision and/or action based on law, until it is stated otherwise by the official superiors or higher power. The narration above shows the use of Trinity of Power in interpreting. Interpretation as a theoretical foundation to justify a scientific knowledge. However, not much reviewed, that the interpretation instrument has its strength through the use of power. Although, basically power has positive and productive value.[17] However, the implementation or way of working on power is not possible to be outside a discourse regime, cultural truth, and historical intervention. Therefore, every power relationship often wants the truth regime.[18] As a justification for its decisions and/or actions.

The interesting thing is, basically, power is not in the form of one -dimensional in each of its organizational structures. The holder of power will play with him through dynamic strategy models, and form a unity of the system. In fact, the strategy, not only related to the formation of systemic linearity, power also maneuvering in the arena (field) where power is formed organizational which raises social hegemony.[19]

In other studies, it shows the contribution of attributes that wrap power as sensory legitimacy for public officials in uniform, armed, and rank that have a psychological impact on the ability to level of compliance, authority, certain behaviors, aggressiveness and ability to control emotions.[20] Which forms attitudes action.

In principle, the Criminal Procedure Code through the Considelines Considering the letter c has confirmed the existence of the Criminal Procedure Code is to foster

the ’attitude’ of law enforcers. The interesting thing from the study of the concept of ’attitude’ is the process of elaboration between cognitive aspects, affective aspects and conative aspects.[21] Meanwhile, in the study of psycholinguistics, it turns out the concept of ’attitude’ is the result of the elaboration process between ”Humand Mind” and language.[22] [23] At this point point, the power of power in producing knowledge actively through language strategy, both oral and written.

When language becomes the main instrument for knowledge to existence has been thrown into power - even when language is as independent knowledge, in structural linguistic studies, language is never in a vacuum; never value free.[24] And there is always anthropocentric nature originating from the speaker or text maker.[25] So, this correlates with the phrase from Jürgen Habermas, that knowledge and interests are one.[26]

In the end, the work pattern of power that uses language as a strategy to produce a knowledge will only be used to bring with its interests. Therefore, referring to strategies based on fields and capital, every law enforcement official obtains habitus.[27]— based on linearity that forms a unity of the system, will produce praxis actions - through language strategies, which not only to hegemony and dominate. So, according to Gramsci, both must be balanced to control a country.[28] That is, the CQ

state government will use these two ways, namely academic persuasion (hegemini) and violence/coercion (domination). Thus, a knowledge that is constructed as a game of truth has been directed to be a doxa to function as a symbolic domination to the community. In fact, decisions and/or actions within the framework of criminal justice practices that hide behind symbolic dominance, will appear objectively.[2]

The phrase of the Supreme Court Justice in the Case of the Supreme Court Number 148 PK/Pid.Sus/2010 is a form of symbolic dominance that is not possible to be refuted on the grounds, namely (1) The Panel of Judges has capital and controls the field, so that the awareness of the ownership become an interpretation activity to be totalitarianism and absolute. The decision taken is displayed as an objective decision. Thus, the Petitioner of Reconsideration (PK) was not aware of the actions of the Supreme Court Justice, it raised legal uncertainty. Therefore, everyone has legal right to refer to the application for cassation, as long as the court’s decision before the legal force has permanent; and (2) The constructed legal argument is based on the ration in social framing. Therefore, the panel of judges only avoided a decision that reduced previous criminal decisions. This is because, based on Article 266 paragraph (2) of the Criminal Procedure Code, the type of ruling consists of only (1) rejected; (2) free;

1. free from all lawsuits; (4) unable to accept the demands of general injections; and
2. Decisions by applying lighter criminal provisions.

Surely it becomes interesting to study in an analysis of critical discourse, where when it is related to criminal acts of corruption, there has been a grand narrative that has become a myth of modernity - even a tendency as a symbolic domination, namely the tendency to increase criminal sentences when the defendant/convicted submitting legal remedies.

Phenomenon in the decision of the District Court Number 02/Pid.Sus-TPK/2021/PN. PGP Jo District Court Decision Number 03/Pid.Sus-TPK/2021/PN. PGP also shows the same symptoms. Where, instead of maintaining legal certainty, the prosecutor's office actually shows a language strategy that utilizes legal certainty to act not based on legal certainty. Article 14 of Law No. 31/1999, hegemony, has never been taught in the lecture curriculum. The entire curriculum regarding criminal acts of corruption experienced a throw of only in studies on elements and types of criminal acts of corruption.

Thus, the hegemonic situation is used to dominate that only the study of elements and types of corruption criminal acts that should be taught in lectures. The hegemony and dominance effort, has become a game of truth that every action determined as an act that gives rise to the loss of state finances is a criminal act of corruption by nigking the possibility of dialectics against Article 14 of Law No. 31/1999.

The game of truth in law enforcement against corruption is also seen in the process of arresting and determining suspects who rely on social support by ignoring—or at

> least running on the edge between transparency and human rights, through social framing by utilizing mass media and social media. Thus, in the end, the whole community gave justification for the act of arrest operations by exposing the suspect. Things that, in the end, were not revealed publicly, where The Arrest Operation

itself-had secretly, associated with the concept of 'caught red-handed' in the Criminal Procedure Code. Thus, the connotative meaning becomes the game of truth to make a legal decision against the action to determine as a suspect without going through procedures and procedures determined by the Criminal Procedure Code.

4. CONCLUSION AND RECOMMENDATION

Social anger against criminal acts of corruption is a common sense, and indeed the crime is fitting to be convicted, as long as based on applicable legal provisions. This

social anger is energy for the formation of the law to realize the laws and regulations. However, criminal law enforcement of the criminal act of corruption, has created various models of truth games under a narrative grand domination that dominates the inferior binary opposition not to be able to make legal efforts. Therefore, the game of truth that is realized in the decision and/or legal action obtains justification and legitimacy through power as a designated knowledge. Law enforcement officials have a capital of Trinity of Power that provide the ability to interpret to form knowledge based on each of the interests of each law enforcement institution through monologue language and communication strategies.

Based on the conclusions above, almost never found a solution or a way out of the game of truth from the authority holder. Therefore, every authority holder will always produce knowledge to surpass certainty as a legitimate game of truth based on law. However, the demolition of the game of truth in the law enforcement process against a crime shows the existence of the interests to be maintained as a myth of modernity.

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