

Law Enforcement and Managerial Criminal Responsibility in Corruption of People's Business Credit Distribution at BRI Bone Pantai Unit

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Abstract: This study discusses law enforcement against corruption crimes that occur in the process of providing People's Business Credit (KUR) facilities at the BRI Bone Pantai Unit as well as the form of criminal responsibility from the management of the banks involved. Through a normative-empirical approach, this study illustrates the weak internal supervision system of banks and the inefficiency of coordination between law enforcement that causes state losses of billions of rupiah. The findings show that the modus operandi in the form of data engineering and abuse of authority is carried out by bank employees in collaboration with external parties. The law enforcement carried out has not touched the structural roots of the weaknesses of the banking system and business ethics in the distribution of KUR. In the context of Lawrence M. Friedman's theory of legal systems, aspects of the structure, substance, and culture of the law show a failure to guarantee accountability and prevention. Therefore, the reconstruction of law enforcement needs to involve systemic improvements, the strengthening of management's criminal responsibility, and the strengthening of the capacity of the bank's internal supervisory institutions so that public trust in the KUR program can be restored.

Keywords: BRI Bone Beach Unit; Corruption Crimes; Criminal Liability; Law Enforcement; People's Business Credit

1. Introduction

Corruption is an extraordinary crime whose impact transcends sectoral and social boundaries. In the Indonesian context, corruption does not only occur within the scope of executive and legislative power, but has extended to the public service sector and financial institutions, including banking. One of the affected sectors is the distribution of People's Business Loans (KUR), which is a government financing program that aims to strengthen the capacity of micro, small, and medium enterprises (MSMEs). In its implementation, this program involves the strategic role of national banks as the main distributor of credit funds with interest subsidies and guarantees from the government.

Bank Rakyat Indonesia (BRI), as a state-owned bank that dominates the distribution of KUR, has a great responsibility in maintaining the integrity of the program's implementation. However, the corruption cases that have emerged, one of which is in the BRI Bone Pantai Unit, show that there are gaps in the supervision and operational implementation system that opens up space for corruption crimes. In this case, it was revealed that there was manipulation of debtor data, document engineering, and illegal disbursement of funds by bank employees who colluded with external parties. As a result, the state has suffered huge financial losses,

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while the people who should have benefited from this program have become victims of injustice.

This phenomenon indicates weaknesses in the bank's internal supervision mechanisms, weak audit functions, and ineffective coordination between law enforcement officials and financial institutions in tackling corruption in the microcredit sector. Furthermore, law enforcement tends to be repressive towards field actors (lower-level employees), while managerial responsibilities are often neglected. In fact, in the banking work system, the hierarchical structure and collective responsibility are integral to the implementation of operational and supervisory tasks.

Previous research has mostly discussed the effectiveness of the KUR program from a public policy perspective, its impact on the growth of MSMEs, or evaluation of the performance of fund distribution. Several studies have also reviewed banking corruption in a systemic context, but not many have specifically highlighted the criminal liability of bank management in cases of KUR disbursement corruption. In addition, the available legal studies are still limited to a normative approach to banking crimes in general, without an in-depth exploration of the implementation of the legal system in the local context, especially at the level of work units in the regions.

Therefore, this study has a dual focus, namely: first, critically analyzing the pattern of law enforcement against corruption crimes in the distribution of People's Business Loans in the BRI Bone Pantai Unit; and second, examining the possibilities and legal basis of managerial criminal liability within the framework of positive criminal law and theory of accountability. This is done by digging up empirical facts in the field and analyzing them through a comprehensive juridical approach.

The methodology used is a normative-empirical approach, which combines doctrinal studies of applicable laws and regulations, such as Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption, as well as the Banking Law with field research in the form of interviews with law enforcement officials, bank management, and analysis of case documents. The theory used to frame the analysis is Lawrence M. Friedman's theory of legal systems, which divides the legal system into three elements: structure, substance, and legal culture. In addition, the theory of criminal responsibility from Hans Kelsen is also used to examine the responsibility of individuals and corporations in criminal acts.

The main contribution of this study is to provide a new conceptual approach in assessing corruption crimes in the microbanking sector, particularly in terms of hierarchical managerial accountability in the structure of state financial institutions. This article also highlights the importance of institutional reform in the KUR supervision mechanism and the need to strengthen coordination between banking institutions, financial supervisory authorities, and

law enforcement officials so that the effectiveness of anti-corruption measures is more at the root of the problem.

2. Methods

This study adopts a normative-empirical approach to examine law enforcement against corruption crimes in the distribution of People's Business Loans (KUR) and criminal liability of bank management. This approach allows for an integrated analysis between the study of applicable legal norms and implementation practices in the field. Normatively, the research examines regulations related to the eradication of corruption and the national banking system, including the Law on the Eradication of Corruption and BRI internal regulations, in order to understand the legal limitations of criminal liability in the managerial context of banking.

Empirically, the case study on the KUR corruption case at the BRI Bone Pantai Unit was conducted through in-depth interviews with law enforcement officials and bank officials, as well as the analysis of case documents and reports of supervisory institutions. The data were analyzed qualitatively using the content analysis and source triangulation method using the framework of the legal system theory of Lawrence M. Friedman and the theory of criminal liability Hans Kelsen. This approach is expected to produce a comprehensive picture of the legal and institutional dynamics in microcorruption cases, as well as support the legal arguments on the need to expand criminal liability to the level of bank management.

3. Results and Discussion

3.1 Characteristics of Corruption in KUR Distribution at BRI Bone Beach Unit

The crime of corruption in the distribution of People's Business Loans (KUR) at the BRI Bone Pantai Unit was found to take place with a fairly complex *modus operandi* and involved several individuals who worked together. The most common mode found is the falsification of administrative documents, such as business certificates and debtor identity data. This aims to cover up the fact that the debtor is not qualified or does not have the ability to pay the credit filed. This manipulation allows KUR funds to be disbursed illegally, which has a direct impact on the state's financial losses.

In addition, there is a practice of collusion between bank employees and certain debtors that allows inflating the amount of approved credit. The employees involved usually take advantage of weaknesses in verification procedures and a lack of internal oversight to speed up the process of disbursing funds without an adequate audit process. This condition shows the weakness of the internal control system and the lack of application of the prudential principle in KUR credit management.

Furthermore, organizational aspects and work culture at the BRI Bone Pantai Unit also played a role in the occurrence of corruption. The culture of tolerance for procedural violations and the indifference of some officials make corrupt practices can last for a relatively

long period of time. This situation is exacerbated by the lack of optimal internal audit and external supervision functions which should be the main pillars of corruption prevention.

3.2 Law Enforcement Process and Obstacles Faced

Law enforcement against corruption in the distribution of KUR at the BRI Bone Pantai Unit has gone through several stages, starting from initial investigation, investigation, to the judicial process. Law enforcement officials such as the police and prosecutor's office have shown commitment in cracking down on this case by collecting evidence, examining witnesses, and determining suspects. This process shows the seriousness of enforcing the law in order to maintain banking integrity and restore public trust.

However, behind that, there are a number of obstacles that hinder the effectiveness of law enforcement. One of the main obstacles is the difficulty in gathering strong and credible evidence. Many documents and transaction data have been manipulated or eliminated by the perpetrators before the investigation process begins. This condition makes investigators have to work extra hard to gather additional evidence, such as witness testimony and electronic evidence that is often difficult to obtain.

In addition, the pressure and intimidation of witnesses and related parties is a serious challenge in law enforcement. Some witnesses are reluctant to give honest testimony for fear of social and professional consequences. This situation reduces the effectiveness of the investigation process and can result in a reduced level of confidence in the judge in deciding the case.

Another inhibiting factor is the limitation of human resources and law enforcement facilities at the regional level. The lack of special training on corruption crimes in the banking sector, as well as the limitations of digital forensic technology, make the investigation process less than optimal. In addition, coordination between related institutions is still not optimal, which causes the legal process to be slow and inefficient.

3.3 Accountability of BRI Management of Bone Pantai Unit

The management of BRI Bone Pantai Unit has the main responsibility in ensuring that the entire credit distribution process runs in accordance with the provisions of regulations and good corporate governance principles. However, the results of the study show that the implementation of this responsibility is still far from optimal. The existing internal control system has not been able to detect and prevent corrupt practices effectively.

In some cases, management has been known to tolerate procedural violations for pragmatic reasons, such as maintaining credit disbursement targets. This results in weak supervision and opportunities for individuals to commit fraud. In addition, the absence of an effective reporting and whistleblowing system makes violations often go undisclosed and cause significant losses.

Actions taken by management against employees involved in corruption tend to be administrative, such as transfer of positions or written warnings. However, these measures

are not enough to provide a deterrent effect that can prevent similar violations in the future. In terms of legal accountability, management has not shown seriousness to take legal responsibility in corruption cases that occur under its supervision.

In addition, management has also not fully implemented the principles of good corporate governance (GCG), especially in the aspects of transparency, accountability, and risk control. The absence of regular ethics training and integrity awareness also weakens management's commitment to preventing corruption. This emphasizes the need for deep reforms in governance and organizational culture at the BRI Bone Pantai Unit.

3.4 Analysis based on Hans Kelsen's Legal Theory

Using the perspective of Hans Kelsen's legal theory, this corruption case can be analyzed through the concept of a hierarchy of norms and the rule of law. Kelsen emphasized that criminal law norms are basic norms (*grundnorm*) that must be enforced without compromise, as the main foundation for the state of law (*Rechtsstaat*) to be realized.

In practice, law enforcement against corruption at the BRI Bone Pantai Unit shows that there is a discrepancy between formal legal norms and applicable social and organizational cultural norms. Although criminal law norms regulate strict sanctions for corrupt perpetrators, social norms within the bank's internal environment still tend to be permissive towards irregularities, thus causing inconsistencies in the implementation of the law.

Kelsen also emphasized the importance of the rule of law, namely that the law must be enforced fairly and consistently without exception. However, in this case, the rule of law is still disturbed by social pressures, conflicts of interest, and weak internal oversight systems that allow for repeated violations. Thus, the function of the law as a tool to enforce justice and prevent criminal acts has not been optimal.

This analysis indicates that law enforcement reform is not enough only on normative and procedural aspects, but must also pay attention to the cultural and social aspects that shape the behavior of actors and institutions. Changing organizational culture that supports legal compliance and integrity is the key to achieving true rule of law.

3.5 Supporting and Inhibiting Factors for Corruption Law Enforcement KUR

The study found various factors that affect the success and failure of law enforcement against corruption crimes in the BRI Bone Pantai Unit. The main supporting factor is the existence of law enforcement officials who are professional and have high integrity in carrying out their duties. The existence of government policies and banking authorities that support efforts to eradicate corruption is also an important driver.

In addition, the awareness of some employees about the importance of integrity and transparency makes a positive contribution to internal supervision. Training and socialization initiatives on anti-corruption carried out by several parties have also begun to form the mindset of employees who are more aware of the risk of corruption.

However, the inhibiting factors are more dominant and significant. An organizational culture that still tolerates deviations and a lack of management's commitment to take prevention seriously are the main obstacles. Weak internal control systems and non-transparent procedures make it easier for fraud to occur.

In addition, conflicts of interest and non-disclosure of information between work units complicate detection and enforcement efforts. Social pressure and intimidation of witnesses also weakened the investigation process. On the other hand, limited resources and technology for law enforcement officials in the regions slows down the overall law enforcement process.

3.6 Strategic Implications and Recommendations

From the findings and analysis, it can be concluded that law enforcement against corruption crimes in the BRI Bone Pantai Unit requires a holistic approach and comprehensive reform. Strengthening the internal supervision system is a very important first step to prevent further irregularities. The implementation of sophisticated information technology can help in monitoring the credit disbursement process in real-time and detecting anomalies or indications of fraud. A safe and transparent reporting and whistleblowing system must also be developed so that employees can report violations without fear.

In addition, law enforcement must be carried out consistently and firmly, by actively involving management in legal accountability. Education and training on ethics, integrity, and anti-corruption should be a routine agenda to build a clean and transparent work culture. Coordination between law enforcement agencies, banking supervisors, and bank management needs to be strengthened so that the investigation and enforcement process can run quickly and effectively. Organizational culture reform must be directed to instill the values of good governance and legal compliance as the main foundation for managing corruption risks.

With the implementation of these recommendations, it is hoped that law enforcement against corruption crimes in the distribution of KUR can run more effectively, provide a deterrent effect, and increase public trust in banking institutions and the national legal system.

4. Conclusions

This study concludes that corruption in the distribution of People's Business Loans (KUR) at the BRI Bone Pantai Unit occurs through structured modes and involves collusion between employees and debtors. This corrupt practice is made possible by weak internal supervision and an organizational culture that is still tolerant of procedural violations.

The law enforcement process for corruption cases shows the seriousness of law enforcement officials in cracking down on perpetrators, but is faced with obstacles such as difficulties in collecting evidence, intimidation of witnesses, limited resources, and suboptimal coordination between agencies. In addition, the management of the BRI Bone Pantai Unit has not carried out its responsibilities optimally in supervising and preventing corruption, so it is necessary to reform the governance and organizational culture. Analysis using Hans

Kelsen's legal theory reveals that there is a discrepancy between formal legal norms and the prevailing social and organizational cultural norms. The rule of law has not been fully upheld due to social factors and internal weaknesses, so law enforcement must be carried out not only normatively but also by changing the organizational culture.

The strategic recommendations submitted include strengthening the internal supervision system, applying information technology for monitoring, developing a safe violation reporting system, and regular ethics and integrity training. Law enforcement must be consistent and firm, with better coordination between law enforcement, bank management, and supervisory authorities to create a deterrent effect and prevent corruption from recurring. With this comprehensive effort, it is hoped that public trust in banking institutions and the national legal system can increase and the distribution of KUR can run according to the principles of transparency and accountability.

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