



DUPLICATE

SUKOHARJO REGENT
PROVINCE OF CENTRAL JAVA
REGULATION OF THE REGENT OF SUKOHARJO
NUMBER 19 YEAR 20 21
ABOUT

GUIDELINES FOR COMPLAINTS HANDLING SYSTEM (*WHISTLE BLOWING SYSTEM*) CRIMINAL ACTS OF CORRUPTION IN THE ENVIRONMENT
SUKOHARJO DISTRICT GOVERNMENT

WITH THE GRACE OF GOD ALMIGHTY ONE
SUKOHARJO REGENT,

- Weigh : a. that in the context of realizing a clean government, it is necessary to strengthen supervision within the Government in Sukoharjo Regency;
- b. that the strengthening of supervision as referred to in letter a, is carried out by encouraging the participation of the State Civil Apparatus and the community in the prevention and eradication of Corruption Crimes within the Government in Sukoharjo Regency;
- c. that based on the Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform Number 52 Year 2014 on Guidelines for Integrity Zone Development Towards Territories Free from Corruption and Bureaucratic Territory clean and _ Serving within Government Agencies , efforts to strengthen supervision are carried out by implementing a *whistleblowing system* for Corruption Crimes *within* the Sukoharjo Regency Government ;
- d. that based on the considerations as referred to in letter a , letter b and letter c , it is necessary to stipulate a Regent's Regulation concerning General Guidelines for the Complaint Handling System (*Whistleblowing System*) for Corruption in the Sukoharjo Regency Government.
- Remember : 1. Law Number 13 of 1950 concerning Formation of Regency Areas in Environment of Central Java Province;
2. Law Number 28 of 1999 concerning State Administrators that are Clean from Corruption, Collusion and Nepotism (State Gazette of the Republic of Indonesia of 1999 Number 75, Supplement to the State Gazette of the Republic of Indonesia Number 3851);
3. Law Number 31 of 1999 concerning Eradication of

- Criminal Acts of Corruption (State Gazette of the Republic of Indonesia of 1999 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 387) as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption (State Gazette of the Republic of Indonesia of 1999 Number 13 8 , Supplement to the State Gazette of the Republic of Indonesia Number 4150);
4. Law Number 13 Years 2006 concerning the Protection of Witnesses and Victims (Gazette Republic of Indonesia Year 2006 Number 64, Supplement State Gazette of the Republic of Indonesia Number 4635);
 5. Law Number 5 of 2014 concerning State Civil Apparatus, State Gazette of the Republic of Indonesia of 2014 Number 6, Supplement to the State Gazette of the Republic of Indonesia Number 5494);
 6. Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244 Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times, most recently by Law Number 11 of 20 20 concerning Job Creation (State Gazette of the Republic of Indonesia Year 2020 Number 245 Supplement to the State Gazette of the Republic of Indonesia Number 6573);
 7. Law Number 30 of 2014 concerning Government Administration (State Gazette of the Republic of Indonesia of 2014 Number 292, Supplement to the State Gazette of the Republic of Indonesia Number 5601) as amended by Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);
 8. Government Regulation Number 18 of 2016 concerning Regional Apparatus (State Gazette of the Republic of Indonesia of 2016 Number 114, Supplement to the State Gazette of the Republic of Indonesia Number 5887) as amended by Government Regulation Number 72 of 2019 concerning Amendments to Government Regulation Number 18 of 2016 concerning Regional Apparatus (State Gazette of the Republic of Indonesia of 2019 Number 187, Supplement to the State Gazette of the Republic of Indonesia Number 6402) ;
 9. Government Regulation Number 72 of 2017 concerning Guidance and Supervision of the Implementation of Regional Government (State Gazette of the Republic of Indonesia of 2017 Number 73, Supplement to the State Gazette of the Republic of Indonesia Number 6041) ;
 10. Presidential Regulation Number 55 of 2012 concerning National Strategy for Long Term Prevention and Eradication of Corruption in 2012-2025 and Medium Term in 2012-2014 (State Gazette of the Republic of

Indonesia Year 2012 Number 122);

11. Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform Number 52 Year 2014 on Guidelines for Integrity Zone Development Towards Territories Free from Corruption and Bureaucratic Territory Clean And Serve Within Government Agencies (State Gazette of the Republic of Indonesia Year 2014 Number 1813) ;
12. Sukoharjo Regency Regulation Number 12 of 2016 concerning Formation and Structure of Regional Apparatus (Sukoharjo Regency Gazette of 2016 Number 12, Supplement to Sukoharjo Regency Regional Gazette Number 236) .

DECIDING:

Set : REGIONAL REGULATION CONCERNING GENERAL GUIDELINES COMPLAINTS HANDLING SYSTEM (*WHISTLE BLOWING SYSTEM*) CRIMINAL ACTS OF CORRUPTION IN THE ENVIRONMENT SUKOHARJO REGENCY GOVERNMENT .

PIG

GENERAL REQUIREMENTS

article 1

In this Regent's Regulation what is meant with:

1. The area is Sukoharjo Regency.
2. Regional Government is the Regent as an element of Regional Government organizers who leads the implementation of government affairs which are the authority of the Region Autonomous.
3. The Regent is the Regent of Sukoharjo.
4. Regional Inspectorate is the Regional Inspectorate of Sukoharjo Regency.
5. State Civil Apparatus, hereinafter abbreviated as ASN, is a profession for Civil Servants and Government Employees with Work Agreements who work for government agencies.
6. Corruption Crime is a criminal act as referred to in Law Number 31 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 on the Eradication of Criminal Acts of Corruption .
7. Eradication of Criminal Acts of Corruption is a series of actions for the prevention and prosecution of criminal acts of corruption through coordination, supervision, monitoring, investigation, prosecution, and examination in court, with community participation based on regulations. legislation.
8. Complaints are information submitted by the whistleblower (*whistle blower*), in connection with an alleged criminal act of corruption.
9. *Whistle Blower* hereinafter referred to as rapporteur is ASN

who reports /complains about acts that indicate a criminal act of corruption that occurred within the local government or other related parties (society) who have access to adequate information on the indications of the criminal act of corruption.

10. *The Whistle Blowing system* is a mechanism for submitting complaints on allegations of corruption that have occurred , are occurring or will occur involving ASN and other people, relating to allegations of corruption. within the local government .
11. The Electronic-Based Community Eling Appeal, hereinafter referred to as Flute e-Mas, is an application used to submit complaints of criminal acts of corruption within the Regional Government.
12. Investigation is an activity to find evidence related to complaints of Corruption Crimes.
13. Government Internal Supervisory Apparatus, hereinafter referred to as APIP, is an Apparatus who conducts supervision through audit, review, evaluation, monitoring and other supervisory activities on the implementation of organizational tasks and functions within the Regional Government .

Article 2

- (1) Regent Regulation is intended as a guide for ASN and the public in complaints of alleged criminal acts Corruption in the local government environment .
- (2) regent 's regulation aims to: for:
 - a. increase effort prevention and eradication Follow Criminal Corruption;
 - b. encourage ASN in the local government environment and the public who have information and evidence regarding indications of criminal acts of corruption to report safely and responsibly .

CHAPTER II

COMPLAINT HANDLING PRINCIPLES

Article 3

- (1) Complaint handling principles (*whistle blowing system*) Corruption in the Environment Local government:
 - a. closed ;
 - b. objective ;
 - c. accountable;
 - d. transparent;
 - e. independent ; and
 - f. coordinating .
- (2) Closed as referred to in paragraph (1) letter a, namely the handling of complaints must be carried out by maintaining

the confidentiality of the complaint and the identity of the reporter in accordance with the laws and regulations .

- (3) The objective as referred to in paragraph (1) letter b , namely the handling of complaints based on facts or evidence that guarantees legal certainty.
- (4) Accountability as referred to in paragraph (1) letter c , namely the handling of complaints must be accountable for both the process and the follow-up.
- (5) Transparent as referred to in paragraph (1) letter d , namely information regarding the status of the complaint handling is submitted to the complainant.
- (6) Independent as referred to in paragraph (1) letter e , namely the handling of complaints is free from interference / intervention and influence from any party.
- (7) The coordination as referred to in paragraph (1) letter f , namely the process and follow-up for handling complaints is carried out in cooperation in accordance with the work procedures and mechanisms applicable procedures .

CHAPTER I I I SCOPE OF COMPLAINTS

Article 4

- (1) The scope of the complaint that will be followed up includes all actions which according to the corruption law contain indications of elements of corruption committed by ASN within the Regional Government.
- (2) Indications of criminal acts of corruption as referred to in paragraph (1) include:
 - a. state financial losses, namely ASN actions that have the potential to cause state financial losses;
 - b. bribes, namely giving or promising something to ASN that is contrary to their obligations;
 - c. embezzlement in office, namely embezzlement by ASN related to their position or work;
 - d. extortion, ie the act of ASN with the intention of benefiting oneself or others against the law or by abusing its power to force, solicit or accept a gift from a person in violation of the law; and/or
 - e. fraudulent acts, acts of ASN contrary to the rule of law.

CHAPTER I V COMPLAINTS

Article 5

- (1) ASN and/or the public who are aware of the alleged criminal acts of corruption as referred to in Article 4 , may submit p complaints.
- (2) The complaint as referred to in paragraph (1) is carried out

through the Complaint Handling System (*Whistleblower*) .
blowing system) online _ with the Flute e-Mas application.

- (3) application as referred to in paragraph (2) is provided by the Communication and Information Office.
- (4) The Flute e-Mas application as referred to in paragraph (2) can be downloaded *via* the *play store*.

Article 6

- (1) Complaints as referred to in Article 5 , must contain:
 - a. the identity of the reporter;
 - b. identity t e r report ; and
 - c. problem being reported , the location of the incident , the time of the incident , why the deviation occurred and what the mode of the deviation was .
- (2) Identity the reporting party as referred to in paragraph (1) letter a consists of:
 - a. Reporting identity of community members
 - 1. name;
 - 2. Population Identification Number (NIK);
 - 3. place and date of birth;
 - 4. gender ; _
 - 5. address;
 - 6. religion;
 - 7. marital status;
 - 8. profession; and
 - 9. *mobile phone* number or e-mail.
 - b. The identity of the reporter from the ASN , consists of:
 - 1. name;
 - 2. Employee Identification Number (NIP);
 - 3. address; and
 - 4. position.
- (3) The identity of the reported party as referred to in paragraph (1) letter b consists of :
 - a. name;
 - b. position;
 - c. work units/agencies;
 - d. Residence address; and
 - e. other parties involved.
- (4) The problem being reported as referred to in paragraph (1) letter c, related _ with substance deviation which complained. This information is useful in the initial hypothesis to reveal the types of deviations that are not in accordance with the provisions of the legislation and the impact of their existence deviation .
- (5) The location of the incident as referred to in paragraph (1) letter c, b in relation to where the deviation occurs (unit of work). This information is useful in determining the scope of an investigative audit assignment and helps in determining the place where the deviation occurred .

- (6) The time of the incident as referred to in paragraph (1) letter c, related to when the deviation occurred. This information is useful in determining the scope of investigative audit assignments, related to the disclosure of facts and the process of events and the collection of evidence that can be aligned with applicable criteria .
- (7) Why does the deviation as referred to in paragraph (1) letter c, With regard to information on the causes of deviations, and why someone does it, this is related to the motivation of a person to make deviations which will lead to proof of the element of intent (*intent*).
- (8) How is the mode of deviation as referred to in paragraph (1) letter c, relates to how the deviation occurred. This information helps in developing the modus operandi of the deviation and in ensuring the *concealment* and conversion of the *deviation* results.

Article 7

- (1) The complaint as referred to in Article 6 paragraph (1) shall be filled out in the format provided in the Flute e-Mas application.
- (2) The complaint as referred to in Article 6 paragraph (1) must be accompanied by supporting evidence and uploaded in the *Flute* e-Mas application.

CHAPTER V COMPLAINTS HANDLING MECHANISM

Article 8

- (1) Complaints about criminal acts of corruption within the Regional Government as referred to in Article 5, are managed by the Complaint Handling Team;
- (2) The Complaint Handling Team as referred to in paragraph (1) shall be determined by a Decree of the Regent.

Article 9

- (1) Complaints about criminal acts of corruption are recorded and administered by the Complaint Handling Team, with the format as listed in Appendix I which is an integral part of this Regent's Regulation.
- (2) complaint as referred to in paragraph (1) shall be verified, the results of which can be in the form of:
 - a. followed up for review, if the identity is clear and accompanied by evidence as referred to in Article 6; and
 - b. no follow-up is carried out for review, if the identity is clear or unclear and is not accompanied by evidence as referred to in Article 6.
- (3) The results of the verification as referred to in paragraph (2), as the basis for:
 - a. delivery of information to the reporter, regarding the status of the complaint; and
 - b. follow-up review of complaints.

- (4) Submission of the status of the complaint to the reporter as referred to in paragraph (3) letter a, can be in the form of:
 - a. in the process, if the complaint is still in the verification process;
 - b. accepted, if the complaint meets the provisions in paragraph (2) letter b; and
 - c. not accepted if the complaint does not meet the provisions in paragraph (2) letter b.
- (5) Submission of the status of the complaint to the reporter as referred to in paragraph (4), no later than 7 (seven) working days after receipt of the complaint.
- (6) Follow-up on the review of the complaint, as referred to in paragraph (3) letter a, is carried out as follows:
 - a. formulate the core of the problem;
 - b. examine the completeness of supporting evidence;
 - c. complete the required data/information;
 - d. conduct analysis based on the relevant laws and regulations; and
 - e. determine the recommendations of the results of the review.
- (7) The review of the complaint as referred to in paragraph (6), with the format as contained in Attachment II which is an integral part of this Regent's Regulation.
- (8) Recommendations on the results of the review as referred to in paragraph (6) can be in the form of:
 - a. no further process is needed, if the substance of the complaint is illogical and not in accordance with the provisions of the legislation; and
 - b. followed up with an investigative audit, if the complaint is logical in substance, and is supported by evidence and in accordance with the laws and regulations.
- (9) The assignment of the investigative audit as referred to in paragraph (7) letter b, shall be carried out by the Regional Inspector.
- (10) The implementation of the investigative audit and the completion of the handling of the results of the investigative audit are carried out in accordance with the provisions of the legislation.

CHAPTER VI

CLOSING PROVISIONS

Article 10

This Regent Regulation comes into force on the date it is promulgated.

In order for everyone to know, order the promulgation of this Regent Regulation with its placement in the Sukoharjo Regency Regional News.

Set at Sukoharjo
on April 14, 2021

BUPATI SUKOHARJO

ttd.

ETIK SURYANI

Announced in Sukoharjo
on the date 14 April 2021

Pj. REGIONAL SECRETARY
KABUPATEN SUKOHARJO ,

ttd.

BUDI SANTOSO

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