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ARTIKEL JURNAL INTERNASIONAL BEREPUTASI (SCOPUS)**

Judul : Addressing Corruption of Village Funds: A Perspective from Islamic Criminal Law and Positive Law on Assaet recovery
Nama Jurnal : Jurnal Ilmiah Al-Syir'ah
Penulis : Firmansyah, Hadrawi Kasma, Mikdar Rusdi

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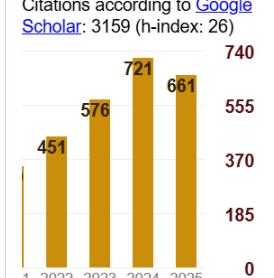
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Title RECONSTRUCTION OF THE CONCEPT OF ASSET RECOVERY IN HANDLING CRIMINAL ACTS OF VILLAGE FUND CORRUPTION IN INDONESIA
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Date submitted December 11, 2023 - 07:21 AM
Section Articles
Editor None assigned
Author comments Assalamu Alaikum, mohon izin mengirimkan artikel jurnal demikian terimakasih

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#2911 Review

SUMMARY **REVIEW** **EDITING**

Submission

Authors Firmansyah Firmansyah, Hadrawi Kasma, Mikdar Rusdi 
Title Addressing Corruption of Village Funds: A Perspective from Islamic Criminal Law and Positive Law on Asset Recovery
Section Articles
Editor Arif Sugitanata 

Peer Review

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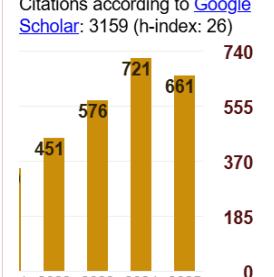
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Authors	Firmansyah Firmansyah, Hadrawi Kasma, Mikdar Rusdi View
Title	Addressing Corruption of Village Funds: A Perspective from Islamic Criminal Law and Positive Law on Asset Recovery
Section	Articles
Editor	Arif Sugitanata View

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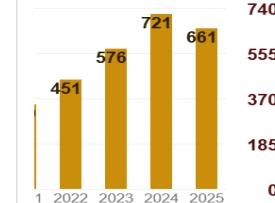
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Section Editor
2024-03-15 04:32 AM

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Firman Syah,

I hope this email finds you well. I am reaching out to you as the editor of [Journal Name] to provide feedback on the article you submitted titled "[Article Title]."

First and foremost, I want to express our appreciation for your contribution in drafting the article. However, upon careful review, we feel it is necessary to request some revisions and adjustments.

Overall, the article shows great potential, but there are areas that need improvement to align with the focus and scope of our journal. Some aspects to consider include:

Focus and Scope: The article needs to be aligned with the focus and scope of our journal. Some sections may need to be expanded or condensed to ensure consistency with the journal's main theme.

Writing Style: We suggest adapting your writing style to fit our journal's guidelines. This includes using consistent terminology and writing style in line with journal standards.

References and Literature Updates: Please ensure that the references used are up-to-date and relevant to the topic at hand. Additionally, consider updating related literature that could enrich the context of your article.

We kindly request you to make the necessary revisions to the article within 7 days of receiving this email. We kindly request that you address these comments and make the necessary revisions to your article accordingly. Once you have completed the revisions, please resubmit the revised version through the OJS platform.

We are confident that with your cooperation, this article will be a valuable contribution to our journal. Thank you for your attention and cooperation.

Best regards,

Arif Sugitanata
Editor

Jurnal Ilmiah Al-Syir'ah
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Author
2024-03-16 01:59 AM

Subject: RECONSTRUCTION OF THE CONCEPT OF ASSET RECOVERY IN HANDLING CRIMINAL ACTS OF
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Amir Sugiantoro
Editor

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Thank you

Jurnal Ilmiah Al-Syir'ah
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Author
2024-03-17 07:00 AM

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May the Al-syir'ah Journal team be given blessings and health.

We hereby submit the revised article based on very valuable input and in accordance with our directions, we have made improvements, we hope for further guidance, and we express our gratitude for your assistance.

Wassalam

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2024-03-28 03:56 AM

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Our decision is: Revisions Required

Arif Sugitanata
Scopus ID: 58679634300, Universitas Islam Negeri Sunan Kalijaga
arifsugitanata@gmail.com

Author
2024-04-03 07:19 AM

Jurnal Ilmiah Al-Syir'ah
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May the Al-syir'ah Journal team be given blessings and health.

We hereby submit the revised article based on very valuable input and in accordance with directions from the Reviewer, we have made improvements, we hope for further guidance, and we express our gratitude for your assistance.

Wassalam

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2024-04-05 01:47 AM

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Apa rekomendasi Peneliti?

Berikan keterbatasan penelitian ini.

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Apa rekomendasi Peneliti?

Berikan keterbatasan penelitian ini.

Author
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Our decision is to: Accept Submission

Arif Sugitanata
Scopus ID: 58679634300, Universitas Islam Negeri Sunan Kalijaga
arifsugitanata@gmail.com

Author
2024-05-06 01:56 AM

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Subject: RECONSTRUCTION OF THE CONCEPT OF ASSET RECOVERY IN HANDLING CRIMINAL ACTS OF VILLAGE FUND CORRUPTION IN INDONESIA DELETE

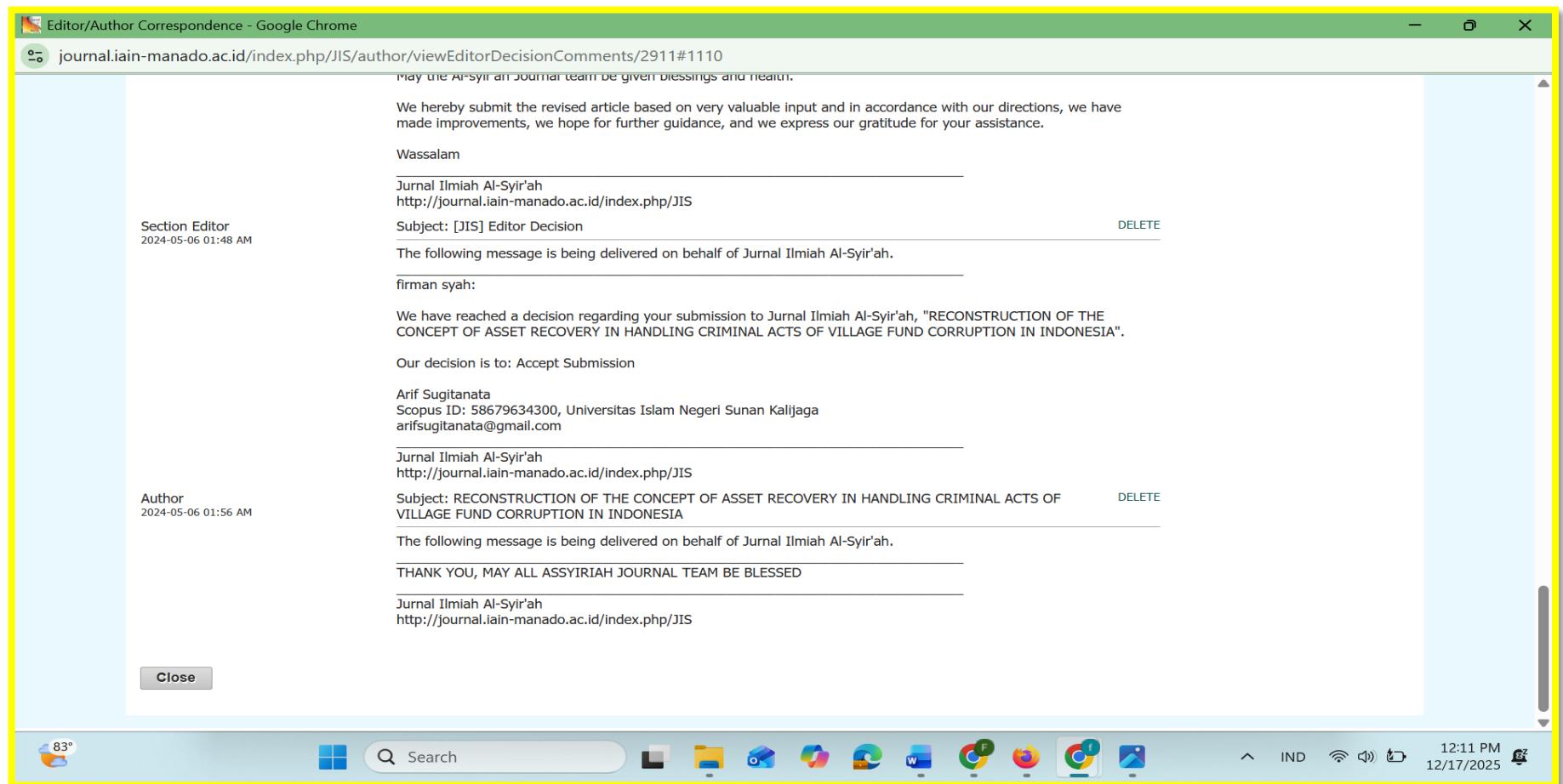
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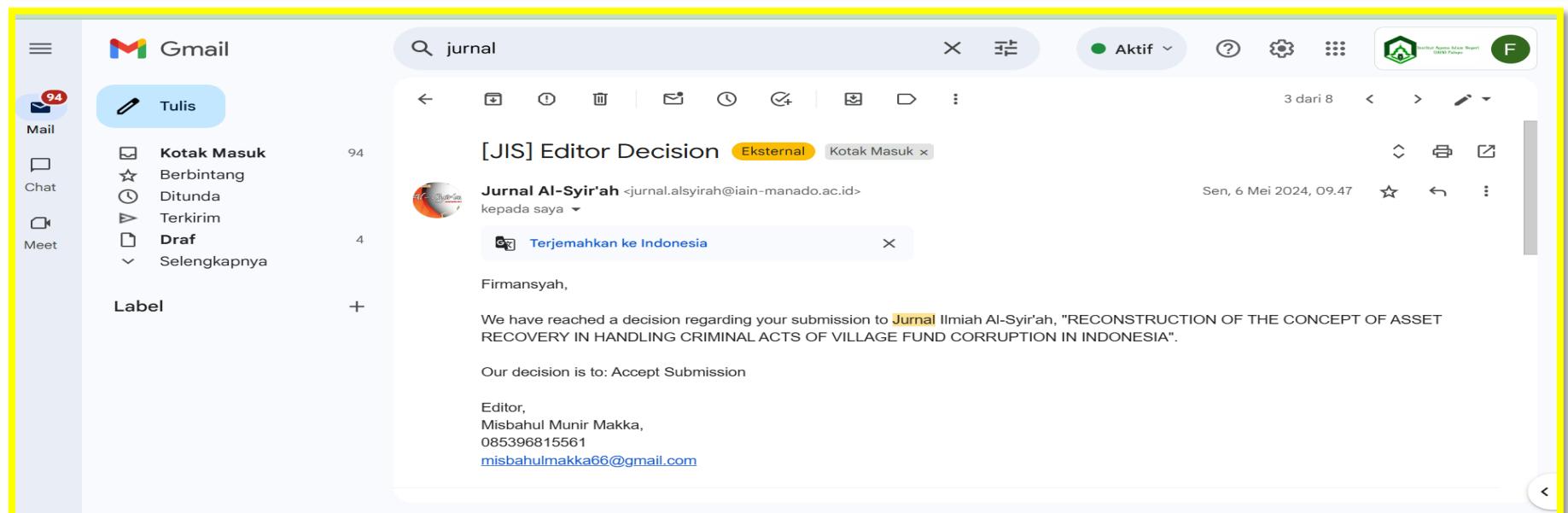
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Our decision is to: Accept Submission

Editor,
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085396815561
misbahulmakka66@gmail.com



RECONSTRUCTION OF THE CONCEPT OF ASSET RECOVERY IN HANDLING CRIMINAL ACTS OF VILLAGE FUND CORRUPTION IN INDONESIA

Firmansyah

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Hadrawi Kasma

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ABSTRACT

Corruption in Indonesia is increasingly rampant, one of which is the issue of village funds, so the problem is analyzed and identified problems to resolve the case. The research method used is an empirical juridical approach using data collection techniques, namely in-depth interviews using qualitative descriptive analysis. The research results found that several things that cause corruption in village funds include; low understanding, awareness, and supervision of the BPD (people's consultative body), lack of transparency and accountability, low community participation, political pressure and conflicts of interest, a culture of corruption, and the case studies raised show that corruption occurs due to misuse by third parties and the efforts taken are based on This is an improvement on these 5 (five) aspects. The important point is the offer from researchers regarding the reconstruction of the concept of asset recovery when it has been applied after going through the trial process. In this paper, we offer the idea of asset recovery outside of court based on an analysis of the cases raised.

Keywords: village funds, corruption, asset recovery

INTRODUCTION

civil lawsuits regarding corruption cases are carried out after the criminal case cannot be continued and is carried out against the Law (Syam & Marlina, 2022). In general, this research discusses the return of state finances (asset recovery), which can be carried out after going through criminal and civil legal processes. However, This paper discusses asset recovery in a non-litigation manner, thereby changing the paradigm that states financial recovery can be carried out non-litigation.

This writing aims to look at the causes of criminal acts of corruption by focusing on village fund corruption and finding solutions to resolve it. The most important thing is to give birth to a new idea. Returning assets can also be carried out through non-litigation channels while still paying attention to the mens rea (inner attitude) or responsibility and motives of the suspect, which is also in line with the essence of criminal Law as the ultimum remedium or last resort (Rahmawati, 2013).

RESEARCH METHODS

The research method for this article is empirical legal research, (Mukhti Fajar & Achmad, 2015) which is not only based on law from a normative perspective but is based on legal reality which is based on the interpretation and interpretation of law by correlating it with the social context that occurs. The data collection technique uses field research by identifying social facts, relating them to the law, and conducting interviews with several informants, including the prosecutor's office, village head, BPD, and related communities. The analysis technique is qualitative descriptive by describing the phenomenon. That happened.

RESULT AND DISCUSSION

CAUSES OF CORRUPTION

In this context, the case that will be described is a case study in MM village where the chronology of the village fund corruption case can be identified as the cause based on the Gole theory by Jack Bologna, which states that corruption occurs because of greed, opportunities, needs, and exposure (Setiawan & Jesaja, 2022) From this context it can be seen that greed and need are elements related to the perpetrator. For the context of corruption that occurred in village M, based on interviews with related parties or informants, it was found that the cause did not come from greed and need but rather an opportunity that an interested third person exploited. Historically, on December 28 or the end of 2020 funds still had not been realized amounting to + 3 hundred million At the

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- 1.Brunelle-Quraishi, Ophelie. "Assessing the relevancy and efficacy of the United Nations Convention Against Corruption: a comparative analysis." *Notre Dame J. Int'l & Comp. L.* 2 (2011): 101.
- 2.Wahyudi, Sugeng. "Penal policy on assets recovery on corruption cases in Indonesia." *JILS* 4 (2019): 45.
- 3.Arifin, Ridwan, Sigit Riyanto, and Akbar Kurnia Putra. "Collaborative efforts in ASEAN for global asset recovery frameworks to combat corruption in the digital era." *Legality: Jurnal Ilmiah Hukum* 31.2 (2023): 329-343.
- 4.Trinchera, Tommaso. "Confiscation and asset recovery: Better tools to fight bribery and corruption crime." *Criminal Law Forum*, Vol. 31, No. 1. Dordrecht: Springer Netherlands, 2020.
- 5.Amrullah, Rinaldy. "The Corruption in Indonesia: The Importance of Asset Recovery in Restoring State Finances." *Pt. 2 J. Legal Ethical & Regul. Issues* 24 (2021): 1.

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RECONSTRUCTION OF THE ASSET RECOVERY CONCEPT IN THE PERSPECTIVE OF ISLAMIC CRIMINAL LAW AND POSITIVE RELATED TO HANDLING OF VILLAGE FUND CORRUPTION IN INDONESIA

ABSTRACT

Corruption in Indonesia is increasingly rampant, one of which is the issue of village funds, so the problem is analyzed and identified problems to resolve the case. The research method used is an empirical juridical approach using data collection techniques, namely in-depth interviews using qualitative descriptive analysis. The research results found that several things that cause corruption in village funds include, low understanding, awareness, and supervision of the BPD (people's consultative body), lack of transparency and accountability, low community participation, political pressure and conflicts of interest, a culture of corruption, and the case studies raised show that corruption occurs due to misuse by third parties and the efforts taken are based on this. This is an improvement on these 5 (five) aspects. The important point is the offer from researchers regarding the reconstruction of the concept of asset recovery when it has been applied after going through the trial process. In this paper, we offer the idea of asset recovery outside of court based on an analysis of the cases raised. This is strengthened in the perspective of Islamic criminal law, namely ta'zir, especially in relation to assets.

Keywords: village funds, corruption, asset recovery

INTRODUCTION

Corruption is rampant and harms not only state finances but also the social and economic rights of the community (the Government of Indonesia, 1999), so it has a systemic impact on various aspects. In this context, comprehensive efforts are needed, one of which is an approach using the asset recovery approach. To restore state losses apart from focusing on the perpetrators. According to data released by Indonesia Corruption Watch (ICW), 2015-2017 increased, with 17 corruption cases in 2015, 41 in 2016, and doubling to 96 in 2017, so ICW, 2019 revealed 154 cases there were recorded cases of corruption from funds 46 cases have been prosecuted in villages. (Manihuruk, 2021) For LW's context, there are indications of corruption in village funds worth IDR 320,962,282 for the 2019-2020 budget year (Tribune News, 2021). From this data, much corruption originates from village funds.

Several studies and references state that the concept of asset recovery is important for restoring state finances, a study conducted by Tommaso Trinchera shows that one form of the asset recovery concept is confiscation without which the law will not be effective and will not have a deterrent effect, the confiscation model is not only limited to assets that has something to do with

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2. Most editorials use passive language.
3. Study only on a national scale.

Commented [A2]: This means that there is no need to study the factors causing corruption, do the findings from the research results lead to a reconstruction of asset recovery? If there is, that is what is presented instead of mentioning the causal factors.

Commented [A3]: Not found in the discussion and conclusion sections

Commented [A4]: 1. The introduction jumps from one point to the next without a clear link between them. Create a smoother editorial flow to guide readers from the general issue of corruption to a focus on village funds and then to the concept of asset recovery.
2. The literature used is inefficient or less relevant to the research objectives, please review the researcher's intentions in developing this research. (For example: there are several references given, such as data from Indonesia Corruption Watch (ICW) and research by Tommaso Trinchera, but statistical data that supports the claims made will increase the reliability and authority of the writing needs to be provided).
3. The end of the introductory editorial should direct the reader to what will be discussed further in the article and why this topic is important. There needs to be a stronger closing sentence to summarize the urgency and relevance of this discussion

2023).

RESEARCH METHODS

The research method for this article is empirical legal research, (Mukhti Fajar & Achmad, 2015) which is not only based on law from a normative perspective but also based on legal reality which is based on interpreting and interpreting law by correlating it with empirical law. the social context in which it occurs. The data collection technique uses field research by identifying social facts, relating them to the law, and conducting interviews with 7 (seven) informants including the prosecutor's office, village head, village secretary, BPD, and 2 (two) community and expert informants. The time used in this research is 3 (three) months from August to October 2023, located in North Luwu Regency, South Sulawesi Province. The interviews conducted were in-depth and participatory interviews because one of the informants was a party involved in the case. Apart from that, the reason for choosing the location was because the case was unique. After all, the case was resolved using restorative justice through non-litigation instruments. The analysis technique used is descriptive qualitative by describing the phenomena that occur.

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Commented [A6]: Further explanation is needed about how informants were selected and how they can represent different points of view

Commented [A7]: Participatory interviews are prone to bias, how do researchers overcome this?

Commented [A8]: It is not relevant to the results described because everything that is done is analyzed more deeply from various aspects, such as legal, social, etc.

Commented [A9]: Some things to pay attention to:
1. How do the factors presented by the researcher relate to Gove theory and how do these help in the understanding and analysis of the case?
2. How are opportunities exploited by third parties and how does the corruption process occur?
3. Although the text provides an in-depth analysis of corruption cases in village fund management in MM Village, the scope of the case may be too limited to generalize the findings or conclusions to all village fund management contexts in Indonesia

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RESULT AND DISCUSSION

CAUSES OF CORRUPTION

In this context, the case that will be described is a case study in MM village where the chronology of the village fund corruption case can be identified as the cause based on the Gove theory by Jack Bologne, which states that corruption occurs because of greed, opportunities, needs, and exposure (Setiawan & Jesaja, 2022) From this context it can be seen that greed and need are elements related

RECONSTRUCTION OF THE ASSET RECOVERY CONCEPT IN THE PERSPECTIVE OF ISLAMIC CRIMINAL LAW AND POSITIVE RELATED TO HANDLING OF VILLAGE FUND CORRUPTION IN INDONESIA

ABSTRACT

Corruption in Indonesia is increasingly rampant, one of which is the issue of village funds, so the problem is analyzed and identified problems to resolve the case. The research method used is an empirical juridical approach using data collection techniques, namely in-depth interviews using qualitative descriptive analysis. The research results found that several things that cause corruption in village funds include; low understanding, awareness, and supervision of the BPD (people's consultative body), lack of transparency and accountability, low community participation, political pressure and conflicts of interest, a culture of corruption, and the case studies raised show that corruption occurs due to misuse by third parties and the efforts taken are based on This is an improvement on these 5 (five) aspects. The important point is the offer from researchers regarding the reconstruction of the concept of asset recovery when it has been applied after going through the trial process. In this paper, we offer the idea of asset recovery outside of court based on an analysis of the cases raised. This is strengthened in the perspective of Islamic criminal law, namely ta'zir, especially in relation to assets.

Keywords: village funds, corruption, asset recovery

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This writing aims to look at the causes of criminal acts of corruption by focusing on village fund corruption and finding solutions to resolve it. The most important thing is to give birth to a new idea. Returning assets can also be carried out through non-litigation channels while still paying attention to the mens rea (inner attitude) or responsibility and motives of the suspect, which is also in line with the essence of criminal Law as the ultimum remedium or last resort (Rahmawati, 2013).

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Commented [PP3]: less operational research methods.
1. If you look at the research results, the approach taken is a case study because the specific study focuses on the problem of corruption in MM Village.
2. Data collection is incomplete, what kind of observations are made, the interview model needs to be detailed.
3. Inaccurate data analysis. Descriptive data analysis is not suitable for use in discussing case studies.

and related institutions, as well as low community participation, political pressure, and conflicts of interest are important factors that need to be addressed to prevent corruption in village funds.

Resolving Corruption Cases

The relevant party in carrying out criminal acts of corruption is the prosecutor's office as regulated in article 30 of Law No. 16 of 2004 Office, which states that in the criminal sector, the prosecutor's office can carry out investigations for certain criminal acts (Law No. 16 of 2004). In this context, the prosecutor's office can carry out investigations for corruption cases. As with the indications of corruption that occurred in MM village, this was confirmed by the Kejari intelligence section:

"There was indeed a case that occurred in MM village, but the case was stopped because, at that time, the inspectorate carried out an inspection, and it was found that state losses were found, and the prosecutor's office facilitated the return of state losses and on the other hand it was seen that there were good intentions and no mistakes, especially evil intentions and inner attitudes (men's rea), where all this time he has shown a good inner attitude from MM and is also based on the circular letter of the Attorney General for Special Crimes Number B-111/f/Fd.1/05/2010 and during this time the perpetrator in his daily life in office has made many achievements and accepted by all levels of society" (Interview, with YL, August 2, 2023)

Based on this, it appears that the district attorney's office facilitated the resolution of the case as stated, apart from referring to the Attorney General's Circular Letter for Special Crimes Number B-111/f/Fd.1/05/2010, also because it looks at the inner attitude or in the criminal context it is referred to as responsibility. or talking about inner attitude, about this circular, the resolution of corruption cases with small losses of under 100 million and the public in good faith returning state losses then the case can be stopped with considerations of efficiency because the average cost of handling cases at the Prosecutor's Office reaches 200 million per case (Arrasid, 2020). This was confirmed by the expert informant, Mr. IC, the younger brother of the Supreme Court judge, that

Commented [PP4]: 1. United States: The United States has various law enforcement agencies such as the Federal Bureau of Investigation (FBI) and the Department of Justice which are responsible for handling corruption cases. In addition, there are strict monitoring and audit mechanisms in place for the use of public funds at the federal and state levels.

2. England: In England, there are institutions such as the National Crime Agency (NCA) which are tasked with dealing with serious crimes including corruption. In addition, there are supervisory bodies such as the National Audit Office (NAO) which audit the use of public funds.

3. Singapore: Singapore is known for its strict legal system in fighting corruption. The Corrupt Practices Investigation Bureau (CPIB) is an institution tasked with handling corruption cases in the country. Apart from that, there is also an Auditor-General's Office which conducts audits of the management of public funds.

4. Norway: Norway has a Committee for the Receipt of Confiscated Money (KOMIS) which is responsible for confiscating assets suspected of originating from criminal activities, including corruption. In addition, there are supervisory agencies such as the Office of the Auditor General which audits the use of public funds. Australia:

5. Australia, there is the Australian Federal Police (AFP) which handles corruption cases at the federal level. In addition, there are supervisory agencies such as the Australian National Audit Office (ANAO) which conduct audits of the use of public funds at various levels of government.

The five examples mentioned can become material for developing studies to develop more effective ways of resolving corruption cases in Indonesia.