

Functional coordination of government internal oversight authority and law enforcement officials in handling public complaint reports on corruption cases

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Abstract

This research aims to analyze the law enforcement of corruption crimes originating from public complaints, with a focus on the functional coordination between the Government Internal Oversight Authority (APIP) and Law Enforcement Officials (APH). The phenomenon that occurs shows inconsistencies in case handling, weak inter-agency coordination, and the potential for criminalization of whistleblowers. This research uses an empirical juridical method with a qualitative approach, through literature study and interviews with respondents who have direct experience in handling corruption cases. The research results show that coordination between Government Internal Oversight Authority and Law Enforcement Officials is still partial, non-standardized, and has minimal information exchange. In addition, there are obstacles such as the unclear boundaries between the administrative and criminal domains, as well as the weak protection system for whistleblowers. Therefore, it is necessary to strengthen coordination mechanisms, optimize public complaint management, and clarify authority boundaries to enhance the effectiveness of anti-corruption law enforcement in Indonesia.

Keywords: Functional coordination, government internal oversight authority, law enforcement officials, corruption, public complaint

Introduction

To this day, corruption remains a deep-rooted structural problem within Indonesia's government system. This crime not only results in financial losses for the state but also undermines the foundations of democracy, weakens the rule of law, and erodes public trust in state institutions. [1] From a legal perspective, corruption is categorized as an extraordinary crime whose handling requires an extraordinary approach, whether in terms of regulation, institutional framework, or public participation.

One of the key instruments in combating corruption is public involvement through complaint reporting mechanisms. Public complaints constitute a form of social control with legal legitimacy, as stipulated in Law No. 25 of 2009 on Public Service, which grants the public the right to submit reports regarding alleged irregularities in government administration. In this context, the public is not merely positioned as the object of policy but also as an active subject in safeguarding the integrity of state administration. [2]

However, empirical reality shows that the public complaint management system still faces various serious challenges. One of the main issues is the ineffectiveness of follow-up on reports, often characterized by slow processing, a lack of transparency, and the absence of legal certainty regarding the reports submitted. This situation leads to low public trust in the complaint mechanisms that should serve as the frontline in the early detection of corruption.

Since the New Order era, some of the products of drafting legislation in Indonesia seem to be getting away from the ideological spirit of the nation, even some people say ideological defects. The ideological defects are some of the products of the law and its implementation regulations until the regional regulations in the regions seem to be uprooted from the facts of the social, cultural, religious, ethnic and

local norms of the archipelago that characterize indigenous peoples owned by the Indonesian nation. [3]

On the other hand, a more concerning phenomenon has emerged: the criminalization of whistleblowers. In some cases, individuals who report suspected corruption actually face pressure, intimidation, and even counter-legal proceedings that harm their position. This phenomenon highlights a paradox in the legal system: the state encourages public participation but has yet to provide adequate protection to those contributing to law enforcement. [4] Consequently, a chilling effect emerges that can diminish the public's courage to report corrupt practices. [5]

Another issue that is no less critical is the lack of coordination between the Government Internal Oversight Authority (APIP) and Law Enforcement Officials (APH). Normatively, the APIP has the authority to conduct administrative oversight, while the APH is responsible for criminal law enforcement.

However, in practice, there is often an overlap of authority, particularly in determining whether an act constitutes an administrative violation or a criminal act of corruption. [6] This lack of clarity regarding boundaries not only creates legal uncertainty but also risks being exploited for specific interests.

Furthermore, coordination between Government Internal Oversight Authority (APIP) and Law Enforcement Officials (APH) remains sectoral and has not been systematically integrated. The lack of information exchange, the absence of uniform standard operating procedures, and institutional ego among agencies are the primary obstacles to creating an effective law enforcement system. In fact, inter-agency synergy is a crucial prerequisite for ensuring that every public report is followed up appropriately, promptly, and accountably.

From the perspective of Lawrence M. Friedman's legal system theory, the effectiveness of law enforcement is determined by three main elements: legal structure, legal substance, and legal culture.^[7] In this context, the problems that arise lie not only in the substantive aspect (regulations) but also in the institutional structure and legal culture of law enforcement officials. Weak integrity, a lack of professionalism, and the presence of political interference further exacerbate the state of corruption law enforcement in Indonesia.

Thus, the issue of enforcing criminal corruption laws based on public complaints cannot be viewed in isolation but must be analyzed comprehensively, taking into account various interrelated aspects. The ineffectiveness of the existing system not only leads to the failure of corruption case handling but also risks undermining public participation and eroding the legitimacy of the legal system as a whole.

Based on the background described above, the issue addressed in this paper is: How does the functional coordination between the Internal Audit Agency (APIP) and the Law Enforcement Agency (APH) work in the enforcement of laws against corruption based on reports from the public?

Purpose of The Study

This study aims to examine and analyze the functional coordination between the Internal Audit Agency (APIP) and the Law Enforcement Agency (APH) in the enforcement of laws regarding corruption crimes arising from public complaints. Additionally, this study aims to identify the obstacles encountered in this law enforcement process and to formulate solutions that can enhance the effectiveness of the law enforcement system in Indonesia.

Research Methodology

This study employs a legal-empirical method with a qualitative approach.^[8] This approach examines law not only as a norm but also as actual behavior within society. Data was obtained through: literature review, including legislation, books, and scientific journals.^[9] Interviews with respondents who have more than five years of experience and are directly involved in handling corruption cases. Data analysis was conducted using descriptive qualitative methods by linking legal theory with field practice, thereby providing a comprehensive overview of the issues under study.

Conceptual Framework

The conceptual framework in this study was developed to explain the systemic relationship between public complaints, the role of the Government Internal Oversight Agency (APIP), the role of law enforcement agencies (APH), and the process of enforcing criminal law regarding corruption from the perspective of functional coordination among institutions. This framework serves as the analytical foundation for understanding how the mechanism for handling public reports operates and the factors influencing its effectiveness. Conceptually, this study is based on the following key concepts:

The Concept of Law Enforcement (Law Enforcement)

Law enforcement is the process of translating legal norms into reality through the actions of authorized officials. Soerjono Soekanto explains that law enforcement is

influenced by five main factors: the law itself, law enforcement officials, facilities and infrastructure, society, and legal culture.^[10] These five factors are interrelated and determine the effectiveness of legal implementation in practice.

In the context of law enforcement regarding criminal corruption based on public complaints, the factor of law enforcement agencies becomes highly dominant because the success of the case handling process heavily depends on the professionalism and coordination among the involved institutions.^[11] Suboptimal coordination between the Internal Audit Agency (APIP) and the Law Enforcement Agency (APH) will result in delays in processing reports, uncertainty regarding the status of cases, and may even lead to the criminalization of the complainant.

Furthermore, from the perspective of Lawrence M. Friedman's legal system theory, the effectiveness of law enforcement is influenced by three main components: legal structure, legal substance, and legal culture. Legal structure pertains to the institutional framework of APIP and APH as the entities responsible for oversight and enforcement functions. Legal substance pertains to the regulations governing the respective authorities of each institution.^[12] Meanwhile, legal culture relates to the attitudes of officials and the public in supporting the eradication of corruption.

Thus, the success of enforcing criminal law regarding corruption based on public complaints is highly dependent on the simultaneous integration of these three components.

The Concept of Public Complaints as an Instrument of Public Participation

Public complaints are a form of active citizen participation in overseeing the administration of government. Normatively, the public's right to file complaints is regulated under Law No. 25 of 2009 on Public Services, which provides a framework for the public to report deviations in public service delivery and to receive legal protection for the reports submitted.

In the context of corruption eradication, public complaints serve a strategic function as an early warning system for suspected misuse of state funds. Information provided by the public often serves as the primary entry point for uncovering corruption cases that remain undetected through internal oversight mechanisms.^[13]

However, the effectiveness of public complaints is significantly influenced by an integrated, transparent, and accountable complaint management system. If the complaint system is not managed properly, public participation will decline and potentially hinder systemic efforts to combat corruption.

Therefore, public complaints should not only be understood as an administrative right of citizens but also as part of the mechanism for strengthening good governance.

Result and Discussion of The Research

1. Functional Coordination Between Internal Government Oversight Agencies (APIP) and Law Enforcement Agencies (APH) in the Enforcement of Corruption Laws Based on Public Complaints

Functional coordination between Internal Government Oversight Agencies (APIP) and Law Enforcement Agencies (APH) is a key factor in determining the effectiveness of enforcing corruption laws based on public complaints. Normatively, the two institutions have distinct yet

complementary authorities. APIP plays a role in internal oversight through audits, reviews, evaluations, and monitoring of government administration, while APH has the authority to conduct investigations, inquiries, and prosecutions regarding corruption crimes.

However, in practice, coordination between these two institutions has not been optimal and remains fragmented. Research findings indicate that the coordination that does occur is not supported by a structured institutional system but rather relies heavily on the needs of specific cases or the initiatives of the respective institutional leaders. This situation indicates that coordination, which should be systemic, is instead still sporadic.

From an institutional perspective, Internal Government Oversight Agencies (APIP) and Law Enforcement Agencies (APH) derive their authority from different sources: administrative law and criminal law. These differences in the nature of their authority are not, in principle, obstacles but rather form a crucial foundation for building comprehensive law enforcement synergy. However, in practice, these differences are often not integrated into a clear coordination mechanism, thereby creating the potential for overlapping authority in handling public complaints.

Furthermore, regarding information exchange, coordination between Internal Government Oversight Agencies (APIP) and Law Enforcement Agencies (APH) remains ineffective. Information from APIP's internal audits indicating potential financial losses to the state cannot be fully utilized by APH as a basis for criminal law enforcement due to limited access and the lack of standardized data-sharing mechanisms.

These conditions indicate that the weak functional coordination between Internal Government Oversight Agencies (APIP) and Law Enforcement Agencies (APH) not only slows down the process of handling public complaints but also risks creating legal uncertainty in determining whether a particular act constitutes an administrative violation or a criminal act of corruption.

From the perspective of Lawrence M. Friedman's legal systems theory, this coordination problem indicates an imbalance between legal structure and legal culture. The institutional framework is actually in place, but it is not yet supported by a strong culture of coordination among law enforcement agencies. Therefore, strengthening functional coordination is an urgent necessity for enhancing the effectiveness of criminal corruption enforcement based on public complaints.

2. Obstacles to the Enforcement of Corruption Laws Based on Public Complaints

The enforcement of corruption laws based on public complaints is not without various structural, normative, and cultural obstacles. These obstacles affect the effectiveness of the complaint-handling process and contribute to the overall low quality of law enforcement.

One of the main obstacles is the lack of clarity regarding the distinction between administrative violations and criminal acts of corruption in government administration. In practice, not every instance of misuse of authority by public officials can be categorized as a criminal act of corruption. Some instances are actually administrative errors that should be resolved through internal oversight mechanisms by the Internal Audit Agency (APIP) before criminal legal proceedings are initiated.

This lack of clarity often leads to differing perceptions between the Internal Audit Agency (APIP) and law enforcement agencies (APH) in determining the nature of violations reported by the public. Consequently, the report handling process becomes ineffective and risks causing jurisdictional conflicts between institutions.

Another significant obstacle is the suboptimal system for managing public complaint reports. The initial verification process for reports often takes a considerable amount of time, especially when the submitted reports are not accompanied by sufficient supporting evidence. Additionally, the absence of integrated standard operating procedures between Internal Government Oversight Agencies (APIP) and Law Enforcement Agencies (APH) results in inconsistent processes for clarifying and following up on reports.

In addition to structural and normative obstacles, there are also cultural obstacles, namely the lack of protection for whistleblowers. In some cases, whistleblowers face pressure or are even counter-reported using other legal instruments, such as the Law on Information and Electronic Transactions. This situation indicates that the system for protecting whistleblowers is still not functioning optimally in legal enforcement practice.

From the perspective of Soerjono Soekanto's theory, these obstacles indicate that factors such as law enforcement officials, supporting infrastructure, and the legal culture of society remain dominant factors influencing the effectiveness of law enforcement. Therefore, efforts to combat corruption through public complaint mechanisms require a comprehensive strengthening of the system, both in terms of regulation and institutional framework.

3. Strategic Efforts to Strengthen Coordination Between Internal Audit Institutions (APIP) and Law Enforcement Agencies (APH) in the Enforcement of Corruption Laws

In order to enhance the effectiveness of enforcing corruption laws based on public complaints, systemic and sustainable strategic measures are required. One such effort involves optimizing the integrated management of public complaints between APIP and APH.

Such optimization is crucial to improve the quality of verifying public reports and to expedite the handling of reports indicating corruption offenses. Integrated report management can also prevent duplicate case handling and enhance data accuracy in the law enforcement process.

Additionally, strengthening functional coordination mechanisms between APIP and APH requires the development of joint standard operating procedures (SOPs) that clearly outline mechanisms for information exchange, coordination of investigations, and the determination of administrative and criminal violation statuses. The development of these joint SOPs is a strategic step toward establishing legal certainty in the handling of public complaint reports.

Another equally important effort is the establishment of regular inter-agency coordination forums as a means of communication and information exchange between APIP and APH. These coordination forums can serve as a platform to align perspectives in determining the nature of violations and to strengthen inter-institutional synergy in the fight against corruption.

Furthermore, it is also necessary to clarify the boundaries between the realm of administrative law and the realm of criminal law in handling reports of alleged corruption. This clarification is crucial to prevent the criminalization of policies and to ensure that every instance of abuse of authority is addressed in accordance with the nature of the violation committed.

In this context, the role of the Internal Government Audit Agency (APIP) as the government's internal oversight body must be positioned as an early warning system to detect administrative irregularities before criminal legal proceedings are initiated by law enforcement agencies (APH). Thus, harmonizing the authorities between APIP and APH is one of the primary prerequisites for creating an effective, transparent, and accountable system for enforcing laws against corruption.

Conclusion

The research findings and discussion on the functional coordination between the Government Internal Oversight Agency (APIP) and Law Enforcement Agencies (APH) in enforcing criminal corruption laws based on public complaints indicate that while there is a clear legal foundation for this coordination in theory, its practical implementation remains suboptimal and ineffective. The coordination executed is incomplete, lacks systematic integration, and is not underpinned by structured and durable information-sharing systems. These circumstances frequently lead to delays in processing public complaint reports, ambiguity over case statuses, and the possibility of jurisdictional overlaps between administrative and criminal domains. Moreover, the principal challenges in enforcing criminal law pertaining to corruption based on public complaints stem from the ambiguous delineation between administrative infractions and criminal corruption, the absence of integration within the public complaint management system between the Internal Audit Agency (APIP) and the Law Enforcement Agency (APH), and the persistent inadequacy of legal protections for whistleblowers. These impediments not only diminish the efficacy of case handling systems but also threaten to curtail public engagement in initiatives aimed at combating corruption. Conversely, optimizing functional coordination between APIP and APH is a crucial strategic measure for improving the efficacy of corruption law enforcement in response to public complaints. Enhancing coordination via the establishment of collaborative standard operating procedures, refining information-sharing protocols among institutions, and delineating the limits of authority between administrative oversight and criminal law enforcement are essential prerequisites for establishing an effective, transparent, and accountable law enforcement system.

Recommendations

Based on these conclusions, numerous recommendations can be made to improve the efficacy of criminal law enforcement concerning corruption based on public complaints, namely: Initially, the functional coordination between the Internal Audit Agency (APIP) and the Law Enforcement Agency (APH) must be enhanced by instituting a permanent and integrated coordination mechanism, either through regular coordination forums or the formulation of joint standard operating procedures that systematically govern information-sharing protocols and

subsequent actions regarding public complaints. Secondly, the delineation of power between administrative law and criminal law in addressing alleged corruption offenses must be elucidated to avert jurisdictional overlap among institutions and to ensure legal certainty in the management of public grievances. Third, the government must enhance the legal protection framework for whistleblowers by instituting more effective and uniform legislation, ensuring the public can expose alleged wrongdoing without fear of reprisal or punishment. Fourth, it is essential to enhance an integrated, information technology-driven system for managing public complaints between the Internal Audit Agency (APIP) and the Law Enforcement Agency (APH) to improve efficiency, transparency, and accountability in processing public reports, thereby reinforcing the ongoing anti-corruption framework.

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