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# **Criminal Accountability for Fraud Committed by Intermediaries in the Civil Servant Recruitment Process in Palangka Raya City**

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**Abstract:** This study examines the efforts of the Palangka Raya Police in preventing and addressing fraudulent practices by intermediaries (brokers) in the Civil Servant (CPNS) recruitment process. The investigation, conducted by the Criminal Investigation Directorate of the Central Kalimantan Police, highlights the critical role of law enforcement in ensuring justice. The study discusses both preventive and repressive measures employed by the police to tackle CPNS fraud. Preventive efforts include educating the public and enhancing supervision of the recruitment process, while repressive measures involve addressing reported fraud cases through a firm legal approach. The study also explores the application of Article 378 of the Indonesian Penal Code (KUHP) in handling CPNS fraud cases, emphasizing the importance of a transparent legal framework and the commitment of law enforcement to effectively combat such crimes. Through this analysis, the study underscores the significance of both legal measures and public awareness in combating fraud and ensuring a fair recruitment process for prospective civil servants.

**Keyword:** Fraud, Civil Servant Recruitment, Intermediaries.

## **INTRODUCTION**

Humans play a central role in life, including in the administration of government in a country. In Indonesia, Civil Servants (PNS) are the backbone of the government in carrying out developmental duties to achieve national goals as mandated in the Preamble to the 1945 Constitution of the Republic of Indonesia (Putri, 2020). The significant role of civil servants is evident in their efforts to protect the nation, promote public welfare, educate the nation, and maintain world order (Jimmy, 2012). Each year, the government opens recruitment for Prospective Civil Servants (CPNS) to meet the needs of government institutions and provide opportunities for citizens to serve the nation.

To perform their duties optimally, civil servants must possess good mental attitudes, professionalism, and a strong sense of responsibility (Kansil, 1979). The government must

implement targeted development programs to enhance the quality of human resources among civil servants, ensuring they have integrity, discipline, and authority in providing fair public services aligned with the values of Pancasila and the 1945 Constitution of the Republic of Indonesia (Hartini & Sudrajat, 2017). Such efforts are crucial for achieving good governance and high-quality public services.

However, crimes involving positions of public trust represent a significant issue within Indonesia's civil service system, including fraudulent practices in CPNS recruitment. These practices often involve irresponsible individuals leveraging their positions to offer "shortcuts" to citizens for securing civil service positions in exchange for large sums of money. Such schemes not only tarnish the image of civil servants, who are expected to be clean and moral, but also cause substantial losses to victims (Arief, 2002). Alarmingly, such fraudulent activities frequently involve civil servants themselves, further undermining the integrity of Indonesia's civil service system (Prakoso, 1992).

Fraudulent practices by CPNS brokers occur not only in major cities but also extend to remote areas, exploiting the public's perception that becoming a civil servant guarantees a secure livelihood (Wicaksono, 2014). A lack of understanding among citizens regarding the computerized CPNS registration system is one of the main factors contributing to such cases (Permana, 2014). Public education about the CPNS registration process and stricter government oversight are essential to reducing fraudulent recruitment practices and fostering an honest and transparent civil service system (Indrayan, 2018).

Based on the data regarding the number of fraud cases by intermediaries in the recruitment of Prospective Civil Servants (CPNS) in Palangka Raya in the years 2020, 2021, and 2022, there were 2 (two) cases that have been decided by the District Court. Below is the data of fraud cases by intermediaries in the recruitment of Prospective Civil Servants at the Palangka Raya District Court:

**Table1 . Court Decisions on Fraud Cases by Intermediaries in the Recruitment of Prospective Civil Servants**

Year	Court Decision
2022	Case No. 382/Pid.B/2022/PN Plk with a sentence of fixed-term imprisonment (1 year and 3 months)
2021	Case No. 252/Pid.B/2021/PN Plk with a sentence of fixed-term imprisonment (1 year and 6 months)
2020	-

Source: Central Province Police, 2023.

Criminal acts of fraud related to the recruitment of Civil Servants (CPNS) through intermediaries, as regulated under Article 378 and/or Article 372 of the Indonesian Criminal Code (KUHP), are among the common cases in Indonesia. One example is a case in Palangka Raya involving a Civil Servant (ASN), Y, who promised the victim, JP, that they would be accepted as a CPNS in exchange for a sum of money. The perpetrator requested payments in installments, amounting to IDR 68 million, but the promise was never fulfilled. This case was eventually tried at the Palangka Raya District Court, where the defendant was proven guilty of fraud and sentenced to 2 years and 6 months of imprisonment.

Despite the frequency of such cases, many victims choose not to report them to the authorities. This is due to the perception that legal processes take time and effort, causing victims to prefer resolving the issue privately or not pursuing it at all. This situation indicates that the reported case data does not reflect the actual number of incidents, highlighting the need for greater education and tighter supervision to prevent similar practices in the future.

In this regard, there is a need for regulations to be established within society. It is hoped that through such regulations, peace and order in social life will be achieved, in line with the goals

of the Indonesian state to create peace and harmony in society. Therefore, regulations were enacted to apply to every Indonesian citizen.

As stipulated in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, "The state of Indonesia is a state based on law." In accordance with the main duties of the police as outlined in Article 13 of Law No. 2 of 2002 concerning the Indonesian National Police, which states, "The main duty of the Indonesian National Police is to maintain security and public order, uphold the law, and provide protection, guidance, and services to the community."

The problem formulation in this research focuses on two main aspects related to the handling of fraud offenses by intermediaries in the recruitment of Civil Servants (CPNS) in Palangka Raya. First, this study aims to examine how the investigation of fraud offenses by CPNS intermediaries is carried out by the Palangka Raya City Police. The investigation process is the main focus to understand the steps taken by law enforcement officers in uncovering and prosecuting the perpetrators of fraud, including the obstacles encountered in practice. Second, this study seeks to explore the efforts made by the police in preventing and addressing fraud offenses by CPNS intermediaries in Palangka Raya. This focus includes the preventive strategies and measures taken to reduce the potential for fraud, as well as the approaches used to mitigate the impact of similar cases in the future. Thus, this research is expected to provide a comprehensive overview of the role of the police in handling this issue.

The objective of this research is to comprehensively examine and understand the implementation of the investigation of fraud offenses by CPNS intermediaries carried out by the Palangka Raya City Police. This study focuses on the steps taken by law enforcement authorities to uncover, investigate, and process cases of fraud by CPNS intermediaries, as well as the challenges that may be faced during its implementation. Furthermore, this study also aims to explore the preventive and responsive efforts made by the police to prevent and address fraud offenses by CPNS intermediaries in Palangka Raya. This includes the police's strategies for educating the public, enhancing supervision, and building effective prevention systems so that similar cases can be minimized in the future. It is hoped that this research will provide constructive recommendations for strengthening the role of the police in optimally handling fraud cases by CPNS intermediaries.

## **METHOD**

The research method employed is the Empirical Legal Method, which involves examining the data obtained to provide an understanding of the issues faced (Sugono, 2012). This study was conducted in the jurisdiction of the Central Kalimantan Police, Palangka Raya. The research instruments used include literature review, observation, and interviews (Mertokusumo, 2013), with several informants such as Mr. Andi Bahri Saputra, S.H. (Investigator at the Directorate of Criminal Investigation, Central Kalimantan Police), Anovia Pebriani (a member of the public who was a victim of fraud by CPNS intermediaries), and Amiani Taniun Unting (a member of the public and the mother of the victim, Anovia Pebriani, who was defrauded by a CPNS intermediary). The data analysis employed is descriptive qualitative analysis based on the data gathered from field research and interview results.

## **RESULTS AND DISCUSSION**

### **Investigation of Criminal Fraud in the Recruitment of Civil Servants (CPNS) by Intermediaries, Conducted by the Palangka Raya Police**

Fraud is increasingly prevalent in Indonesia, particularly with the advancement of technology, which allows for new modes of fraudulent activities (Lamintang, 1997). This crime causes public unrest as it can target anyone, anywhere, regardless of age, gender, or social status. One common form of fraud is related to the recruitment of Civil Servants (CPNS) (Situmorang,

1994), even in remote areas such as Palangka Raya. This phenomenon is driven by the belief that becoming a civil servant guarantees a prosperous life, leading many individuals to resort to illegal methods to obtain such positions. Unscrupulous individuals exploit this situation to deceive others with promises of securing a CPNS position.

One such case in Palangka Raya involved a Civil Servant (ASN) named Y (45), who deceived JP (28) by promising a CPNS position in the 2019 recruitment. The perpetrator requested money in stages, amounting to Rp 68 million, but the promise was never fulfilled. This case was eventually processed through the legal system, resulting in a 2 years and 6 months prison sentence for the perpetrator. However, many similar cases remain unreported because victims consider the legal process to be time-consuming and exhausting. This situation highlights the need for decisive action in preventing and addressing fraud, particularly in the CPNS recruitment process (Putra, 2021).

Indonesia is a legal state that bases all its actions on Pancasila and the 1945 Constitution, which serves as the highest legal foundation. Law enforcement aims to achieve the nation's goals, as outlined in the Preamble of the 1945 Constitution, including protecting the nation of Indonesia, promoting public welfare, educating the nation's life, and maintaining global order. However, the reality of law enforcement (*das sein*) often does not align with the ideal norms outlined in legal regulations (*das sollen*). Law enforcement becomes an integral part of social policy through the criminal justice system, which functions to contain crime (crime containment) and prevent the recurrence of criminal offenses through detection and punishment.

Effective law enforcement must be realized through transparent and fair mechanisms to ensure justice for the public, alongside the presence of clean and authoritative law enforcement officials. In the case of CPNS recruitment fraud, perpetrators can be prosecuted under Article 378 of the Indonesian Penal Code (KUHP), which imposes a prison sentence of up to four years for anyone who uses deceit or trickery to induce others to provide goods or benefits (Harahap, 2018). This article serves as an essential legal basis for prosecuting fraudsters, providing a deterrent effect, and maintaining the integrity of the legal process in Indonesia.

The criminal offense of fraud, as regulated in Article 378 of the Indonesian Penal Code (KUHP), consists of the following elements:

1. Subjective Elements:
  - a. With the intention or purpose (in this case, with malicious intent).
  - b. To benefit oneself or others (in this case, to gain profit by exploiting the needs of the public).
  - c. In an unlawful manner or *wederrechtelijk* (in this case, through actions that contravene the law or without the consent of the relevant owner).
2. Objective Elements:
  - a. Anyone, in this case, the perpetrator.
  - b. Inducing another person to:
    - 1) Hand over property.
    - 2) Enter into a debt contract.
    - 3) Cancel a debt.
  - c. By using:
    - 1) A false name.
    - 2) A false position.
    - 3) Deceptive practices.
    - 4) A series of false statements.

The first objective element of the criminal offense of fraud in the recruitment of Civil Servants (CPNS) is "anyone," which refers to a person (Salam, 2003). If such a person meets all the elements of the criminal offense of fraud, they can be considered the perpetrator.

The second objective element is "to induce someone else" (iemand bewegen), meaning to move or persuade another person to:

1. Hand over property, or
2. Enter into a debt contract or cancel a debt.

The act of inducing someone else does not require actions such as promises, abuse of power, threats of violence, or similar methods.

The act of inducing someone else does not necessarily involve threats of violence. Instead, it may involve actions or words that are deceitful, such as promises, abuse of power, and similar tactics.

The term "handing over property" refers to any action that separates an object, in any way and under any circumstances, from the person who controls the property, with the intent to transfer it to someone else. In this context, the property in question is a sum of money.

The third objective element is the means of fraud, one of which is used by the perpetrator. These means of fraud include:

1. Using a false name,
2. Using a false position,
3. Using deceitful tactics, or
4. Using a series of lies.

Deceitful tactics are actions that are designed to create trust or give the impression to the person being deceived, as if the situation is in accordance with the truth. The term "lie" refers to a false statement or a word that contradicts the truth, while "a series of lies" refers to a sequence of words arranged in such a way that they are interconnected and create the impression that one word validates another, even though all of it is contrary to the truth.

In the case of fraud in the recruitment of Civil Servants (CPNS) handled by the Directorate of Criminal Investigation at the Central Kalimantan Regional Police, the perpetrator used deceptive words, such as offering the possibility of passing the CPNS test under the condition of paying a sum of IDR 68,000,000.

The actions performed by the perpetrator in the case of fraud in the recruitment of Civil Servants by the Directorate of Criminal Investigation at the Central Kalimantan Regional Police meet the objective and subjective elements outlined in Article 378 of the Indonesian Penal Code (KUHP) regarding the crime of fraud. Therefore, Article 378 of the Indonesian Penal Code (KUHP) on fraud can be applied to the crime of fraud in the recruitment of Civil Servants.

The law enforcement mechanism for the criminal case of fraud in the recruitment of Civil Servants, with the defendant Sdr. Yunana, conducted by the Criminal Investigation Directorate of the Central Kalimantan Regional Police in Palangka Raya City is as follows:

1. On February 8, 2021, a complaint was received from the fraud victim (JP).
2. After the investigator received the report, the investigator prepared the necessary administrative documentation related to the report.
3. The investigator summoned witnesses, collected documentary evidence, and invited the reported party, Sdr. YN.
4. The investigator coordinated with the Human Resources Department of the Regional Civil Service Agency (BKD) regarding the procedures for Civil Servant Recruitment.
5. After the investigator completed all the legal facts and gathered the evidence, the investigation process was completed, and the investigator held a case examination to elevate the investigation status from investigation to prosecution.
6. On May 5, 2021, the victim filed a police report at the SPKT (Service Desk) of the Central Kalimantan Regional Police.
7. The investigator summoned witnesses, conducted the seizure of evidence, and called the reported party, Sdr. YN.

8. Once all administrative procedures, witness statements, and evidence were completed, the investigator conducted a case examination and determined the suspect status of Sdr. YN.

9. After the determination of Sdr. YN as the suspect, the investigator summoned her as a suspect. After questioning Sdr. YN as the suspect, the investigator made an arrest and detained her on June 7, 2021.

10. The investigator then completed and prepared the case file for submission to the High Prosecutor's Office of Central Kalimantan.

11. After the investigator submitted the stage 1 case file to the High Prosecutor's Office of Central Kalimantan on June 24, 2021, the case file was declared complete by the Public Prosecutor.

12. Subsequently, the investigator conducted stage II (submission) or handed over the suspect and evidence to the Public Prosecutor.

13. Following this, the investigator and the prosecutor's office coordinated with the women's prison to arrange for the special detention of the female suspect.

14. The case involving the defendant YN was decided at the Palangka Raya District Court with Decision No. 252/Pid.B/2021/PN PLK, sentencing the defendant to a fixed term of imprisonment (1 year 6 months).

In general, the law enforcement mechanism for criminal acts of fraud in the recruitment of Civil Servants by the police involves the victim reporting the fraudulent act by an intermediary (fixer) in the recruitment process to law enforcement agencies for further processing (Putra, 2018). The procedure includes the following stages:

1. Investigation

The report is received from the victim, who claims to have been harmed by the fraudulent act in the Civil Servant recruitment process.

2. Inquisition

The investigation seeks to establish the truth of the report filed by the victim regarding the fraud by collecting evidence that can assist the victim in the prosecution.

After the investigation phase, evidence is obtained that may implicate the reported party, making them a suspect, and the next phase of the process is initiated.

3. Interrogation of the Suspect.

Further interrogation is conducted by the authorized authorities.

4. Arrest

The perpetrator is apprehended based on evidence obtained by law enforcement during the investigation that substantiates their involvement in the fraudulent act.

5. Search

A search is conducted to find further evidence related to the fraud in the Civil Servant recruitment process. This search is conducted by the authorities in relation to the suspect.

6. Search of Residence

A search of the suspect's residence is carried out by the authorities to gather evidence related to the fraud in the Civil Servant recruitment process. This search is conducted based on a valid search warrant.

7. Examination of Witnesses

Witnesses or victims who have been harmed are examined for legal purposes to provide information about the time and place of the incident.

8. Prosecution

The Public Prosecutor collects the case files that have been compiled by law enforcement during the investigation and inquiry stages, accompanied by evidence that strengthens the case against the perpetrator.

9. Court Hearing

The case file, along with the suspect and evidence, is submitted to the Public Prosecutor to draft the indictment. The case is then processed in court for further legal proceedings.

### **The Efforts of the Palangka Raya Police in Preventing and Combating Fraud by Intermediaries in the Recruitment of Civil Servants in Palangka Raya**

Combating is a preventive measure aimed at minimizing incidents or acts that have already occurred to prevent them from happening again. Crime prevention efforts are essentially continuous and ongoing, and there is no final solution to these efforts. In this context, it is meant that every effort to combat crime cannot guarantee with certainty that the crime will not recur or lead to new crimes. Nevertheless, such efforts must still be made to ensure the protection and welfare of society. Crime prevention efforts can be carried out, one of which is through the implementation of criminal law. Criminal law is essentially part of the broader effort of law enforcement, particularly in criminal law enforcement. Viewed from the perspective of crime, crime prevention efforts cannot be carried out in a partial manner using only criminal law (penal means), but must also be approached integrally, involving all parties responsible for crime prevention (Fitriani, 2017).

The Efforts in Implementing Prevention and Combating Fraud by Intermediaries in the Recruitment of Civil Servants in Palangka Raya are as follows:

1. Preventive Measures Preventive measures are actions taken before a criminal offense occurs, or more specifically, efforts to prevent a crime from happening. To prevent fraud in the recruitment of civil servants, the following actions are taken:

a. Through Socialization: Socialization can be conducted in high schools or universities to prevent individuals from being easily persuaded or deceived by those promising employment, particularly in the Civil Service sector.

b. Disseminating Information through Various Media: Information can be spread through both visual and printed media in the form of advertisements or public notices during the Civil Servant recruitment process, informing the public that the practice of using intermediaries is a criminal offense and is subject to criminal sanctions.

c. Specific Preventive Efforts for Civil Servant Candidates: Coordinating with the Regional Civil Service Agency (BKD) or other relevant government institutions to provide socialization on how to register and take the Civil Servant recruitment tests, ensuring that candidates participate honestly in each stage of the selection process.

2. Another effort is the repressive measures.

Repressive measures are actions taken by the police after the criminal offense has occurred. These measures are implemented by following up on every criminal report, including fraud in the Civil Servant recruitment process (CPNS). The police then impose strict legal sanctions on the perpetrators to create a deterrent effect, in line with the sense of justice in society and legal certainty. Every action that is previously regulated and explicitly defines its sanctions should encourage individuals to think twice before committing a criminal offense, particularly CPNS fraud. The implementation of rules and legal sanctions by law enforcement is expected to always be based on a sense of justice, thereby fostering trust and a positive image of law enforcement in performing their duties optimally and to the best of their abilities.

To enable the police to follow up on every case, it is necessary to address the challenges related to the investigation of fraud in the Civil Servant recruitment process (CPNS). The measures that can be taken are as follows:

1. Insufficient Evidence Provided by the Reporter

This obstacle can be addressed by conducting socialization and advising the public, especially the reporter, to ensure that when reporting a criminal act, sufficient evidence is provided. This will enable the Central Kalimantan Police investigators to quickly process the case.

The cultural component challenge in this regard is not a serious one. It is the police's responsibility to gather the available evidence. However, if the report is supported by sufficient evidence, the police can carry out the investigation promptly, which will facilitate the process and benefit both parties, namely the police and the reporter.

## 2. Public Perception of Using Unlawful Means to Pass the CPNS Test

Being a civil servant is an attractive job for the public due to various benefits, such as retirement allowances. It is not surprising that many candidates for the civil servant selection exam resort to unlawful means to pass the test.

According to an interview with an investigator from the Criminal Investigation Directorate of the Central Kalimantan Police, the public mindset of seeking shortcuts to pass the CPNS test by paying for it leads to fraud. This mindset is exploited by fraudsters to commit criminal acts, as victims are willing to pay any amount to secure a civil servant position.

## 3. Lack of Cooperation from Witnesses and Victims During Interrogation by the Police

The way to overcome this external barrier is by educating the public that investigators will not intimidate, exert pressure, or threaten them when requesting statements. The police's role is to protect and ensure the safety of the public. According to the Indonesian Dictionary, "protecting" refers to safeguarding and ensuring safety.

## 4. Lack of Legal Awareness in Society

Some members of the public still believe that by reporting a fraud case to the police, they can recover the money that was given to the fraudster. This misconception should not exist if victims better understood how the law works. To address this external obstacle, the police should educate the public about their duties and authorities as defined in Law No. 2 of 2002. This law does not stipulate that the police are responsible for compensating victims for the losses incurred due to the actions of the suspects. Therefore, in this case, the police cannot reimburse the victim for the losses incurred as a result of the fraud.

In addition to the above, socialization also serves to raise awareness that to succeed in the CPNS exam, individuals must rely on their own abilities to compete with other candidates, rather than resorting to shortcuts such as paying someone to assist in passing the exam. Raising legal awareness in the public is difficult, as such misconceptions continue to persist. However, raising awareness can be done through socialization efforts aimed at candidates who will be taking the CPNS selection test.

## CONCLUSION

The investigation of fraud committed by intermediaries (brokers) in the Civil Servant (CPNS) recruitment process, conducted by the Criminal Investigation Directorate of the Central Kalimantan Police, demonstrates the crucial role of law enforcement in achieving justice for society. This role is supported by a transparent mechanism and a commitment to creating law enforcement officers who are clean and authoritative. In this case, the actions of the perpetrators meet both the objective and subjective elements as regulated in Article 378 of the Indonesian Penal Code (KUHP) concerning criminal fraud. Therefore, this article can be applied in resolving the CPNS fraud case as the relevant legal basis.

Efforts to prevent and address CPNS fraud in Palangka Raya are carried out through both preventive and repressive approaches. The preventive measures aim to prevent criminal acts before they occur by educating the public and enhancing supervision of the CPNS recruitment process. Meanwhile, the repressive measures are implemented by following up on every criminal report, including CPNS fraud cases, through a firm legal process. Both approaches reflect the commitment of the police to comprehensively address CPNS fraud.

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